



PLANNING COMMISSION

Minutes of Meeting

October 7, 2021

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair LARSON at 7:03 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
 Daniel Larson
 Janet Leo
 Scott Ohm
 Jahi Simbai

Commission Members Absent: Ari Krichiver

Staff Members Present: Kenneth Johnstone, Community Development
 Director
 Scott Cutler, Senior Planner
 Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

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

5. APPROVAL OF MINUTES – September 16, 2021

It was moved by Commissioner OHM and seconded by Commissioner ANTOL to approve the minutes of September 16, 2021, as written. Motion carried 6-0-1 with Commissioner SIMBAI abstaining.

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

**Edward Fleegler, resident
3812 Taft Court**

Mr. Feegler described the proposed merger between Inter-Mountain Medical and SCL Health. He believes this is an important consideration and should be addressed before moving ahead with the master plan.

Commissioner LARSON closed the public comment

7. **PUBLIC HEARING**

- A. **Case No. WZ-21-07**: an application filed by Chris Student, representing P Street I, LLC for approval of a zone change from Restricted Commercial (RC) to Mixed Use-Commercial (MU-C) for property located at 6011 W. 44th Avenue

Mr. Cutler gave a short presentation regarding the zone change 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.

**Alex Berman, applicant representative
6011 West 44th Avenue**

Ms. Berman said that this rezone would allow for a more diverse tenant as RC is quite restrictive.

Commissioner DISNEY is aware that MU-C allows residential and asked if there is any anticipation of apartment being a use on this site.

Mr. Cutler clarified that any redevelopment would be up to the property owner and residential is a permitted use. He reminded the commissioners that there are height and density restrictions for residential uses based on the City Charter.

Commissioner OHM inquired if Staff recommended keeping the southeast access on Harlan Street.

Mr. Cutler mentioned that would be addressed at the time of a future site plan and not rezoning.

Commissioner SIMBAI asked about the statement of MU-C more accurately reflect the surrounding area.

Mr. Cutler addressed that MU-C is intended for commercial corridors and larger format retail uses. He added that the code does not allow rezoning to Commercial-One, but the list of uses is similar.

Commissioner SIMBAI asked if the applicant, P Street I, had previously owned this property and why the applicant doesn't see the traffic increasing for this site.

Ms. Berman said she thought that P Street I was a 1st time owner at this site, and they feel the traffic will be consistent with current bank traffic but until the new tenant is found it is very uncertain.

Commissioner SIMBAI asked if it better to do a zone change before or after a tenant is found.

Mr. Cutler clarified that zoning can happen at any time provided that staff can recommend approval based on the Comprehensive Plan and the City's adopted documents.

Commissioner LARSON asked what MU-C does not allow.

Mr. Cutler mentioned that MU-C does not allow industrial uses, high rise residential or commercial buildings beyond what is allowed by the Charter, outdoor storage. He added there are strict restrictions for auto uses in the MU-C zone district.

Commissioner ANTOL asked if a gas station is a permitted use for this site.

Mr. Cutler explained it is not a use by right and a conditional use permit is required that includes strict design requirements.

Commissioner KERNS asked if MU-C allows for retail on the bottom floor and residential above.

Mr. Cutler said yes, as long as it meets the height restrictions.

Vivian Vos, resident
6920 W. 47th Place

Ms. Vos disagrees with the zone change criteria analysis related to public health, safety, and welfare and adverse effect on the surrounding area. She feels there will

be an adverse effect due to traffic. She also does not understand how the zone change will bring the property into conformance with the comprehensive plan. Ms. Vos feels the property owner wants a less restrictive zone district so they can sell it and the new owners can do whatever they want with the property.

Commissioner LARSON closed the public forum.

Mr. KERNS does not feel traffic will increase due to the MU-C zone change and feels the zone change make sense.

Commissioner DISNEY reminded all that the bank has been vacant for some time and supports the zone change due to the location and would like to see some retail opportunities at this location.

Commissioner OHM said originally, he was on the fence for this zone change, but because of the retail to the east it is an appropriate zone change and if residential goes in, there is a height restriction in place.

Commissioner ANTOL is in concurrence with the other commissioners and is an advocate for redevelopment of banks because they sit vacant for a long time. She would also like to see more options of uses at this site.

Commissioner SIMBAI said he was also on the fence for this zone change, but for reasons related to the timing. He mentioned that if approved he would like to make sure the use fits in with the community.

Commissioner LARSON concurred with all and thinks this property is a gateway into the City of Wheat Ridge and would like to see a good, new use at this site.

It was moved by Commissioner DISNEY and seconded by Commissioner KERNS to recommend APPROVAL of Case No. WZ-21-07, a request for approval of a zone change from Restricted Commercial (RC) to Mixed-Use Commercial (MU-C) for property located at 6011 W. 44th 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 consistent with the character of Harlan Street north of 44th 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.**

Motion carries 7-0.

- B. Case No. WPA-21-01:** a resolution recommending adoption of the Lutheran Legacy Campus Master Plan and by such adoption amending the Wheat Ridge Comprehensive Plan.

Mr. Johnstone gave a brief background regarding the resolution and the Lutheran Legacy Campus Master Plan and introduced the MIG consultants.

Mark de la Torre, MIG
4345 Brentwood Street

Mr. De La Torre gave a brief overview of approaching the project, engagement meetings, and what the master plan does and doesn't do. He also talked about the preliminary concepts that had been presented to the community.

Jay Renkens, MIG
6137 Everett Street

Mr. Renkens explained the structure plan and the amendment to the Comprehensive Plan, the overall development framework how it evolved based on the community's feedback. He also talked about the implementation and the next steps for the Lutheran Legacy Campus Master Plan.

Public Comment

Edward Fleegler, resident
3812 Taft Court

Mr. Fleegler reiterated the merger between SCL and Intermountain Health Care will be an incredible opportunity and feels it is important to wait on the master plan until the letter of intent and the silent period is over to support the health and wellbeing of the citizens of the City of Wheat Ridge.

Anne Brinkman, resident and former WR Planning Commissioner
7420 W. 34th Avenue

Ms. Brinkman said the Lutheran Master Plan is really nice. She spoke of her concerns of the Rocky Mountain Ditch Company and its valuable water. She does not want to see the Master Plan treat the ditch as an amenity for children to play in. Ms. Brinkman explained it is protected by an easement.

Lucille Ray, resident
3230 Balsam Street

Ms. Ray said it is important for the integration of the SCL & Intermountain Health Care to happen and would like the site to stay medical in nature. She does not think the plan has the best interest for the City of Wheat Ridge. She also mentioned there is too much development in the City of Wheat Ridge and wants the community to remain as is and not have the developers take over.

Michelle Davis, Ventas Representative
3455 Lutheran Parkway

Ms. Davis communicated that Ventas has made a significant impact in the community and will wait to support the rezoning until a later date to see its uses.

Bob Brazell, resident
3830 Carr Street

Mr. Brazell has concerns for the possibility of high density on the north side of the Lutheran Property and thinks it is misconceived. He also has concerns about parking and stated he opposed to the project.

Jenny Shaver, resident
8835 W. 32nd Avenue

Ms. Shaver mentioned she enjoyed working with Mr. De La Torre as part of the focus groups but does not agree with the high-density homes and does not think the Rocky Mountain Ditch should be played in by children. Ms. Shaver also has concerns about increased traffic. She also believes the history of the Blue House is important and asked about West Pines moving.

Janelle Shaver, resident
8090 W. 35th Avenue

Ms. Shaver feels there was not sufficient notification to the community about the Master Plan process and believes focus groups are considered public outreach, and there was no input taken. She feels that changing the Comprehensive Plan is a huge deal with not enough public input. Ms. Shaver thought the 3 concept plans were too similar and would like to see urban agriculture instead.

Lisa Wilson, resident
3231 Balsam Street

Ms. Wilson thinks that progress can be shaped and appreciates all the public meetings and feels the Master Plan shows that MIG and staff are listening. She said it is evident in the green space and walkability, a balance of density and concentration of higher density only in the center. Ms. Wilson appreciates the consideration to all the input and to a Master Plan that will create a unique livable addition to the community.

Don Wood, resident
2385 W. 28th Avenue

Mr. Wood said he is a representative of the Historic Society and mentioned there is a good deal of support to save the Blue House on the Lutheran Campus because it is one of Jefferson County's jewels. He said a potential for the site around the house could be a park and would like the Commission to take into consideration preserving the historic building on the property.

Sandy Nance, resident
4097 Field Drive

Ms. Nance said she was pleased to see the Master Plan mentioned the Blue House and the Chapel for adaptive re-use. She is concerned that there is a push to get the plan through before the historic designation of these buildings.

Vivian Vos, resident
6920 W. 47th Place

Ms. Vos mentioned she is confused about this process and wants a definition of the Master Plan and how it amends the Comprehensive Plan. She said the letter of intent is intriguing and thinks a better use of the existing buildings would be for science labs.

Ihor Figlus, resident
9775 W. 36th Avenue

Mr. Figlus urged the Commissioner not to recommend approval of this plan because of the process. He feels the community's input was not accepted and there was no direct contact with the immediate neighborhood and thinks the whole process needs to be revisited.

Joshua Meyer, resident
8835 W. 32nd Avenue

Mr. Meyer believed the project is motivated by money and not community involvement. He stated there is still vacant retail property on 38th Avenue and doesn't believe there is a need for more. Mr. Meyer said the neighbors were unaware of the meetings and the plan disregards the community and would like to go back to the drawing board.

Rosemarie Bowden, resident
3535 Dudley Street

Ms. Bowden is concerned about the health needs of the community, development and about SCL becoming a smaller hospital. She said there is a need to preserve hospitals.

Mariann Storck, resident
4120 Balsam

Ms. Storck agreed with other speakers and encourages the Commission to reject the Master Plan. She would like to maintain green space in the City and not have more retail space because there is already too much vacant retail.

Dan Findlay, resident
3375 Dudley Street

Mr. Findlay mentioned he has been part of the process and thanked staff and MIG for their hard work but agrees with the uniform opposition of the Master Plan. He moved to Wheat Ridge for the open space and echoes what has been said by previous speakers. He also mentioned he is sad to see that not everyone is engaged.

Chris Leatherwood, resident
4185 Carr Street

Mr. Leatherwood mentioned he is a lateral member on the Rocky Mountain Ditch and wondered who will ensure access to the water. He also agrees with other's comments and asked why all sides of the property have wide buffers except on 38th Avenue. He urged the Commission to deny and get more public comment.

Scot Tallmadge, resident
4380 Dover Street

Mr. Tallmadge has concerns of traffic and parking and does not think traffic counts have been considered in this process. He also does not think Rocky Mountain Ditch should be an amenity.

Haley Findlay, resident
3375 Dudley Street

Ms. Findlay has concerns of traffic on Dudley Street and parking on the Lutheran property. She does not want to see more apartment buildings but would like to see more open space. She also echoed what other people had to say.

Tamara Phalen, resident
4205 Dover Street

Ms. Phalen said she lives north of Lutheran and urged the Commission to reject the Master Plan because there is too much high density. She also echoed the thoughts of others and would like to see more single-family homes and senior living.

Sarah Westmoreland, resident
4130 Balsam

Ms. Westmoreland's main concern is traffic impact on the north side of the development.

Richard Skaflen, resident
7235 W. 28th Avenue

Mr. Skaflen's has concerns of traffic around Wheat Ridge High School and Wheat Ridge Middle School. He mentioned a concern for safety for the children walking on 32nd and 38th Avenues.

Commissioner LARSON closed the Public Comment.

Commissioner SIMBAI asked if item #2 in the resolution could be explained and if the Master Plan can be changed years from now.

Mr. Johnstone explained the Master Plan content will inform any changes in land use on the property and it is being adopted in its entirety. He added it is at the City's discretion to update master plans periodically and is a role for Planning Commission and City Council. He explained that the Master Plan would serve as a guiding document.

Steve Chyung, SCL
8300 W. 38th Avenue

In response to a question from Commissioner ANTOL, Mr. Chyung explained that SCL entered into a Letter of Intent (LOI) with Intermountain Health Care which is based in Utah. He clarified that the LOI was made public a couple of months ago and is for the two healthcare systems to merge. Mr. Chyung said it will not change the status of building a new hospital because SCL and Intermountain operate in different markets.

Commissioner ANTOL asked if approving this Master Plan also approves the different densities on the site.

Mr. Johnstone said generally yes, but it should be understood that when a Comprehensive Plan is adopted then the densities are not absolutes and there is flexibility to be determined by the zoning.

Commissioner OHM asked if there is criteria that will inform if the Rocky Mountain Ditch Company will remain open or be buried.

Mr. Johnstone said he does not know because the ditch company has its own opinions with pros and cons to each approach.

Commissioner OHM asked how long this process has taken so far and if any postcards were mailed to the community.

Mr. De La Torre explained that the technical process began in February of 2021, so about 7 months of active engagement. He said no postcards were sent out, and Mr. Johnstone elaborated that there were 3 editions of the Connections Newsletter mailed citywide which contained notification of the process including specific dates for engagement.

Commissioner OHM mentioned there was a lot of detail in the Master Plan Appendix and wanted clarification on trip generation.

Mr. De La Torre confirmed that this Master Plan is not a development plan, so the worst-case scenario was analyzed (meaning the land uses with the highest trip generation) and it was only 7% higher than what the hospital generates today.

Commissioner OHM also asked if the facilities report could be explained with regards to the Blue House and Chapel.

Mr. De La Torre explained that the Abo Group's assessment of the two structures. Both have significance and could be repurposed, but both need some structural work and there is asbestos.

In response to a question from Commissioner OHM, Mr. De La Torre confirmed that large residential lot sizes result in more expensive (less affordable) homes.

Commissioner OHM referenced the Corners project at 38th and Wadsworth and asked how the subject property compares in terms of the required entitlements. Mr. Johnstone described the timeline of changes on Wadsworth. The Charter was amended by voters in 2009 to allow additional height and density in the Wadsworth and I-70/Kipling urban renewal areas. Subsequently, the Wadsworth corridor was legislatively rezoned through a public process and public hearings.

In response to a follow-up question, Mr. Johnstone said we don't yet know what the timing could be for a potential Charter amendment and zone change at Lutheran. There are several variables that can inform that process over the next several years.

Commissioner DISNEY asked what would happen with the property if the Master Plan did not exist.

Mr. Johnstone said not much would happen because the hospital zoning is so specific and limiting; there is not any flexibility to allow other uses or directions.

Commissioner DISNEY inquired about the merger between the two healthcare systems and if Intermountain decided to come in with a research facility would it negate the Master Plan.

Mr. Johnstone clarified the Master Plan would not preclude a research facility from coming in and the Master Plan cannot be that descriptive.

Commissioner DISNEY said she was shocked to see the amount of people who participated in the process and asked if MIG was happy with the numbers.

Mr. De La Torre was very encouraged by the number of people who participated in the process and Mr. Johnstone added there were many more people engaged who are not sitting in Council Chambers tonight.

In response to a question from Commissioner LEO about the Blue House and Chapel, Mr. Johnstone said the two structures are not historically designated and legally there is nothing keeping them from being demolished, but the document reflects that the community values those structures and will continue to seek ways to adaptively use them. Mr. Chyung added that the evaluation of a developer needs to take into consideration the historical value of the structures.

Commissioner LEO asked if there will be a need for additional police or emergency services moving forward.

Mr. Johnstone mentioned there hasn't been a specific discussion yet about police and emergency services but there is an existing high presence on the existing campus and as part of the 2022 Budget, if approved in October, there will be additional police positions added to the force because of the new site at Clear Creek Crossing.

Commissioner Kerns asked why Ms. Brinkman does not want people wading in the Rocky Mountain Ditch.

Ms. Brinkman explained that there are water rights to the ditch and if waded in then it will get polluted.

Mr. De La Torre clarified that the imagery in the presentation showed various forms of nature play but did not mean to imply that the ditch will be a water amenity.

Commissioner KERNS asked if the public process and outreach could be explained because he saw the articles in the Connections Newsletter.

Mr. De La Torre explained use of What's Up Wheat Ridge. He also explained that the 4 public meetings were each intentionally in a different format, including a walking tour, virtual meeting, in-person meeting and an open house format. He mentioned that he also held focus groups which were filled by open solicitation; promoted in What's Up WR and the walking tour. Mr. De La Torre also said there was a business focus group comprised of different community business entities and a stake holder steering group. Mr. Johnstone added that the City decided this is a community wide project and needed to get the word out robustly. Connections reaches all residents.

Commissioner SIMBAI asked what the pros and cons would be to the process if the City, MIG, and SCL Health went back to the drawing board as recommended by some community members.

Mr. De La Torre said it would undermine the process and all the analysis that has been done. Mr. Johnstone concurred and does not know what it looks like to go back to the drawing board and does not think it is fair to all those who have participated to this point. Mr. Chyung added that a medical use only does not leave us anywhere to go with 100 acres.

Commissioner ANTOL wanted clarification that a planned development will be one zoning change as opposed to multiple developers coming in and piecing out the property with multiple zone districts.

Mr. Johnstone said that a Planned Development would go through the same zone change process including a neighborhood meeting, public hearings and adopting an Outline Development Plan consistent with the Master Plan and then finally a Specific Development Plan to sell off different blocks of sub-areas of the property.

Commissioner OHM asked if the appendix is available to the public. He added he likes the flexibility of the Master Plan.

Ms. Odean said the appendix was all together in the agenda packet online.

Commissioner DISNEY said she is grateful for the amount of work that went into this document and process. She felt public input was taken into consideration and has gone far above what the people want, and she understands the reality of no buffer on the north side of the property. She also mentioned she does not like density, but we need affordable housing for the number of people who want to live in the City of Wheat Ridge. Commissioner DISNEY also felt there was plenty of notification to the public

Commissioner LEO thinks this is a huge effort and a great project, but a work in progress and does not think it is ready to be entered as an amendment into the Comprehensive Plan. She feels there is a need for healthcare in the City of Wheat

Ridge due to the increase in population and does not like the thought of fewer beds at the new SCL site at Clear Creek Crossing.

Commissioner KERNS thinks it is important to have housing diversity and choice and this Master Plan offers that. He also mentioned that that even though the Blue House and Chapel are not designated as historic the Plan recognizes their value. He added that traffic is already generated by the hospital and that is not going to change with new development.

Commissioner LARSON asked who is paying for this Master Plan study.

Mr. Johnstone said SCL Health is paying for the planning process.

Commissioner LARSON also asked about the existing protection for the Rocky Mountain Ditch and what part of the process with that be discussed.

Mr. Johnstone said there is existing controls in place, and it will be looked at during the ODP/SDP phases.

It was moved by Commissioner OHM and seconded by Commissioner ANTOL to adopt Resolution 01-2021, a resolution recommending adoption of the updated Lutheran Legacy Campus Master Plan as an amendment to the City's Comprehensive Plan, *Envision Wheat Ridge*, and forwarding said recommendation to the Wheat Ridge City Council.

Motion carries 6-1 with Commissioner LEO voting against.

- C. ZOA-21-04:** a code amendment modifying Chapter 26 of the Wheat Ridge Code of Laws adding reference to extended stay lodging to Chapter 26 use schedules.

Commissioner SIMBAI indicated he has a specific and particular interest in this case and recused himself but will be back for the close of the meeting.

Mr. Johnstone gave a short presentation regarding adding reference to extended stay lodging to Chapter 26 use schedules.

Public Comment

No one wished to speak.

Commissioner LEO said her only concern is about meeting other licensing and operational requirements and if cooking facilities were not provided and people were using hotplates and asked if this is conditional.

Mr. Johnstone said this is one of the requirements and there are other requirements for extended stay lodging in Chapter 11 such as, but not limited to, separate sleeping quarters.

Commissioner DISNEY asked if the intent of this amendment is to have the ability to go to hotels to remodel them and would this amendment help with higher crime rates.

Mr. Johnstone confirmed this and added that extended stay doesn't mean the residents are criminals but there is a correlation in some of the properties.

Commissioner OHM asked about page 10 section 3b and about the permitted uses and if the language is correct as written.

Mr. Johnstone said this reference will allow owners to ask for approval of extended stay lodging per the planned districts through a special use process.

Commissioner ANTOL asked if there is outreach to the motel operators.

Mr. Johnstone said yes, and the feedback was, it will impact the motels' business models.

Commissioner LARSON asked if this would add a paragraph to Chapter 11.

Mr. Johnstone said most of the changes are in Chapter 11, and the only change for Chapter 26 will relate to the use chart.

It was moved by Commissioner LEO and seconded by Commissioner DISNEY to recommend approval of a code amendment modifying Chapter 26 of the Wheat Ridge Code of Laws concerning extended stay lodging.

Motion carries 5-1 with Commissioner KERNS voting against.

8. OLD BUSINESS

9. NEW BUSINESS

A. Upcoming Dates

Mr. Johnstone said there will be an October 21 Planning Commission Meeting and at least one meeting in November.

B. City Developments

Mr. Johnstone mentioned this has been a very robust construction year with the Clear Creek Crossing site. He the TOD sites are experiencing a lot of sales and the property next to Medved is moving along at a steady pace.

10. ADJOURNMENT

It was moved by Commissioner DISNEY and seconded by Commissioner KERNs to adjourn the meeting at 10:57 p.m. Motion carried 6-0.



Dan Larson, Chair



Tammy Odean, Recording Secretary