



City of
Wheat Ridge
PLANNING COMMISSION
Minutes of Meeting
April 7, 2022

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair ANTOL at 7:00 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology. As duly announced and publicly noticed, the City previously approved this meeting format in order to continue with normal business amid the COVID-19 pandemic and the related public emergency orders promulgated by the State of Colorado and the Wheat Ridge City Council. Before calling the meeting to order, the Chair stated the rules and procedures necessitated by this virtual meeting format.

2. ROLL CALL OF MEMBERS

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

Commission Members Absent: Will Kerns

Staff Members Present: Lauren Mikulak, Planning Manager
 Scott Cutler, Senior Planner
 Rocky Macsalka, Civil Engineer II
 Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

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

5. APPROVAL OF MINUTES – March 17, 2022

It was moved by Commissioner DITULLIO and seconded by Commissioner SCHELKE to approve the minutes of March 17, 2022, as written. Motion carried 6-0-1 with Commissioner 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 No. WZ-22-02:** an application filed by John Graefe for approval of a zone change from Restricted Commercial (R-C) to Mixed Use-Neighborhood (MU-N) on a property located at 4501 Wadsworth Boulevard.

Mr. Cutler gave a short presentation regarding the zone change 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.

In response to questions from Commissioners DISNEY and ANTOL regarding the loss of parking due to the widening of Wadsworth Mr. Cutler confirmed there is additional parking in the rear of the building. Ms. Mikulak added that parking requirements will be a bit more flexible in the MU-N zone district.

Commissioner LARSON asked if the applicant owns the property.

**John Graefe, applicant
4501 Wadsworth Blvd.**

Mr. Graefe mentioned he currently owns the building but is hoping to sell to an upholstery business if the zone change is approved. He also confirmed there is parking in the rear of the building.

Public Comment

No one wished to speak at this time.

It was moved by Commissioner DITULLIO and seconded by Commissioner STERN to recommend APPROVAL of Case No. WZ-22-02, a request for approval of a zone change from Restricted Commercial (RC) to Mixed-Use Neighborhood (MU-N) for property located at 4501 Wadsworth Boulevard, 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 is consistent with the character of Wadsworth Boulevard.**
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.**

Motion carried 7-0.

- B. Case No. WS-21-08:** an application filed by Storybuilt for approval of a major subdivision for a mixed-use development including one commercial lot, 29 townhome units and a tract for parking, access, and open space on a property zoned Mixed Use-Neighborhood (MU-N) and located at 5807 & 5823 West 38th Avenue.

Mr. Cutler gave a short presentation regarding the subdivision 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.

In response to a couple of questions from Commissioner SCHELKE, Mr. Cutler confirmed that the commercial building houses the pizza business and the development to the east across the alley was approved to have 26 townhomes in 2021, but explained it is not contiguous with this development.

Commissioner DITULLIO asked if there will be a Metro District for this development and if there is any TIF on this project.

Mr. Cutler clarified that the city will require an owner's association but not necessarily a Metro District and to his knowledge, there is no TIF being used for this project.

Commissioner LARSON inquired about lot 13 & 14 and the proximity of the drive aisle to the corner of the building.

Mr. Cutler explained this is a typical design for alley loaded townhomes and it is the required radius for a fire truck turnaround.

Commissioner LARSON asked if there is onsite detention for stormwater.

Mr. Macsalka confirmed there are two areas for underground detention central to the property: adjacent to lot 19 and adjacent to the commercial space.

Jay Siegel, applicant
2150 Cherokee St, Denver

Mr. Siegel confirmed there will not be a Metro District for this development, only an owner's association.

Public Comment

Peter Crouse, pizza shop owner
1762 Peregrine, Broomfield

Mr. Crouse has concerns about the commercial building's structural issues and about how the construction will impact his pizza business.

Katherine Crouse, pizza shop owner
13401 Sheridan Blvd, Broomfield

Ms. Crouse echoed the concerns of her father and is curious about the plans for the commercial building especially due to the structural issues.

Susan Hartley, resident
4015 Eaton Street

Ms. Hartley is concerned about the density of this development along with the development across the alley that was approved in 2021. She also has concerns about the traffic that will increase, and the neighbors are not happy with either development.

Todd Hartley, resident
4015 Eaton Street

Mr. Hartley is curious about where cross walks will be placed on 38th Avenue besides the current one at Harlan Street. He also had concerns of construction trash and wondered if a demolition permit was pulled.

Commissioner ANTOL closed the public comment.

In response to the questions asked during public comment, Mr. Siegel explained that the northern part of the commercial building will be demolished leaving the portion where the pizza shop is located. He added the remaining part of the building will be looked at to make sure it is structurally sound.

Ms. Mikulak clarified that pedestrian crosswalks along 38th Avenue are on the City's radar; staff will be studying where additional crosswalks may be appropriate.

Mr. Cutler explained there will be construction phasing plans which will take into consideration both developments. He reiterated that the two developments do not connect so the development being discussed tonight will not have vehicular access to Eaton Street. Ms. Mikulak added that Public Works required a traffic control plan during construction.

In response to a question from Commissioner DITULLIO, Ms. Mikulak confirmed that potentially there will be an additional crosswalk between Benton and Harlan Streets.

Commissioner DITULLIO inquired if any demolition or debris removal has taken place with the proper permits.

Mr. Siegel confirmed that all the proper permits have been pulled and they are taking steps to clean-up the site from the previous tenant, so the site is looking better than before. He commented on the concerns of additional traffic and mentioned that at the neighborhood meeting the applicant team hosted, the parking and traffic concerns were discussed.

In response to a question from Commissioner DITULLIO, Mr. Cutler explained that this is the plat City Council will review and if approved the Site Plan will be administratively reviewed.

Commissioner LARSON inquired why the 2 subdivisions were not reviewed at the same time.

Ms. Mikulak explained that the 2 subdivisions are separate parcels, do not touch and they had different owners/sellers even though it is the same developer/buyer. Also, they started the entitlement process at different times based on the separate real estate transactions.

Commissioner LEO asked to have confirmed the where the commercial building is located.

Mr. Cutler explained it is lot 30 and there will be townhomes on either side of it even though they are different subdivisions.

Commissioner STERN commented that there is a missed opportunity to reach out to the tenant of the commercial building and how they will contribute to the community.

Commissioner DISNEY echoed Commissioner STERN's comments and is also concerned that the developers have not been accommodating to the neighborhood and believes the density will negatively impact the community.

Commissioner LARSON wished the two subdivisions could have been reviewed at the same time.

Commissioner DITULLIO noted the difference between a subdivision and zone change review. He mentioned that the pizza shop will have a more business in the future because of the walkability to the restaurant from the two new townhome projects which is a benefit to the business and also fulfills the City's vision from the 2012 mixed use rezoning of the corridor. He added that he does have some concerns about the density, but acknowledged that is outside the scope of a subdivision review.

Commissioner SCHELKE inquired about the current use of the alley in between the two subdivisions.

Mr. Cutler explained it is an active access easement from 38th Avenue to the InCarnation Subdivision. Ms. Mikulak added the alley is a separate parcel owned by Incarnation and is maintained by their HOA.

Commissioner ANTOL acknowledged the changes in Wheat Ridge and wants to keep the vibrancy of the community and would like to see outreach to the small businesses in the community.

Mr. Siegel clarified that the developers have reached out to the pizza business twice and established a relationship and engaged a retail broker to help renegotiate a lease in the new space and want the business to be preserved.

It was moved by Commissioner LEO and seconded by Commissioner LARSON to recommend APPROVAL of Case No. WS-21-08, a request for approval of a major subdivision on property located at 5807 and 5823 W. 38th Avenue and zoned Mixed Use-Neighborhood (MU-N) for the following reasons:

- 1. All requirements of the subdivision regulations (Article IV) of the zoning and development code have been met.**
- 2. All agencies can provide services to the property with improvements installed at the developer's expense.**

With the following conditions:

- 1. The applicant shall pay the required fees-in-lieu of parkland dedication at time of building permit.**

2. **The developer shall enter into a Subdivision Improvement Agreement and a Lot Sale Restriction Covenant Agreement with the City at the time of recordation of the subdivision plat.**
3. **Minor plat typography and notes corrections per the Engineering Division shall be made prior to recordation of the plat.**

Motion carried 7-0.

- C. **Case No. ZOA-22-01:** an ordinance amending section 26-615 of the Wheat Ridge Code of Laws concerning small cell CMRS facilities.

Ms. Mikulak gave a short presentation regarding the ordinance.

In response to a question from Commissioner DISNEY, Ms. Mikulak clarified the statement on page 2 of the staff report that the larger umbrella term of “small cell” includes 5G.

Commissioner DISNEY also asked why these small cell facilities have to be installed in residential communities.

Ms. Mikulak explained that it is State law makes it a use by right in any zone district and local jurisdictions cannot change that provision. She added the city can dictate what facilities look like, how tall they are, and separations, but not where they are located.

Commissioner LARSON inquired about what exactly is being added to the Code.

Ms. Mikulak noted that changes in the ordinance are denoted by capital letter formatting and clarified that additions include the requirement for the building permit, the request for written justification, and certain provisions related to location, height, placement, and design.

Commissioner DITULLIO asked for confirmation of the Community Development Director as being the final decision maker and not City Council.

Ms. Mikulak confirmed this to be true; state law prescribes this is an administrative approval not something to be reviewed as a discretionary approval by City Council. Best practice in code writing is to identify the individual responsible at the City for approval which in this case is the Community Development Director or their designee. The purpose in clarifying the role of the Director is to clarify that it’s a decision of the City not the applicant.

In response to a question from Commissioner LARSON, Ms. Mikulak and Mr. Cutler explained there has been no push back from cell phone carriers about this amendment and mentioned there have only been 4 poles installed in the city so far.

Ms. Mikulak added that the intent is to have the facilities blend in with other utility poles in the area.

Commissioner SCHELKE wanted confirmation that the city has no control of where a 5G facility can be placed.

Ms. Mikulak confirmed this to be true.

Public Comment

Timothy Burnett, resident
6995 West 33rd Avenue

Mr. Burnett is very appreciative to all the staff he has talked to but is concerned that the ordinance does not go far enough. He expressed concerns about future proliferation of the new technology and would like to see the code establish a hierarchy of streets where these facilities can be placed. He also asked if these facilities can be placed on existing utility poles.

Valerie Cardenas, resident
3775 Jay Street

Ms. Cardenas mentioned she works in the industry. She explained that the facilities are placed where there are gaps in cell service due to capacity issues or complaints.

Commissioner ANTOL closed the public comment.

Commissioner DITULLIO is troubled by the state making this a matter of statewide concern and limiting local control, and he would like to see a balance. He inquired if there could be a hierarchy of placement added to the code requiring small cell providers look at larger streets before local streets. He asked if it could be included as a recommendation.

Ms. Mikulak mentioned it would be a question for the City Attorney which could be explored before the City Council hearing.

Commissioner SCHELKE noted that those on larger streets may not want small cell facilities either.

Commissioner ANTOL asked if it is feasible to have several different companies on the same street with the 1000ft separation.

Ms. Mikulak confirmed that with the separation there is unlikely to be more than one facility per block. Facilities do not advertise which carrier they are for and design standards make them more uniform regardless of carrier.

It was moved by Commissioner DITULLIO and seconded by Commissioner DISNEY to recommend APPROVAL of the proposed ordinance amending Section 26-615 of the Wheat Ridge Code of Laws concerning small cell CMRS facilities and further move that staff have a discussion with the City Attorney about the possibility of a codifying a hierarchy of preferred locations for these types of facilities.

Motion carried 7-0.

8. NEW BUSINESS

A. Upcoming Dates

Ms. Mikulak mentioned there will not be a May 5 Planning Commission meeting but expect to have a meeting on May 19.

B. Project and Development Updates

Ms. Mikulak said there is no update on Lucky's, but mentioned the timing of the Wadsworth construction may impact the timing of fillin the space.

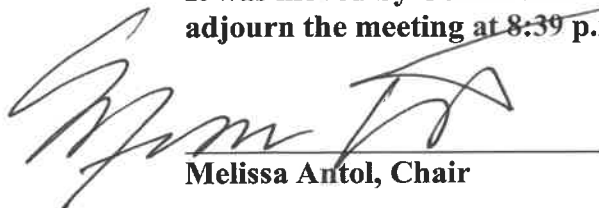
Mr. Cutler said the new building in the Sprouts parking lot will be two tenants, likely retail or service space, not restaurants. He added that there are some active building permits in the Gold's Marketplace and there was excitement for the new tenants.

There was also discussion about the formatting of the voting board.

9. OLD BUSINESS

10. ADJOURNMENT

It was moved by Commissioner LARSON and seconded by Commissioner LEO to adjourn the meeting at 8:39 p.m. Motion carried 6-0.


Melissa Antol, Chair


Tammy Odean, Recording Secretary