PLANNING COMMISSION
Minutes of Meeting
March 17, 2022

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair ANTOL at 7:01 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 Jerry DiTullio Will Kerns Daniel Larson Jonathan Schelke Julianne Stern
Commission Members Absent:	Janet Leo
Staff Members Present:	Lauren Mikulak, Planning Manager Stephanie Stevens, 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 DITULLIO and seconded by Commissioner SCHELKE to approve the order of the agenda. Motion carried 7-0.

5. APPROVAL OF MINUTES – March 3, 2022

It was moved by Commissioner DISNEY and seconded by Commissioner DITULLIO to approve the minutes of March 3, 2022, as written. Motion carried 6-0-1 with Commissioner LARSON 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. WS-21-04:** an application filed by Fred L. Spallone Inc. for approval of a major subdivision plat to consolidate 23 lots into 3 lots to establish clear title (no new development) on a property zoned Mixed Use-Neighborhood (MU-N) and located at 5800-5990 West 38th Avenue.

Ms. Stevens gave a short presentation regarding the consolidation and the application. She entered into the record the contents of the case file, packet materials, the subdivision regulations, 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 asked if each new parcel will have access to the alley.

Ms. Stevens clarified there will be access and it will be maintained. Ms. Mikulak added there will be individual and shared access points.

Commissioner LARSON inquired about the owner of the property.

Steve Fleer, applicant
8008 Towhee Rd

Mr. Fleer mentioned Fred L. Spallone Inc. is the owner of the property, and the building on Lot 2 is being sold to its long-time tenant. During the sale it was found that the title needed to be cleared up and that is when it was decided to consolidate the parcels into 3 lots.

Public Comment

No one wished to speak at this time. Chair ANTOL closed the public forum.

Commissioner KERNS inquired about the reason for the angled lot line at the northeast corner of Lot 1.

Ms. Stevens explained that it aligns with the current access point and curbing on the property.

Commissioner LARSON thinks this is a logical and appropriate application and is excited to see the renovation happening on the Lot 3 building.

It was moved by Commissioner DITULLIO and seconded by Commissioner KERNS to recommend APPROVAL of Case No. WS-21-04, a request for approval of a replat to consolidate 23 lots into 3 lots to establish clear title for existing conditions on property zoned Mixed Use-Neighborhood (MU-N) and located at 5800-5990 West 38th 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.**

Motion carried 7-0.

B. **Case No. WZ-21-09:** an application filed by Rocky Mountain Hardwood Processing for approval of a zone change from Agricultural-One (A-1) to Planned Commercial Development (PCD) with an Outline Development Plan (ODP) on a property located at 4877 Robb Street.

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, the comprehensive plan, 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.

CJ Kirst, applicant's representative
5730 E. Ontero Ave

Mr. Kirst gave a brief presentation regarding the zone change.

Commissioner LARSON asked for some background on Rocky Mountain Hardwood Processing.

Mr. Kirst mentioned that there are a couple of partners who own a landscaping business and are seeking a physical location in Wheat Ridge to run their business. Along with pruning and mulching there will be a nursery used for staging of landscaping installations. He added there will also be a milling location as well.

Commissioner LARSON inquired about stormwater runoff into the 2 existing ditches and the impact on water quality.

Mr. Kirst confirmed that both ditch companies have given their support for the zone change and development and there shouldn't be any excess runoff from PA3

because it will remain in its natural state. Swadley Ditch will remain as is. He also mentioned that the Wadsworth Ditch will be piped. Detention will be provided to accommodate any runoff from PA1 and to keep runoff out of the irrigation ditches.

In response to a question from Commissioner LARSON about the material for milling and where it will come from, Mr. Kirst said it will come from other properties.

Commissioner KERNS inquired about when Rocky Mountain Hardwood will start business if zone change is approved.

Mr. Kirst said there is still the Specific Development Plan and permitting processes to go through, as well as construction so possibly a year. He added they are eager to continue through the process and hope to be operating from the property as soon as possible.

Commissioner LARSON asked how many people will be employed at this location.

Mr. Kirst said it will have approximately 8 employees.

Public Comment

Ben Portie, resident
4901 Robb Street

Mr. Portie mentioned he and his wife own a 3.2-acre property to the north and asked a few questions:

1. His lot sits higher than the subject property. Will be any grading done to the site, so it does not become a marshland?
2. How will the Swadley Ditch be crossed in the future?
3. What is the City planning for Robb Street with new commercial uses and existing residential uses in the area?

There was no additional public comment and Chair ANTOL closed the public forum.

In response to public comment, Mr. Kirst clarified there will be grading done in PA1 to make sure all flows to the east from the detention pond. There will not be any grading in PA3 because it will remain natural and there will be a little grading done in PA2 to help the transition of flow from PA1 to PA3. Mr. Kirst also mentioned there will be a small crossing area over the Swadley Ditch, big enough only for a skid steer to cross.

In response to the question about the City's plans for Robb Street, Ms. Mikulak confirmed that the City does not plan to rezone any property on Robb Street unless

the property owner inquires. She added the City has not budgeted for sidewalks or curb and gutter along the northern portion of Robb Street. The City recognizes the mix of uses in the area and has worked with the applicant to design a zoning that transitions between Agricultural and Industrial-Employment zoning and uses.

Commissioner DISNEY inquired if PA3, remaining in its natural state, will be maintained because currently it looks overgrown and not cared for.

Mr. Kirst confirmed that currently Rocky Mountain Hardwood is under contract and does not yet own the property, but in the future, it will be maintained and not become a wildfire hazard. Landscape maintenance is their business.

Commissioner STERN noted this site is near the transit station and encouraged staff to consider including features that would promote walkable access to the station if the project advances to a Specific Development Plan.

Ms. Mikulak noted Commissioner STERNS comment.

It was moved by Commissioner DISNEY and seconded by Commissioner KERNS to recommend APPROVAL of Case No. WZ-21-09, a request for approval of a zone change from Agricultural-One (A-1) to Planned Commercial Development (PCD) with approval of an Outline Development Plan (ODP) for the development of a tree service business for property located at 4877 Robb Street, 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. **The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan.**
3. **The proposed zoning, density, and land use are consistent with the intent of a planned development, compatible with surrounding land uses, and will result in a high-quality development.**
4. **The infrastructure in the area can support the development.**
5. **The criteria used to evaluate a zone change support the request.**

Motion carried 7-0.

C. **Case No. WZ-20-06:** an application filed by Hartwood LLC for approval of a zone change from Restricted Commercial (RC) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) on a property located at 7585 West 32nd 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, the comprehensive plan, 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.

Peter Pappas, Pappas Architecture
3143 S. Broadway, Englewood

Mr. Pappas gave a brief presentation about this zone change and the architectural design of the project.

Commissioner DITULLIO asked what the density would be for this property if zoned R-2 or R-3.

Ms. Mikulak confirmed that based on lot area and width, if the property were within the R-1 zone district the 2 single family homes would be allowed. If it were R-2 or R-3 the site could potentially accommodate 2 duplexes and or 3 single family lots but with flag lot designs.

Commissioner DITULLIO asked if the bulk plane will be enforced on this project and if it is an Urban Renewal Area.

Ms. Stevens clarified that bulk plane requirements will apply on the townhomes and Ms. Mikulak confirmed that this is not an Urban Renewal Area.

Commissioner DITULLIO also inquired if there will be garages on these units and if these townhomes are considered slot homes. He also inquired if the ODP moves on to City Council.

Mr. Pappas confirmed there will be tuck under garages on these townhomes and 4 at-grade visitor parking spaces. Ms. Mikulak clarified these are not slot homes and explained the City adopted townhome design standards a couple years ago and it precludes slot homes. The front duplexes are oriented toward 32nd Avenue to engage the public realm. Ms. Stevens confirmed Planning Commission makes a recommendation to City Council and Council is the deciding authority.

Commissioner SCHELKE mentioned he has traffic concerns about the access point and potential conflicts with bike, pedestrian, and bus routes in the area.

Ms. Mikulak explained the City made it a single access point (rather than two) to reduce conflicts and to retain access in generally the same location as the existing access point. The trip generation for a residential use would be less than if it were to be developed under the existing commercial zoning.

Commissioner LARSON asked if there is a secondary emergency access and if the Fire Department had any concerns.

Ms. Stevens and Ms. Mikulak confirmed Fire is fine with this design having the fire head turnaround behind the duplexes. Multiple access points are not required for all projects.

Commissioner LARSON inquired why the number of units had been changed from 11 to 14.

Sam Edelson, applicant
1358 Gilpin St., Denver

Mr. Edelson said he is a proponent to finding a solution to the housing shortage in Colorado and feels people should be able to work and live in their community. He hopes this helps a little bit.

Commissioner LARSON asked if these will be owner occupied and how the property will be managed.

Mr. Edelson confirmed that the units will be for sale units that can be owner occupied and will be below the median house price in Wheat Ridge. Mr. Pappas added they hope to use party wall agreements which will include property maintenance. Ms. Stevens informed the commission that the agreement will be reviewed through the SDP and Plat process.

Commissioner STERN asked if there is parking on 32nd Avenue.

Ms. Stevens said there is no on-street parking on 32nd Avenue.

Commissioner DISNEY inquired to the amount of market research done by the developer about the surrounding community.

Mr. Edelson said he lives in the Denver area and spends time in Wheat Ridge and a neighborhood meeting was held to speak with the community. He stressed that due to the housing shortage, informed their decision to construct the 14 townhomes.

In response to follow-up questions from Commissioner DISNEY, Mr. Edelson noted that the median home sale price in Wheat Ridge is $649,000, and he expects these units to be below the average price point which should be more attainable by professionals in the community. Mr. Pappas said there was consideration of going from 11 to 14 units; the cost of the project gets divided among more units, and therefore the cost of the units is lower. He added that if this lot were to be 2 single family homes, then the homes would be sold for over a million dollars.

Public Comment

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

Ms. Brinkman said she is in favor of this project and mentioned it is a transition property and said nobody wants to spend lots of money to purchase a single-family home this close to Wadsworth. She admitted it would be great if the density was a little lower but also knows the developer needs to make money as well and it is a challenging property to work with. Her only concerns are snow removal and detention areas which she acknowledged are usually addressed in future review phases.

George Butkovich, resident
7307 West 32nd Avenue, Wheat Ridge

Mr. Butkovich understands this site will be developed eventually but has some concerns including increased traffic and not enough visitor parking. He mentioned he is in support of the project but would be in favor of 6 units on this site instead of 14.

Jill Brunke, resident
3045 Vance Street

Ms. Brunke has concerns about this project and does not want to see these units being low-income housing. She does not think the height is appealing and has concerns for increased parking and traffic and snow removal.

Sandra Tolve, resident
3190 Vance Street

Ms. Tolve said she has lived in the area for a long time, loves Wheat Ridge and is shocked to see this development. She has concerns for increased traffic, parking, the height of the buildings and low-cost housing.

Ben Gearhart, Development Group
3931 Julian Street, Denver

Mr. Gearhart mentioned that his group specifically engineered these units to come in under the average price point of $649,000. He added the Denver Metro area has a housing supply issue and this lot is not suitable for low density/single-family homes. Mr. Gearhart mentioned the height is 30% less than what the current RC zoning allows and 50% less on building coverage than what the current zoning allows. He also clarified that this is not a low-income housing project, but an attainable price point project.

Commissioner ANTOL closed the public forum.

Commissioner DITULLIO asked if the applicant owns the property or if their purchase is contingent on the outcome of the zone change.

Mr. Edelson confirmed it is contingent on the zone change.

Commissioner DISNEY mentioned she is aware of the housing shortage in the area and the need for diverse housing, but believes this development is better suited for Kipling, 38th Avenue or Wadsworth. She added that this project is surrounded by a typical Wheat Ridge neighborhood and is not supportive of the unit count increasing from 11 to 14. She also feels the buildings behind the duplexes are slot home designs and are not appropriate for the neighborhood.

Commissioner LARSON cannot find anything inappropriate about this project and believes it is a good transitional property.

Commissioner DITULLIO explained that a rezone is not a guarantee by right and the Planning Commission will give a recommendation to City Council. He added this is not a low-income project and explained the difference between low-income and affordable housing, but also feels this will not be affordable. Commissioner DITULLIO is supportive of in-fill projects but would like the developers to go back to the drawing board and adjust this PRD.

Commissioner ANTOL realizes it is difficult to see how the housing prices have changed and it is difficult to make housing affordable for the average person's salary. She understands housing is a scarce resource and it is hard to control the market price of homes currently.

Commissioner KERNS complimented the developers on the quality of the materials proposed and is not offended by this project. He added that density is needed in this area and for the average person to afford a home. Commissioner KERNS also hopes the height of these structures blocks the traffic noise of Wadsworth for the adjacent neighborhood.

Commissioner STERN agrees with what Commissioner KERNS said and thanked the development team for bringing attainable housing to Wheat Ridge and believes all neighbors of all income levels should be welcome in all of our neighborhoods.

Commissioner LARSON only concerns are detention, parking, and snow removal.

Ms. Stevens noted the concerns.

Commissioner KERNS noticed grass at the ends of the drive aisle and thinks snow can be plowed there.

It was moved by Commissioner LARSON and seconded by Commissioner KERNS to recommend APPROVAL of Case No. WZ-20-06, a request for approval of a zone change from Restricted-Commercial (R-C) to Planned Residential Development (PRD) with approval of an Outline Development

Plan (ODP) for property located at 7585 West 32nd 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. **The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan.**
3. **The proposed zoning, density, and land use are consistent with the intent of a planned development, compatible with surrounding land uses, and will result in a high-quality development.**
4. **The infrastructure in the area can support the development.**
5. **The criteria used to evaluate a zone change support the request.**

Motion carried 5-2 with Commissioners DISNEY and DITULLIO voting against.

8. OLD BUSINESS

9. NEW BUSINESS

A. Upcoming Dates

Ms. Mikulak mentioned there will be cases for both Planning Commission meetings in April, the 7th and 21st.

B. Project and Development Updates

Ms. Mikulak mentioned that Huckleberry Roasters a coffee shop will be going into one of the buildings in the Spallone plat that was seen tonight; Yak & Yeti recently opened on Kipling Street; and Mestizo Brewing at Pierce and 38th Avenue will be opening soon.

Ms. Mikulak alerted the Commissioners and Public to upcoming City Council study sessions:

1. April 18: update on Let's Talk's most recent blitz and Accessory Dwelling Units
2. March 28: Budgeting of a grant to the City from DOLA for Affordable Housing and awarding the contract to complete that plan
3. May 2: Affordable housing policy discussion
4. May 16: Update on the 44th Avenue plan and bulk plane

Ms. Mikulak asked the Commissioners, if they are interested to take a 44th Avenue Subarea Plan yard sign and Wheat Ridge Speaks cards to hand out to community members.

Ms. Mikulak said there might be a training session this year for Commissioners with the City Attorney.

Commissioner ANTOL asked about the Affordable Housing Strategy. Ms. Mikulak mentioned a consultant will lead the City through the process. The plan will be a largely technical document identifying existing conditions, needs, and gaps; seeking policy direction from Council and input from stakeholders; and also providing an action plan that will give tools for moving forward with implementation.

10. ADJOURNMENT

It was moved by Commissioner KERNS and seconded by Commissioner LARSON to adjourn the meeting at 9:20 p.m. Motion carried 7-0.

Melissa Antol, Chair

Tammy Odean, Recording Secretary