



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

**1. CALL THE MEETING TO ORDER**

The meeting was called to order by Chair OHM at 7:05 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**2. ROLL CALL OF MEMBERS**

Commission Members Present: Melissa Antol  
Kristine Disney  
Will Kerns  
Ari Krichiver  
Daniel Larson  
Janet Leo  
Jahi Simbai

Commission Members Absent: Scott Ohm

Staff Members Present: Lauren Mikulak, Planning Manager  
Gerald Dahl, City Attorney  
Tammy Odean, Recording Secretary

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVE ORDER OF THE AGENDA**

**It was moved by Commissioner SIMBAI and seconded by Commissioner LEO to approve the order of the agenda. Motion carried 7-0.**

**5. APPROVAL OF MINUTES – None**

**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.

## 6. PUBLIC HEARING

- A. **Case No. ZOA-20-05:** An ordinance making conforming amendments to Chapter 26 of the Code of Laws concerning massage businesses.

Mr. Dahl gave a short presentation regarding the ordinance concerning massage businesses which will make a few conforming changes to Chapter 26. He explained that City Council has adopted an ordinance making substantial modifications to Chapter 11 and would like a recommendation from the Planning Commission on the proposed Chapter 26 changes.

Commissioner KRICHIVER asked why the term Massage Business is not defined in Chapter 26 and if it will be provided.

Mr. Dahl explained that it is defined in Chapter 11 in detail and it is not required to be defined in Chapter 26.

Commissioner KRICHIVER asked why article 10 of Chapter 11 is referenced in the packet but appears vacant in the code of laws.

Mr. Dahl mentioned that the Article 10 in Chapter 11 is now quite lengthy with many details and regulations. He added that what was vacant is now quite full. (The online code has not yet been updated to reflect the Article 10 changes.)

Commissioner KERNS requested clarity on why the City wants to remove the titles of Massage Therapist and Massage Therapy Center from the Code.

Mr. Dahl clarified the regulatory scheme in Chapter 11, Article 10 makes massage businesses subject to these regulations with one term that encompasses all massage related businesses. He added it is an exception in Chapter 26 home occupation regulations because the State of Colorado licensing division still uses the term massage therapist for individuals operating in the state.

Commissioner LARSON asked if there is a specific reason why the changes to massage businesses in the code are happening now.

Mr. Dahl explained that regulating massage businesses has been a problem in the City for a long time and it has been hard for the Police Department to regulate. This ordinance provides better tools for the Police Department to address longstanding problems.

Commissioner SIMBAI asked if the Planning Commission does not recommend approval of the ordinance how this will affect Chapter 11.

Mr. Dahl said that Chapter 11 is valid and is a charter provision and does not need Chapter 26 to be harmonious. Massage businesses can still be uses by right and have to go through rigorous licensing programs in Chapter 11.

Ms. Mikulak added that implementation will be the same regardless of whether Chapter 26 is updated, but consistent terminology in both chapters helps with internal communication.

Ms. Mikulak said there was no public comment.

**It was moved by Commissioner DISNEY and seconded by Commissioner LEO pursuant to the authority of the Commission in Code Section 26-122 to recommend APPROVAL of conforming amendments to Code sections 26-123, 26-204, 26-613, and 26-1111, to identify *massage businesses* (rather than *massage therapists, massage parlors and massage therapy centers*) for zone district and home occupation purposes, to correct an identified error in Section 26-123, and to make the Chapter 26 references to massage businesses consistent with the regulation of the same in Chapter 11, as amended by Council's Ordinance No. 1696.**

**Motion carried 7-0.**

**7. OLD BUSINESS**

**8. NEW BUSINESS**

Ms. Mikulak let the Commissioners know there will not be a meeting on September 3, 2020, but there will be cases to be heard on September 17, 2020.

**10. ADJOURNMENT**

**It was moved by Commissioner LEO and seconded by Commissioner DISNEY to adjourn the meeting at 7:50 p.m. Motion carried 7-0.**

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**Scott Ohm, Chair**

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**Tammy Odean, Recording Secretary**