PLANNING COMMISSION
Minutes of Meeting
February 2, 2023

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair ANTOL at 6:31 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology. 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 Will Kerns Daniel Larson Janet Leo Jonathan Schelke Julianne Stern
Commission Members Absent:	Kristine Disney
Staff Members Present:	Lauren Mikulak, Planning Manager Stephanie Stevens, Senior Planner Jeff Hirt, Senior Neighborhood Planner Mark Westberg, Engineering Projects Supervisor Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

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

5. APPROVAL OF MINUTES – December 1, 2022

It was moved by Commissioner LARSON and seconded by Commissioner SCHELKE to approve the minutes of December 1, 2022 as written. Motion carried 6-0-1 with Commissioner DITULLIO 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. WZ-22-06:** An application filed by Davis Partnership Architects on behalf of Intermountain Healthcare for approval of a Specific Development Plan (SDP) to facilitate construction of a 137,000 sq. ft., 5-story Medical Office Building (MOB) on a property zoned Planned Mixed-Use Development (PMUD) and located at 12905 West 40th Avenue.

Ms. Stevens gave a short presentation regarding the Specific Development Plan 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.

Aaron Brewster, Applicant
1550 Market St., Ste, 200, Denver

Mr. Brewster gave a brief presentation about the location and the architecture of the MOB and mentioned it is independently owned and operated separately from the hospital. The MOB is a ground lease with Intermountain Healthcare.

In response to a few questions from commissioners about the pedestrian connectivity, parking and sidewalks, Ms. Stevens explained all was determined during the SDP process for the main hospital building.

Commissioner LARSON asked about the sky bridge connecting the parking garage and the MOB.

Mr. Brewster said the connection is from the 3rd floor of the garage to the 2nd floor of the MOB. He mentioned there is also a bridge from the parking garage to the hospital.

Commissioner KERNS thinks there is more parking than will be used and questioned if the part of the parking lot could be developed in the future if all the parking spaces are not used.

Ms. Mikulak agreed there is nothing in the zoning that would preclude development from happening so long as minimum parking requirements are met.

Public Comment

No one wished to speak at this time.

In response to a question from Commissioner LARSON as to whether this is the last of the big developments at Clear Creek Crossing, Ms. Stevens said it is not and there is still vacant land between Hampton Inn and Lifetime as well as vacant land on the southeast corner of 40th Avenue and Clear Creek Drive in the designated retail area.

Chair ANTOL closed the public hearing and mentioned she is very impressed by the design of the MOB and the creation of an exciting, robust and consistent design with this building.

It was moved by Commissioner DITULLIO and seconded by Commissioner LARSON to APPROVE Case no. WZ-22-06, a request for approval of a Specific Development Plan for the construction of a 137,000 square foot, 5-story medical office building on property located at 12905 W. 40th Avenue within Planning Area 1 of Clear Creek Crossing, 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**

With the following conditions:

1. **Prior to commencing construction, civil construction drawings shall be approved, and appropriate permits shall be obtained.**
2. **Building permit submittals shall be consistent with the SDP.**

B. **Case No. ZOA-23-02:** An ordinance amending Section 26-803.G of the Wheat Ridge Code of Laws, to adopt the flood hazard delineation maps for Clear Creek dated September 2, 2022 as a local flood hazard area.

Mr. Westberg gave a brief presentation on floodplain updates for Clear Creek.

Commissioner DITULLIO asked if the new map gives the City more authority to tell the property owner what they can or can't do in the floodplain areas.

Mr. Westberg clarified that it will allow the City to regulate the areas that are in a flood hazard area.

Commissioner DITULLIO would like to see the City put funds into mitigating floods by improving drainage, so property owners do not have to pay for flood insurance.

Ms. Mikulak mentioned that the boundaries are changed periodically to reflect the risk and as data methodologies get better the City can more accurately assess the risk. She agreed that the City does not have a sustainable revenue source to address drainage and stormwater infrastructure and it will be an upcoming study session topic with City Council. Mr. Westberg added that in the next month there will be a kick-off for a masterplan for Clear Creek to identify the projects that can modify the creek area to remove property owners from the floodplain, mentioning there will be grant opportunities to find funding sources.

Commissioner LARSON asked how many properties are within the floodway and if there is a map to view.

Ms. Mikulak said there are over 100 properties with the most being in the Clearvale area and Mr. Westberg explained the map and showed the public websites with the map and study information:

- Clear Creek Floodplain Comparison Map (arcgis.com)
- https://www.iconeng.com/project/ClearCreek_FHAD/

Commissioner LARSON inquired as to what has attributed to the change in maps.

Mr. Westberg said it is because the recognition that flows are 30% lower than previously assumed in the older hydrology.

Commissioner ANTOL asked to have clarified what this map is actually doing.

Mr. Westberg gave a brief history of flood maps dating back to 2003 and is hoping that sometime this year Clear Creek maps can be submitted to FEMA so properties will be removed from the floodplain which will also remove their mandatory flood insurance requirement.

Commissioner STERN thanked Mr. Westberg for his passion and informative presentation and his help making it understandable and thinks the City has a responsibility to adopt and regulate based on current maps.

Commissioner KERNS asked if the City has funds to construct drainage improvements.

Ms. Mikulak explained that drainage improvements fall under the City's Capital Improvement Program (CIP). Because the City does not have a sustainable CIP funding source other sources are used such as bonds and grants. She added that floodplains do not affect everyone in the City, so it can be a challenge to gain financial support for those projects. Funding of CIP and drainage or floodplain projects will be a topic of conversation with City Council later this year.

Commissioner STERN agrees that public investment is called for and hopes for investments in the Clear Creek and 44th Avenue areas.

Commissioner LARSON noted that amending the floodplain maps is the responsibility of the City and the Planning Commission to approve tonight.

Public Comment

No one wished to speak.

It was moved by Commissioner LARSON and seconded by Commissioner LEO to recommend approval of the proposed ordinance amending Section 26-803.G of the Wheat Ridge Code of Laws, to adopt the flood hazard delineation maps for Clear Creek Dated September 2, 2022 as a local flood hazard area.

Motion carried 6-1 with Commissioner DITULLIO voting against.

C. **Case No. ZOA-23-01:** An ordinance amending Section 26-115.E of the Wheat Ridge Code of Laws, concerning a request for interpretation by the Board of Adjustment.

Ms. Mikulak gave a brief presentation about this ordinance hitting a few key points.

Commissioner LARSON inquired if there currently is a time limit to meet if there is an appeal to be heard by the Board of Adjustment.

Ms. Mikulak confirmed there is not currently a time limit. If the ordinance is approved, it would become 30 days from the date on the letter of the Director's decision. She also explained the process for filing an appeal to the Board of Adjustment.

Commissioner SCHELKE asked what the problem is that the City is trying to fix.

Ms. Mikulak clarified that the City does not want an open-ended time frame for an appeal to the Board of Adjustment; she gave the example of a recent billboard appeal in 2022 which happened 6 months after the Director's decision.

Public Comment

No one wished to speak.

It was moved by Commissioner LEO and seconded by Commissioner KERNS to recommend approval of the proposed ordinance amending Section 26-115.E of the Wheat Ridge Code of Laws concerning requests for interpretation by the Board of Adjustment.

Motion carried 7-0.

8. NEW BUSINESS

A. Update on the Affordable Housing Strategy and Action Plan

Mr. Hirt gave a brief summary and overview on the recent Council adoption of the Affordable Housing Strategy and Action Plan. He mentioned that the entire report along with a lot of background material is on What's Up Wheat Ridge.

Commissioner SCHELKE asked what was meant by "relatively affordable housing."

Mr. Hirt explained the term is Naturally Occurring Affordable Housing (NOAH) and explained that Wheat Ridge is unique in having a larger stock of units in an affordable range compared to surrounding cities.

Commissioner STERN asked how Planning Commission can expect to be involved in operationalizing some of these recommendations.

Mr. Hirt and Ms. Mikulak summarized the Strategy's proposals related to zoning code amendments and the Comprehensive Plan.

Commissioner DITULLIO asked if rents would be raised if money is invested in NOAH units.

Ms. Mikulak agreed that would be the likely outcome if left to the market, but a program that is well tested and very appropriate for housing stock would include the City providing the funds to make investments in older NOAH units in exchange for deed restrictions that requires rent to be income-qualified and/or capped. The purpose of the program would be to preserve affordable housing stock and improve its quality.

In response to a question from Commissioner LARSON, Ms. Mikulak confirmed there is no target for modifying the ratio of renter- and owner-occupied households in the City.

Commissioner ANTOL commented that there is no way to regulate how much of an increase a landlord can place on rent such as rent control to maintain affordability.

Ms. Mikulak mentioned that rent control is not something that can be implemented locally. Mr. Hirt added there will be space for these questions on the implementation and the zoning framework of affordable housing and the strategy to come.

B. Upcoming Dates

Ms. Mikulak mentioned there will be no Planning Commission Meeting on February 16.

C. Project and Development Updates

Ms. Mikulak mentioned the Let's Talk neighborhood blitz in Paramount Park and Southeast Wheat Ridge is wrapping up and will be presented to City Council on February 13. She added that the development of the new hospital at Clear Creek Crossing is approximately 1½ years from the target opening.

9. OLD BUSINESS

10. ADJOURNMENT

It was moved by Commissioner DITULLIO and seconded by Commissioner SCHELKE to adjourn the meeting at 8:24 p.m. Motion carried 7-0.

Chair, Planning Commission

Tammy Odean, Recording Secretary