



PLANNING COMMISSION

Minutes of Meeting

June 17, 2021

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair LARSON at 7:02 p.m. This meeting was held in person and virtually, using Zoom video-conferencing 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: Kristine Disney
Will Kerns
Ari Krichiver
Daniel Larson
Janet Leo
Scott Ohm
Jahi Simbai

Commission Members Absent: Melissa Antol

Staff Members Present: Lauren Mikulak, Planning Manager
Scott Cutler, Senior Planner
Mark Westberg, Engineering Projects Supervisor
Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

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

5. APPROVAL OF MINUTES – May 20, 2021

It was moved by Commissioner OHM and seconded by Commissioner DISNEY to approve the minutes of May 20, 2021, as written. Motion carried 5-0-2 with Commissioners KERNS and SIMBAI abstaining.

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

**Frank Cefaratti, resident
3605 Dudley Street**

Mr. Cefaratti commented on the fenced off Town Center Park near 4100 Wadsworth and mentioned he would like help with the blighted area.

Commissioner LARSON closed the public forum.

7. **PUBLIC HEARING**

- A. **Case No. WS-21-01**: an application filed by Frank Cefaratti for approval of a 2-lot major subdivision with right-of-way dedication in the Mixed Use-Commercial (MU-C) zone district and located at 4100 Wadsworth Boulevard.

Mr. Cutler gave a short presentation regarding the major 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.

Commissioner SIMBAI was curious as to what development will occur on the new lot of this subdivision.

Mr. Cutler mention there is a site plan under staff review for Lot 2 currently and will be a multi-family site.

Commissioner SIMBAI also asked about the new street and if there is room for expansion.

Mr. Cutler explained that the street will be upgraded to a full width City street and this is due to the 52 feet of dedication which will allow for additional amenities.

Commissioner OHM asked if driving north to the existing 44th and Vance from said property is possible.

Mr. Cutler mentioned it is not allowed currently due to a barricade. Mr. Westberg added that the temporary barrier was due to a grade difference making it impassable, but the City hopes to make the connection in the future.

Commissioner OHM inquired about fire access to the multi-family units.

Ms. Mikulak explained there are other routes that can be taken by the fire trucks and there were no objections to this subdivision plat by the Fire Department.

Commissioner OHM also asked about the comment on Wheat Ridge Speaks and the alley and loading areas to the existing commercial building to the south.

Mr. Cutler clarified that the only improvements for this project are along the subject site boundaries and will not affect the parking or loading areas on other adjacent properties and will actually make for better connectivity.

Commissioner KERNS asked how the City is going to pursue completing this street.

Ms. Mikulak explained this dedication of right-of-way appears to be an island within a mega block of 38th to 44th and Upham to Wadsworth. The ultimate goal is to achieve a better street grid incrementally over time, because there currently is not one in this area. She acknowledged that it will take many years to achieve that goal.

Commissioner LARSON wondered if there will be an adequate number of parking spaces on the site and if the east/west easement will be widened.

Mr. Cutler said the east/west easement will be upgraded as part of future development along the site. Ms. Mikulak added that any development will meet development standards for the zone district and there will be both on street and off-street parking.

Commissioner SIMBAI commented on a gap in the fence east of Vance Street and wondered if the access will continue.

Frank Cefaratti, applicant
3605 Dudley Street

Mr. Cefaratti explained there are neighbors who cut through the fence and he mentioned he plans to beautify it to make it look better and it will remain and connect to all other sidewalks. He also clarified that the easements will be widened for better access for fire trucks.

There was no Public Comment.

It was moved by Commissioner OHM and seconded by Commissioner LEO to recommend approval of a major subdivision with right-of-way dedication on property located at 4100 Wadsworth Boulevard and zoned Mixed Use-Commercial (MU-C) 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 if residential development occurs.
2. The developer shall enter into a Subdivision Improvement Agreement with the City at the time of recordation of the subdivision plat.
3. Minor corrections to the plat labelling and symbology as requested by the Engineering Division shall be made prior to recordation of the plat mylar.

Commissioner KERNS commented that he feels there is a need for more pedestrian access on the east side of the property.

Commissioner OHM is happy the applicant is working with the City to have more pedestrian access and would like to see conversations for long-term connectivity.

Commissioner SIMBAI appreciates the current and future planning happening on this site.

Commissioner LARSON said he initially had concerns about this project, but sees it is an important piece of the plan for the City.

Motion carries 7-0.

- B. Case No. ZOA-21-01:** a code amendment modifying Chapter 26 of the Wheat Ridge Code of Laws concerning the floodplain regulations.

Mr. Westberg gave a short presentation regarding the revision to the Floodplain Regulations.

Commissioner KRICHIVER asked what the enforcement mechanism is with the current regulation and what the penalty will be.

Mr. Westberg explained that if the changes are not made, then the City is still obligated to enforce the regulation and there would be a citation given, it would be the Flood Districts regulation being cited, instead of the City's regulation. Ms. Mikulak mentioned the enforcement process itself would not change, just the

citation. Mr. Westberg said he did not know what the penalty will be, but similar to other things that are illegal and unlawful.

Commissioner KRICHIVER feels this amendment will affect the unhoused people of Wheat Ridge and asked if there is a plan to get them to a safe place.

Ms. Mikulak explained that the City has recently hired a Homeless Navigator and there are more resources currently in the City and County than ever before and there will be more discussions about homelessness in the future at City Council.

Commissioner KRICHIVER asked about the phrase that “structures were prohibited except in locations expressly permitted by Floodplain Administrator and having adequate sanitation and facilities and flood evacuation plans” and wondered if there are currently any plans to build said facilities and is the a evacuation plan.

Mr. Westberg said the phrase was intended to address and allow one specific place in Denver where camping is already allowed. He would not be inclined to allow camping to happen in a floodplain.

Commissioner SIMBAI asked about the difference of ministerial vs. discretionary approvals and if the public will have any options.

Ms. Mikulak explained the difference in approval types. She noted that when the code outlines a ministerial approval process, a public hearing invites discretion and it not only exposes the City to liability but also creates false expectations for the public.

Commissioner OHM asked why the ordinance included the tragic story of a drowning.

Ms. Mikulak explained it is just part of the preamble explaining why the code amendment is needed but it will not be codified into the Municipal Code.

Commissioner OHM also inquired if there is a statement in the Code saying if trees can be cut down if in the floodplain.

Mr. Westberg answered no, trees are not addressed in this floodplain part of the Code.

In response to a question from Commissioner DISNEY about a damaged house in the floodplain being rebuilt, Mr. Westberg explained the language should be *floodway* (as opposed to floodplain) and if the damage of a home reaches 51% of its value the code does not allow the house to be rebuilt.

Commissioner DISNEY expressed her opinion that there is a need for this ordinance in the City of Wheat Ridge.

Commissioner LEO asked if the Floodplain is also called the 100-year Floodplain.

Mr. Westberg explained that Floodplain, 100-year Floodplain and Special Flood Hazard Area all refer to the same thing and mean there is 1% chance of that area being flooded. He explained the difference between this and the floodway.

Commissioner LEO asked if Code Enforcement are the enforcers of the Floodplain Code.

Ms. Mikulak said it is primarily Code Enforcement and maybe the Police who will enforce this code. She noted that the Police Department's approach is to try to educate and find solutions for individuals instead of penalizing them.

Commissioner LEO asked if there is a difference between somebody sleeping in a Floodplain without a tent as opposed to with a tent.

Mr. Westberg said he would look into it to clarify.

Commissioner KERNS asked what this amendment changes.

Mr. Westberg said it mimics the regulation from the Mild High Flood District in the City's regulations. This will ease the process to enforce should it become necessary.

Commissioner LARSON asked why this variance process will move from the Board of Adjustment (BOA) to the Building Code Advisory Board.

Ms. Mikulak explained that the BOA does not have the technical expertise when processing a floodplain permit and it will clean up the process. He also explained that a floodplain variance is a different process than the kind of variance described in the zoning code which the BOA is more accustomed to reviewing.

Commissioner LARSON then asked about the Clear Creek Index and wondered where it ends.

Mr. Westberg said the Clear Creek index goes all the way to the Platte River, but for the City ends just east of Marshall Street.

Commissioner KRICHIVER asked for clarification that the women who drowned in a floodplain was not in Wheat Ridge.

Mr. Westberg concurred and mentioned the District is trying to get all Jurisdictions to amend their Codes to incorporate floodplain regulations in them for consistency.

Citizen's Forum

No one wished to speak.

It was moved by Commissioner Disney and seconded by Commissioner LEO to recommend approval of a Code amendment modifying Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of Floodplains.

Commissioner KRICHIVER pointed out there is a regulation that exists in MHFD regulations, and the local amendment won't change the enforcement of a camping ban. He added the amendment does not address the underlying issue of why people are setting up tents and make-shift structures in floodplains. He was happy to hear that City Council is setting up resources and paying attention to the unhoused people in the City. He would like to see services in place for these unhoused people.

Motion carries 5-2 with Commissioners KERNS and KRICHIVER voting against.

8. OLD BUSINESS

9. NEW BUSINESS

A. Upcoming Dates

Ms. Mikulak mentioned there will be no Planning Commission meetings in July.

B. Project and Development Updates

Ms. Mikulak said that the City is currently halfway through the Lutheran Master Plan process and she mentioned the 2nd meeting on June 10 included 50 people participating. She added that August 2 will be Public Meeting # 3 and September 22 will be Public Meeting # 4 and there will also be Study Sessions with City Council and Planning Commission with adoption in October.

Ms. Mikulak also let the Commission know that staff continues to be busy with the review process for building permits and is in the process of hiring a Plan Reviewer to help. In response to a question, she noted that in 2012 there was 146 building permits reviewed compared to 372 permits in 2020.

There was then discussion about the hybrid meeting format and how well they seem to work for the public and staff to participate.

In answer to a question about Town Center Park, Ms. Mikulak gave some background on public parks and how the use of federal funds protects parks. Once the Wadsworth widening project is complete, then the Parks and Recreation

Department will be able to make decisions about the future of Town Center Park near 41st & Wadsworth.

10. ADJOURNMENT

It was moved by Commissioner SIMBAI and seconded by Commissioner DISNEY to adjourn the meeting at 9:02 p.m. Motion carried 7-0.



Dan Larson, Chair



Tammy Odean, Recording Secretary