



PLANNING COMMISSION

Minutes of Meeting

December 16, 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-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
 Daniel Larson
 Janet Leo

Commission Members Absent: Jahi Simbai

Staff Members Present: Lauren Mikulak, Planning Manager
 Stephanie Stevens, Senior Planner
 Scott Cutler, Senior Planner
 Rocky Macsalka, Civil Engineer II
 Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner DISNEY and seconded by Commissioner LEO to approve the order of the agenda. Motion carried 5-0.

5. APPROVAL OF MINUTES – November 18, 2021

It was moved by Commissioner ANTOL and seconded by Commissioner DISNEY to approve the minutes of November 18, 2021, as written. Motion carried 5-0.

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-21-12**: an application filed by Jacob Hill for approval of a zone change from Residential-One (R-1 to Residential-One B (R-1B) for a property located at 9605 West 38th Avenue.

Ms. Stevens 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 KERNS inquired whether this property is serviced by well or public water.

Ms. Mikulak explained that current conditions are unknown by staff but any new dwelling will be required to connect to public water per Building Codes.

Commissioner DISNEY noticed some concerns about access to this site from Independence and if there will be one or two curb cuts and if the homes will face Independence.

Ms. Stevens explained there will be two curb cuts, one for each home.

Jake Hill, applicant
9605 West 38th Avenue

Mr. Hill clarified that both homes will face and be accessed from Independence Court.

Commissioner ANTOL agreed that traffic is busy on 38th Avenue and maintaining access onto Independence is crucial and asked that the driveways be setback from the intersection.

Ms. Mikulak added that there is some flexibility for the orientation of homes on corner lots, but safety will be taken into consideration. Also, it is codified that the driveway be separated from an intersection and that will be looked at during the building permitting process.

Commissioner LARSON asked if the Planning Commission will also look at this property for the subdivision.

Ms. Stevens explained that it will only be a 2-lot subdivision which will be an administrative review.

Commissioner LARSON was concerned that there will not be enough width for both properties to meet the R-1B development standards.

Ms. Stevens clarified that a survey was done and there is enough land to meet the 80-foot minimum lot width for corner properties.

Commissioner LEO asked if the intent is to split the property from east to west.

Mr. Hill confirmed the split will be east to west so both lots can access Independence Court.

Public Comment

Carol Mathews, resident
3851 Hoyt Street

Ms. Mathews protests the rezoning of the property because she has concerns about the building setbacks and thinks it will infringe on the privacy of the neighbors. She added the development standards for R-1B are inconsistent with the surrounding R-1 zone district. Other concerns Ms. Mathews has, are related to traffic safety and high density.

Ihor Figlus, resident
9775 W. 36th Avenue

Mr. Figlus believes the City should be held to a higher standard of evaluating developments. He has concerns for shadow casting in the wintertime for properties to the north. He would like to see a better quality of life for resident in the City.

Rolly Sorrentino, resident
4175 Teller Street

Mr. Sorrentino commented he also has concerns of property shade for the properties to the north.

Robert Cutler, resident
9595 West 38th Avenue

Mr. Cutler would also like to protest this rezoning and has concerns for the height, setbacks, and maximum building coverage of the buildings. He also has concerns for traffic safety.

Public comment closed

Commissioner ANTOL asked if there is any flexibility in applying setback requirements on a corner lot.

Ms. Mikulak clarified that there is a 25 ft setback from both 38th Avenue and Independence Court. The standards for side and rear setbacks are the same for other R-2 properties in this neighborhood. She also explained that the east side of the property will be considered the rear yard; the north lot line and the line between the properties would be considered the side yards.

Commissioner ANTOL also inquired about the possible height of these two homes.

Mr. Hill mentioned he does not have plans currently until he knows if the zone change will be approved.

Commissioner DISNEY feels the property is perfectly suited to have a zone change and a subdivision into two lots and feels that adding only one additional house to the property is not high-density. She mentioned that these two homes will most likely be owner occupied and not rentals and she is for this project.

Commissioner LEO asked for confirmation that the height in either zone district is 35 feet.

Ms. Stevens confirmed that 35 feet is the height limit in both zone districts.

Commissioner KERNS said housing is needed in this community and he will vote in favor for the zone change.

Commissioner LARSON feels this project is headed in the right direction and suitable for this location.

It was moved by Commissioner KERNS and seconded by Commissioner DISNEY to recommend APPROVAL of Case No. WZ-21-12, a request for approval of a zone change from Residential-One (R-1) to Residential-One B (R-1B) for property located at 9605 West 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 consistent with the character of West 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.**

Motion carries 5-0.

Ms. Mikulak added that this case will move on to City Council with the 1st reading being held in January and the public hearing in February.

- B. Case No. PBG-21-02 and WS-21-06:** applications filed by Upham Partners for approval of a Planned Building Group site plan with 11 buildings and a major subdivision with 22 lots and additional tracts for a property zoned Residential-Three (R-3) located at 4000-4066 Upham Street.

Mr. Cutler gave a short presentation regarding the planned building group, and subdivision and the applications. He entered into the record the contents of the case files, 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 KERNS inquired about adding a pedestrian access easement from this property to the school for children to safely get to school.

Mr. Cutler mentioned it is not a good connection point because any path would lead to the detention pond.

Commissioner KERNS also wanted to confirm that each unit will include a 2-car garage and wondered where guest parking spaces will be.

Mr. Cutler confirmed 2-car garages in each unit and said there will be 5 formal guest parking spaces on site. He added that two of the buildings will have driveways able to accommodate 4 cars and there will also be on-street parking along Upham Street.

Commissioner ANTOL asked for clarification that the plat for this project is to have a community garden and open space.

Mr. Cutler explained that the site plan deals with the landscaping and architecture and the plat allows the property to be subdivided and dedicates the easements and common areas which includes the community garden and open space. Some tracts are for open space.

In response to a question from Commissioner LARSON about Parkland Fees, Mr. Cutler mentioned that the fees will approximately be \$2500 per unit.

Commissioner LARSON asked if there will be a Homeowner's Association (HOA) or a Metro District for this subdivision.

Matt Hill, applicant
5000 Quitman Street, Denver

Mr. Hill clarified that there is already a Metro District in place which is a holdover from the previous application. He added that he is very excited about this opportunity.

Public Comment

Rolly Sorrentino, resident
4175 Teller Street

Mr. Sorrentino appeared to address the process and reminded the Commission there was a previous application on this property that was voted down by the citizens of Wheat Ridge. He believes this subdivision is virtually the same project just molded a little differently to fit in R-3. He wished the citizens had more to say about this application submittal.

Kylie Ladd, resident
4221 Upham Street

Ms. Ladd asked about what consideration has been given to the increased traffic on Upham Street and speeding due to this potential project, which is already a problem.

Commissioner LARSON closed the Public Comment.

Commissioner DISNEY said she will be voting in favor of this project because housing is needed in the community, because it is different from the first project, and because she likes the changes that have been made. She added it complies with the zoning code and will be a beautiful addition to the neighborhood and will give people an opportunity to become homeowners in the City of Wheat Ridge.

Commissioner LEO believes this project fits perfectly into this neighborhood and it will be an aesthetic improvement to the area. She added she likes the parking plan.

Commissioner KERNS likes that this is a high-quality development and is two-story instead of three-story. He added he likes the parking and access looks great.

Commissioner LARSON wanted clarification on of the need for the indent on Upham Street.

Mr. Cutler explained there will be ROW dedication and the indent will allow for on-street parking.

Commissioner LARSON like the landscaping plan and the circulation of the project and believes this development will benefit the community.

Commissioner ANTOL mentioned she is pleased to see these types of developments coming to the Wheat Ridge area and likes the diversity of the housing that is needed in the neighborhood.

Ms. Mikulak responded to the neighbor's traffic question on Upham Street and mentioned the development did not warrant a traffic study, based on the number of units. She added that Upham Street will likely function as a cut-through street during the construction on Wadsworth, and the City and Police Department is aware of this. Also, there is a Neighborhood Traffic Management Program that can look at traffic after the construction is complete. There are some limits to mitigation measures because of the presence of the fire station.

It was moved by Commissioner LEO and seconded by Commissioner DISNEY to APPROVE Case No. PBG-21-02, a request for approval of a planned building group site plan on property located at 4000 to 4066 Upham Street and zoned Residential-Three (R-3) for the following reasons:

- 1. The proposed plan complies with the zoning and development code and is not contrary to the general welfare of the immediate neighborhood and the economic prosperity of the City.**
- 2. The proposed plan is in substantial compliance with the City's Architectural and Site Design Manual.**
- 3. Utility infrastructure adequately serves the property.**

Motion approved 5-0.

It was moved by Commissioner ANTOL and seconded by Commissioner LEO to recommend APPROVAL of Case No. WS-21-06, a request for approval of a major subdivision on property located at 4000-4066 Upham Street and zoned Residential-Three (R-3) 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.
2. The developer shall enter into a Subdivision Improvement Agreement and a Lot Sale Restriction Covenant Agreement with the City at the time of recordation of the subdivision plat.

Motion carries 5-0.

8. OLD BUSINESS

9. NEW BUSINESS

- A. Commissioner LARSON mentioned the 2 open appointments in the Planning Commission District I and II and encouraged the residents of Wheat Ridge to apply.
- B. Ms. Mikulak mentioned there will not be a January 6 PC Meeting, but most likely there will be cases to be heard at the January 20 meeting. She also introduced the department's new Civil Engineer, Rocky Macsalka.
- C. Development updates included Clear Creek Crossing Planning Area 9 with the zone change for the multi-family being approved by City Council and soon a Specific Development Plan will be presented to the Commission. Ms. Mikulak also mentioned that SCL in Clear Creek Crossing is going vertical. Ms. Mikulak also noted to the Commissioners that the code amendment regarding sideways facing homes was used in project just heard on Upham Street, and that code amendment resulted in the orientation of the street-facing units and expansion of the front porches.
- D. Commissioner DISNEY thanked staff for the thorough packets and the information that is provided to the Commissioners.

10. ADJOURNMENT

It was moved by Commissioner DISNEY and seconded by Commissioner KERNS to adjourn the meeting at 8:23 p.m. Motion carried 5-0.



Dan Larson, Chair



Tammy Odean, Recording Secretary