



PLANNING COMMISSION

Minutes of Meeting September 16, 2021

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair LARSON at 7:01 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: Melissa Antol
 Kristine Disney
 Will Kerns
 Ari Krichiver
 Daniel Larson
 Janet Leo
 Scott Ohm

Commission Members Absent: Jahi Simbai

Staff Members Present: Lauren Mikulak, Planning Manager
 Zareen Tasneem, Planner I
 Robin Eaton, Deputy City Clerk

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner ANTOL and seconded by Commissioner LEO to approve the order of the agenda as amended. Motion carried 7-0.

5. APPROVAL OF MINUTES – September 2, 2021

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

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

**Vivian Vos, resident
6920 W. 47th Place**

Ms. Vos spoke of the most previous City Council meeting and the subdivision that was approved in a MU-N zone district. She mentioned there was a lot of discussion amongst the City Council members and explained the subdivision is not welcomed by the neighbors. She would like to see design plans given to the Planning Commission and City Council members.

Chair LARSON closed the Public Forum.

7. **PUBLIC HEARING**

- A. **Case No. WZ-21-05:** an application filed by David Heller for approval of a zone change from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) for the property located at 4535 Wadsworth Boulevard.

Ms. Tasneem 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 KRICHIVER asked if the setbacks are a product of the proposed zoning.

Ms. Tasneem confirmed the setbacks are compliance with the requirements of the MU-N zone district.

Commissioner ANTOL wanted clarification on the difference between Mixed Use-Commercial (MU-C) and MU-N.

Ms. Tasneem mentioned there is some MU-N to the north of said property. She added MU-N is for small neighborhood corridor types of uses and Mixed Use-Commercial (MU-C) is more intense with its uses. Ms. Mikulak added that the other zone districts: Neighborhood Commercial (NC) and Restricted Commercial (RC), in the area, are legacy districts which have been around since before the City existed and the code does not allow zone changes to those districts anymore. These

zone districts are limited in their land uses which is closest to the MU-N zone district.

Commissioner DISNEY is curious why the applicant does not know how they will use the property if the zone change is approved.

David Heller, applicant
730 W. Alameda, Lakewood

Mr. Heller explained that he purchased the property for future opportunity for development which could happen 7-10 years down the road.

Commissioner KERNS asked if the church is still active.

Mr. Heller explained it is currently vacant but is a permitted use in the MU-N zone district, adding that MU-N will allow for a wider range of uses.

Commissioner LARSON inquired about leasing the building as a residence.

Mr. Heller said that is not his focus based on the configuration of the interior space.

Commissioner LARSON asked for clarification on the definition of unplatted in the context of the staff report.

Ms. Tasneem explained that this property never went through a subdivision process.

Commissioner KRICHIVER is curious about why the applicant was asking for this change now if not developing for 7-10 years.

Mr. Heller explained he is interested in participating in the redevelopment of the Wadsworth Road Improvement Project and is aware that will take a couple of years until completion. Ms. Mikulak explained the premise of a speculative zone change and explained the other zone change options. Mr. Heller's only other option was to go to a Planned Development zone district, and he would have had to know what his plan would be moving forward. She explained the purpose of planned developments and that they can be high risk and very expensive. There are no unique circumstances warranting a planned development for this parcel, and it cannot be rezoned to RC or NC. Ms. Mikulak reiterated that staff did not recommend MU-C because it is too intensive for this segment of the corridor.

In response to a question from Commissioner ANTOL about how much right-of-way will be taken for the Wadsworth Road Improvement Project, Ms. Mikulak said all property acquisitions have been completed along the entire Wadsworth Corridor and the width varies from property to property and about 20 feet of width along the eastern property line will be taken from this property which is more than average

because the road shifts in this area to accommodate the potentially historic property across the street.

Commissioner KERNS asked if this church carries any historic designation. He also inquired about how many stories would be in a 35-foot and 50-foot-high building.

Ms. Mikulak said it is not on any historic register and was not flagged through the federal process for Wadsworth as being historic. Staff confirmed a 35-foot residential building could be 3 stories and a 50-foot commercial building is usually 3 stories as well because commercial floorplates are usually closer to 12 feet in height.

Public Comment

**Vivian Vos, resident
6920 W. 47th Place**

Ms. Vos is concerned about the speculative nature of the zone change and that an unknown development could result in multiple townhomes in a subdivision. She also thinks the church is historic and likes the size of the gym.

Commissioner LARSON closed the public comment.

Commissioner DISNEY is a little nervous about the unknown development that can go on this property but is not worried if it will be housing because it is on the Wadsworth corridor and she does believe it needs to be rezoned from a residential district.

Commissioner OHM asked if there will be a center median on Wadsworth. He also inquired about the rezoning process in general.

Ms. Mikulak confirmed there will be a center median. She also explained that staff receives frequent inquiries about zone changes and more often than not staff discourages rezoning. If staff believe they can support a zone change, then the first step in the process would be a pre-application meeting with staff, followed by a neighborhood meeting. If the applicant wants to move forward, they will eventually need to go through two public hearings with Planning Commission and City Council.

Commissioner ANTOL thinks it is very important to allow reinvestment, especially on the Wadsworth Corridor.

Commissioner KRICHIVER believes there is no logical use for this property under the current zoning and believes a zone change is warranted and it makes sense.

Commissioner LARSON asked what uses are not allowed under the MU-N zoning. He also asked the applicant to keep the property well maintained.

Ms. Tasneem and Ms. Mikulak shared that higher level, intense commercial uses are not allowed including but not limited to very large retail spaces, many auto-oriented uses and industrial uses.

It was moved by Commissioner OHM and seconded by Commissioner DISNEY to recommend APPROVAL of Case No. WZ-21-05, a request for approval of a zoned change from Residential-Two (R-2) to Mixed-Use Neighborhood (MU-N) for property located at 4535 Wadsworth Boulevard, 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 consistent with the character of Wadsworth Boulevard.**
- 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 7-0.

- B. **ZOA-21-03**: an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning letter notice to property owners and occupants for land use applications.

Ms. Mikulak gave a short presentation regarding letter notice to property owners and occupants for land use applications.

Public Comment

No one wished to speak at this time.

Commissioner LARSON closed the public comment.

In response to a question from Commissioner KERN, Ms. Mikulak explained that the only change to the letter notice within the existing 600-foot radius is who will receive the letter, which will be property owners *and* occupants. She added that PO Boxes are not included; the letter will go to all physical addresses and owner mailing addresses.

Commissioner OHM inquired about the language of the proposed motion.

Ms. Mikulak said the recommended motion mimics the ordinance title.

Commissioner KRICHIVER asked who the 3rd party is that the occupant addresses will come from.

Ms. Mikulak said she can't remember the name. She mentioned this option was explored a year ago with our Let's Talk program.

Commissioner KRICHIVER also wondered if changes to the fee or frequency of data purchase will require another code amendment.

Ms. Mikulak clarified that it will not require another code change. She added that City Council can approve fee changes as part of the annual budget process.

Commissioner LARSON wondered why the Post Office cannot give staff a list of mailboxes in the area.

Ms. Mikulak explained the challenges and reasons to have staff manage the address pull process to ensure it meets legal requirements.

It was moved by Commissioner KRICHIVER and seconded by Commissioner ANTOL to recommend approval of the proposed ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning letter notice to property owners and occupants for land use applications as outlined in case number ZOA-21-03.

Motion carried 7-0.

8. OLD BUSINESS

9. NEW BUSINESS

A. Upcoming Dates

Ms. Mikulak mentioned that both October Planning Commission dates will have cases to hear. She also status updates regarding births and maternity/paternity leave within the department.

B. Ms. Mikulak said that Council had recently awarded the construction contract for the Wadsworth Improvement Project and there would be a groundbreaking date in October.

10. ADJOURNMENT

It was moved by Commissioner DISNEY and seconded by Commissioner KERNS to adjourn the meeting at 8:23 p.m. Motion carried 7-0.


Dan Larson, Chair


Tammy Odean, Recording Secretary