City of Wheat Ridge

**PLANNING COMMISSION**
**Minutes of Meeting**
**April 20, 2023**

## 1. CALL THE MEETING TO ORDER

The meeting was called to order by Vice Chair DISNEY at 6:31 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology.

## 2. ROLL CALL OF MEMBERS

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| Commission Members Present: | Kristine Disney<br>Daniel Larson<br>Janet Leo<br>Jonathan Schelke<br>Julianne Stern |
| Commission Members Absent: | Jerry DiTullio<br>Will Kerns |
| Staff Members Present: | Lauren Mikulak, Community Development Director<br>Scott Cutler, Senior Planner<br>Rocky Macsalka, Civil Engineer II<br>Tammy Odean, Recording Secretary |

## 3. PLEDGE OF ALLEGIANCE

## 4. APPROVE ORDER OF THE AGENDA

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

## 5. APPROVAL OF MINUTES – April 6, 2023

**It was moved by Commissioner LARSON and seconded by Commissioner SCHELKE to approve the minutes of April 6, 2023, as written. Motion carried 4-0-1 with Commissioner LEO 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-21-05:** an application filed by Rich Gebele for approval of a major subdivision consisting of two lots and dedication of full street width right-of-way at 4600 Kipling St.

Mr. Cutler gave a short presentation regarding the subdivision 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.

Commissioner SCHELKE inquired why both sidewalks will not be the same width and asked when they will be installed.

Mr. Cutler clarified the Subdivision Improvement Agreement obligates the property owner to construct sidewalks within a certain timeframe and some happen concurrently with the development; adding that the Streetscape Design Manual calls for a 10ft. sidewalk on Kipling and 6ft. on 44th Avenue. Ms. Mikulak also mentioned the 6ft. width on 44th Avenue tie into existing sidewalks that are already constructed.

Commissioner LARSON inquired if the plat will stay in line with the Concept Plan, or if it will be changed as time goes on.

Mr. Cutler explained that the plat is in compliance with the Concept Plan, and it is setting up future development based on the Concept Plan, this also includes the amenity space in the south block.

Commissioner LARSON also asked if this property had ever been developed in the past.

Ms. Mikulak clarified it had not been developed and before the zone change part of the property was a planned development but had not been acted upon.

Commissioner STERN asked what next steps are for Planning Commission and City Council if the plat is approved.

Mr. Cutler explained that no further action from the Commission or Council is needed because the development within the site will be administrative due to the zoning requirements only needing staff review.

Commissioner STERN is curious how this development will align with the 44th Avenue Subarea Plan.

Ms. Mikulak clarified that because it is part of a mixed-use zone district the code requires high-quality architecture, urban form and pedestrian connectivity which align with the Concept Plan and the 44th Avenue Subarea Plan.

**Public Comment**

**Ryan Austin, resident**
**4325 Iris Street**

Mr. Austin gave his support for this development being a dense mixed-use multi-family building but does not think this development reflects Wheat Ridge's future vision due to lack of outdoor communal areas and no larger sidewalks.

Commissioner DISNEY closed the public comment.

Commissioner LARSON commented that this is an important step forward and excited to see the vacant land developed.

Commissioner LEO also said she is very excited to see this property be developed because it has been vacant too long.

Commissioner STERN believed the site has a lot of opportunity and is hopeful the developer is thoughtful about place making and makes an effort to be respectful to the 44th Avenue Subarea Plan vision.

**It was moved by Commissioner LEO and seconded by Commissioner LARSON to recommend approval of Case No. WS-21-05, a request for approval of a major subdivision with two (2) lots and full street right-of-way dedication on property zoned Mixed Use-Commercial (MU-C) located at 4600 Kipling Street, 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 of the zoning and development code have been met.**

**With the following conditions:**

1. **A Subdivision Improvement Agreement shall be required to be recorded with the plat, outlining the developer's/owner's current and future obligations to construct public and on-site improvements to allow development to proceed.**
2. **Future plats shall be required to create the necessary on-site easements within each block, to be coordinated with future development.**

3. **Minor typographical corrections as required by the Engineering Division shall be completed prior to plat recordation.**

**Motion carried 5-0.**

B. **Case No. ZOA-23-04:** An ordinance amending Article I and IV of Chapter 26 of the Wheat Ridge Code of Laws, concerning general modernization and cleanup of the City's subdivision requirements, and making conforming amendments therewith.

Mr. Cutler gave a short presentation regarding the amendment.

Commissioner LEO asked if the code amendment would impact the perception or difficulty of developing in Wheat Ridge.

Ms. Mikulak clarified that over the last 10-15 years that trend has shifted and most developers are enjoying doing work in the City. She added that the majority of the cleanup is fixing the code sections that are outdated and conflicting and therefore the amendment may result in better customer service.

Commissioner STERN said she would like to hear more about the goal of establishing HOAs.

Mr. Cutler explained there are not a lot of HOAs in the City and the pattern of new development specifically with townhomes is there are more common amenity spaces that the City is not going to take over ownership and that is when an HOA is necessary to maintain the common infrastructure. Ms. Mikulak added that HOAs have been required in the last 20 years or so for the maintenance of detention ponds.

In response to a question about Metro Districts, Ms. Mikulak explained that a Metro District is a special district that has authority under state statute and the City has only 3 townhome projects that are in Metro Districts. She added it falls to the decision of City Council to agree on a Metro District's service plan in terms of how the mill levy is assessed, which is a formal process. Mr. Cutler added, that for HOAs, staff does not approve the covenants but reviews them to ensure that maintenance obligations are covered.

**Public Comment**

No one wished to speak at this time.

Commissioner LARSON appreciates the work of staff and supports staff's effort.

**It was moved by Commissioner STERN and seconded by Commissioner LEO to recommend approval of the proposed ordinance amending Articles I and**

**IV of Chapter 26 of the Wheat Ridge Code of Laws, concerning general modernization and cleanup of the City's subdivision requirements, and making conforming amendments therewith.**

**Motion carried 5-0.**

## 8. NEW BUSINESS

A. Preview of Upcoming Code Amendments

Ms. Mikulak and Mr. Cutler gave a brief explanation of a few upcoming code amendments including related to cleanup of the mixed-use code, daycare centers, affordable housing parking requirements, utility underground requirements, subdivision public notice/hearings and electric vehicle (EV) parking/charging.

B. Upcoming Dates

Ms. Mikulak mentioned there will not be a May 4 meeting but there will be cases to be heard on May 18.

C. Project and Development Updates

Nothing at this time.

## 9. OLD BUSINESS

## 10. ADJOURNMENT

**It was moved by Commissioner STERN and seconded by Commissioner LARSON to adjourn the meeting at 7:30 p.m. Motion carried 6-0.**

**Jerry DiTullio, Chair**

**Tammy Odean, Recording Secretary**