PLANNING COMMISSION
Minutes of Meeting
December 7, 2023

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair DITULLIO at 6:30 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology.

2. ROLL CALL OF MEMBERS

Commission Members Present:	Kristine Disney Jerry DiTullio Daniel Graeve Janet Leo Patrick Quinn
Commission Members Absent:	Will Kerns Jonathan Schelke
Staff Members Present:	Jana Easley, Planning Manager Ella Stueve, Senior Neighborhood Planner Alayna Olivas-Loera, Planner II Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

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

5. APPROVAL OF MINUTES – November 2, 2023

It was moved by Commissioner QUINN and seconded by Commissioner DISNEY to approve the minutes of November 2, 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. <u>Case No. WZ-23-10</u>: an application filed by Elham Nekouie for approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) on a property located at 10390 West 38th Avenue.

Chair DITULLIO opened the public hearing.

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.

Public Input

Tom Brickey, resident
4 Rangeview Drive

Mr. Brickey stated he takes exception with the idea that there is overwhelming support from the neighborhood for this development and believes townhomes are inconsistent with the single-family homes in the area. He also mentioned he is concerned about parking and increased traffic.

Richard Cauchi, resident
3651 Miller Court

Mr. Cauchi mentioned he neither opposes nor supports this zone change but agrees residential is the way to go. His only concern for residential is the possible density with townhomes.

Patrick Berrend, applicant
Summit Design & Engineering

Mr. Berrend addressed some of the concerns and mentioned that the zone change will lower the possible density and the future design concepts would be 10-12 high quality town home as opposed to apartments. He also stated that they will try to avoid on street parking by adding structured parking on site.

Issues with public input for those on Zoom, to be continued later in meeting.

Commissioner DISNEY does not believe townhomes are out of character for the area because there are planned developments along 38th Avenue with a mix of multi-unit housing, but mentioned her concern is high density and would like the developer to keep the number of units to 10 instead of more. She also mentioned she understands the construction cost due to the developer.

Mr. Berrend agreed there will be construction costs for this site and mentioned that Lena gulch is one of the driving forces because the entire property is not developable.

In response to a question from Commissioner LEO, Ms. Olivas-Loera explained that the zone change is for this property only not all the others that are also C-1 because the other property owners have not applied for a zone change.

Commissioner QUINN asked to have the build to area explained.

Ms. Olivas-Loera clarified that a setback is certain distance that a building can be from the property line and the build to is the opposite and the building must be a certain distance up to the property line. She added the build to in this instance is 0-12 feet.

Commissioner QUINN's only concern is with the shading on 38th Avenue from the building during the wintertime and the creation of ice on the roadway.

Ms. Oliva-Loera and Ms. Easley explained there will be bulk plane requirements in place and the easement in the front will help with the setback of the buildings.

In response to a question from Commissioner LEO, Ms. Olivas-Loera explained that the property lines, in the pictures of the staff report, are not survey accurate and there is a bit of distortion.

Commissioner GRAEVE asked if there is a requirement for sidewalks to be built around this development.

Ms. Olivas-Loera said that typically with a site plan review there are public improvement requirements, and the engineering department will address this during the review process.

Continuation of Public Input

There were technical issues with trying to get Fran Langdon to connect so Commissioner DITULLIO asked her to attend the City Council Meeting.

Scott Sicard, resident
3685 Miller Court

Mr. Sicard mentioned he has concerns with parking on to the street and said there are already issues with apartments in the neighborhood.

Mr. Berrend said it is unknown yet how many parking spaces will be on site per unit, but it is a requirement to have 1-2 spaces per unit and there will most likely be garages in each townhome.

Chair DITULLIO closed the public input and public hearing.

Commissioner DISNEY mentioned she is going to vote to approve this zone change because housing is needed in the city and feels this development is appropriate for this area.

Commissioner QUINN agreed with Commissioner DISNEY and believes there is a need to have more than single-family homes in this area and 10 townhomes seems fair to support.

It was moved by Commissioner QUINN and seconded by Commissioner LEO to recommend APPROVAL of Case No. WZ-23-10, a request for approval of a zone change from Commercial-One (C-1) to Mixed-Use Neighborhood (MU-N) for property located at 10390 West 38th 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.**
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.

8. OLD BUSINESS

9. NEW BUSINESS

A. Upcoming Dates

Ms. Easley mentioned there will not be a Planning Commission meeting on December 21 and there is a possibility there could be a meeting held on January 4 or January 18 and will keep everyone posted.

Ms. Easley introduced the City's newest Senior Neighborhood Planner Ella Stueve

Ms. Stueve mentioned she is happy to have joined the City 2 months ago and has been a planner for 11 years most recently in Denver. She has moved to the Wheat

Ridge area and will be leading the update to the City Plan. She looks forward to working with the Commissioners.

B. Project and Development Updates

Ms. Easley mentioned CO's have been issued for Chick-fil-a and First Watch, and Tabor Lake apartments and the Commons on 38th are close to getting their COs. She also let the Commissioner know that the Property and Project Map is up and working on the website. Ms. Easley also mentioned the City Plan contract award will be heard at City Council on Monday, December 11.

C. Commissioner Updates

Commissioner QUINN thanked staff for the Property and Project Map and thought it is very useful.

Commissioner DITULLIO mentioned that after the Special Session to the legislature the County Assessor will be revamping the tax rate and wanted to alert the community to the changes.

10. ADJOURNMENT

It was moved by Commissioner QUINN and seconded by Commissioner GRAEVE to adjourn the meeting at 7:22 p.m. Motion carried 5-0.

Jerry DiTullio, Chair

Tammy Odean, Recording Secretary