



PLANNING COMMISSION

Minutes of Meeting

November 15, 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
Amanda Weaver
Vivian Vos

Commission Members Absent: None

Staff Members Present: Lauren Mikulak, Planning Manager
Meredith Reckert, Senior Planner
Jordan Jeffries, Civil Engineer II
Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner OHM and seconded by Commissioner WEAVER to approve the order of the agenda. Motion carried 8-0.

5. APPROVAL OF MINUTES – October 18, 2018

It was moved by Commissioner OHM and seconded by Commissioner DORSEY to approve the minutes of October 18, 2018, as written. Motion carried 7-0-1 with Commissioner WEAVER 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-18-15:** An application filed by Creekside Homes for approval of a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 4440 Tabor Street.

Ms. Reckert 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.

Commissioner OHM wanted confirmation if the property will be served by an 8 inch or a 6 inch water main line.

Ms. Reckert said she believes it is an 8-inch water line, but will confirm.

Commissioner OHM asked about the City's standard parallel parking length and wondered if more spaces could be added as the parking spaces move east along the south side of the primary drive.

Ms. Reckert confirmed that the standard length for a parallel parking space is 20 feet and mentioned that more parallel spaces could be added.

Commissioner OHM was curious if the private Alley C is a through street currently and if the property to the east was all right with a proposed connection. He also asked if there is enough separation between the intersections

Ms. Reckert said that the property to the east which is addressed as 11681 W. 44th Avenue is currently up for sale and staff requested the alley connecting the two parcels if the property were to both be developed. She also mentioned that the alley would be more of private drive and not a public street so there does not need to the separation between alleys is acceptable.

Commissioner OHM would also like to see a sidewalk connection included with the private drive connection.

Ms. Mikulak noted that many of these site design details would be looked at closer during the Specific Development phase.

Commissioner Larson inquired about the previous code enforcement issues, a nuisance parcel close by and if the applicants own the property.

Ms. Reckert said the issues were primarily related to weed control and will let the applicants answer the other two questions.

Commissioner VOS wanted clarification about the 5-foot right-of-way dedication.

Ms. Reckert explained that Tabor Street is substandard so there would be improvements, such as sidewalk and curb and gutter, done in front of the property on Tabor Street and that 5 feet is necessary to accommodate the improvements.

Commissioner VOS asked for clarification on the open space requirements and fee in lieu of parkland dedication.

Ms. Reckert said there will be 30% open space on this property for the residents to enjoy such as an open garden area. The parkland fees is a City-wide requirement for new residential development.

Ms. Mikulak clarified that the parkland dedication and fee is independent from the open space requirements, and is often a fee for a property of this size.

Commissioner LEO asked how much permeable space must remain on this 2 acre lot.

Ms. Reckert said that is reviewed by Public Works during the final drainage report, and that only a preliminary review occurs at the ODP stage.

Commissioner BUCKNAM asked about the history of the zoning.

Ms. Reckert said the City inherited the zoning from the County when the City incorporated in 1969 and the zoning could have been in place before then.

Commissioner BUCKNAM also asked about the concrete paving standards related to permeability and the other materials that are being used. He also asked what the detention basin will look like for this property.

Ms. Reckert said the City is open to the use of permeable paving. Mr. Jefferies added the City is open to using creative designs and it permeable paving could be a good solution for drainage. He mentioned the detention basin is currently proposed to with an outlet structure with coarse/permeable material on the bottom.

Commissioner PETERSON asked for clarification on the potential connection to the east and the width.

Ms. Mikulak clarified that the 26-foot width is the minimum width that the Fire Department requires and there will be more detail in design documents at a later date. This potential connection will only happen if it makes sense in the future. Staff as requested it be shown on the ODP so it is not precluded from happening in the future.

**William Lyons, Jr., applicant
Creskide Communities**

Mr. Lyons showed a brief slide presentation to show his product which features a modern contemporary look. He is excited about the location in proximity to parks and biking trails. He has a plan for a common area and dog walking area on the property and added there will be 2 ½ parking spaces per unit. He also explained how the PRD will be a good transition between the other residential and commercial zoning in the area. Mr. Lyons added the power lines will all be undergrounded which will be a benefit and this property will be a good addition in meeting the goals of the Neighborhood Revitalization Strategy.

Commissioner VOS asked about the purpose of the applicant's inclusion of some of the slides and photographs. She also wanted confirmation on the Fire Department's turnaround needs.

Mr. Lyons said the goal of the images was to illustrate that the project represents a transition between commercial to residential zoning and between the high to low surrounding densities. Mr. Lyons also confirmed he has received full approval from the Fire Department for the layout of the drives.

Commissioner VOS asked if Mr. Lyons had thought about doing a couple of higher end single family homes instead of townhomes.

Mr. Lyons said it would not be cost effective and the price point will be lower for townhomes than a single family home.

Commissioner VOS also asked if there are requirements for permeable vs. non-permeable space on a property.

Mr. Jefferies said there is no requirement, what matters is that the water runoff for any impervious area is appropriately captured.

Commissioner LARSON asked about the nuisance property which is 15' in width and adjacent to the southeast portion of the site.

Mr. Lyons said that is usually called a spite strip and was a strategy used a long time ago to control access. The strip of land/easement will be acquired at closing and used for drainage.

Commissioner PETERSON asked about the possible land acquisition of the property to the south and Mr. Lyons' intentions for it.

Mr. Lyons said he would develop the same type of townhomes to keep it consistent.

**Kelly Baillee
4825 Wadsworth Blvd.**

Ms. Baillee said she and her husband own the property that is for sale to the southeast where the drive connection would be made. She indicated that they like Mr. Lyons' product, he has been successful in the past with the City of Wheat Ridge and they would like to work with him and have their parcel developed jointly with the subject property.

Commissioner WEAVER thanked staff and the applicant for their comments and presentations and said she is excited for the project to come to the City and positively enhance that corridor. She added the project will be better than the current vacant land and will do a good job with the water drainage.

Commissioner OHM said he would like to see staff work on the buffering of the private drives and maybe add some evergreen trees. His only concern is the direction that some of the townhomes face.

Commissioner BUCKNAM said it will be nice to see a mix of rental and ownership and commercial and residential and would also like to see some bike lanes along Tabor.

Commissioner LARSON commended the applicant for their vision. His only concern is the traffic that will increase on Tabor Street once the Ward Street Station opens.

It was moved by Commissioner WEAVER and seconded by Commissioner OHM to recommend APPROVAL of Case No. WZ-18-15, a request for approval of a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan for property located at 4440 Tabor Street, for the following reasons:

- 1. The proposed zone change will promote the public health, safety, or welfare of the community.**
- 2. The proposed zone change will provide a land use transition from 44th Avenue to the low-density neighborhoods to the north.**
- 3. The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan.**
- 4. The criteria used to evaluate a zone change support the request.**

Motion carried 8-0.

B. Case No. WZ-18-21: An application filed by Joshua Andert for approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 6985 West 38th Avenue.

Ms. Mikulak 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.

Commissioner OHM asked if Quality Auto is moving into the property to the west of the subject site.

Ms. Mikulak said she is not sure of the plans for the future, Quality Auto is currently occupying property on the north and south sides of 38th Avenue.

Commissioner LARSON asked why the previous owner opted out of the MU-N zone change in the past.

Ms. Mikulak said the owners that opted out of the zone change had to submit their opt-out request in writing but they were not required to give an explanation why. There could have been a variety of reasons.

Commissioner VOS asked about the current height of the building.

Ms. Mikulak said it is currently two stories and the building pre-dates the City's incorporation and so there are no blue prints on file to confirm its exact height.

Commissioner VOS inquired about how many residential units can be in the MU-N zone district.

Ms. Mikulak explained the City's density cap in MU-N is 21 units per acre. She explained that what currently exists can remain no matter what the zoning is and currently there are 4 units.

Weston Gallagher, applicant
3465 Newland Street, Wheat Ridge

Commissioner Leo asked Mr. Gallagher what the plans are for the 1st floor of the building.

Mr. Gallagher said they are under negotiations to have it be office space.

Commissioner VOS asked if the back of the property is strictly parking.

Mr. Gallagher said it is parking and it will continue to be parking. He added the height of the building is 22 feet in the front and 19 feet in the back.

Commissioner Larson asked if the 4 residential units will stay the same.

Mr. Gallagher said they will stay and once renovation are complete they will be rented out.

Commissioner Peterson and OHM said they are excited to see the building under renovation.

Commissioner LEO asked what the façade will be.

Mr. Gallagher said there will not be too much change but some touch up and rooftop access.

It was moved by Commissioner OHM and seconded by Commissioner PETERSON to recommend APPROVAL of Case No. WZ-18-21, a request for approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood for property located at 6985 W. 38th Avenue, 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 subarea plan and consistent with the character of 38th Avenue.**
- 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.**
- 6. The mixed-use zoning will bring the existing mixed-use building into compliance with the zone district in which it is located.**

Motion carried 8-0.

8. OLD BUSINESS

Ms. Mikulak thanked the Commissioners for attending the joint study session for the NRS. She also reminded all that there will be a public open house on Wednesday, December 12 at the Wheat Ridge Rec Center between 5:30 and 8:00 p.m. to provide input. The project website will be kept up to date and will include a monthly newsletter. The link is ci.wheatridge.co.us/nrs

Commissioner OHM offered a little history about 38th Avenue from some research he had done and found there use to be a hotel on 38th Avenue called Jenny's. She was the daughter of an Italian family and the hotel then became a restaurant owned by the same family called Valente's. Also, the 1st City Attorney was named Maurice Fox.

Commissioner OHM also had a question about permitted uses in the MU-N zone district. If there is an auto shop that closes, does the use go away if it is closed for 6 months?

Ms. Mikulak explained that is a non-conforming use provision that applies across the board and the closures of the business license is looked at to start the clock on the 6 months.

9. NEW BUSINESS

No meeting is scheduled on December 6, 2018.

Commissioner LARSON asked about the role of Commissioners and the NRS. He wondered when some of the issues that were raised, will be addressed.

Ms. Mikulak said that the consultants explained we are in a listening period not a problem solving period. The issues should be addressed in the 2nd and 3rd phases and Planning Commission will have opportunity to weigh in on the process.

Commissioner BUCKNAM would like to have the consultants speak with Planning Commission as a separate body during the listening mode.

Ms. Mikulak agreed. She said it would be nice to have smaller group discussions.

10. ADJOURNMENT

It was moved by Commissioner DORSEY and seconded by Commissioner LEO to adjourn the meeting at 8:59 p.m. Motion carried 8-0.



Alan Bucknam, Chair



Tammy Odean, Recording Secretary