City of Wheat Ridge

PLANNING COMMISSION
Minutes of Meeting
October 19, 2023

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair DITULLIO at 6:32 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology.

2. ROLL CALL OF MEMBERS

Commission Members Present:	Jerry DiTullio Daniel Graeve Daniel Larson Janet Leo Patrick Quinn
Commission Members Absent:	Kristine Disney Will Kerns Jonathan Schelke
Staff Members Present:	Jana Easley, Planning Manager Stephanie Stevens, Senior Planner Rocky Macsalka, Engineering Manager Cole Haselip, Management Analyst Tammy Odean, Recording Secretary Gerald Dahl, City Attorney

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by consensus to approve the order of the agenda as published.

5. APPROVAL OF MINUTES – September 21, 2023

It was moved by Commissioner QUINN and seconded by Commissioner LEO to approve the minutes of September 21, 2023, as written. Motion carried 4-0-1 with Commissioner Graeve 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-22-07: an application filed by Rocky Mountain Hardwood Processing for approval of a Specific Development Plan (SDP) to facilitate the construction of a 5,040 square-foot office/warehouse building for a tree service business on property zoned Planned Commercial Development (PCD) and located at 4877 Robb Street.

Chair DITULLIO opened the public hearing.

Ms. Stevens gave a short presentation regarding the SDP 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.

CJ Kirst, Applicant Representative, Tahoe Consulting
5730 E. Otero Ave, Centennial

Mr. Kirst gave a brief background of the tree service business and the goal for the property at 4877 Robb Street.

Public Comment

Eric Duwe, Adjacent Business Owner
8215 Eagle View Dr., Littleton

Mr. Duwe is representative of Ear Science Systems LLC, a company that has been in business in the City of Wheat Ridge for two decades and currently occupying the building to the south of 4877 Robb Street and are in the process of expanding catty corner across the street. He mentioned that his main concern is the noise that will come from the tree service business and would like to know how the noise is controlled and measured.

Ms. Stevens said that per the noise ordinance the maximum decibels is 65 decibels for a commercial property which is measured from the receiving property line.

Sean Imfeld, Applicant
171 S. Wadsworth Blvd., Lakewood

Mr. Imfeld gave a brief explanation of the business' day-to-day operations; trucks are loaded in the mornings and sent out to customer properties for tree trimming and grinding of stumps and logs. He added there are future opportunities for wood

milling on site, but it is not loud and would not be a daily occurrence. Mr. Imfeld said that if there is any mulch processing done that is only 3-4 times per year.

Commissioner LARSON asked why this property was not rezoned industrial and wanted the City's noise requirements explained.

Ms. Stevens explained all uses allowed within the ODP were taken from the City's commercial zone districts. She added the City's noise requirements are different from the State's and mentioned that noise is measured from the property line of the complainant and the allowance of decibels during the day is 65dbs and at night it is 60dbs.

In response to questions regarding the steep grade to the north of the property and drainage, Ms. Stevens explained that the applicant will be reestablishing the grade with soil and landscaping, and staff is reviewing civil construction drawings that confirm no issues. Mr. Imfeld added that all of the run-off will be directed to the detention pond and the stormwater from Robb Street will be diverted to a water pit and will percolate and dissipates within 3 days; he mentioned it has worked so far.

Commissioner QUINN inquired about the seepage from the ditch on the property.

Mr. Imfeld said there are 2 different ditches on the property and the Wadsworth Ditch staff is on top of how the ditch is maintained as opposed to the Swadley Ditch which has not been maintained in a few years, but they are working with the ditch company to address the issue. He added he was doing some work next to the ditch today to address the seepage and hopefully it will work.

Chair DITULLIO closed the public hearing.

It was moved by Commissioner LARSON, and seconded by Commissioner GRAEVE to APPROVE Case No. WZ-22-07, a request for approval of a Specific Development Plan (SDP) on property zoned Planned Commercial Development (PCD) located at 4877 Robb Street for the following reasons:

1. **The specific development plan is consistent with the intent and purpose of a planned development, as stated in Section 26-301 of the City Code.**
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 codes and policies.**

With the following conditions:

1. **Any development not shown on this SDP or any modification to this SDP shall require an amendment consistent with Section 26-307 of the municipal code.**
2. **The technical corrections requested by Planning and Engineering related to labels, notes, and typos shall be addressed prior to SDP recording and prior to issuance of any building permit.**
3. **Prior to commencing construction, civil construction drawings shall be approved, and appropriate permits shall be obtained.**
4. **Building permit submittals shall be consistent with the SDP.**

Motion approved 5-0.

B. **Case No. ZOA-23-10:** an ordinance amending Article VII of Chapter 26 of the Wheat Ridge Code of Laws concerning the City's billboard regulations and making conforming amendments therewith.

Chair DITULLIO opened the public hearing.

Ms. Easley gave a short presentation regarding the ordinance. She entered into the record the staff report as written.

Public Comment

No one wished to speak.

Commissioner QUINN asked if this ordinance will have any affect on the billboard case currently in court.

Ms. Easley said no and explained it is a separate process.

Commissioner LARSON inquired if there is a minimum size to be a billboard and wanted to know the difference between a billboard and a sign.

Ms. Easley explained that some of the signs along I-70 fall under the sign code regulations for the property owners and their businesses.

Commissioner LARSON mentioned he disagrees with the statement that the billboards provide no revenue to the City and does not think the City should reduce the number of billboards.

Commissioner GRAEVE asked for clarification on if it is more accurate to say a location of a billboard will be decommissioned once it is abandoned.

Ms. Easley stated that, although the city code does not use the word "decommissioned," it would be similar. She also mentioned there is no intent to reduce the number of billboards, unless there is a voluntary abandonment, abandonment through non-maintenance, or abandonment through removal without notification. She agreed it is good revenue to the property owner and clarified there is no billboard fee paid to the City or special tax.

Commissioner DITULLIO asked why the lottery for billboard is going away.

Ms. Easley explained there will not be an opportunity to replace the billboard if one is abandoned; giving an example of the current billboard trying to find a location over the last nearly decade with no luck, and there is no expectation to have any viable new locations due to CDOT regulations and other constraints.

Commissioner QUINN if the property owner sells the land will the billboard stay.

Ms. Easley said it will be a private property decision between the land seller and the sign company.

Chair DITULLIO closed the public hearing.

It was moved by Commissioner Quinn and seconded by Commissioner LEO to recommend approval of the proposed ordinance amending Article VII of Chapter 26 of the Wheat Ridge Code of Laws, concerning the City's billboard regulations.

Motion approved 4-1 with Commissioner LARSON voting against.

8. NEW BUSINESS

A. Resolution of Bylaws

Mr. Haselip gave a summary of the changes to the Planning Commission Bylaws and to have the Commission adopt the amendments and a few changes, adding these bylaws have been approved by City Council.

Commissioner LEO commented that two absences per year seemed unreasonable.

Mr. Haselip explained that those would be unexcused absences only.

Commissioner LARSON ask that it be noted in Article II under regular commission meetings that the start time be change to 6:30 p.m. instead of 7 p.m.

Mr. Haselip mentioned the time and date of meetings will be eliminated in case the Commission ever wants to change them; it will be a majority vote instead of going to City Council.

Commissioner LARSON asked for clarification on the term limit.

Mr. Haselip said it will be two 3-year terms unless there is no one to replace the seat; adding an at-will term will be served until there is interest in the seat.

Commissioner QUINN gave kudos to Mr. Haselip and inquired about what happens if there is not a recommendation to adopt the Bylaws.

Mr. Haselip said he will make an appearance at the next meeting and have the discussion again.

In response to a question about absences in a calendar year, Mr. Haselip clarified that the definition of an unexcused absence is if the Commissioner does not call to confirm attendance or does not show up to a meeting.

Commissioner DITULLIO asked for clarification on the thought process behind term limits because this is a volunteer position.

Mr. Haselip explained that in addition to seeing more interest in serving on Boards and Commissions City Council had the opportunity to look at data on how long members have served over the last 30 years. He added that the median time served was 3 years and although the total amount of time served was disproportionately tilted to those who had served more than 9 years in length.

Mr. Dahl added that the term limit is something that City Council has adopted and is now a part of the Code and deviations from that would not be enforceable by the Commission.

Commissioner GRAEVE asked if there was any consideration to giving a commissioner a third term as opposed to at-will serving.

Mr. Haselip said a third term was considered, as well as one year at a time, but it was decided that if there is an interested person then City Council wanted to get them involved as soon as possible.

Commissioner LARSON mentioned he would like to see more study sessions for complex issues for Commission to decide on.

It was moved by Commissioner GRAEVE and seconded by Commissioner QUINN to recommend approval to waive the requirement to review bylaws amendment twice before adoption and adopt the new Planning Commission bylaws presented by staff.

Motion approved 3-2 with Commissioners DITULLIO and LEO voting against.

B. Upcoming Dates

Ms. Easley mentioned the next Planning Commission meeting will be held November 2 and but is unsure of the November 16 meeting. She also asked the Commissioners to let us know about attendance for the December 21 meeting due to it being close to Christmas.

C. Project and Development Updates

Ms. Easley mentioned the Certificate of Occupancy (CO) for Valvoline has been issued as well for Parallel Apartments by Ward Road Station. She added that there are currently 14 land use application in review with the City staff and 27 are with the developers awaiting resubmittal.

Ms. Easley informed the Commissioners that with regard to the Comprehensive Plan, interviews will be held on October 30 for two of six candidates who submitted proposals pursuant to the RFP, adding that interviews for the Sustainability Plan are on October 25.

Commissioner QUINN wished all a safe Halloween, to drive safe around the kids, and please vote on November 7.

9. OLD BUSINESS

10. ADJOURNMENT

It was moved by Commissioner LEO and seconded by Commissioner QUINN to adjourn the meeting at 7:49 p.m. Motion carried 5-0.

Jerry DiTullio, Chair

Tammy Odean, Recording Secretary