PLANNING COMMISSION
Minutes of Meeting
January 21, 2021

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair OHM at 7:00 p.m. This meeting was held 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 Will Kerns Ari Krichiver Daniel Larson Janet Leo Scott Ohm Jahi Simbai
Commission Members Absent:	None
Staff Members Present:	Lauren Mikulak, Planning Manager Zareen Tasneem, Planner I Dave Brossman, Development Review Engineer Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

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

5. **APPROVAL OF MINUTES – December 17, 2020**

It was moved by Commissioner DISNEY and seconded by Commissioner SIMBAI to approve the minutes of December 17, 2020, as written. Motion carried 7-0-1 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. MS-20-06:** an application filed by Habitat for Humanity of Metro Denver, Inc. for approval of a minor subdivision to replat 3 lots into 4 lots on property zoned Residential-Two A (R-2A) located at on vacant land south of 4550 Miller Street.

Ms. Tasneem gave a short presentation regarding the minor 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. Ms. Tasneem added that no formal comments were received on Wheat Ridge Speaks, however, there was one inquiry received about the ownership of the property and timing of construction. Staff commented that Habitat for Humanity owns the land, and the applicant will be available to answer the question about construction.

Kory Whitaker, Real Estate Manager, Habitat for Humanity
Applicant

Mr. Whitaker gave a brief video presentation regarding the Miller Gardens Subdivision.

Commissioner KERNS inquired about the street improvements.

Mr. Whitaker explained there will be a 6-foot detached sidewalk and a 6-foot tree lawn. The curb and gutter will be attached to the Montessori School's curb and gutter to the south.

Commissioner DISNEY asked where the residents will park.

Ms. Mikulak mentioned the applicant will have to comply with the zoning code parking requirements which is 4 parking spaces per unit. On-street, driveway, and garage parking spaces are provided and can all count towards meeting the parking requirement.

Commissioner SIMBAI asked why the parkland dedication fee could be different and inquired if another structure type could be built besides duplexes.

Ms. Tasneem confirmed that single family homes or duplexes can be built on this property, based on the property's zoning, and Ms. Mikulak added that the parkland dedication is based on how many units are actually built and will be assessed at time of building permit.

Commissioner SIMBAI asked if there is an update on the drainage report that is pending approval and if it is possible to move forward on this project without that report being finalized.

Mr. Brossman said the drainage report is under review and is close to having all the civil plans completed. He added that the plan is close enough to finalization and approval to review the plat.

Commissioner LARSON asked if the front doors of the duplexes will face Miller Street.

Mr. Whitaker confirmed that the front doors will face Miller Street.

Commissioner Larson also asked if the residents will be able to park on the pervious drainage areas.

Mr. Whitaker explained that the residents should be able to park on the pervious parking pads without an issue.

Commissioner ANTOL wanted to be reminded how the rules of fees in lieu of parkland dedication works.

Ms. Mikulak explained the fees are used to improve existing parks and trail systems owned and maintained by the City of Wheat Ridge and not to always build more parkland.

Commissioner KRICHIVER asked if there is any plan to regulate the intersection at Miller Street and W. 44th Avenue due to the increased traffic in this area or this project.

Ms. Mikulak explained that Miller Street is a collector street and these duplexes will not make a significant impact on traffic in this area based on the existing volumes; no improvements to Miller or the intersections are triggered by this proposal.

PUBLIC COMMENT

Nobody wished to speak.

Chair OHM closed the public forum.

Commissioner KRICHIVER said he is excited to see Habitat for Humanity in the Community and thinks this is a great project.

Commissioners OHM and LARSON agreed and added the project will be beneficial to the area.

It was moved by Commissioner DISNEY and seconded by Commissioner KRICHIVER to APPROVE Case No. MS-20-06, a request for approval of a 4-lot subdivision on property zoned Residential-Two A (R-2A) and located south of 4550 Miller Street, for the following reasons:

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

With the following conditions:

1. **Fees in lieu of parkland dedication shall be provided at time of building permit.**
2. **The developer shall enter into a subdivision improvement agreement with required security prior to recordation of the subdivision plat.**

Motion approved 8-0.

B. **Case No. WS-19-06:** an application filed by Frank Zwolinski, Power Surveying Company, for approval of a 6-lot subdivision for townhomes on property zoned Mixed Use-Commercial (MU-C) and located at 7661 West 41st Avenue.
Ms. Tasneem gave a short presentation regarding the 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. Ms. Tasneem also summarized and entered into the record the one comment received through Wheat Ridge Speaks. She described follow-up between the staff and the commenter and added that parking was reviewed during the site plan process and is not under review tonight.

Frank Cefaratti, Owner
3605 Dudley Street

Mr. Cefaratti gave a brief presentation regarding the Sweetridge subdivision.

Commissioner KERNS asked about on-street parking.

Mr. Cefaratti mentioned that he has an after-hours parking agreement with the neighbor to the east who owns the medical office building.

Commissioner SIMBAI asked to understand the roles of Mr. Cefaratti versus Frank Zwolinski who was listed as the applicant.

Mr. Cefaratti said he is part of the ownership group, and Mr. Zwolinski is the surveyor for the subdivision who handled putting together the plat document.

In response to a question from Commissioner SIMBAI about the townhomes being built before the subdivision case was submitted, Ms. Tasneem stated that townhomes are a use-by-right in the MU-C zone district. If a request for a subdivision had not been submitted, then the building would have stayed as rental apartments, maintained under one ownership, and the units could not be sold individually.

Commissioner LARSON asked if the Certificate of Occupancy (CO) has been issued.

Ms. Tasneem confirmed the CO has been issued, but the units cannot be sold individually until City Council has approved the subdivision and the plat has been recorded at the County. Ms. Mikulak added the units can be advertised for sale and go under contract, but no closing can occur until the plat is recorded.

Commissioner Larson also inquired if there will be a limit to the number of these 6 townhomes that can be rented by the owners in the HOA regulations.

Mr. Cefaratti said there will be no limitations in the HOA documents. He does not think this site will be one for attracting investors.

Commissioner KRICHIVER asked if the Short-Term Rental ordinance is approved will this subdivision have to follow those limitations.

Ms. Mikulak explained that, in a townhome situation, each owner can have a short-term rental unless otherwise precluded by the covenants of that property.

Commissioner KRICHIVER asked what the price-point of the townhomes will be.

Mr. Cefaratti said the units are 3 bedroom 3 ½ bath and will run from $490,000 to $510,000.

Commissioner OHM asked why in Tract D the easement does not go all the way to the property line.

Ms. Tasneem explained it is related to the water lines getting to the individual units. Mr. Cefaratti added that the easement ends at the curb, and the area between the western boundary of that easement line and the western property line will all be landscaped.

Commissioner OHM asked if there was a traffic count done.

Ms. Mikulak said no traffic study was required and we expect there will be about 60 trips per day, based on standards from the ITE Manual for trip generation. Ms. Tasneem said the concerned citizen who submitted a comment on Wheat Ridge Speaks was referred to the City's Neighborhood Traffic Management Program. She added the concerns were more for the Yarrow Street neighborhood at large, versus for this particular development specifically.

Commissioner OHM asked if this is considered a slot home development.

Ms. Mikulak clarified that this is not a slot home development because the southernmost unit is oriented to W. 41st Avenue and doesn't meet the definition of a slot home simply by virtue of being sideways-oriented townhomes.

Commissioner OHM also inquired if the deck of that front unit protrudes into the front yard setback.

Ms. Tasneem mentioned that in the Mixed-Use districts there are build-to requirements and for this site, because it is zoned MU-C, it is 0-20 feet. A portion of the building structure has to be within the build-to area; there is no front setback.

Public Comment

Nobody wished to speak. Chair OHM closed the public forum.

Commissioner DISNEY complimented Mr. Cefaratti on the construction of these units which has a very peaceful setting to it and hopes City Council entertains some traffic management in the area.

It moved by Commissioner SIMBAI and seconded by Commissioner LEO to recommend APPROVAL of Case No. WS-19-06, a request for approval of a 6-lot subdivision on property zoned Mixed Use-Commercial (MU-C) and locate at 7661 West 41st Avenue, for the following reasons:

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

With the following conditions:

1. **The developer shall record documentation establishing a homeowner's association for the site concurrently with the recordation of the subdivision plat.**

Motion carried 8-0.

8. OLD BUSINESS

1. Commissioner OHM complimented staff on the word crafting of a condition for a previous case heard in December.

9. NEW BUSINESS

1. Ms. Mikulak confirmed there will not be a Planning Commission meeting on February 4.
2. Ms. Mikulak mentioned staff is about to launch the 2nd and final round of the Let's Talk conversations for the Bel Aire and East Wheat Ridge neighborhoods and encouraged residents to participate.
3. Commissioner ANTOL asked about the status of the 44th Avenue Corridor Plan. Ms. Mikulak mention a contract was awarded a year ago but has been put on hold due to COVID budget cuts and is still on the list for the future. She also mentioned there is a Lutheran Hospital Master Plan in the works to consider the future of the 100-acre site due to SCL purchasing property at the Clear Creek Crossing site.

10. ADJOURNMENT

It was moved by Commissioner DISNEY and seconded by Commissioner LARSON to adjourn the meeting at 8:30 p.m. Motion carried 8-0.

Scott Ohm, Chair

Tammy Odean, Recording Secretary