



**PLANNING COMMISSION
Minutes of Meeting
February 20, 2020**

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair OHM at 7:02 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

2. ROLL CALL OF MEMBERS

Commission Members Present: Melissa Antol
Will Kerns
Daniel Larson
Janet Leo
Scott Ohm
Richard Peterson
Jahi Simbai
Vivian Vos

Commission Members Absent: None

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

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner PETERSON and seconded by Commissioner VOS to approve the order of the agenda. Motion carried 8-0.

5. APPROVAL OF MINUTES – February 6, 2020

It was moved by Commissioner SIMBAI and seconded by Commissioner LARSON to approve the minutes of February 6, 2020, as written. Motion carried 6-0-2 with Commissioners ANTOL and 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-18-04:** an application filed by Billy Wang for approval of a 15-lot major subdivision for the property zoned Mixed Use-Neighborhood (MU-N) located at 6230 West 38th Avenue.

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.

Commissioners SIMBAI and VOS wanted an explanation of the ROW dedication and the Public Improvements.

Mr. Cutler explained that the ROW dedication will allow for the construction of the 8ft. sidewalk that will be adjacent to a 6ft. amenity zone.

In response to a question from Commissioner KERNs, about the height and asked about these townhomes being slot homes. Ms. Mikulak clarified they are not slot homes because there is a commercial development between the homes and the street. She added that the use of the term slot home will be explained in the ordinance later in the meeting and how the building interfaces with the street. A sideways orientation does not on its own classify the design as slot homes. She confirmed that the site design and use is compliant with the underlying zoning.

Commissioner OHM asked if there is a building setback or envelope shown on the plat.

Mr. Cutler explained that the easements dictate some of the setbacks, but the buildings are set back further on the east side because they are adjacent to single family homes. He added the setbacks will be shown in the site plan.

Commissioner OHM also inquired about tree placement and Commissioner VOS asked who will take care of the landscaping.

Mr. Cutler assured the commission that there will be street trees as well as trees in non-Xcel easements along with landscaping and there will be an association who cares for the landscaping, not the City.

Commissioner LARSON asked what will be built over the underground detention pond.

Mr. Cutler explained the alley way and parking will be built over the detention pond.

**Anchen Wang, Designer representing the Owner.
2400 Meade Street, Denver**

Commissioner VOS asked about the height of the commercial building and if the owner has done other developments in the City of Wheat Ridge. Commissioner VOS also asked if the site plan includes a playground or other amenity.

Mr. Wang said the commercial building will be 30ft. in height and this is the first development for the owner in the City of Wheat Ridge, but he has lived in the City for many years. The applicant confirmed there will be landscaped areas but there will not be a playground.

Commissioner KERNS asked how this development will fit the neighborhood. He expressed concerns related to building heights and compatibility. He asked about the proposed land use, specifically if the commercial building would include retail uses.

Mr. Wang explained that the development will engage the neighborhood with both commercial and residential on the site, especially if the commercial site is a restaurant or coffee shop on the lower level and office space above.

Commissioner OHM asked what the pedestrian connection is from the townhomes to 38th Avenue.

Mr. Cutler said there will be sidewalks on both sides of the development and they will connect to the sidewalk on 38th Avenue.

In response to a question from Commissioner PETERSON about access to Founders Park from the development, Mr. Cutler and Ms. Mikulak clarified it is an easy walk, maybe 500ft. from 38th Avenue to Jay Street.

**Valerie Cardenas, resident
3775 Jay Street, Wheat Ridge**

Ms. Cardenas explained that her concern is parking in the neighborhood and would like to know how accommodations will be made for visitor parking.

**Roger Loecher, resident
4599 Carr Street**

He also had concerns about parking and does not think the current and proposed sidewalks will match up. He also wanted to know if there will be a 6ft. privacy fence between the development and the residents on Jay Street.

Ms. Mikulak mentioned that these are all site design issues and staff would be happy to share the site design plan in the office. She quickly shared that there will be parking on site with garages, parking adjacent to the commercial lot, and subterranean parking below the commercial building. She added the site plan is administratively approved and is compliant with all Mixed-Use zoning standards.

It was moved by Commissioner LEO and seconded by Commissioner ANTOL to recommend APPROVAL of Case No. WS-18-04, a request for approval of a major subdivision on property located at 6230 W. 38th Avenue, 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. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.**
- 2. The developer shall enter into a Subdivision Improvement Agreement and a lot sale restriction covenant agreement prior to recordation of the subdivision plat.**
- 3. Prior to issuance of building permits, the developer shall provide owner association covenants for review by staff.**

Motion carried 6-2 with Commissioner KERNs and VOS voting against.

- B. Case No. WZ-19-10:** an application filed by Davis Partnership Architects, on behalf of SCL Health for approval of an amendment to the underlying zoning to increase the allowable height for hospital uses at Clear Creek Crossing.

Commissioner SIMBAI disclosed he is on the Board for SCL Health.

Ms. Mikulak asked if he would have any financial interest in this application and if he can remain impartial and fair in this decision-making process despite his participation on the SCL Health Board.

Commissioner SIMBAI confirmed he has no financial gain due to this case and can remain impartial on the voting process. Based on these answers, Ms. Mikulak confirmed he is eligible to participate in the hearing and should not recuse himself.

Ms. Mikulak gave a short presentation regarding the amendment 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 if this amendment is approved does it change the Design Pattern Book or the Code.

Ms. Mikulak explained that Planned Developments are not codified, but they are recorded and the Design Pattern Book is a recorded document so it will show up on title work.

Commissioner LARSON wanted confirmation that this amendment applies only to this project and not the City's Code.

Ms. Mikulak confirmed this to be true and stated all Planned Development are property-specific and are separate from the City Code.

Commissioner OHM asked what the underlying zoning is for this property and asked about the height standards in relation to other mixed use zone districts.

Ms. Mikulak said the zoning is Planned Mixed Use Development (PMUD) and explained the point of reference are the four different Mixed-Use Developments. She also explained that this is an exempted area and it can exceed 50 feet in height. She explained how the maximum heights were established in the mixed use codes and why they don't work for the hospital use. When the mixed use districts were written, there was a public process including visual preference surveys, and the community determined that 4-, 6-, and 8-story buildings were appropriate in those areas where more density was being encouraged. Working with industry experts, those story heights were translated in to maximum heights of 62/65, 90 and 118 feet respectively. Those height assumptions were based on office uses. A 6-story building for a hospital use has to be taller than 90 feet because of different building codes.

Commissioner ANTOL inquired if the elevator is needed to access the helipad and if a noise study is necessary for helicopters.

Ms. Mikulak mentioned the City does not have a noise requirement. She added it is preferable to have a helipad adjacent to the highway because they tend to follow highway corridors for flight.

Commissioner LEO asked why the height issue is being addressed now instead of earlier.

Ms. Mikulak explained that during the Outline Development process there is no specific design plan. She added that during this ODP process there was a different hospital partner for part of the process. The applicant has now had the time to work through conceptual designs to determine their needs. If the height amendment is not approved then it will affect the applicant's ability to provide the services they have envisioned and they may have to go back to the drawing board to figure out how this site will be designed.

Steven Chyung, applicant
2541 S. Monroe St., Denver

Mr. Chyung gave a brief history of SCL Health, the location of the project, and the visualization of why the height increase is being requested. He mentioned that by putting the helipad on the roof there will be noise reduction and it is the safest and easiest way to access the emergency room. He noted that the site is not a heliport (no elevator is stationed there) but will likely see an average of 5 helicopter trips per month.

Commissioner LARSON asked if there is any aviation concerns about wind with the helipad being on the roof.

Mr. Chyung mentioned that the helicopter can be oriented more quickly if put into the wind, which makes the takeoff more efficient.

Commissioner VOS asked which direction the helicopter would take off in.

Mr. Chyung explained it would depend on the wind direction and then the helicopter will orient over the highway.

In response to a question from Commissioner VOS about the hospital's setback from the interstate, Ms. Mikulak explained that is part of the final site plan design and will be decided at a later time, but the minimum setback established in the zoning is 5-feet per story and it is likely the hospital will exceed the minimum setback.

Commissioner VOS then asked if the helipad could be placed on the parking garage.

Mr. Chyung explained that the most efficient way for the patient to get to the OR and/or ER from the helicopter is in a direct vertical path from the hospital roof down into the OR/ER. Transporting a patient from a different building on the campus would not work.

Commissioner VOS wanted to know the current height of the stories at Lutheran Hospital on 38th Avenue and the proposed height of the stories for the hospital at Clear Creek Crossing.

Bruce Fong, architect
500 Eldorado, Broomfield

Mr. Fong said the current height of Lutheran Hospital stories is 12 to 13 feet per story and the proposed height at Clear Creek Crossing is 15 to 18 feet per story. He explained some of the contemporary medical equipment in ERs and OR that require taller ceiling heights.

Commissioner KERNS asked how this hospital will have positive health outcomes for patients being so close to the I-70 Highway, due to noise, vibration and air quality. He expressed serious concerns about the hospital being sited so close to the interstate.

Mr. Chyung said there will be better access to the hospital being adjacent to the highway. With regards to air and noise pollution, the hospital is built to take the pollutants out of the air and meet regulatory standards.

Ms. Mikulak and Commissioner OHM reminded the Commission that the hospital is a permitted use and the purpose of this meeting is strictly to decide the height of the hospital.

Commissioner OHM asked if the trauma level 3 designation will change with or without the helipad.

Mr. Chyung said no the trauma level designation is not determined by the helipad.

Tara Laventure, resident
13167 W. 33rd Ave., Golden

Ms. Laventure mentioned her concerns are with air pollution from the active construction site, noise from the helicopter and the height of the building.

Chair OHM closed the public forum and asked staff to respond to public comment.

Ms. Mikulak explained the height of the hospital will be 102 feet with only the elevator portion on the roof being at 135 feet. She also clarified that noise is not addressed in the zoning code, it is considered a nuisance issue elsewhere in the code of laws and applies to all uses in the City. Noise is considered a nuisance if it is sustained.

Commissioner LARSON asked what the building timeline is for the hospital.

Ms. Mikulak said she does not have that answer, but it will take longer because it is the largest portion of the property.

Commissioner LEO asked what the next steps are for the Planning Commission for Clear Creek Crossing.

Ms. Mikulak said the review of the Specific Development Plans for this planning area and others would be the next step.

In response to a question from Commissioner VOS regarding the impact on wildlife due to helicopters flying through the area, Ms. Mikulak mentioned there was an Environment Assessment done per federal regulations in association with the hook ramp infrastructure.

Commissioner ANTOL asked about the timeline of the projects and what the importance is for having a helipad.

Mr. Chyung explained that to be a licensed acute care hospital the requirement is a helipad. He confirmed the height is necessary to achieve the goals of the hospital campus.

Commissioner VOS asked why they are reviewing the proposed height without a proposed site plan.

Ms. Mikulak said is customary and appropriate to establish the development parameters, including the maximum height, so the applicant knows the parameters to which they are designing.

Chair OHM called for a motion.

It was moved by Commissioner KERNS and seconded by Commissioner VOS to recommend DENIAL of Case No. WZ-19-10, a request for amendment to the underlying zoning to increase the allowable height for hospital uses at Clear Creek Crossing, for the following reasons:

- 1. The siting and zoning does not promote the positive health outcomes and general welfare of hospital staff, patients and the community.**
- 2. Noise and elevated ambient sound levels due to the adjacent freeway are unbecoming of a height increase for a hospital and associated health campus.**
- 3. Vibration, including low, mid, and high resonant frequencies due to the adjacent freeway are unbecoming of a height increase for a hospital and associated health campus.**
- 4. Air quality, including elevated levels of ultra-fine particulates, black carbon, nitrogen oxides, carbon monoxide, volatile organic compounds, and particle-bound polycyclic aromatic hydrocarbons (PPAH). Leading to respiratory infections, heart disease, COPD, stroke, asthma, reduced pediatric lung function, and lung cancer. These listed reason**

are unbefitting of a height increase for a hospital and associated health campus.

5. **It is not appropriate to amend zoning standards to recognize the unique needs of a hospital use at this site.**

There was no discussion.

Motion failed 5-3 with Commissioners ANTOL, LARSON, OHM, PETERSON and SIMBAI voting against.

Chair OHM called for an alternate motion.

It was moved by Commissioner LARSON and seconded by Commissioner PETERSON to recommend APPROVAL of Case No. WZ-19-10, a request for amendment to the underlying zoning to increase the allowable height for hospital uses at Clear Creek Crossing, for the following reasons:

1. **The zoning promotes the health, safety and general welfare of the community and will not result in a significant adverse effect on the surrounding area.**
2. **The change in height does not affect the demand on public infrastructure.**
3. **The amendment is consistent with the goals and objectives of the Comprehensive Plan and purpose of underlying zoning.**
4. **It is appropriate to amend the zoning standards to recognize the unique needs of a hospital use.**

There was no discussion.

Motion carried 5-3 with Commissioners KERNs, LEO and VOS voting against.

- C. **Case No. ZOA-20-02:** an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws pertaining to the design and plating of multifamily development and attached single family homes.

Ms. Mikulak gave a short presentation regarding the ordinance 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 requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner PETERSON asked if the building footprint will remain the same with a lot line adjustment.

Ms. Mikulak confirmed the building footprint could stay the same if only interior lots are moved. She clarified that a lot line adjustment shifts the lot line, but does not always change the number of lots or units. The lot line adjustment process is not specific to townhomes.

Commissioner SIMBAI asked if a lot line adjustment can reduce the number of lots and would the change require another Public Hearing.

Ms. Mikulak then read the definition of a lot line adjustment from the Code and confirmed the number of units may be reduced by definition. The other consideration of whether it requires a hearing would be if such a reduction materially changes the overall design or not.

Commissioner PETERSON then asked if a lot line adjustment could be reviewed administratively.

Ms. Mikulak confirmed yes that any subdivision application dealing with 3 or fewer lots could be administrative.

Commissioner ANTOL said she likes the tools that are provided by this ordinance to prohibit slot home developments.

Commissioner LARSON asked about Section F of the ordinance and wanted the word “predominant” explained.

Ms. Mikulak explained there is no definition, but in some developments not all front doors face a street, but predominately they all do. She added that some discretion is required and there will be some high standards in the development code.

Commissioner LARSON then asked about the minimum separation of 10ft. between buildings. He also inquired why some units are very narrow.

Ms. Mikulak explained the 10ft. is between the townhome buildings not each unit because they are attached. Ms. Mikulak added that some units are narrow to achieve affordability and meet market demand.

In response to a question from Commissioner VOS, Ms. Mikulak gave the definitions of the façade design and articulation methods listed on Page 2 in Section 3.B.1.

Commissioner KERNS asked if this ordinance outlaws the slot home typology.

Ms. Mikulak explained that a slot home is defined by several characteristic features: they are sideways oriented, bulky and massive, lack change in materials and don't have front doors facing the street. She added this ordinance does

prohibit slot homes as defined by all of these things, but does not prohibit the sideways orientation individually because here in the City of Wheat Ridge there are a lot of narrow properties. The focus is on how the units relate to the street.

Commissioner VOS asked if there can be a flat side of some façades on the townhomes.

Ms. Mikulak clarified that the mixed use code is requires “four-sided architecture” meaning architectural requirements applies to all sides of the buildings.

Commissioner OHM asked if there is a minimum unit width.

Ms. Mikulak said there is no minimum requirements for townhome lots in the zoning code, but there are building codes that could dictate minimums and those will be followed.

No one from the public wanted to testify.

It was moved by Commissioner KERNS and seconded by Commissioner LEO to recommend approval of the proposed ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the design and platting of multifamily development and attached single family homes.

Motion carried 8-0.

8. OLD BUSINESS

9. NEW BUSINESS

- Ms. Mikulak mentioned we have a new Senior Neighborhood Planner, Jeff Hirt and are currently advertising for a Neighborhood Engagement Specialist.
- Commissioner LARSON asked about the process for implementation of the NRS. Ms. Mikulak explained it the NRS work plan assumes 10 years in total and it will take about 2 years to cover the entire city in the first round of the neighborhood engagement program then it will be an ongoing program.
- Commissioner VOS mentioned this could be her last meeting if she is not reappointed by City Council.
- Ms. Mikulak mentioned that there will not be any cases to be heard during the month of March.
- Commissioner KERNS asked about the closing of Lucky’s. Ms. Mikulak noted that it’s too early to know who may backfill the property.

10. ADJOURNMENT

It was moved by Commissioner PETERSON and seconded by Commissioner KERNs to adjourn the meeting at 9:30 p.m. Motion carried 8-0.

Scott Ohm, Chair

Tammy Odean, Recording Secretary

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