



**PLANNING COMMISSION
Minutes of Meeting
July 16, 2020**

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair OHM at 7:08 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
Kristine Disney
Will Kerns
Daniel Larson
Scott Ohm
Jahi Simbai

Commission Members Absent: Ari Krichiver
Janet Leo

Staff Members Present: Lauren Mikulak, Planning Manager
Zareen Tasneem, Planner I
Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner LARSON and seconded by Commissioner SIMBAI to approve the order of the agenda. Motion carried 6-0.

5. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda.)

Vivian Vos, resident
6920 W. 47th Place, Wheat Ridge

Ms. Vos inquired about several items: the possibility of citizens attending Planning Commission at City Hall; why there are no July 2 minutes included in this agenda packet; and why the closing period for public comments is listed as the 14th instead of the 15th.

Ms. Mikulak explained that anyone who lacks the ability to join a meeting virtually can contact City Staff by noon on the day of the meeting and arrangements can be made to accommodate comments at the microphone in Council Chambers. She also mentioned that public comments through Wheat Ridge Speaks ends the day before the hearing and will look into the dates posted. Ms. Mikulak noted that occasionally minutes are not ready for the packet, so there will be 2 sets of minutes to approve at the next Planning Commission meeting.

6. PUBLIC HEARING

- A. Case No. WZ-20-04:** An application filed by Mary Ann Fake for approval of a Zone Change from Agricultural-One (A-1) to Residential-Two (R-2) for the property located at 11700 W. 46th Avenue.

Ms. Tasneem 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.

Mary Ann Fake, applicant
11700 W. 46th Avenue

The applicant gave a short presentation describing her family's intentions and proposed improvements for the property.

Commissioner SIMBAI commented that he thought this case is more about compliance and making changes to the property than supporting the Comprehensive Plan.

Commissioner ANTOL wanted clarification on the property to the east and if it is zoned Residential-Three (R-3). She also asked if any duplexes are allowed in Residential-One (R-1) zone districts.

Ms. Tasneem confirmed it is R-3 and not a single family land use, but most likely a duplex or triplex. She also mentioned duplexes are not allowed in R-1 zoning at all.

Commissioner LARSON asked if there is a policy for the City to update legally non-conforming sites or if it is up the property owner to address the matter.

Ms. Mikulak mentioned there are extensive non-conforming lots, uses and buildings in the City due to the City being largely developed prior to 1969 when the City incorporated. Code Section, 26-120 provides a framework for allowing legal nonconformities Citywide. If further action is required or requested to “clean up” a nonconformity, usually the property owner has to be proactive to address the issue.

**Vivian Vos, resident
6920 W. 47th Place**

Ms. Vos mentioned the day she drove by the property the posting signs were side by side on a fence and were blocked by garbage cans and would like to see signs posted better in the future.

There were no additional public comments and Chair OHM asked staff to address public comment. Ms. Mikulak noted that the signs were in the correct location. Occasionally parked cars or garbage cans may block the view temporarily. City code specifically indicates that an interruption in sign posting does not prohibit the public hearing from occurring.

Commissioner LARSON complimented the applicant both for efforts in improving the property and for her patience with the rescheduling of the Public Hearing.

It was moved by Commissioner KERNS and seconded by Commissioner DISNEY to recommend APPROVAL of Case No. WZ-20-04, a request for approval of a zone change from Agricultural-One (A-1) to Residential-Two (R-2) for property located at 11700 W. 46th 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.**
- 6. The R-2 zoning will bring the existing duplex into compliance with the zone district in which it is located.**

Motion carried 6-0.

- B. **Case No. ZOA-20-04:** An ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning notice requirements for continued and postponed public hearings.

Ms. Mikulak gave a brief presentation regarding the ordinance. She described the practical implications of a hearing being continued or rescheduled and described the actions staff take to complete notice. If a meeting is continued to the next business meeting, then the noticing is often a max of 12 or 13 days instead 15 days.

Commissioner SIMBAI pointed out a typo in Section 3 on page 2 suggesting subsection e should be b.

Ms. Mikulak confirmed this and said the change will be made.

Commissioner SIMBAI asked if a reduced time requirement can be established instead of keeping it open ended.

Commissioner LARSON agreed with Commissioner SIMBAI and asked for details on what notice would look like for a continued or postponed hearing.

In response, Ms. Mikulak said based on the proposed ordinance, there would be sign, letter, website and newspaper notice, but it would not have to be 15 days. The lack of a minimum is not meant to imply that notice will be at the last minute. She described that the City has less control over Transcript deadlines and publication.

Commissioner OHM agrees there should be a minimum number of days for noticing and it should be staff driven. He also asked if there has been a poll on where the citizens get their information for Public Hearings and wondered how often the newspaper was the source of information compared with other sources.

Ms. Mikulak mention that the newspaper notice is required in the Charter, so it still must be used.

Commissioner DISNEY asked if the Transcript is published electronically and what might occur if printed papers become obsolete. She acknowledged that publication requirements have resulted in concerns and criticisms from the public.

In response to discussion about the Transcript, Ms. Mikulak noted that the Charter requires a newspaper of general circulation be used, but the City Attorney could provide an interpretation if printed papers ever became obsolete.

Vivian Vos, resident
6920 W. 47th Place

Ms. Vos thinks this is great that City Council and Planning Commission are looking at this and would like to see the 15 days for website noticing and not an open ended time.

Zoriana Morozewych, resident
3651 Ward Road

Ms. Morozewych also requested a minimum time requirement. She noted the absence of a requirement is too ambiguous and did not think citizens could trust the City to make a good faith effort for noticing. She also does not agree with the change to the legal protest process.

Ihor Figlus, resident
9775 W. 36th Avenue

Mr. Figlus agrees there needs to be time limits on noticing and thinks the sign posting is most effective. He also does not agree with the change to the legal protest process.

Ms. Mikulak addressed the legal protest comments, explaining the process and timing of when a protest is submitted—usually anytime between the Planning Commission hearing and the City Council public hearing.

There was discussion about time limits and minimums.

In response to questions and discussion, Ms. Mikulak said a minimum would of 7-10 could be appropriate for sign, letter and website notice. She did not recommend a specific minimum for the newspaper publication and noted that the Wheat Ridge Transcript may be merging and could affect their publication schedule.

It was moved by Commissioner SIMBAI and seconded by Commissioner DISNEY to recommend APPROVAL of the proposed ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning notice requirements for continued and postponed public hearings with the recommendation that City Council adopt a minimum notice threshold with this ordinance amendment.

Motion carried 6-0.

7. OLD BUSINESS

8. NEW BUSINESS

Ms. Mikulak introduced Senior Neighborhood Planner, Jeff Hirt, who started with the City earlier in 2020. He started his career in Wheat Ridge about 15 years ago and has since worked in the public and private sectors. He was hired to design and implement a resident engagement program.

Mr. Hirt gave a brief presentation about *Let's Talk*, the new resident engagement program which was recommended by the 2019 Neighborhood Revitalization Strategy.

Ms. Mikulak added that staff will rely on Planning Commission to help get the word out for events and specifically when the program is in their neighborhoods.

The Commissioners were excited about the program and asked about the types of engagement and possible outcomes.

Mr. Hirt explained that the design and content is still in process and outcomes could be varied. Some types of engagement will be affected by COVID. In general staff is not coming with any preconceived ideas on issues or outcomes. More information can be seen on www.whatsupwheatridge.com

Ms. Mikulak mentioned there will be no August 6 Planning Commission meeting.

10. ADJOURNMENT

It was moved by Commissioner ANTOL and seconded by Commissioner KERNS to adjourn the meeting at 8:33 p.m. Motion carried 6-0.

Scott Ohm, Chair

Tammy Odean, Recording Secretary