



PLANNING COMMISSION A G E N D A

April 18, 2024

Notice is hereby given of a Public Meeting to be held before the City of Wheat Ridge Planning Commission on April 18, 2024 at 6:30 p.m.

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

1. Provide comment in advance at www.wheatridgespeaks.org (comment by noon on April 17)
2. Virtually attend and participate in the meeting through a device or phone:
 - [Click here to join and provide public comment](#) (create a Zoom account to join)
 - Or call 1-669-900-6833 with Meeting ID 830 0743 8766 **and Passcode: 499847**
3. View the meeting live or later at www.wheatridgespeaks.org, Channel 8, or YouTube Live at <https://www.ci.wheatridge.co.us/view>
4. Attend in person.

-
- 1. CALL THE MEETING TO ORDER**
 - 2. ROLL CALL OF MEMBERS**
 - 3. PLEDGE OF ALLEGIANCE**
 - 4. APPROVE THE ORDER OF THE AGENDA**
 - 5. APPROVAL OF MINUTES – March 21, 2024**
 - 6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda. Public comments may be limited to 3 minutes.)**

(continued on next page)

7. PUBLIC HEARING *

- A. **Case No. WZ-24-04:** An application filed by Cogent Companies for approval of a zone change from Agriculture-One (A-1) to Industrial-Employment (I-E) on property located at Parcel ID 39-193-01-010.
- B. **Case No. WZ-24-03:** An application filed by Mark Brannon for approval of a zone change from Agriculture-One (A-1) to Residential-One B (R-1B) on property located at 10840 W. 41st Place.

8. OLD BUSINESS

9. NEW BUSINESS

- A. Election of Officers
- B. Upcoming Dates
- C. Project and Development Updates
- D. Commissioner Updates

10. ADJOURNMENT

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

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

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



**PLANNING COMMISSION
Minutes of Meeting
March 21, 2024**

1. CALL THE MEETING TO ORDER

The meeting was called to order by Vice Chair DISNEY at 6:29 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology.

2. ROLL CALL OF MEMBERS

Commission Members Present: Kristine Disney
Krista Holub
Will Kerns
Michael Moore
Patrick Quinn
Syrma Quinones
Jonathan Schelke

Commission Members Absent: Daniel Graeve

Staff Members Present: Jana Easley, Planning Manager
Stephanie Stevens, Senior Planner
Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

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

5. APPROVAL OF MINUTES – February 15, 2024

It was moved by Commissioner QUINN and seconded by Commissioner SCHELKE to approve the minutes of February 15, 2024, as written. Motion carried 5-0-2 with Commissioner HOLUB and QUINONES abstaining.

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

No one wished to speak at this time.

7. PUBLIC HEARING

- A. **Case No. WZ-23-04:** an application filed by HDR Architects, Inc. on behalf of Intermountain Health to request approval of a Master Sign Plan for the hospital campus at Clear Creek Crossing.

Ms. Stevens gave a short presentation regarding the Master Sign Plan and the application. She entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. She stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner KERNS stated he thinks everything looks great but wondered if a larger sign facing I-70 makes more sense.

**Andy Schwabe, HDR Project Manager, representing Intermountain Health
2365 Willow Lane**

Mr. Schwabe gave a brief presentation about the Master Sign Plan for the new Lutheran Medical Center and how it is going to be a positive experience navigating the Hospital's campus.

Public Comment

No one wished to speak at this time.

In response to Commissioner KERNS earlier comment, Mr. Schwabe mentioned that Intermountain Health wanted the larger sign facing the main entry into the site since there is a sign on the parking garage facing I-70. Ms. Stevens added that this plan only shows the deviations from the sign code for those that exceed the Design Pattern Book and any additional signs that meet code are not shown. Signs will likely be proposed on the east hospital façade, but they will meet code.

It was moved by Commissioner QUINN and seconded by Commissioner KERNS to APPROVE Case No. WZ-23-04, a request for approval of a master sign plan on property zoned Planned Mixed-Use Development (PMUD) and located at 13155 W. 40th Avenue, for the following reasons:

- 1. The site is eligible for a master sign plan.**
- 2. The master sign plan promotes well-planned and well-designed signage.**
- 3. The master sign plan is appropriate for a hospital campus which is a unique land use with unique signage and wayfinding needs.**

4. **The master sign plan is consistent with the intent of the sign code and Design Pattern Book and is appropriate for the context of the development.**

Motion approved 6-0-1 with Commissioner MOORE abstaining.

- B. **Case No. ZOA-23-03**: An ordinance amending Section 26-109 regarding public hearing notice.

Ms. Easley gave a short presentation regarding the resolution. Ms. Easley entered into the record the contents of the case file, packet materials, and the zoning ordinance.

In response to a question from Commissioner SCHELKE, Ms. Easley confirmed that the applicant will pay half the cost of the postage for the public hearing notices to be mailed.

Commissioner QUINN mentioned he agrees with the increase in the radius for the public notice mailings.

Commissioner HOLUB thanked staff for providing the relevant mailing distances for nearby cities.

Public Comment

No one wished to speak at this time.

It was moved by Commissioner QUINN and seconded by Commissioner SCHELKE to recommend approval of the proposed ordinance amending Section 26-109 of the Wheat Ridge Code of Laws concerning public hearing letter notice.

Motion carried 7-0.

8. **OLD BUSINESS**
9. **NEW BUSINESS**

- A. Welcome New Commissioners

Ms. Easley welcomed the two new commissioner, Commissioners HOLUB and QUINONES.

- B. Upcoming Dates

Ms. Easley mentioned there will not be a Planning Commission meeting on April 4, but there will be cases to be heard at the April 18 meeting and there will be a training meeting for Commissioners and Staff on May 16.

C. Project and Development Updates

Ms. Easley gave an update on the City Plan and mentioned the first steering committee meeting was held via Zoom and said attendance was great with only three people not being able to attend due to the snowstorm. She added that there will be a City Plan Update going before City Council on April 15; a City-wide public kickoff meeting on April 16; the second steering committee meeting on April 17; and a Planning Commission/consultant meeting on May 2.

D. Commissioner Updates

Commissioner QUINN reminded all that there will be branch drop off March 22 and 23 at Kullerstrand Elementary and an Easter Egg Hunt at Anderson Park on March 23.

Commissioner DISNEY mentioned she is serving on the Jeffco Advocacy Network, and on April 4, Localworks is holding a Housing Happy Hour. She added there will be Staff from Wheat Ridge, representatives from the Jeffco Advocacy Network explaining exactly what affordable housing is. This will be held at Stylus and Crate at 5 pm.

10. ADJOURNMENT

It was moved by Commissioner QUINN and seconded by Commissioner SCHELKE to adjourn the meeting at 7:09 p.m. Motion carried 7-0.

Kristine Disney, Vice Chair

Tammy Odean, Recording Secretary

HOW TO PARTICIPATE IN PUBLIC MEETINGS

In March 2020, to help control the spread of the COVID-19 virus, the City of Wheat Ridge began conducting virtual meetings for City Council, Planning Commission and other boards. Virtual meetings encourage public participation as usual while also keeping the community, elected officials, staff and residents safe while continuing to conduct important City business.

Starting in June 2021, the City returned to in-person public meetings and also retained the option for virtual public participation. The City will continue using this hybrid meeting format for the City Council and Planning Commission; this means that public meetings will continue to be virtually accessible and will also be held in-person if allowed by public health guidelines on the respective meeting date. This guide describes the various ways in which the public may participate in public meetings.

1. TO COMMENT IN ADVANCE

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

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

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

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

3. TO COMMENT IN PERSON

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

4. TO VIEW THE MEETING LIVE OR LATER

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

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

HELPFUL TIPS FOR A GOOD VIRTUAL MEETING EXPERIENCE

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

Legend

 SubjectParcel

41ST PL



41ST
AVE

41ST AVE

OAK ST

Scale: 1:1000



State Plane Coordinate Projection
Colorado Central Zone
Datum: NAD83



DISCLAIMER NOTICE:

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

39TH PL

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

REVIEW DATES: April 18, 2024 (Planning Commission) / June 10, 2024 (City Council)

CASE MANAGER: Alayna Olivas-Loera, Planner II

CASE NO. & NAME: WZ-24-03 / Brannon Rezone

REQUEST: Request for approval of a zone change from Agricultural-One (A-1) to Residential-One B (R-1B).

LOCATION OF REQUEST: 10840 W. 41st Place

APPLICANT / OWNER: Mark Brannon

APPROXIMATE AREA: 20,778 square feet (0.477 acres)

PRESENT ZONING: Agricultural-One (A-1)

COMPREHENSIVE PLAN: Neighborhoods

ENTER INTO RECORD:

(X) CASE FILE & PACKET MATERIALS
(X) ZONING ORDINANCE

(X) COMPREHENSIVE PLAN
(X) DIGITAL PRESENTATION

Location Map



Site

JURISDICTION:

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

I. REQUEST

The owner of 10840 W. 41st Place has submitted an application requesting approval of a zone change from Agricultural-One (A-1) to Residential-One B (R-1B) on their property.

The zone change is the first step of the process for the property to potentially be utilized for an additional single-unit dwelling. If the zone change is approved, the applicant plans to submit a subdivision to split the property from one lot to two. The goal of the zone change and subsequent subdivision is to create an additional buildable parcel to construct a new single-unit dwelling while preserving the existing dwelling.

II. EXISTING CONDITIONS

The property is located on the south side of the W. 41st Place and just northwest of the intersection of W. 41st Avenue and Oak Street (*Exhibit 1, Aerial*). The property is currently zoned Agricultural-One (A-1) and contains one single-unit dwelling and various outbuildings (*Exhibit 2, Zoning Map*). The applicant stated that the property is largely unoccupied at this time. The adjacent properties to the east, west, and south are zoned R-1B and contain low-density residential uses. The property to the north is city-owned open space which is part of the Clear Creek Greenbelt and is zoned A-1.

According to the Jefferson County Assessor, the site is approximately 20,778 square feet (.477 acres) in size. The property currently has one 2,058-square foot single-unit dwelling, built in 1909, and multiple accessory structures.

III. PROPOSED ZONING

The applicant is requesting the property be rezoned from Agricultural-One (A-1) to Residential-One B (R-1B). Both zone districts are intended to provide high quality, safe, quiet, and stable low-density residential neighborhoods. Both A-1 and R-1B zoning would allow only for single-unit dwellings. The subject property is too small in either zone district to allow any of the nonresidential uses permitted by the zoning (churches, schools, government buildings, and group dwellings).

The applicant is requesting the zone change to R-1B so they can subdivide the oversized parcel and build an additional single-unit dwelling. The property is located in an established neighborhood that is primarily low-density residential, and the area is no longer agricultural. This particular property is the last agriculturally zoned property on the block and is entirely surrounded by R-1B zoning apart from the city-owned land to the north. This zoning condition was inherited from the County when the City was incorporated in 1969. The proposed R-1B zoning would be consistent with adjacent properties and would not result in significant change to the area. The applicant hopes to rezone in order to have the opportunity to build an additional single-unit dwelling that would be proportional to adjacent lots and that would allow the highest and best utilization of the land, and to revitalize and reinvest in the property (*Exhibit 3, Applicant Letter*).

The following table compares the existing and proposed zoning for the property, with standards for new development or major additions.

Development Standard	CURRENT ZONING Agricultural-One (A-1)	PROPOSED ZONING Residential-One B (R-1B)
Uses	Allows for single-unit dwellings. Also allows for churches, schools, and government buildings.	Allows for single-unit dwellings. Also allows for churches, schools, and government buildings.
Architectural Standards	None	None
Max. Building Height	35'	35'
Min. Lot area	1 acre	7,500 sf
Min. Lot width	140'	60'
Max. Lot coverage	25%	40%
Setbacks		
Front / street facing	30'	25'
Rear setback	15'	10'
Side setbacks	15'	5' minimum on one side, total of 15'

When reviewing the site, staff determined that R-1B is the most suitable zoning for the applicant's proposal after considering several alternatives:

- The property is not capable of accommodating a two-lot subdivision under R-1 which requires 12,500 square feet per lot and 100 feet of width per lot. Additionally, there are not currently any R-1 properties located in the vicinity and to prevent spot zoning, staff eliminated this as a possibility.
- Other zone districts such as R-1C were discussed but ultimately eliminated for two reasons. The predominant zone district in this particular neighborhood is R-1B and anything other than this zone district would not fit in with current conditions. Staff is conscious of the existing character of the neighborhood which is primarily lower density and medium-sized lots. Rezoning to something that would allow for much smaller minimum lot sizes, such as R-1C, would not be an appropriate fit in this location.

R-1B was determined to be the most appropriate option because it retains the lower density single-unit character of the area and maintains medium lot sizes. The subject site is entirely surrounded by R-1B zoning which contains low-density, single-unit dwellings. The R-1B zone district would allow the applicant more flexibility to redevelop the property while maintaining the character of the surrounding neighborhoods. It would also allow the site to become conforming as it does not currently meet the minimum one-acre lot size requirement for the A-1 zone district. In a subdivided condition, the site would contain two lots which are compatible in size with surrounding conditions. With over 20,000 square feet of lot area, the subject property could accommodate two single-unit lots that exceed the minimum lot area requirements of R-1B.

IV. ZONE CHANGE CRITERIA

Staff has provided an analysis of the zone change criteria outlined in Section 26-112.E. The Planning Commission and City Council shall base their decisions in consideration of the extent to which the following criteria have been met:

1. The change of zone promotes the health, safety, and general welfare of the community and will not result in a significant adverse effect on the surrounding area.

The zone change will not result in adverse effects on the surrounding area. The zone change would enable the land to become conforming, meeting the minimum lot size requirements of the underlying zone district which it currently does not. The rezoning would allow for one additional dwelling unit if subdivided. This would be consistent with adjacent land uses. The oversized lot, if subdivided, would result in lots that are comparable in size to adjacent R-1B lots. Staff expects no significant adverse effects on the surrounding area due to the potential final result maintaining the lower density nature of the neighborhood.

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.

All responding agencies have indicated they can serve the property. In the event that the current utility capacity is not adequate, the property owner/developer will be responsible for utility upgrades. A building permit will be required for any construction on the property, and fire and building codes are required to be met.

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.

Envision Wheat Ridge, the City’s comprehensive plan, identifies this area as a Neighborhood (*Exhibit 5, Comprehensive Plan*). This designation identifies areas where residents of all ages can live safely and comfortably. Defining characteristics of an established neighborhood in the comprehensive plan are consistent character, mature landscaping, high rates of reinvestment and dwelling ownership, consistent maintenance, and high desirability.

City goals that are met with the rezoning proposal include encouraging reinvestment in a property, maintaining consistent character, and creating opportunities for dwelling ownership.

Staff concludes that this criterion has been met.

b. The existing zone classification currently recorded on the official zoning maps of the City of Wheat Ridge is in error.

Staff has not found any evidence of an error with the current A-1 zoning designation as it appears on the City zoning maps.

Staff concludes that this criterion is not applicable.

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

Staff finds no evidence of significant changes in the area. The zone change request from A-1 to R-1B neither responds to nor results in notable change of character.

Staff concludes that this criterion is not applicable.

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

The proposed rezoning does not relate to an unanticipated community need.

Staff concludes that this criterion is not applicable.

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

V. PUBLIC NOTICING

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

A meeting for neighborhood input was held on October 17, 2023. This meeting was advertised and conducted as a virtual meeting on Zoom. Three members of the public attended the virtual meeting in addition to the applicant and staff (*Exhibit 4, Neighborhood Meeting Summary*).

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

VI. AGENCY REFERRAL

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

Wheat Ridge Engineering Division: No comments. If future development occurs, comments will be provided at time of plat for this site.

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

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

Century Link: No comments received.

Comcast Cable: No comments received.

Consolidated Mutual Water District: No concerns with rezone. Any future development would be referred to the district for review and approval.

Westridge Sanitation District: No concerns with rezone. Any future development would be referred to the district for review and approval.

VII. STAFF CONCLUSIONS AND RECOMMENDATION

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

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-24-03.

VIII. SUGGESTED MOTIONS

Option A:

“I move to recommend APPROVAL of Case No. WZ-24-03, a request for approval of a zone change from Agricultural-One (A-1) to Residential-One B (R-1B) for property located at 10840 W. 41st Place, for the following reasons:

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

Option B:

“I move to recommend DENIAL of Case No. WZ-24-03, a request for approval of a zone change from Agricultural-One (A-1) to Residential-One B (R-1B) for property located at 10840 W. 41st Place, for the following reasons:

1. ...”

EXHIBIT 1: AERIAL



EXHIBIT 2: ZONING MAP

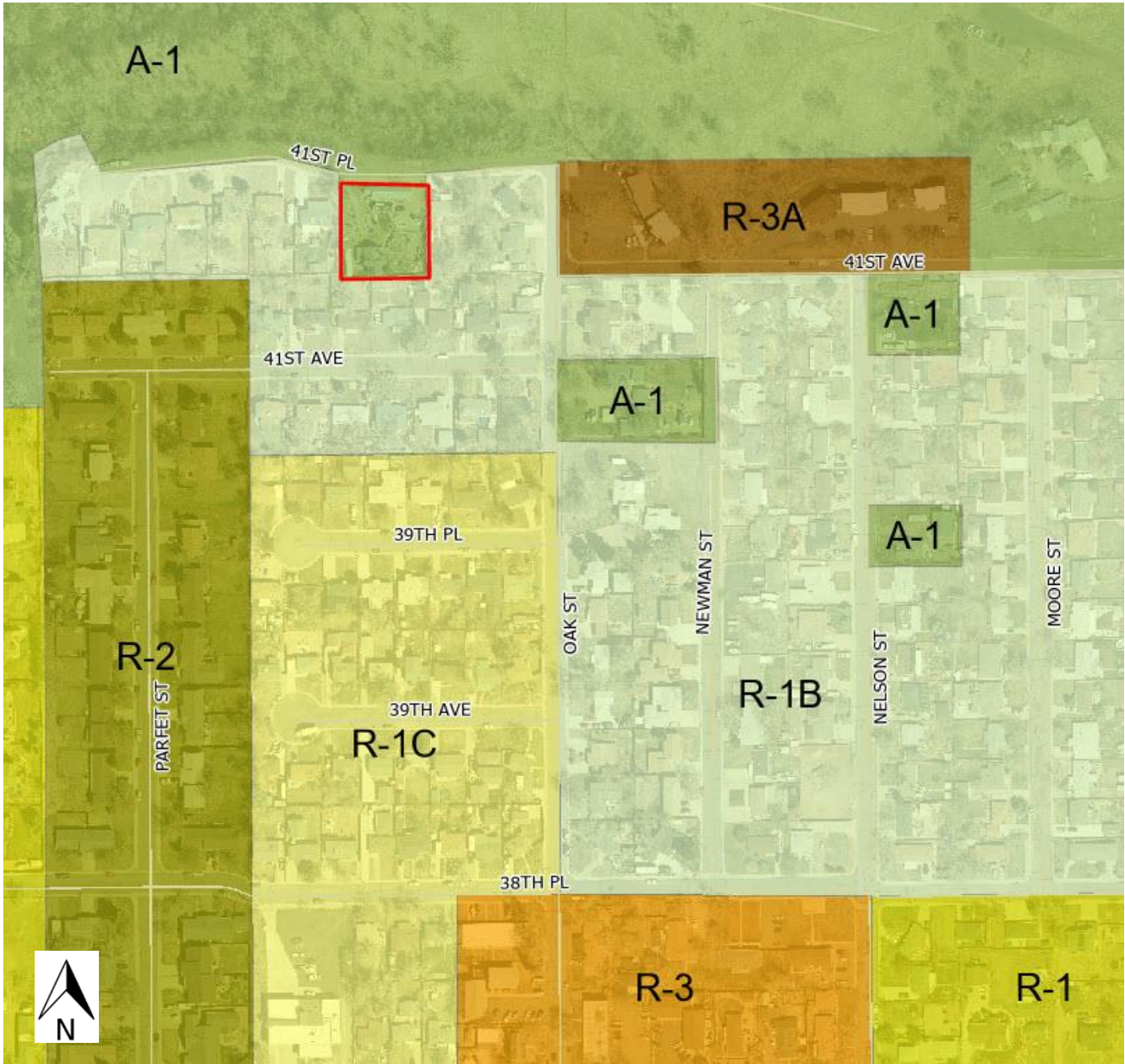


EXHIBIT 3: APPLICANT LETTER

Mark Brannon and 209 Kalamath Group LLC
9005 W 68th Ave Arvada Co 80004 720-435-9495
Mark.roladex@yahoo.com

Att
City of Wheat Ridge
Community Development Department
7500 West 29th Avenue
Wheat Ridge, Colorado 80033

I Mark Brannon manager of 209 Kalamath Group LLC is proposing Rezoning of the property located at 10840 W 41st Place

The purpose of the request is to allow to rezone the parcel at 10840 W 41st place, At present it is zoned Agricultural -1 and is surrounded by R-1B Zoning which I request to be rezoned to R-1B This will allow this land to be subdivided into 2 lots of 11141 sq ft and 9655 sq ft respectively. The existing house will stay on one lot and a new home will be built on the eastern lot The barn/shed along the street will be moved/removed to allow for proper front setback requirements This rezone is consistent with the surrounding neighborhood

Mark Brannon manager of 209 Kalamath Group LLC

EXHIBIT 4: NEIGHBORHOOD MEETING

NEIGHBORHOOD MEETING NOTES

Meeting Date: October 17, 2023

Attending Staff: Alayna Olivas-Loera, Planner II

Location of Meeting: Virtual

Property Address: 10840 W. 41st Pl.

Property Owner(s): Mark Brannon

Property Owner(s) Present? Yes

Applicant: Mark Brannon

Applicant Present? Yes

Existing Zoning: Agricultural-One (A-1)

Existing Comp. Plan: Neighborhoods

Existing Site Conditions: The site located at 10840 W. 41st Place is situated on the south side of W. 41st Place, north of 41st Avenue between Parfet Street and Oak Street. The property is zoned Agricultural-One (A-1). City-owned open space is located immediately north of the site and is also zoned A-1. Adjacent properties to the east, west, and south are zoned Residential-One B (R-1B). The area is predominantly residential in nature.

According to the Jefferson County Assessor, the site is approximately 20,778 square feet (.477 acres) in size. The property currently has one 2,058-square foot single-unit dwelling, built in 1909, and multiple accessory structures.

Applicant/Owner Preliminary Proposal: The applicant is proposing to rezone to R-1B and to subdivide the property into two lots. The existing single-unit dwelling is to remain on the newly created western lot and a new single-unit dwelling is proposed on the newly created eastern lot. The applicant is also proposing to relocate the existing accessory structure on the north side of the property to the new eastern lot and convert it into an ADU.

The following is a summary of the neighborhood meeting:

- In addition to the applicant and staff, 3 members of the public attended the neighborhood meeting. The participant list is below, which serves as the virtual sign-in sheet.

- Two members of the public spoke at the meeting.
- Staff discussed the site, its zoning and future land use.
- The applicant and members of the public were informed of the process for the Zone Change.
- The members of the public were informed of their opportunity to make comments during the process and at the public hearing, if required.

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

- What would the setbacks be for a new house?
For R-1B, the front setbacks are 25', the side setbacks combined must be 15' with a minimum of 5' on one side, and the rear setbacks are 10'.
- Would it be a spec. house?
Yes, it would be built and then sold to someone else.
- Would bulk plane apply?
Yes, the house can go up the first 15' but everything taller than that must fit within a 45-degree angle.
- What is the max. height allowed?
The max. height is 35'.
- General concerns with maintaining privacy
There is nothing in our code that would require the applicant to help maintain privacy but things like setback requirements, bulk plane, and privacy fences can help. Additionally, the applicant would plan to locate the driveway along the property line which would also help maintain a sense of privacy.
- General concerns with potential for increased dust during construction
Staff is not majorly concerned with the potential size of the project and the minimal area of land disturbance but the applicant and their construction team should be cognizant of neighboring properties and should always use best construction practices. Any disturbances or nuisances can always be reported to code enforcement with the city's police department.
- Where will the barn be moved to?
The barn would be moved to what would be the eastern property line of one of the new lots and it would be reoriented long-ways and sit north-south.
- General concerns that if the potential new lot is sold vacant, the lot would be rezoned or used for something denser than a single-unit dwelling
When staff evaluate whether or not they can support a zone change, the proposal must meet a set of criteria with one of those criteria ensuring the zone change would not alter or harm the character of the existing area. One of the most compelling reasons staff supports a zone change to R-1B is that it already exists in the neighborhood and the end goals of the applicant would match the character of what is already there. A zone change to anything other than R-1B to support more density would not be supported by staff at this location.
- What are the plans for the old house?
The existing house is to remain as is and the applicant would like to preserve its historic character. The front porch may be relocated but no other changes are proposed at this time.

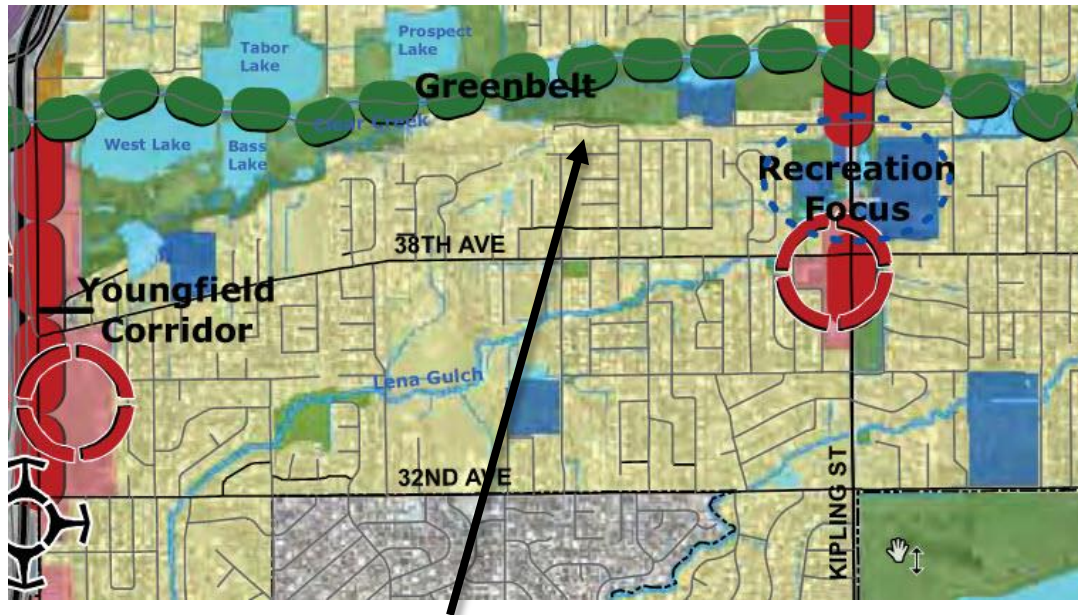
Participant List:

- Kathy

- Michael Hossler
- Phone number: 303-532-7121

EXHIBIT 5: COMPREHENSIVE PLAN

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



Subject Property

Neighborhood



Character/Established

Neighborhoods: Neighborhoods will be the places for people to own homes and thrive and where residents of all ages can live safely and comfortably. Most neighborhoods contain a school or park focus. Some have a semi-rural feel. Most are generally bounded by major arterial and collector streets. Planning and zoning will determine the appropriate mix of single family or multi-family uses within these places in the future.

Established Neighborhoods: The City will continue to work with neighborhoods to focus on improving stability, home ownership, property values, protecting significant views, and provide high quality infill in established neighborhoods.

EXHIBIT 6: SITE PHOTOS



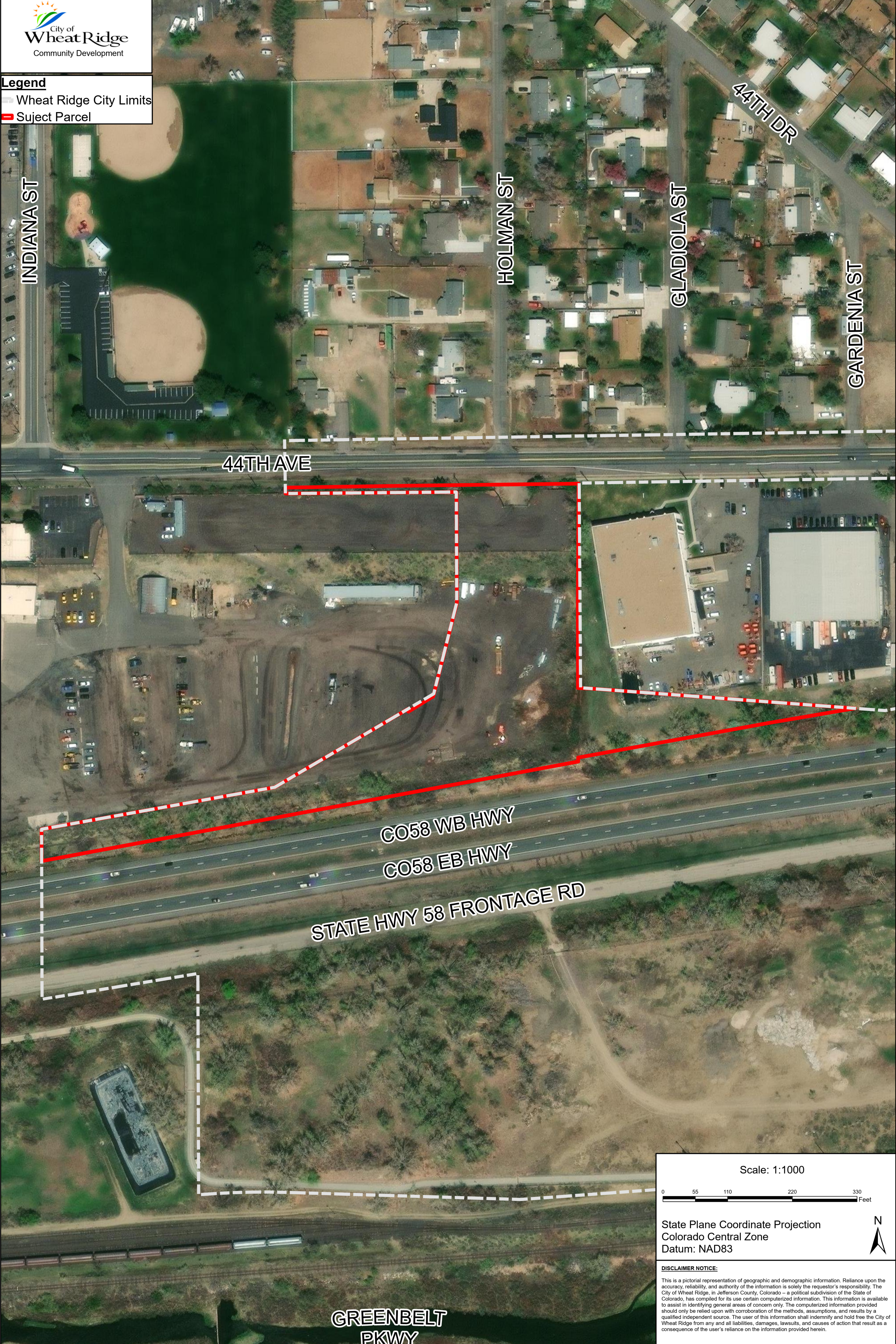
View of the subject property looking southeast from W. 41st Place. (Source: Google Maps November 2022)



View of the subject property looking southwest from W. 41st Place. (Source: Google Maps November 2022)

Legend

- Wheat Ridge City Limits
- Subject Parcel



44TH AVE

INDIANA ST

HOLMAN ST

GLADIOLA ST

GARDENIA ST

44TH DR

CO58 WB HWY

CO58 EB HWY

STATE HWY 58 FRONTAGE RD

GREENBELT
PKWY

Scale: 1:1000



State Plane Coordinate Projection
Colorado Central Zone
Datum: NAD83



DISCLAIMER NOTICE:

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

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

REVIEW DATES: April 18, 2024 (Planning Commission) / June 10, 2024 (City Council)

CASE MANAGER: Alayna Olivas-Loera, Planner II

CASE NO. & NAME: WZ-24-04 / Cogent

ACTION REQUESTED: Request for approval of a zone change from Agricultural-One (A-1) to Industrial-Employment (I-E).

LOCATION OF REQUEST: Parcel ID 39-193-01-010, immediately west of 14452 W. 44th Avenue

APPLICANT (S): Cogent Companies

OWNER (S): Longs Peak Metro District

APPROXIMATE AREA: 187,849 square feet (4.132 acres)

PRESENT ZONING: Agricultural-One (A-1)

COMPREHENSIVE PLAN: Employment

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

Cogent Companies is requesting approval of a zone change from Agricultural-One (A-1) to Industrial Employment (I-E) to allow the site to be utilized for outdoor storage. The zone change will result in a zoning designation that would allow for use of the property unless and until it is developed as right-of-way.

The subject property has a unique history and was originally annexed into the city for the specific purpose of accommodating a new hook ramp between Highway 58 and W. 44th Avenue to support development of Clear Creek Crossing north of the creek. To date, the property has not been dedicated as right-of-way or improved because development at Clear Creek Crossing has only occurred south of the creek. Because of the original intent of the property and potential for roadway improvements to still take place in the future, staff is recommending conditions be placed on the zoning, should the zone change be approved.

II. EXISTING CONDITIONS

The property is located on the north side of Highway 58, south of W. 44th Avenue (*Exhibit 1, Aerial*). According to the Jefferson County Assessor, the site is approximately 187,849 square feet (4.132 acres). The property is owned by Longs Peak Metro District (LPMD) and is currently vacant. The property is currently zoned Agricultural-One (A-1) (*Exhibit 2, Zoning Map*). It is situated in the northwesternmost corner of the City and is surrounded by properties within unincorporated Jefferson County. Adjacent uses are light industrial to the east and west, and residential and commercial to the north (*Exhibit 3, Jefferson County Zoning Map*). Highway 58 abuts the south side of the property.

The applicant, Cogent Companies, currently owns and occupies the adjacent property to the east at 14452 W. 44th Avenue. Should the zone change be approved, they intend to lease the subject property from LPMD and utilize the site for outdoor storage related to their current operations.

The subject parcel and this zone change request relates to the history of Clear Creek Crossing. The Clear Creek Crossing project dates back almost 20 years. In 2006, Cabela's and Coors owned much of the land, and development was proposed to span both sides of Clear Creek. In the original proposal, development would have required significant infrastructure investments, including a hook ramp on I-70 (the one that was recently constructed) and also a hook ramp on Highway 58 (where the subject site is located). Conceptual infrastructure plans were developed including state and federal review and environmental clearances; the infrastructure plans were approved by the Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) in 2007.

LPMD is the metro district responsible for building and maintaining much of the infrastructure associated with Clear Creek Crossing. LPMD acquired the subject parcel in 2008 to fulfill the approved plans. Several parcels including the subject property were annexed from unincorporated Jefferson County into the City in 2008 and 2009 (*Exhibit 4, 2009 Annexation Map*).

When the City annexes land, they are also required to assign zoning to the property because the City's zoning designations differ from the County's. When City Council approved annexation of the subject parcel in March 2009, they also approved a zoning designation of Agricultural-One (A-1). The subject site was the last piece of land required to build a roadway through Clear Creek Crossing from W. 32nd Avenue to W. 44th Avenue. The A-1 zoning made sense for the subject parcel at the time, because the entire parcel was intended to be dedicated as right-of-way and constructed as roadway. The 2009 staff report notes, "The intended use of the property is for infrastructure improvements for the completion of Cabela Drive [now Clear Creek Drive] and the new interchange. [...] Because there will be no associated private property development, an annexation agreement has not been required."

By 2014, it became apparent that the infrastructure needs associated with Clear Creek Crossing were becoming cost prohibitive. Cabela's sold their land, and the vision for the development evolved from big box anchors to a mix of uses. The infrastructure designs were formally re-evaluated by the City, CDOT, and FHWA; and revised road design and development plans were approved with a phasing plan. This phasing is reflected in the development that exists today—in the current phase, development was limited to the south side of Clear Creek and only the hook ramp at I-70 was required to be constructed. If the north side of Clear Creek is proposed to be developed as a future phase or if trip generation exceeds a certain threshold on the south side, then additional infrastructure at Highway 58 will be required including on the subject parcel.

For this reason, the subject parcel remains under the ownership of LPMD, but it has not yet been dedicated as right-of-way nor have any infrastructure investments been made north of Clear Creek. This zone change is proposed as an interim condition, allowing limited productive use of the property until such time the original intent of the annexation is fulfilled.

III. PROPOSED ZONING

The applicant is requesting the property be rezoned to Industrial Employment (I-E), a zone district intended to allow for light industrial and commercial uses that support employment. The I-E zoning is the only zone district that allows outside storage. As noted above, the current zone district, A-1, was established at annexation. Surrounding parcels are in Jefferson County and are zoned Industrial-One and Planned Development, with light and medium intensity industrial uses.

The applicant intends to rezone the property to allow for outdoor storage related to their current business located immediately adjacent to the east. The applicant states that the parcel has been vacant since it was originally annexed and that LPMD is seeking to put the site to use by leasing it to the applicant for outside storage until such time it is needed for ROW improvements (*Exhibit 5, Applicant Letter*).

In consultation with the City Attorney, staff recommends the zone change be conditioned upon the following:

1. No vertical construction would be permitted; outdoor storage and appropriate screening would be the only permitted uses.
2. A development agreement running with the land will be required to be recorded with the zone change ordinance to document such use and development limitations and to ensure future dedication of the property as necessary for the originally intended purpose of infrastructure and right-of-way at no cost.

The limit on vertical development will help to reinforce the original annexation intent which stated there would be no private development. Further, the parcel was never anticipated to be a developable lot. The City would require that LPMD draft and sign the development agreement that would need to include the following elements:

- Limits on use,
- Limits on permanent development,
- Requirements to dedicate the subject parcel as right-of-way at no charge to the City or CDOT upon the need for infrastructure investments, and
- Requirements that these conditions run with the land and apply to successor and assigns.

This approach allows appropriate economic use of the land while protecting the City's long-term interests and honoring the original intent of the annexation. While conditional zone changes are rare in Wheat Ridge, they are not precluded by code and this unique situation warrants a unique approach.

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 zone change would not result in significant adverse effects on the surrounding area. The site is currently surrounded by similar light industrial uses and would be utilized by an existing business immediately adjacent which is currently operating and has been for several years.

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.

No utilities are planned for the outside storage use. Adequate infrastructure/facilities are available to serve the property for outdoor storage. All responding agencies have indicated they can serve the property. In the event that the current utility capacity is not adequate for a future use, the property owner/developer would be responsible for utility upgrades. A site plan review will be required for the future development of the site for outdoor storage, and will ensure compliance with current codes, as well as the Fire Code.

Staff concludes that this criterion has been met.

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

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

Staff concludes that this criterion is not applicable.

- 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.**

As described above, the original intent for the property was for the construction of roadway improvements which would have accommodated the previously planned Cabela's development. The original annexation and zoning assignment to A-1 anticipated the Cabela's development being completed; therefore, no alternative plans for the site were created. The proposed zone change is appropriate in response to a change in conditions in the area. The construction of roadway improvements has not occurred as originally planned and is not anticipated in the near future, and this proposed zone change acknowledges the changed conditions and would allow for a better and more productive use of the land. Additionally, the zone change would enable the land to further achieve the city's current comprehensive plan goals to encourage employment-generating uses in the area by allowing the adjacent property to utilize it for their needs.

Staff concludes that this criterion has been met.

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

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 February 7, 2024. Six members of the public attended the meeting in addition to the applicant and staff. Questions about future use of the property, the site planning process, and conditions of the rezone were asked (*Exhibit 6, Neighborhood Meeting Notes*).

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

VI. AGENCY REFERRAL

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

Wheat Ridge Public Works Department: No comments.

Jefferson County Planning and Zoning: No comments.

Fairmount Fire District: No concerns.

Xcel Energy: No concerns. Any subsequent land use applications will be referred out to external agencies for review.

North Table Mountain Water District: No concerns. Any subsequent land use applications will be referred out to external agencies for review.

North Table Mountain Sanitation District: No concerns. Any subsequent land use applications will be referred out to external agencies for review.

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 the proposed zone change is appropriate in response to a change in character of the area where the construction of roadway improvements is not anticipated at this time.

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-24-04.

VIII. SUGGESTED MOTIONS

Option A:

“I move to recommend APPROVAL of Case No. WZ-24-04, which is a request for approval of a zone change from Agricultural-One (A-1) to Industrial-Employment (I-E) at Parcel ID 39-193-01-010, for the following reasons:

1. 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.
2. Utility infrastructure can adequately service the property.
3. The proposed zone change is responding to a change of character in the area.
4. The proposed zone change is consistent with the City’s Comprehensive Plan.
5. The zoning designation is appropriate and compatible with the adjacent designations on private property.

And with the following conditions:

1. No vertical construction is permitted; outdoor storage and appropriate screening are the only permitted uses.
2. A development agreement running with the land will be required to be recorded with the zone change ordinance to document such use and development limitations and to ensure future dedication of the property as necessary for the originally intended purpose of infrastructure and right-of-way at no cost.”

Option B:

“I move to recommend DENIAL of Case No. WZ-24-04, which is a request for approval of a zone change from Agricultural-One (A-1) to Industrial-Employment (I-E) at Parcel ID 39-193-01-010, for the following reasons:

- 1.
2. ...”

EXHIBIT 1: AERIAL

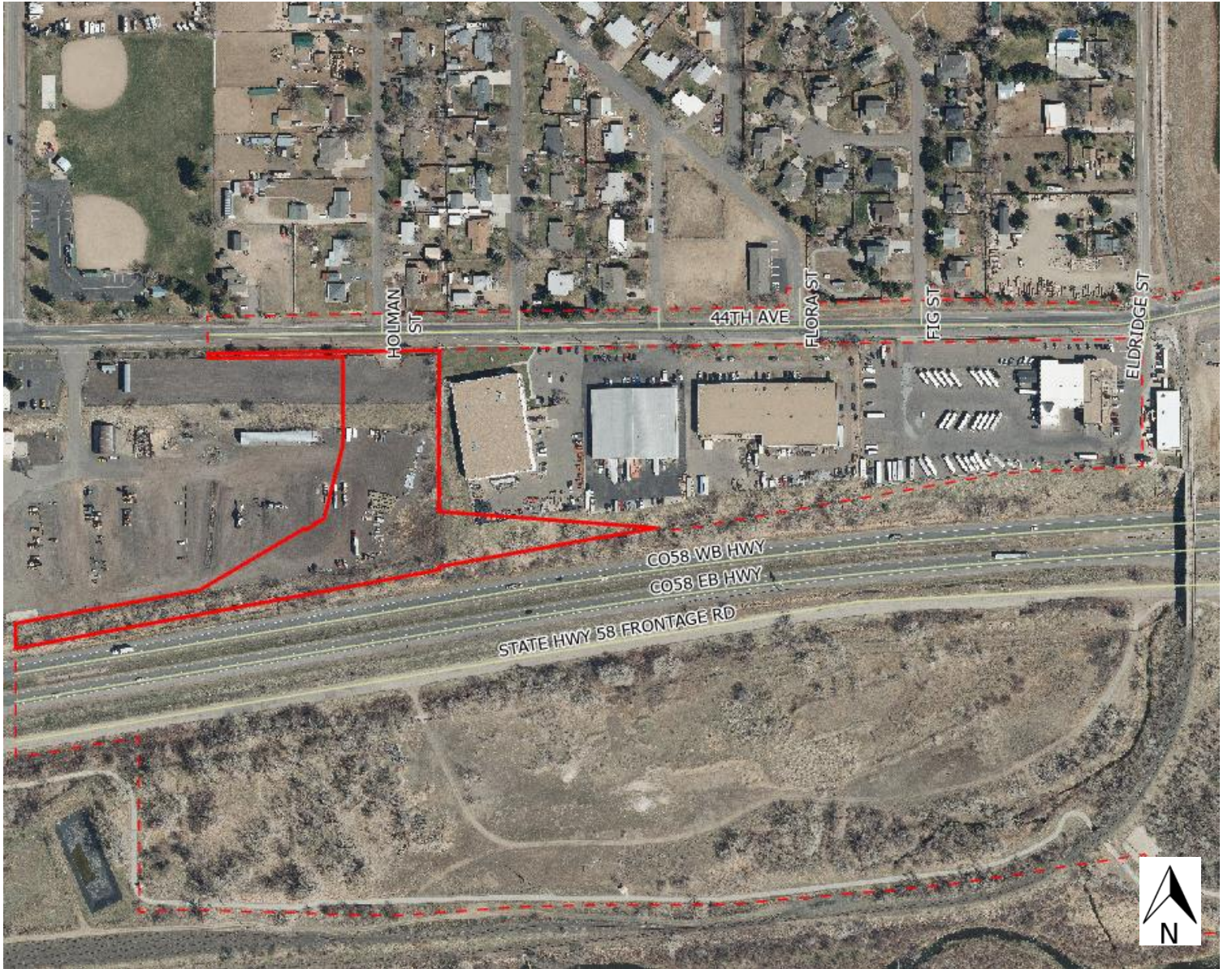
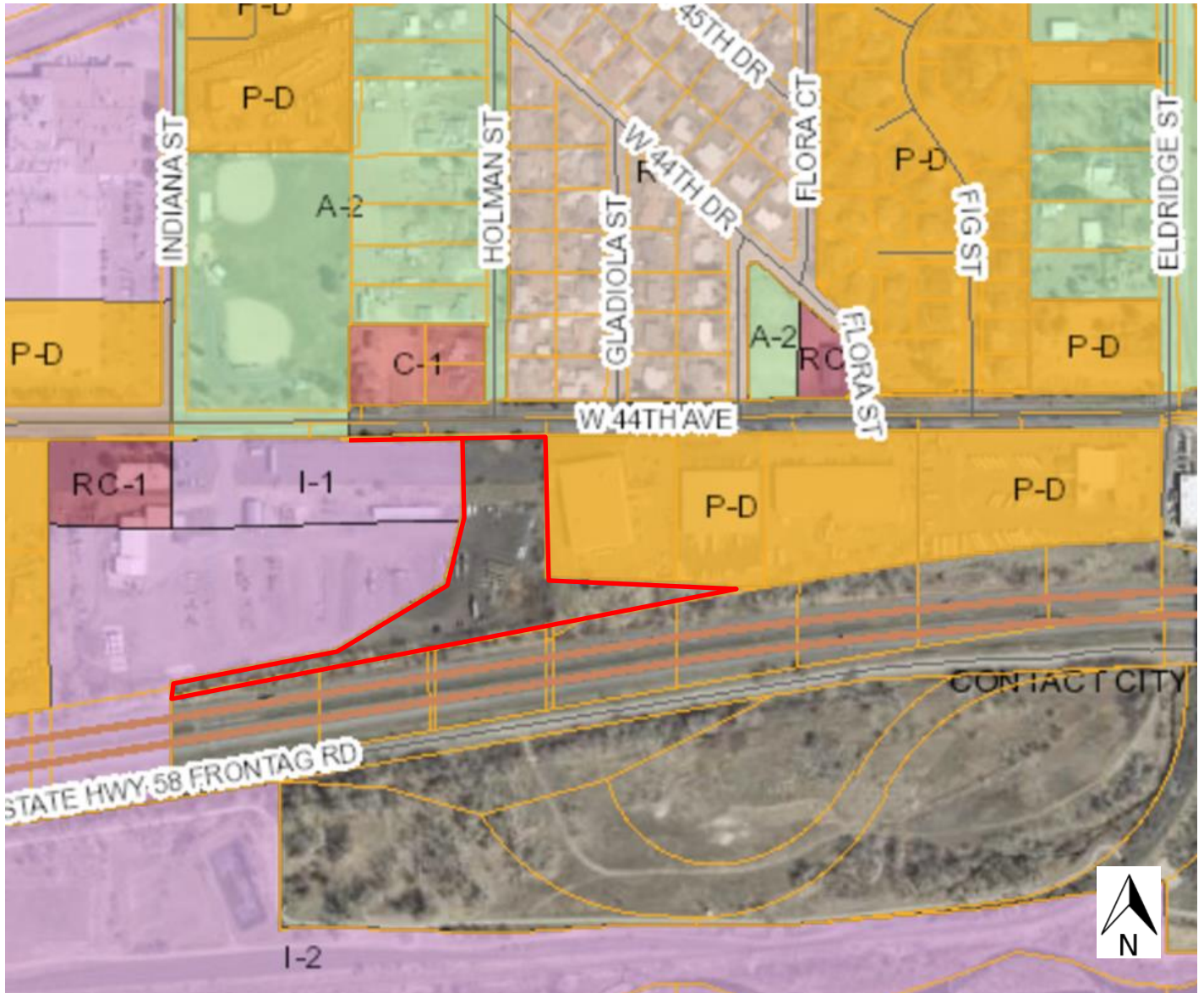


EXHIBIT 2: ZONING MAP



EXHIBIT 3: UNINCORPORATED JEFFERSON COUNTY ZONING





GLE ASSOCIATES
1400 17TH AVENUE, SUITE 100
DENVER, COLORADO 80202
303.461.1234
WWW.GLEASSOCIATES.COM

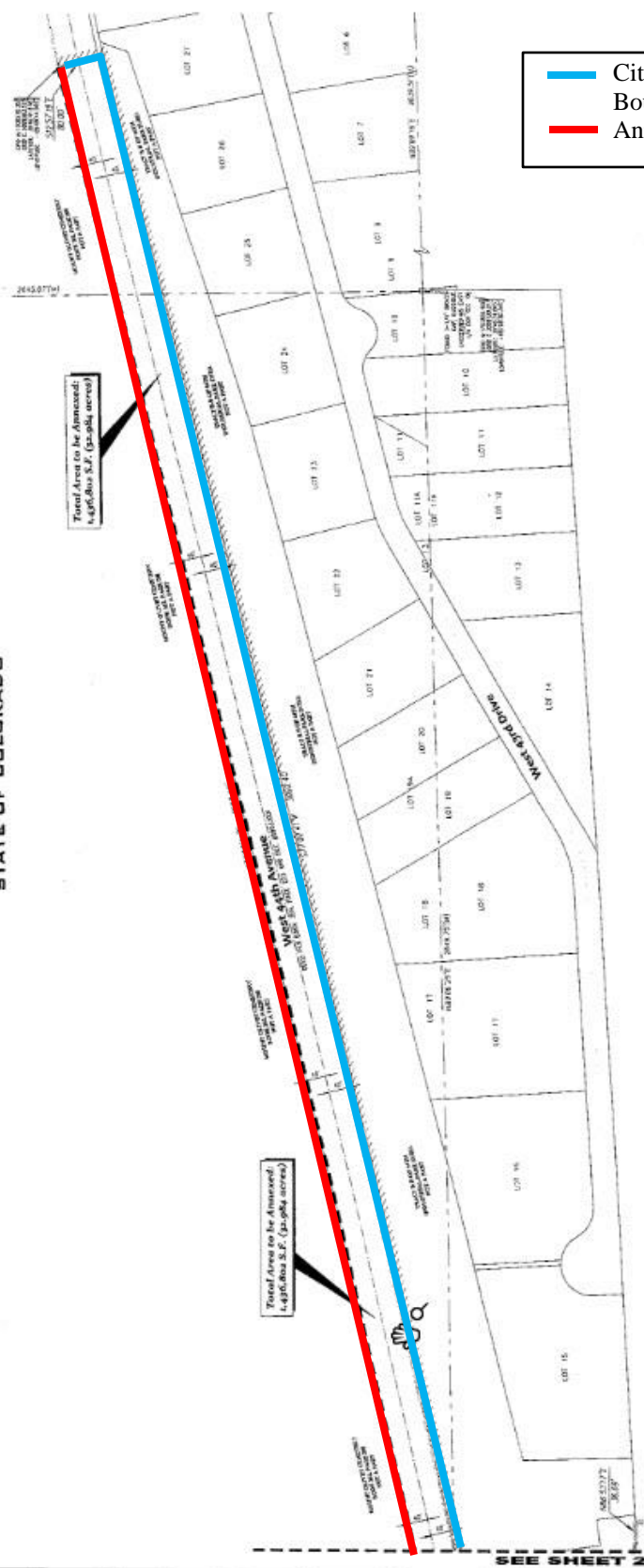
ANNEXATION MAP #1
LONGS PEAK METRO DISTRICT
COLORADO HIGHWAY 98
JEFFERSON COUNTY, COLORADO

ANNEXATION MAP
PREPARED BY:
DATE:
SCALE:
ADDRESS: CITY OF WHEAT RIDGE, COLORADO

SHEET 3/3

LONGS PEAK METRO - ANNEXATION MAP #1

BEING PORTIONS OF SECTIONS 19 AND 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO



City of Wheat Ridge
Boundary

Annexation Boundary

MAP LEGEND

○	ANNEXATION MAP #1 BIRTH
○	CALCULATED
○	MEASURED
○	RECORDED
○	UNRECORDED
○	UNRECORDED

--- 5' PLANNED SUBDIVISION
--- 5' PLANNED SUBDIVISION

--- WHEAT RIDGE CITY OF WHEAT RIDGE LINES
--- WHEAT RIDGE CITY OF WHEAT RIDGE LINES
--- WHEAT RIDGE CITY OF WHEAT RIDGE LINES

--- DISTRICT BOUNDARY OF LOT 141
--- PUBLIC UTILITY SERVICE BOUNDARY
--- 10' PLANNED SUBDIVISION



EXHIBIT 5: APPLICANT LETTER



Aaron W. Barrick
Marc C. Patoile
Kathryn T. James
Matthew S. Patton
Joe D. Kinkaw II
Lauren O. Patton
Brandon D. VanTine

March 12, 2024

Alayna Olivas-Loera
Community Development Department
City of Wheat Ridge City Hall
7500 W. 29th Avenue
Wheat Ridge, Colorado 80033

VIA EMAIL: ALoera@ci.wheatridge.co.us

Re: Rezoning request for Jefferson County AIN/Parcel ID: 39-193-01-010

Dear Alayna:

Our office represents Cogent Companies, Inc., which is the lessor under a lease with Long's Peak Metropolitan District (LPMD), the owner of a parcel located within the City and identified by the Jefferson County Assessor as AIN/Parcel ID 39-193-01-010 and PIN/Schedule 300210637 (the "Parcel"). Long's Peak, as owner of the parcel has executed an Authorization to allow my firm as representative of Cogent Companies, Inc. to proceed with a rezoning of the Parcel on their behalf. The request is to rezone the Parcel as noted below in the narrative.

The Parcel was annexed into the City in approximately 2009 with the intention of being used as part of a roadway initially planned to be "Cabela's Drive." The planned roadway was part of a larger planned development to occur around the area of Interstate 70 and CO Highway 58. Over time, the development plans changed and Cabela's no longer was part of the development. The project became Clear Creek Crossing and has been built out in connection with the City. The parcels that would have housed Cabela's remain undeveloped with no current plans for development. Thus, the planned roadway will not be built in the near future, if at all. The Parcel has been sitting vacant since its annexation and Long's Peak Metropolitan District seeks to put the Parcel to more appropriate and beneficial use by leasing it to Cogent Companies, Inc. for outdoor storage related to Cogent's operations. Cogent owns the parcel adjacent to the Parcel and operates its business from the same.

In order to comply with the original intention of the Parcel as a possible roadway, to comply with the City's zoning regulations, and to further the intention to put the Parcel to use while it is not needed for a roadway, Long's Peak and Cogent have discussed with the City (informally) how to rezone and still maintain the original intention of the annexation. The rezoning request is for a zone change with conditions and related development agreement.

office. 303.688.3045 • fax. 303.688.3169
16 South Wilcox Street, Suite 200
Castle Rock, Colorado 80104-1909
ffcolorado.com

This is a request to rezone the Parcel from Agricultural-One (A-1) to Industrial-Employment (I-E). I-E is the only zone district which allows outdoor storage as a permitted use.

The applicant understands that the City would likely condition the zone change approval in these ways:

1. No vertical construction to be permitted; outdoor storage and appropriate screening would be the only permitted use.
2. A development agreement running with the land would be required to be recorded with the zone change ordinance to further reserve all or any portion of the property necessary for the originally intended purpose of infrastructure and right-of-way.

The limit on vertical development will help to reinforce the original annexation intent which stated there would be no private development. Further, the land was not created as a developable lot. The City would likely require that LPMD draft and sign the development agreement which would include the following elements:

- Limit on use.
- Limit on permanent development.
- Honor the original intent of the annexation by preserving the ability for the parcel to be used as right-of-way if needed in the future, whereby such parcel would be conveyed to the City or Colorado Department of Transportation as may be appropriate, without charge, in the future.
- Such development agreement would run with the land, and apply to successors and assigns.

Zone Change Review Criteria

Section 26-112 of the City of Wheat Ridge's Municipal Code specifies the following criteria as the basis for review by the planning commission and city council.

1. The change of zone promotes the health, safety, and general welfare of the community and will not result in a significant adverse effect on the surrounding area; and
2. Adequate infrastructure/facilities are available to serve the types of uses allowed by the change of zone, or the applicant will upgrade and provide such where they do not exist or are under capacity; and
3. At least (1) of the following conditions exist:
 - a. The change of zone is in conformance, or will bring the property into conformance with, the City of Wheat Ridge comprehensive plan goals, objectives and policies, and other city-approved policies or plans for the area.
 - b. The existing zone classification currently recorded on the official zoning maps of the City of Wheat Ridge is in error.
 - c. A change of character in the area has occurred or is occurring to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changing character of the area.

office. 303.688.3045 • fax. 303.688.3189

18 South Wilcox Street, Suite 200

Castle Rock, Colorado 80104-1909

ffcolorado.com

- 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.

In regard to the foregoing criteria, number 1 is met because the rezoning of the property would allow it to be put to use while it is not needed for the originally intended roadway. Proposed use of the area—outdoor storage—is compatible with the surrounding area which is primarily commercial/light industrial. The proposed use is limited to outdoor storage and appropriate screening; no vertical construction would be permitted further specified herein.

In regard to criteria 2, no infrastructure or facilities will be requested or needed for the outdoor storage use. To the extent that internal grading of the lot for internal access within may be considered “infrastructure”, such grading will be provided by the applicant in conformance with applicable City Code.

The support for a zone change under criteria 3 would be in 3c: 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. As noted above, the planned Cabela’s development project did not occur and the existing Clear Creek Crossing development is completed. The planned roadway will not be built in the near future, if at all. Limitations proposed in this rezoning request would insure that the roadway be available if ever needed, but the change in character to the area from 2009 to its current state supports the rezoning.

Zone change is appropriate

- **Need for the zone change**

The Parcel is currently zoned Agricultural, which does not allow for outdoor storage use.

- **Present and future effect on the existing zone districts, development and physical character of the area**

Much of the surrounding land is outside the City of Wheat Ridge and within unincorporated Jefferson County. Adjacent parcels are used for commercial and light industrial purposes. As previously noted, the Parcel was annexed into the City with the intention of being used as part of a roadway that is no longer likely to be needed (or not likely needed in the near future). The conditions proposed as part of the rezoning approval would still allow for the intended future development of a roadway. Until such time as needed for a roadway, the Parcel use would be compatible with the character of the area.

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

Access to the Parcel is off of 44th Avenue through an existing entrance area. 44th Avenue is a busy four lane roadway with both commercial and residential traffic travelling it regularly. Traffic patterns will not be affected by use of the existing entrance.

- **Availability of Utilities**

No utilities would be needed or required for the proposed use of the Parcel.

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

Presently, the Parcel is not in use and the proposed use will be limited by conditions prohibiting permanent development. There will be no utilities provided to the Parcel. Outdoor storage use of the Parcel is not expected to have an impact on public facilities and services.

- **Relationship between the proposal and the adopted land use policies of the City**

The City annexed the Parcel for the purpose of using it for roadway, for a development that was not created as initially planned. Two goals will be connected with this proposed rezoning--balancing the rights of property owners to put land to use while continuing to preserve the City's ability to use the Parcel for a future roadway if needed.

Please direct any questions regarding this application to me. Thank you.

Sincerely,

FOLKESTAD FAZEKAS BARRICK & PATOILE, P.C.



Kathryn T. James

office. 303.688.3045 • fax. 303.688.3189

18 South Wilcox Street, Suite 200

Castle Rock, Colorado 80104-1909

ffcolorado.com

EXHIBIT 6: NEIGHBORHOOD MEETING

NEIGHBORHOOD MEETING NOTES

Meeting Date:	February 7, 2024
Attending Staff:	Alayna Olivas-Loera, Planner II
Location of Meeting:	Virtual
Property Address:	Parcel ID 39-193-01-010
Property Owner(s):	Longs Peak Metropolitan District
Property Owner(s) Present?	No
Applicant:	Katie James
Applicant Present?	Yes
Existing Zoning:	Agricultural-One (A-1)
Existing Comp. Plan:	Employment

Existing Site Conditions: The property is located on the north side of Highway 58, south of W. 44th Avenue. The property is currently zoned Agricultural-One (A-1). It is situated in the northwesternmost corner of the City and is surrounded by properties located within the bounds of unincorporated Jefferson County.

According to the Jefferson County Assessor, the site is approximately 187,849 square feet (4.132 acres). The property is owned by Longs Peak Metro District (LPMD) and is currently vacant.

Applicant/Owner Preliminary Proposal: The applicant is proposing to rezone the property to Industrial-Employment (I-E) to allow the site to be utilized for outdoor storage.

The following is a summary of the neighborhood meeting:

- In addition to the applicant team and staff, 6 members of the public attended the neighborhood meeting. The participant list is below, which serves as the virtual sign-in sheet.
- 2 members of the public spoke at the meeting.
- Staff discussed the site, its zoning and future land use.
- The applicant and members of the public were informed of the process for the zone change.

- The members of the public were informed of their opportunity to make comments during the process and at the public hearing.
 - What are the boundaries of the lease, will it include the whole property?
Applicant: Yes, the lease will apply to the whole property but exclude ROW which cannot be used for the storage.
 - Concerns about safety and theft, would like a fence to be put up.
Staff: A fence will already be required for the outdoor storage use as part of the code's screening requirements.
 - What will be stored on the property?
Applicant: The applicant is in the water distribution industry, based on other sites, it will primarily be large pipes.
 - Will lighting be installed? Don't want bright lights.
Applicant: Yes, but specifics on lighting have yet to be determined.
 - Will a larger entrance be installed on 44th?
Applicant: Site specifics and layout/design of the site is yet to be determined. The applicant intends to work with the City to meet all of their access requirements.
 - If the property changed hands, could it be used for other things?
Applicant: No. If the zone change is approved, it will be approved conditionally that the property may only be used for outdoor storage. No vertical construction or development will be permitted, and these conditions will run with the land, regardless of owner. Additionally, a development agreement will be put in place that states the outdoor storage use must cease at a moment's notice should the City get the land dedicated as ROW.

Participant List:

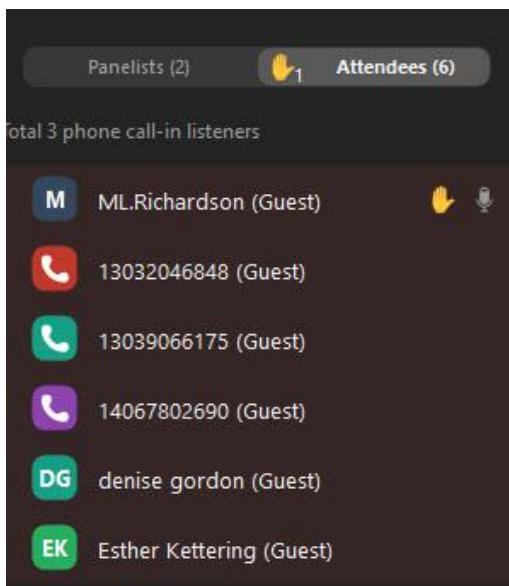


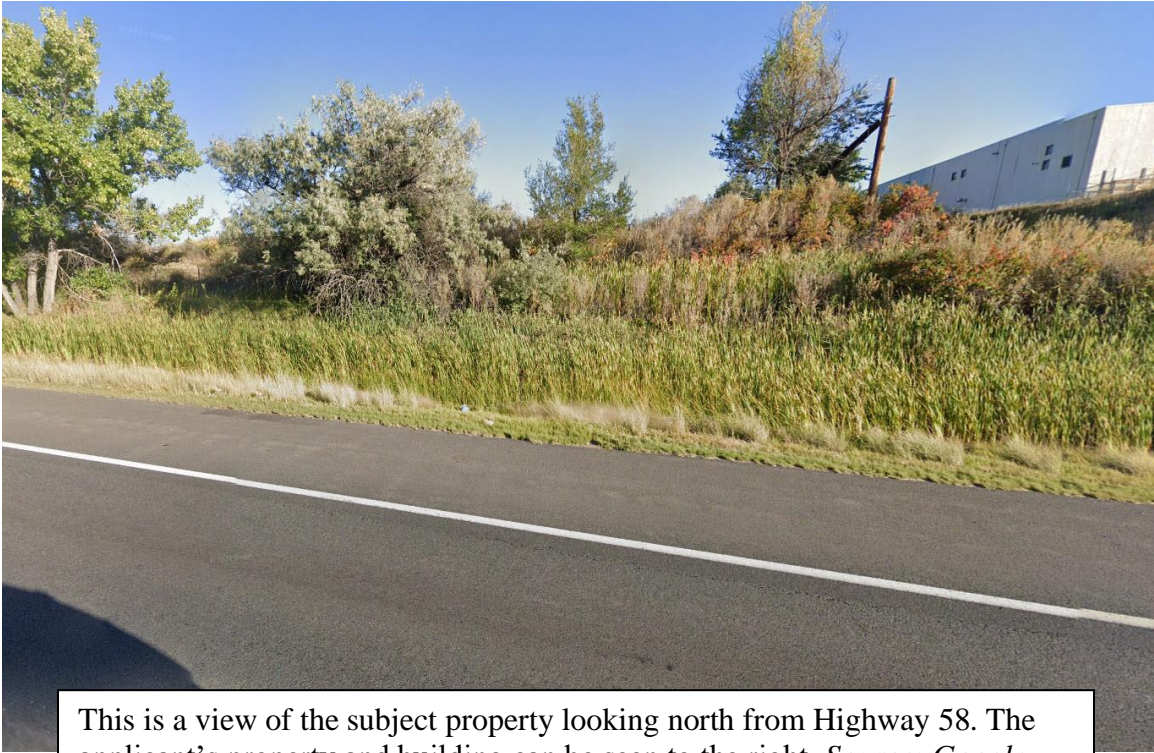
EXHIBIT 7: SITE PHOTOS



This is a view of the subject property looking south from W. 44th Avenue.
Source: Google Street View



This is a view of the subject property looking southeast from W. 44th Avenue. The applicant's property and building can be seen to the left.
Source: Google Street View



This is a view of the subject property looking north from Highway 58. The applicant's property and building can be seen to the right. *Source: Google Street View*