



PLANNING COMMISSION

Minutes of Meeting

November 3, 2022

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair ANTOL at 6:34 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
 Jerry DiTullio
 Daniel Larson
 Jonathan Schelke
 Julianne Stern

Commission Members Absent: Kristine Disney
 Will Kerns
 Janet Leo

Staff Members Present: Lauren Mikulak, Planning Manager
 Scott Cutler, Senior Planner
 Alayna Olivas-Loera, Planner I
 Jordan Jefferies, Civil Engineer II
 Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

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

5. APPROVAL OF MINUTES – July 7, 2022

It was moved by Commissioner SCHELKE and seconded by Commissioner DITULLIO to approve the minutes of July 7, 2022, 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-22-08:** an application filed by Foothills Regional Housing for approval of a zone change from Commercial-one (C-1 to Mixed Use-Commercial (MU-C) on a property located at 7525 W. 44th Avenue.

Commissioner STERN disclosed that she previously worked for Foothills Regional Housing ending in 2020.

Ms. Mikulak asked Commissioner STERN if she has any financial interest in the application and if she can make a fair and impartial decision on the vote.

Commissioner STERN confirmed she has no financial interest in the application and can make a fair and impartial decision on the vote. In doing so, she is allowed to remain on the dais because there is no conflict of interest.

Ms. Olivas-Loera 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 LARSON asked why Pep Boys opted out of the zoned change in the past.

Ms. Mikulak mentioned the City does not have the reason and the property owners can opt out without a reason.

Commissioner LARSON inquired why the applicant would not choose to rezone to Mixed-Use Residential due to multi-family housing being proposed at this site.

Ms. Olivas-Loera explained that the Comp. Plan has areas from 35th Avenue to 45th Avenue that are designated for more intensive uses, MU-C is reserved for larger properties as this one is and there is other MU-C in the area unifying the zoning on the block.

Commissioner DITULLIO asked the applicant if there will be some commercial mixed in with in the residential on this site.

Aaron Klope, applicant
11941 W. 48th Ave.

Mr. Klope mentioned that the planning of this site has not gotten to that level of detail because they are waiting to see if the zone change will be approved.

Commissioner ANTOL inquired what the difference in parking requirements are.

Ms. Mikulak explained that it is difficult to compare existing and proposed zoning requirements because the existing C-1 zoning does not allow residential uses. MU-C allows 1 space per unit, and other parking requirements are less in MU-C than other commercial districts.

In response to a question from Commissioner LARSON, Mr. Klope confirmed that the proximity to the adjacent property and their propane tanks have been taken into consideration for future planning. He also mentioned that planning will be done around the current park in the area. Mr. Klope added that they like the urban feel and want the new buildings to interact well with the surrounding area.

Public Comment

Kathleen Jones, resident
7350 W. 44th Place

Ms. Jones mentioned that there was not a lot of detail at the neighborhood meeting or currently on how this project will impact the neighborhood. She has concerns about a possibly tall building obstructing light and concerns about parking. She also inquired if Foothill Regional Housing has any intention of buying the adjacent propane business to increase the land space.

Mr. Klope stated there is no intention to purchase the adjacent propane business.

Commissioner ANTOL closed the public comment.

Commissioner STERN commented that this application achieves a long-standing legislative intent from 2011 and unifies the zoning along the corridor. She agrees that the Pep Boys building is under utilized and is excited to see a more dynamic use to the site.

Commissioner LARSON mentioned he is not quickly convinced that this zone change is a good idea but understands the importance of the corner at 44th and Wadsworth and the character of the intersection will be changed and agrees with it.

Commissioner ANTOL concurs with both Commissioners STERN and LARSON and believes more modern zoning is needed at this intersection to create an investment.

It was moved by Commissioner DITULLIO and seconded by Commissioner SCHELKE to recommend APPROVAL of Case No. WZ-22-08, a request for approval of a zone change from Commercial-One(C-1) to Mixed-Use Commercial (MU-C) for property located at 7525 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 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 5-0.

- B. Case No. WZ-22-01:** an application filed by Chick-Fil-A for approval of a Specific Development Plan (SDP) on a property zoned Planned Commercial Development (PCD) and located at 3700 Youngfield Street.

Mr. Cutler gave a short presentation regarding the Specific Development Plan 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.

In response to a question from Commissioner DITULLIO, Mr. Cutler explained that any SDP in a Planned Development is required to be heard at Planning Commission if it is a new building and City Council will not be hearing this case.

Commissioner LARSON said the idea of the canopy intrigued him and asked the applicant why it is being built.

Steve Schwartz, applicant
105 Progress, Irvine CA

Heather Harris, architect
1755 Wittington Place

Mr. Schwartz explained that to meet the build-to requirements on Youngfield Street and the direction of the car pick up the canopy has to be a part of the building. He explained this will be a landmark building for Chick-Fil-A.

In response to a question from Commissioner LARSON and STERN, Mr. Schwartz and Ms. Harris mentioned the west wall will be a stucco wall with windows in it.

Commissioner ANTOL inquired if there should be modern agrarian theme to buildings in this area.

Mr. Cutler mentioned that the modern agrarian theme is unique to Clear Creek Crossing and Applewood Village Shopping Center follows the City's standard in the Architectural and Site Design Manual.

Public Comment

No one wished to speak.

It was moved by Commissioner SCHELKE and seconded by Commissioner LARSON to APPROVE Case No. WZ-22-01, a request for approval of a Specific Development Plan for a drive-thru restaurant on property located at 3700 Youngfield Street and zoned Planned Commercial Development (PCD), for the following reasons:

- 1. The specific development plan is consistent with the purpose of a planned development, as stated in Section 26-301 of the Code of Laws.**
- 2. The specific development plan is consistent with the intent and purpose of the outline development plan.**
- 3. The proposed uses are consistent with those approved by the outline development plan.**
- 4. All responding agencies have indicated they can serve the property with improvements installed at the developer's expense.**
- 5. The specific development plan is in substantial compliance with the applicable standards set forth in the outline development plan and with the City's adopted design manuals.**

Motion approved 5-0.

- C. Case No. ZOA-22-05:** An ordinance amending article IV of Chapter 26 of the Wheat Ridge Code of Laws, concerning requirements for final subdivision plats, and in connection therewith, addressing race and religion-based covenants on title.

Ms. Mikulak gave a brief presentation regarding the requirements for final subdivision plats and addressing race and religion-based covenants on title.

Commissioner DITULLIO inquired how current residential properties with racial covenants will be able to remove them.

Ms. Mikulak explained that every property owner in a subdivision would have to be in agreement to have the item removed from the covenant.

In response to a question from Commissioner LARSON, Ms. Mikulak clarified that anytime language in Chapter 26 is changed then Planning Commission makes a recommendation to City Council.

Commissioner STERN commented that the point of the covenant is to restrict the rights of the property owners.

Commissioner LARSON asked what the difference between a covenant and an easement is.

Ms. Mikulak explained that an easement has to have a beneficiary (a grantor and a grantee) and it is a right to use property; a covenant is an agreed upon set of rules that are privately decided upon and privately enforced.

Commissioner SCHELKE asked if it matters if the property has had multiple property owners.

Ms. Mikulak clarified that there are some covenants that are set to expire, but if not, the covenant is there in perpetuity until the group of property owners decides otherwise. This ordinance does not remove the item it only states it is illegal.

Public Comment

No one wished to speak.

It was moved by Commissioner DITULLIO and seconded by Commissioner STERN to recommend approval of the proposed ordinance amending Article IV of Chapter 26 of the Wheat Ridge Code of Laws, concerning requirements for final subdivision plats and in connection therewith, addressing race and religion-based covenants on title.

Motion carried 5-0.

8. OLD BUSINESS

9. NEW BUSINESS

A. Upcoming Dates

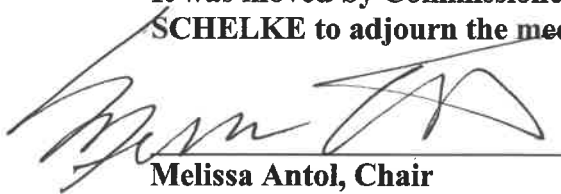
Ms. Mikulak mentioned there will be on PC meeting on Nov. 17 and reminded the commissioners about the Boards & Commissions dinner on Nov. 30.

B. Project and Development Updates

Ms. Mikulak informed the Commission that within Clear Creek Crossing Dutch Bros. received their CO and will be opening soon, Lifetime Fitness and Outlook II apartments are starting construction. She also mentioned that Gold's Marketplace has had a couple new tenants move in and Mestizo's Brewing is set to open soon. Ms. Mikulak also gave some updates on Let's Talk and the 44th Avenue Open House.

10. ADJOURNMENT

It was moved by Commissioner DITULLIO and seconded by Commissioner SCHELKE to adjourn the meeting at 7:51 p.m. Motion carried 5-0.



Melissa Antol, Chair



Tammy Odean, Recording Secretary