



**PLANNING COMMISSION**

**Minutes of Meeting**

**June 20, 2019**

**1. CALL THE MEETING TO ORDER**

The meeting was called to order by Chair OHM at 7:01 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**2. ROLL CALL OF MEMBERS**

Commission Members Present:      Melissa Antol  
   Will Kerns  
   Daniel Larson  
   Janet Leo  
   Scott Ohm  
   Richard Peterson  
   Vivian Vos

Commission Members Absent:      Jahi Simbai

Staff Members Present:              Lauren Mikulak, Planning Manager  
   Scott Cutler, Planner II  
   Jordan Jefferies, Civil Engineer II  
   Tammy Odean, Recording Secretary

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVE ORDER OF THE AGENDA**

**It was moved by Commissioner PETERSON and seconded by Commissioner LEO to approve the order of the agenda. Motion carried 7-0.**

**5. APPROVAL OF MINUTES – June 6, 2019**

**It was moved by Commissioner VOS and seconded by Commissioner LARSON to approve the minutes of June 6, 2019, as amended. Motion carried 6-0-1 with Commissioner OHM abstaining.**

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

**Terry Railton, Business Owner**  
**4615 Simms St, Wheat Ridge**

Mr. Railton is concerned about the congestion at 44<sup>th</sup> Avenue and would like to see a traffic light installed at 44<sup>th</sup> Avenue and Tabor Street.

**7. PUBLIC HEARING**

- A. Case Nos. WZ-18-19 & WS-18-03:** two applications filed by Creekside Homes for approval of a Specific Development Plan and major subdivision with right-of-way dedication on property zoned Planned Residential Development (PRD) for the construction of 26 townhomes located at 4440 Tabor Street.

Mr. Cutler gave a short presentation regarding the Specific Development Plan, major subdivision with right-of-way (ROW) dedication 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 VOS wanted more information on the 4 foot bike lane that will be on Tabor Street.

Mr. Jeffries and Ms. Mikulak explained the bike lane dedication will be on the east side and will allow for a future widening of Tabor so that this segment of the road could eventually mirror the segment north of the frontage road which has a bike lane on both sides. The bike lane dedication will be there for when there is sufficient Right-of-Way (ROW) on the full segment of Tabor to install a complete bike lane.

Commissioner KERNS asked if the City charges a traffic impact fee for future traffic lights.

Mr. Cutler said no and Mr. Jeffries added that due to developments in the area traffic counts can be done at a future date, but this particular development will have a negligible impact on Tabor Street and 44<sup>th</sup> Avenue.

Ms. Mikulak added that adoption of traffic impact fees is a policy question for City Council members.

Commissioner OHM asked if the City has a minimum separation from trees to waterline. He also wondered who is responsible if the tree roots break a water line.

Ms. Mikulak explained that the water district would set the requirement, but most of the waterlines are not under the Streetscape; they are in the road or under the sidewalk. She added that the developer is responsible for all the maintenance of the landscaping.

Commissioner OHM observed that he does not think the tree caliper meets the streetscape regulations along Tabor Street.

Ms. Mikulak said that if the caliper is incorrect we can make that a condition of approval.

Commissioner OHM also had concerns that the landscape design does not comply with the Streetscape Manual in terms of height and spacing of trees.

Ms. Mikulak and Mr. Cutler explained that spacing and height can depend on the species selection. Forestry staff does not have any concerns with the landscape design.

Commissioner PETERSON asked if there is an easy access to the Clear Creek Trail.

Commissioner OHM said that after crossing 44<sup>th</sup> Avenue the route would be walking through Prospect Park.

Ms. Mikulak added that the question of how to connect the TOD area to the Clear Creek Trail was the number one question from City Council and the community after presenting the TOD vision plan. She said staff is aware of the importance of making this connection. Ms. Mikulak also said there is an informal connection to the Clear Creek Trail at the end of Tabor Street.

Commissioner VOS mentioned she has concerns about the traffic increasing in the neighborhoods due to the developments and wants more consideration for the residents in the neighborhoods.

Mr. Jefferies said the standard practice to calculate traffic is a very prescriptive method and when analyzing this area, it does not warrant a traffic light. He added that staff is waiting to see how the developments at the TOD station will affect the volume. He reiterated that adding 16 trips from this development to the current volume of traffic at the peak hour does not warrant a traffic light.

Ms. Mikulak said staff focuses on the peak hour times during traffic studies and what the volume could be compared to the capacity of the roads.

Commissioner KERNS led a discussion about implementing traffic impact fees to have development pay their way.

Ms. Mikulak reminded the Commission that the land use case in front of them is a property that has the zoning in place which allows a certain density ,and she asked them to focus on this subdivision and SDP for a use that is already permitted. She

mentioned that traffic impact fees are a separate policy discussion that need to be looked at independently from this land use case.

Commissioner OHM asked about the small amount of light spillage on the south side of the property and asked about the applicable regulations.

Mr. Cutler explained that the 0.1 foot-candle reading is permitted; the code does not require a reading of zero but requires that light be substantially cut off at the perimeter. The reading also does not take into account there will be a fence or landscaping around the perimeter.

Commissioner VOS asked how the real estate market data was collected to build and sell 26 units and what the timeline is.

**Stephen Sundberg, Applicant**  
**9640 Chatfield, Littleton**

Mr. Sundberg said thorough evaluations have been done, but he is not on the marketing side of the business and cannot answer the data collection question. He added that once construction begins he foresees the townhomes being done in 6 to 7 months starting with the first 3 buildings and the other buildings are governed by sales.

Commissioner OHM said he thought the dog path is a great idea, but does not see it connecting to the sidewalk.

Mr. Sundberg said there is not a direct connection, but residents can walk through a common place to get to the dog path.

Commissioner OHM also asked about the proposed drainage swale on the south side of the property and is concerned that the trees and shrubs that are proposed for the middle of the site will impede drainage.

Mr. Sundberg believes it has been reviewed and is acceptable.

Commissioner OHM asked what the industry standard is for horizontal separation of trees to waterlines.

Mr. Sundberg said he believes the separation is 5 to 7 feet.

**Terry Railton, Business Owner**  
**4615 Simms Street**

Mr. Railton mentioned that he thinks a traffic study on the whole area needs to be done. He also believes there needs to be traffic impact fees.

**Maxwell Marcum, Business Owner  
6983 Seacrest Ct., Arvada**

Mr. Marcum said that being 24 years of age he is excited about this development because it is a product that he would need and want and is affordable, especially on the west side of town. He cautioned that impact fees would raise the price of the product and would be passed on to buyers or could devalue the land sale price.

Commissioner VOS asked about the 20 foot landscape buffer on the west side of the “L” to buffer the southern units from the 4430 Tabor Street property to the west.

Mr. Cutler explained that the ODP requires a 20 foot landscape buffer between properties.

Commissioner VOS asked what guarantee the City has financially if these townhomes are not sold.

Ms. Mikulak said we have not had that issue yet, but the City does plan for worst-case scenarios using lot sale restriction covenants and subdivision improvement agreements. These tools ensure financial guarantees for the construction of public and on-site improvements and protect the City and homebuyers in case a project is not completed.

**It was moved by Commissioner LARSON and Seconded by Commissioner LEO to APPROVE Case No. WZ-18-19, a request for approval of a Specific Development Plan on property located at 4440 Tabor Street and zoned Planned Residential Development (PRD), for the following reasons:**

- 1. The specific development plan is consistent with the 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.**

**Motion carried 6-0-1 with Commissioner VOS voting no.**

Commissioner OHM wanted it noted for staff to look at the calipers of the trees before building permits are pulled.

Ms. Mikulak said she would make note of that.

**It was moved by Commissioner LEO and seconded by Commissioner PETERSON to recommend APPROVAL of Case No. WS-18-03 as written, a request for approval of a major subdivision with right-of-way dedication for property zoned Planned Residential Development (PRD) located at 4440 Tabor 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 and will facilitate development consistent with the approved outline development plan.**
- 3. All requirements of the subdivision regulations (Article IV) of the zoning and development code have been met.**

**With the following conditions:**

- 1. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.**
- 2. The developer shall enter into a subdivision improvement agreement and lot sale restriction covenant agreement prior to the recordation of the subdivision plat.**
- 3. Prior to issuance of building permits, the developer shall provide homeowner's association covenants for review and approval by staff.**

**Motion carried 6-0-1 with Commissioner VOS voting no.**

**8. OLD BUSINESS**

**9. NEW BUSINESS**

Ms. Mikulak said there will be a follow-up training session for the Planning Commission and she will send out a doodle poll to figure out good dates.

Commissioner OHM said there is some new criteria for landscapers not to create space for homeless camps.

Ms. Mikulak mentioned that staff is aware of this and looking at it as well.

Commissioner ANTOL asked if the commissioners can propose some topics for the follow-up training.

Ms. Mikulak said that is a great idea and to email her with topics to discuss.

Commissioner VOS asked if the Commissioners can have their own study session without staff.

Ms. Mikulak said no, any meeting of the Planning Commission needs to be a public meeting which would be published and recorded and staff needs to be present. She added that if Commissioners would like to meet individually with staff to ask questions that is allowed.

Commissioner LARSON would like to get more procedural training.

Ms. Mikulak said that is a good idea as well.

**10. ADJOURNMENT**

**It was moved by Commissioner VOS and seconded by Commissioner LEO to adjourn the meeting at 8:13 p.m. Motion carried 7-0.**

  
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Scott Ohm, Chair

  
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Tammy Odean, Recording Secretary