



PLANNING COMMISSION

Minutes of Meeting

September 20, 2018

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair BUCKNAM at 7:00 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

2. ROLL CALL OF MEMBERS

Commission Members Present: Alan Bucknam
Emery Dorsey
Daniel Larson
Janet Leo
Scott Ohm
Richard Peterson
Vivian Vos

Commission Members Absent: Amanda Weaver

Staff Members Present: Meredith Reckert, Senior Planner
Zack Wallace Mendez, 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 DORSEY and seconded by Commissioner LEO to approve the order of the agenda. Motion carried 7-0.

5. APPROVAL OF MINUTES – July 19, 2018

It was moved by Commissioner OHM and seconded by Commissioner LEO to approve the minutes of July 19, 2018, as written. Motion carried 5-0-2 with Commissioners PETERSON and VOS abstaining.

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

No one wished to speak at this time.

7. PUBLIC HEARING

- A. **Case Nos. WZ-18-03 and WZ-18-04:** an application filed by Kipling Village, LLC for approval of an Outline Development Plan and a Specific Development Plan to allow more flexibility for the permitted uses and to increase the maximum units allowed for property located at 4635 & 4665 Kipling Street.

Mr. Wallace Mendez gave a short presentation regarding the Outline Development Plan (ODP) and a Specific Development Plan (SDP), the permitted uses, maximum units allowed 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. Mr. Wallace Mendez also handed out a revised suggested motion page to the Commissioners.

Commissioner PETERSON asked about page 2 of the ODP; he wanted clarification about the current number of units in Blocks 1, 3, 5 & 7.

Mr. Wallace Mendez thought there are currently 30 units, but would like to defer that question to the applicant.

Commissioner PETERSON also asked about the legalizing of 4 illegal apartments and number of units that were talked about at the neighborhood meeting.

Mr. Wallace Mendez explained that there were in fact some units within Blocks 9 and 10, where residential units are not currently permitted. The units have existed for some time, and were not installed by the current owner. The property owner has worked with Staff to find a solution to remedy the situation, which is proposing to modify the ODP. Regarding the neighborhood meeting, he added that the neighborhood meeting occurred some time ago before these updated development plans were drafted. So yes, there is a difference between the estimated number of units during the neighborhood meeting and the actual number that can reasonably fit within those buildings, which is shown on the proposed ODP being considered tonight.

Commissioner OHM asked what the current City Code is for a freestanding signs and if the Kipling Village sign meets the current setback.

Mr. Wallace Mendez said the City's standard Sign Code regulates setbacks based on the height of the sign; a sign under 7 feet has a minimum setback of 5 feet. After an explanation of the 1969 ODP sign requirements, Mr. Wallace Mendez added that while the sign does not meet the requirements of the 1969 development plan, it does meet the current City Code sign setbacks.

Commissioner OHM also asked about the nomenclature of Kipling Village as opposed to Camelot Club Apartments and wondered why the name on the ODP and SDP was not changed to Kipling Village.

Mr. Wallace Mendez said he didn't have an answer, as the name was sufficient for Staff's purposes it was not focused on for any length of time during Staff review. He added that the question should be deferred to the applicant.

Commissioner OHM inquired about the use "household pets."

Mr. Wallace Mendez explained it means that household pets are allowed; in the City Code it is listed as an accessory use to residential uses, so the applicant just took that right from the Code.

Commissioner OHM asked if future accessory structures have to follow the ODP architectural standards or the City's Architectural and Site Design Manual.

Mr. Wallace Mendez said that Kipling Village would have to follow the architectural standards established by the ODP, which are written so that any future structures will match the existing buildings.

Commissioner OHM asked about the parking lot that abuts the west property line and wondered if it will be possible to plant anything in the 5-foot setback if an accessory structure is built there. He asked the question because he thought this was a buffer zone.

Mr. Wallace Mendez said the asphalt will be going up to the property line so there will be no room to plant anything.

Ms. Reckert added that a typical landscape buffer is not required on this property

Commissioner VOS asked about what accessory structures could be built, and what was the current height allowed.

Mr. Wallace Mendez said there currently are no accessory structures, but if one was to be built it could be a carport or shed and the height limit proposed in Staff's recommended conditions of approval is 15 feet; currently the height limit from the 1969 ODP limits the height of buildings to 35 feet, which would apply to accessory structures as well.

Commissioner VOS wanted clarification about condition number 3 on the suggested motion and if apartment uses is being added. She also wanted to know the definition of recreation use.

Mr. Wallace Mendez said condition number 3 was meant to remove a proposed permitted use for Blocks 9 thru 10, which are listed on page 2 of the ODP. The proposed use refers back to the City's commercial zone district use chart, which Staff feels is too broad. He also confirmed residential uses will be added to the list. He also explained that recreation uses could be a gym or a room that can be rented out for parties by the residents.

Commissioner BUCKNAM asked about the page 1 of the SDP and wondered if there will be bicycle parking and if it is flexible on where it is located.

Mr. Wallace Mendez said there will be bicycle parking it just isn't shown on the SDP.

Kristina Sorecy, applicant
4665 Kipling Street

Ms. Sorecy explained her company took over ownership of Kipling Village in June of 2006 and there was heavy crime activity and the housing was substandard. They have completed many updates to the property, such as improvement to the exteriors of the buildings and the Kipling streetscape project. She explained that in October of 2016 there was a fire in Block 10 and it was at that point in time they learned Blocks 9 and 10 were not zoned for residential uses, though they had been used residentially since before they purchased the property. It is important to the management team to get those buildings occupied so transients would not be attracted to them.

Commissioner VOS asked for a description of the buildings currently.

Ms. Sorecy explained that Block 10 has three levels and currently on the top level has two units, as does the garden level. The rest of the building has been vacant for 7 to 8 years. Block 9 is two levels, and is the location of the leasing office with two units above it.

Commissioner LARSON asked if the intent is to make Block 10 entirely residential.

Ms. Sorecy said 1 or two units might be added but potentially some of the areas could be for a commercial business and fitness center.

Commissioner BUCKNAM asked if there is currently bicycle parking on the property and if so will they remain.

Ms. Sorecy said yes behind Block 9 and by the two pools there is bicycle parking and they will remain.

Commissioner LEO asked if there is any Section 8 housing currently at the complex.

Ms. Sorecy said the previous owner allowed a combination of Section 8 and conventional tenants. Currently there are two units that are Section 8 occupied, as those tenants were living on the property before it was purchased by the current owner in 2006, they are essentially a 'grandfathered' status. New Section 8 tenants are not accepted on the property, it is all conventional rentals.

Commissioner PETERSON asked in the suggested motion if condition number 1 could read a maximum of 234.

Commissioner OHM also wanted to thank staff for revising some of the conditions prior to the meeting.

It was moved by Commissioner LEO and seconded by Commissioner OHM to recommend APPROVAL of Case No. WZ-18-03, a request for approval of an Outline Development Plan on property zoned Planned Residential Development located at 4635 Kipling Street, 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. The development is not feasible under any other zone district, and has been zoned as a Planned Residential Development for nearly 50 years.**
- 3. All responding agencies have indicated they can serve the property with improvements installed at the developers' expense.**
- 4. The change of zone is in conformance with *Envision Wheat Ridge*.**
- 5. A change of character along the Kipling Corridor has occurred since the property was entitled in 1969, and it is in the public interest to encourage investment in the property by allowing for flexibility in the uses along Kipling Street.**

And with the following conditions:

- 1. The total number of units on page 2 of the ODP be revised to a maximum of 234, as is reflected in the site plan on the same page.**
- 2. The accessory structure height be modified to 15 feet on both the ODP and the SDP.**
- 3. Remove "Uses that are similar to those listed, per Section 26-204 of the Municipal Code" from the allowed uses for Block 9-10 on the ODP.**

Motion carried 7-0.

It was moved by Commissioner OHM and seconded by Commissioner PETERSON to recommend APPROVAL of Case No. WZ-18-04, a request for approval of a Specific Development Plan on property zoned Planned Residential Development located at 4635 Kipling Street, 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 Code of Laws.**
- 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, and will allow for continued investment in the property.**
- 4. All responding agencies have indicated they can serve the property with improvements installed at the developers' expense.**
- 5. The specific development plan is in substantial compliance with the applicable standards set forth in the outline development plan**

And with the following conditions:

- 4. The total number of units on page 2 of the ODP be revised to a maximum of 234, as is reflected in the site plan on the same page.**
- 5. The accessory structure height be modified to 15 feet on both the ODP and the SDP.**
- 6. Remove "Uses that are similar to those listed, per Section 26-204 of the Municipal Code" from the allowed uses for Block 9-10 on the ODP.**

Motion carried 7-0

- B. Case No. WS-17-03: an application filed by Slawomir Golabek for approval of an 11-lot subdivision for townhomes for property located at 10590 West – 44th Avenue.**

Ms. Reckert gave a short presentation regarding the major subdivision 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 VOS asked if the height limit in the MU-N zone district is 50 feet.

Ms. Reckert confirmed the height in MU-N can be 50 feet, but if the use is residential then the height is limited to 35 feet, which can be 3 stories.

Commissioner VOS inquired about Tract B and if it is going to be an in and out drive.

Ms. Reckert confirmed it will be in and out on Moore Street because there is no access to the east.

Commissioner VOS also asked that substandard sidewalk to be defined.

Ms. Reckert explained that the existing public improvements along W. 44th Avenue are substandard there is curb/gutter with a 5-foot detached sidewalk; current standards are curb/gutter with a 6-foot amenity zone and a 6-foot sidewalk. Ms. Reckert added that because the improvements on either side are non-conforming Public works asking for fees in lieu of construction so they can do a bigger project when more funds are accumulated.

Commissioner DORSEY asked what size the sidewalk will be on Moore Street.

Ms. Reckert said it will be 5 feet because it is a local street..

Commissioner OHM asked what the 3-foot measurement on the plat is for and if it is going to be sidewalk.

Ms. Reckert said that it is a 3-foot right-of-way dedication that was dedicated in 1986. Staff is recommending a condition that adds the reception number for the dedication on the plat graphic.

Commissioner OHM asked if the proposed sidewalk on Moore Street will connect to the existing sidewalk on 44th Avenue.

Mr. Reckert confirmed the sidewalks will connect.

Slawomir Golabek, Applicant
5745 S Andes Street, Aurora

Mr. Golabek mentioned he has owned the said property for 3 years and is looking forward to developing it.

There were no questions for the applicant.

It was moved by Commissioner OHM and seconded by Commissioner DORSEY to recommend APPROVAL of Case No. WS-17-03, a request for approval of an 11-lot subdivision plat for property located at 10590 W. 44th Avenue, for the following reasons:

- 1. All requirements of the Subdivision Regulations have been met.**
- 2. The plat is consistent with zoning on the property.**

3. Utility districts can serve the property with improvements installed at the developer's expense.

With the following conditions:

1. A note should be added to the previous right-of-way dedication for 44th Avenue with the reception number of the dedication.
2. A Subdivision Improvement Agreement shall be executed with required security prior to recordation of the subdivision plat.
3. The developer shall pay parks fees at the time of plat recording in the amount of \$27,470.19.
4. The Homeowners' Association covenants shall be reviewed and approved by Staff prior to issuance of a building permit.

Motion carried 7-0.

8. **OLD BUSINESS**

9. **NEW BUSINESS**

- A. Save the Date: October 16, 2018 Boards and Commissions Appreciation Dinner

Ms. Odean reminded the Commissioners to RSVP to the City Clerk's Office as soon as possible.

- B. Save the Date: November 5, 2018 NRS Update Joint Session with City Council

Mr. Wallace Mendez gave a little background on the NRS and encouraged the Commissioners to attend.

10. **ADJOURNMENT**

It was moved by Commissioner DORSEY and seconded by Commissioner VOS to adjourn the meeting at 8:22 p.m. Motion carried 7-0.


Alan Bucknam, Chair


Tammy Odean, Recording Secretary