



PLANNING COMMISSION

Minutes of Meeting

June 2, 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
Janet Leo
Jonathan Schelke
Julianne Stern

Commission Members Absent: Will Kerns
Dan Larson

Staff Members Present: Lauren Mikulak, Planning Manager
Scott Cutler, Senior Planner
Alayna Olivas-Loera, Planner I
Steve Kirkpatrick, 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 6-0.

5. APPROVAL OF MINUTES – May 19, 2022

It was moved by Commissioner DITULLIO and seconded by Commissioner SCHELKE to approve the minutes of May 19, 2022, as written. Motion carried 5-0-1 with Commissioner ANTOL 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-22-05:** an application filed by Anthony Sherman for approval of a zone change from Commercial-One (C-1) to Mixed Use Commercial Interstate (MU-C Interstate) on a property located at 10101 West I-70 Frontage Road North.

Ms. Olivas-Loera gave a short presentation regarding the Zone Change 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.

The applicant did not make a presentation but was available for questions.

Commissioner ANTOL inquired about the height limit on the proposed zoning and the parking requirements.

Ms. Olivas-Loera confirmed that the height maximum is 118 feet for a mixed-use building and 90 feet for a single use building. Ms. Mikulak explained that all the Mixed-Use districts follow the same off-street parking ratios adding they are slightly reduced compared to Commercial-One (C-1).

Commissioner ANTOL also asked if the City of Arvada is notified to the possible zone changes on Wheat Ridge properties.

Ms. Olivas-Loera mentioned that a referral was sent out to the City of Arvada, but no comments were made. Ms. Mikulak added that there is more collaboration between cities on transportation connectivity and off-site impacts between jurisdictions, but city staff does not usually comment on the specifics of private development and site design in another jurisdiction.

Commissioner STERN asked about the build-to area and what the primary frontage of the building will be.

Ms. Mikulak explained that the code does not specify which side of the building has to be primary frontage for the purpose of build-to, but it will be decided on during the site planning process.

Public Forum

No one wished to speak.

It was moved by Commissioner DISNEY and seconded by Commissioner DITULLIO to recommend APPROVAL of Case No. WZ-22-05, a request for approval of a zone change from Commercial-One (C-1) to Mixed-Use Commercial Interstate (MU-C Interstate) for property located at 10101 W. I-70 Frontage Road North, 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.**
- 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 6-0.

- B. Case No. ZOA-22-03: an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws Concerning the regulation of Accessory Dwelling Units and making conforming amendments therewith.**

Mr. Cutler gave a brief presentation explaining the ordinance for Accessory Dwelling Units and its definition.

Commissioner SCHELKE asked if an ADU has to be a short-term rental or if it can be long-term as well.

Mr. Cutler confirmed ADUs can be both short- and long-term rentals and explained that most likely most ADUs will be long-term rentals.

In response to a question from Commissioner SCHELKE regarding the possibility of an ADU being non-compliant with the building code, Mr. Cutler explained that if an existing ADU has been built without being previously permitted it will need to get a permit to make sure there are no life safety issues.

Commissioners DITULLIO and LEO inquired about current properties which are not owner-occupied and if this will still be allowed.

Mr. Cutler confirmed they will be allowed to continue due to a provision in the ordinance requested by City Council; he added that owners will be required to sign the deed restriction which means the owner-occupancy requirement would apply if

or when the property is transferred to new owners in the future. Ms. Mikulak added that ADUs will not be allowed on properties with duplexes, but only on properties with detached single-unit homes.

In response to a question from Commissioner DISNEY regarding an ADU being built without a permit, Ms. Mikulak explained that the City's response would be the same for any work done without a permit. She explained a stop work order would be assessed with fines and then the permitting process would continue properly.

Mr. Cutler gave a brief explanation about short-term rentals and how many are allowed per district and mentioned there are caps which are being managed through the licensing process.

Commissioner LEO asked if there will be a lot area restriction for ADUs and asked if you have more than one ADU on a property.

Mr. Cutler clarified that only one ADU will be allowed on a single-unit property and added that currently in the code there are lot requirements for single-unit homes and there is maximum lot coverage which would apply to the ADU as well.

Mr. Cutler and Ms. Mikulak also explained the process of identifying a property as conforming or legally non-conforming and how a property will be allowed to have an ADU on site per questions from Commissioner ANTOL.

Commissioner ANTOL asked if there is concern of ADUs weakening the utility infrastructure.

Mr. Cutler explained that the ordinance was sent on referral to the utility companies and there were not comments with that concern. He added developers would have to incur the expense of possible tap fees if any. Ms. Mikulak mentioned this ordinance will not resulting in a huge impact on infrastructure nor will it be an answer to all affordable housing challenges.

Public Forum

No one wished to speak.

It was moved by Commissioner DITULLIO and seconded by Commissioner DISNEY to recommend approval of the proposed ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of Accessory Dwelling Units and making conforming amendments therewith.

Motion carried 5-1 with Commissioner LEO voting against.

8. NEW BUSINESS

- A. Ms. Mikulak mentioned there will not be a June 16 meeting but do expect to hold the July 7 meeting.
- B. Commissioner DITULLIO proposed changing the Planning Commission's meeting time from 7:00pm to 6:30pm. Ms. Mikulak mentioned other board and commissions meet around 6:00pm to 6:30pm. After a brief discussion, there was consensus to add the topic to the next meeting agenda.

9. OLD BUSINESS

10. ADJOURNMENT

It was moved by Commissioner LEO and seconded by Commissioner Schelke to adjourn the meeting at 8:12 p.m. Motion carried 6-0.



Melissa Antol, Chair



Tammy Odean, Recording Secretary