



## **PLANNING COMMISSION**

### **Minutes of Meeting**

**October 21, 2021**

#### **1. CALL THE MEETING TO ORDER**

The meeting was called to order by Chair LARSON at 7:03 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: Kristine Disney  
Daniel Larson  
Janet Leo  
Scott Ohm  
Jahi Simbai

Commission Members Absent: Melissa Antol  
Will Kerns  
Ari Krichiver

Staff Members Present: Lauren Mikulak, Planning Manager  
Scott Cutler, Senior Planner  
Zareen Tasneem, Planner 1  
Jordan Jefferies, Civil Engineer II  
Tammy Odean, Recording Secretary

#### **3. PLEDGE OF ALLEGIANCE**

#### **4. APPROVE ORDER OF THE AGENDA**

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

#### **5. APPROVAL OF MINUTES – October 7, 2021**

**It was moved by Commissioner OHM and seconded by Commissioner SIMBAI to approve the minutes of October 7, 2021, 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. WS-21-02:** an application filed by Silver Cloud Properties, LLC for approval of a 6-lot major subdivision in the Residential-Three (R-3) zone district located at 3900 & 3920 Upham Street.

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 OHM inquired if the property's right-of-way dedication would provide a detached sidewalk.

Mr. Cutler clarified there will be a 5-foot attached sidewalk constructed with the project.

Commissioner DISNEY asked if the 2 existing homes are slated to be demolished.

**Ciaran O'Brian, applicant**  
**3900 Upham St**

Mr. O'Brian explained that there is no intention to demolish the existing homes and currently there are building permits to remodel the homes.

Commissioner LARSON asked from which direction the utilities will come (from Upham Street or the rear of the property) and if Tract A is for storm water detention.

Mr. Cutler said the utilities will come from Upham Street and will be buried; he also confirmed that Tract A is for stormwater detention.

**Public Comment**

Nobody from the public wished to speak.

Commissioners SIMBAI, OHM and LARSON all agreed that this case was very straight forward, and staff had a good presentation and appreciated the work that was done.

**It was moved by Commissioner OHM and seconded by Commissioner DISNEY to recommend APPROVAL of case No. WS-21-02, a request for approval of a major subdivision on property located at 3900 and 3920 Upham Street and zoned Residential-Three (R-3) for the following reasons:**

- 1. All requirements of the subdivision regulations (Article IV) of the zoning and development code have been met.**
- 2. All agencies can provide services to the property with improvements installed at the developer's expense.**

**With the following conditions:**

- 1. The applicant shall pay the required fees-in-lieu of parkland dedication a time of each building permit.**
- 2. The developer shall enter into a Subdivision Improvement Agreement with the City at the time of recordation of the subdivision plat.**

**Motion carries 5-0.**

- B. Case No. MS-21-07:** An application filed by Frank Zwolinski with Power Surveying for approval of a minor subdivision to replat 5 lots into 2 lots on property zoned Residential-One C (R-1C) and located at 2844 Depew Street.

Ms. Tasneem gave a short presentation regarding the subdivision 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 SIMBAI asked why the two lots are not equal in size.

**Damon Decker, applicant  
3333 Bryant Street**

Mr. Decker explained that the original intent was to have both equal but had to adjust the lot sizes to save a couple old trees on the property.

Commissioner LARSON asked to have explained the fire hydrant comment from West Metro Fire Department.

Ms. Tasneem explained this is a typical comment from the Fire Department because they assess if there are enough fire hydrants on the site. If not, they request one be added.

**Public Comment**

**Daniel Reyna, resident**  
**2815 Depew Street**

Mr. Reyna asked if the public improvements will include sidewalks along all of Depew Street beyond just the subject property.

**Ted Sorenson, resident**  
**2845 Chase Street**

Mr. Sorenson asked if there will be one house on each lot.

Ms. Tasneem confirmed there will be one house per lot per the development standards in the R-1C zone district. She explained the existing home is going to be demolished.

Mr. Jefferies explained that a 5-foot attached sidewalk will be required across the frontage of the subdivision which will be ADA compliant. Ms. Mikulak added that the applicant will only be required to add the improvements along their portion of street frontage which is typical of development. She mentioned the City does not have the budget to complete the entire block with sidewalks.

Commissioner SIMBAI asked when the Lakeside Subdivision was created.

Ms. Mikulak said 1890 and as shown the street names are different than today's names.

Commissioner OHM asked if it was mentioned in the staff report that the R-1C has bulk plane regulation.

Ms. Tasneem confirmed that the bulk plane regulations do apply to this property.

Commissioner SIMBAI asked for clarity on the requirement for a fee in lieu of parkland dedication.

Ms. Mikulak explained that the fee is only assessed on the net increase of dwelling units. The applicant gets credit for the unit that was on the property even if demolished and only pays the fee for the one additional unit created by the plat.

**It was moved by Commissioner DISNEY and seconded by Commissioner LEO to recommend APPROVAL of Case No. MS-21-07, a request for**

**approval of a minor subdivision to replat 5 lots into 2 lots on property zoned Residential-One C (R-1C) and located at 2844 Depew 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. Fees in lieu of parkland dedication shall be provided at time of building permit.**
- 2. Public improvements (i.e., curb, gutter, and sidewalk) must meet current design standards with new development or fees in lieu shall be provided, to be determined by the Engineering Division during building permit review.**

**Motion approved 5-0.**

- C. Case No. WZ-21-04:** an application filed by Norris Design on behalf of Evergreen-Clear Creek Crossing for approval of a zone change from Planned Commercial Development (PCD) to Planned Mixed Use Development (PMUD) with an Outline Development Plan (ODP) located at 4051 Clear Creek Drive.

Mr. Cutler gave a short presentation regarding the zone change 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.

**Christine McRight, applicant**  
**1873 S Belaire, Denver**

Ms. McRight gave a brief presentation regarding the zone change for the Planning Area 9 site at Clear Creek Crossing and Evergreen's vision for the site.

Commissioner SIMBAI asked if there are to be more than 250 units applied for, how that impacts the current traffic study.

Mr. Jefferies explained that a revised traffic letter would be requested showing the impact of the additional units. Mr. Cutler mentioned that if the zone change is approved then the maximum number of apartments allowed by the zoning documents is 250 units; the zoning would not allow them to exceed 250.

In response to a question from Commissioner OHM, Ms. Mikulak explained that the City does not need to redesignate the property in the Comprehensive Plan.

Commissioner OHM noticed the Planning Commission Certification is absent and asked if that will be added.

Mr. Cutler confirmed that was an oversight, and it will be added to the mylars for the correct signature.

Commissioner OHM also inquired how many proposed pedestrian cycling trips this project will generate on the Clear Creek Trail.

Mr. Jefferies mentioned the trip generation does not include a cycling count, so at this time the City does not know.

Commissioner DISNEY asked how pollution will be mitigated from going into the Coors ponds adjacent to this project.

Mr. Cutler said the property lines are setback quite a distance from the ponds. Ms. McRight added that a 6-foot chain link fence will be installed. She added that the site is designed to drain to the northeast to the regional water quality feature and there are setback requirements and a buffer on the west side of the property.

Commissioner LARSON asked if there is a long-term plan for the pond.

Ms. McRight explained that the pond is the property of Coors and it is important to their business plan.

Commissioner LARSON also inquired if these units will be rentals or for ownership and what the timeline is for the Specific Development Plan (SDP).

Ms. McRight said they units will be market rate rentals and the SDP should be ready to present to the Planning Commissioners in early 2022.

In response to a question from Commissioner LARSON regarding the Denver Water easement Mr. Cutler explained that Denver Water is very strict about what can or can't go in their easement and why the buildings are setback significantly from the street.

### **Public Comment**

No one wished to speak

Commissioner SIMBAI observed that it has been interesting to see how things have changed over time in the project area.

Commissioner OHM mentioned he likes the proposal and the City definitely needs more housing and this is the perfect place for it. He added that he appreciates the applicant not building as high as they could. He would also like to have conversations about the volume of users on the Clear Creek Trail so all can continue to enjoy it.

Commissioner LARSON echoed Commissioner OHM and agreed the zone change is a logical next step for this project.

**It was moved by Commissioner LEO and seconded by Commissioner OHM to recommend APPROVAL of Case No. WZ-21-04, a request for approval of a zone change from Planned Commercial Development (PCD) to Planned Mixed Use Development (PMUD) with an Outline Development Plan (ODP) for property located at approximately 4051 Clear Creek Drive, 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 goals for the Clear Creek Crossing area**
- 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 carries 5-0.**

## **8. OLD BUSINESS**

## **9. NEW BUSINESS**

Commissioner OHM announced that this is most likely his last meeting due to his running for a City Council seat. He shared that he has enjoyed his 11 years on the Planning Commission and encouraged others to serve on the Commission as well.

Commissioner LARSON informed the Commission that Commissioner KRICHIVER in District I will be stepping down due to professional and personal commitments. He wished both Commissioners the best in the future.

Ms. Mikulak mentioned there will not be a November 4 meeting, but the November 18 meeting will be held.

Ms. Mikulak gave a brief update on a few of the development projects in the City.

- The Wadsworth Blvd. groundbreaking took place the week before and the neighborhood meeting is scheduled for October 26 from 6-8pm which will be an open house format.
- The Let's Talk program on What's Up Wheat Ridge is running the 1<sup>st</sup> round survey for the Fruitdale and Anderson Park Neighborhoods.
- Fall waste program will be \$5 on Nov. 6 & 7 at Anderson Park registration is required.
- The City has a 50% matching grant to remove a dying or hazardous tree.

Commissioner DISNEY asked about the trees that are dying on commercial properties. Ms. Mikulak said the City is hoping to get a City Landscaper back on staff to inspect the landscaping on commercial properties.

Commissioner LEO ask whose responsibility the trees in the greenbelt belong to.

Ms. Mikulak said to start with the Parks, Forestry and Open Space Division.

Commissioner DISNEY was curious about the sound mitigation at the bottling company.

Mr. Cutler said the wall is done but will have to wait for testing to see if it is working.

Commissioner SIMBAI mentioned it was a pleasure working alongside Commissioner OHM and thanked him for his professionalism.

## 10. ADJOURNMENT

**It was moved by Commissioner DISNEY and seconded by Commissioner OHM to adjourn the meeting at 8:24 p.m. Motion carried 6-0.**

  
Dan Larson, Chair

  
Tammy Odean, Recording Secretary