



**PLANNING COMMISSION  
Minutes of Meeting  
October 1, 2020**

**1. CALL THE MEETING TO ORDER**

The meeting was called to order by Chair OHM at 7:01 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  
Scott Ohm  
Jahi Simbai

Commission Members Absent: None

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

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVE ORDER OF THE AGENDA**

**It was moved by Commissioner LARSON and seconded by Commissioner LEO to approve the order of the agenda. Motion carried 8-0.**

**5. APPROVAL OF MINUTES – September 17, 2020**

**It was moved by Commissioner DISNEY and seconded by Commissioner LARSON to approve the minutes of September 17, 2020, as written. Motion carried 7-0-1 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. **Case No. WS-20-01**: an application filed by Brad Weiman for approval of a 14-lot subdivision in the Residential-One (R-1) zone district and dedication of right-of-way for a proposed new public 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 DISNEY asked if Lot 10 is developable given its odd shape and noted that she had no other concerns.

**Nathan Laudick, Civil Engineer for Developer**

Mr. Laudick explained that lot 10 will have a long driveway and the house will sit closer to Kipling on the wider part of the lot. A concept floor plan has already been presented to the Planning Department for Lot 10 and others to demonstrate they are developable.

Commissioner LEO asked about the anticipated cost of the homes.

Mr. Laudick said depending on the lot location and view anywhere from \$800,000 to \$1 million for a custom-built home.

Commissioner SIMBAI asked about 10001 W. 32<sup>nd</sup> Avenue that was previously a group home and wondered if it is inhabited.

Ms. Mikulak explained it historically was a group home for adolescents and had a Special Use Permit for many years, but it was vacated 8-10 years ago as a group home. She added that a couple of developers have approached that property to combine it with the subject property, but nothing has come to fruition.

Commissioner SIMBAI then asked about Tract B and the current house that is there.

Mr. Laudick said Tract B is an existing easement that benefits a home on the neighboring property. The applicants are not improving Tract B and maintenance

of the Tract B access will be the responsibility the neighboring homeowner. He added there are discussions of the owner of 10001 W. 32<sup>nd</sup> Avenue taking ownership of Tract B but no firm conclusion yet and they are in support of the project.

Commissioner SIMBAI then asked for an explanation of the sidewalk improvements on Kipling Street and at 32<sup>nd</sup> Avenue.

Mr. Cutler explained that the 6ft. sidewalk and amenity zone is being constructed adjacent to the subject project along Kipling Street. For the segment on Kipling between 32<sup>nd</sup> Avenue and the subject property, but adjacent to the property at 10001, there will be a 5.5ft sidewalk built so there is no gap in sidewalk to the intersection. He added the City cannot acquire property for additional right-of-way because the property at 10001 is not a part of the project.

Commissioner ANTOL asked what the distance of the new Hillside Drive will be from Kipling Street and if it is in compliance for spacing. She also asked for confirmation on the maximum height in the R-1 zone district and asked if the drainage plan could be explained.

Ms. Mikulak said the distance is approximately 500ft. to the center line of Hillside from Kipling Street and confirmed it meets all spacing requirements. Mr. Cutler added that the height maximum is 35ft. which is City-wide in all residential zone districts. Regarding the drainage question, Mr. Cutler said the runoff cannot drain into the Rocky Mountain Ditch and will be diverted to a facility in Tract A then into an existing storm sewer system on Kipling Street.

Commissioner LARSON asked how the steepness on the site will affect water runoff.

Mr. Cutler described the site as being the steepest by the 10001 W. 32<sup>nd</sup> Avenue house and less steep by the ditch. Mr. Jefferies added that the runoff should not be an issue and further detailed the drainage design: there will be swales in-between individual lots and a storm sewer system that parallels the ditch and will be direct to the underground detention system then to the CDOT storm sewer system in Kipling Street. Ms. Mikulak added the pipe that will capture the runoff is 18-36 inches in diameter. The slopes on this site are similar to the properties on the east side of Kipling.

Commissioner KERNS how Lot 12 will be accessed.

Mr. Cutler mentioned it is a cul-de-sac lot which is wedge shaped but has direct street access; the driveway can and will cross an easement.

Commissioner KRICHIVER asked if vegetation currently on the property will be retained.

Mr. Laudick explained that where vegetation can be preserved, it will, but added that they are required to remove the trees along the bank of the ditch by the ditch company.

Mr. Krichiver then asked if there is a plan for noise reduction from Kipling Street and 32<sup>nd</sup> Avenue.

Mr. Cutler and Mr. Laudick mentioned there is no requirement from the City for noise mitigation and the plan is to put trees and a fence along Kipling Street.

Commissioner OHM inquired about the property lines for the Overlook Subdivision and if they go to the center line of the ditch and if the 30ft. easement is also on their properties.

Ms. Mikulak and Mr. Cutler confirmed this to be true and added the Rocky Mountain Ditch Company has discretion to make the easement as large as they want and that all the fences are usually outside of the easement.

Commissioner OHM asked if cottonwood trees are allowed to be planted in the City of Wheat Ridge anymore.

Ms. Mikulak said they are prohibited and Mr. Laudick mentioned the cottonwood trees are the trees that are required to be removed by the Rocky Mountain Ditch Company.

Commissioner Ohm inquired about any wetlands being on this property.

Ms. Mikulak said there are no federally regulated wetlands on this property.

Commissioner SIMBAI was curious how Lots 1 and 2 will access 32<sup>nd</sup> Avenue.

Mr. Cutler explained they will be direct driveway connections from 32<sup>nd</sup> Avenue, but do not know the exact layout yet.

**Public Comment:**

**Scott Abel, resident  
10270 W. 33<sup>rd</sup> Avenue**

Mr. Abel asked if there will be privacy fence on the south side of ditch for the new development. He also wanted confirmation from the applicant that care will be taken with the ditch during construction and after since it is in his backyard and he would like to know how the ditch erosion will be dealt with.

**Michelle Cotton, resident**  
**10310 W. 33<sup>rd</sup> Avenue**

Ms. Cotton had concerns about the sidewalks on the corner of 32<sup>nd</sup> and Kipling and their width on the busy streets. She also wanted to know if the lot sizes include the ditch easements. She mentioned she is a shareholder in the Rocky Mountain Ditch and was curious about the mitigation process of the trees around the ditch.

**Syrma Cominez, resident**  
**10270 W. 33<sup>rd</sup> Avenue**

Ms. Cominez had concerns about the grading of the property and how it will affect the erosion by the ditch.

**Stan Koniz, resident**  
**10100 W. 33<sup>rd</sup> Avenue**

Mr. Koniz inquired about how much dirt would be used to fill in the pond and help grade the land.

**Melody Mascarenaz, resident**  
**62 Hillside**

Ms. Mascarenaz's concerns are higher levels of traffic so she would like to see a deceleration lane turning right onto Hillside Drive. She added she is also worried about construction congestion.

**Steve & Aneta Stovik**  
**59 Hillside**

Mr. & Mrs. Stovic's concerns include increased traffic in the area and the possible loss of their view due to the height of the homes that will be across the 32<sup>nd</sup> Avenue.

Commissioner OHM closed the citizen's forum and asked staff and the applicant to respond to public comment.

- Grading, ditch bank erosion

Mr. Laudick said there will be improvements to the southern side of the ditch bank which are required by the ditch company; it will be graded back to make it more stable and will be replanted and irrigated which will help the erosion factor. Mr. Laudick added that the internal part of the site is limited to 25% or 4 to 1 slopes to prevent erosion. During construction they will utilize best management practices (BMPs) to help with erosion as well. He mentioned there will be approximately 10,000 cubic yards of dirt

brought in over a 60-day period to help bring the level of the front houses even with 32<sup>nd</sup> Avenue, an average of 10 trucks per day.

Mr. Cutler added that terracing will be done so not all the lots will be raised to the level of 32<sup>nd</sup> Avenue. He also explained the connection of the sidewalks along the property boundaries (new and old) and how a retaining wall along 32<sup>nd</sup> Avenue will be cut back to widen a sidewalk.

- Traffic report and deceleration lane on west bound 32<sup>nd</sup> Avenue

Mr. Jefferies explained that this subdivision does not meet the City's threshold to warrant a full traffic report because it is only 14 units. He also mentioned that a deceleration lane will not be warranted due to the small number of new residential units compared to existing traffic volumes.

- Property line and easements along the ditch, height limit

Ms. Mikulak reiterated that the property lines go to the center line of the ditch and there is an easement which cannot be built in so the backyard setback will effectively be 30ft., adding that there is a 25% maximum building coverage so there is no impact on how the site can be developed. Ms. Mikulak also mentioned that the height limit in any zone district in the City of Wheat Ridge is 35ft. so the impact on views should not be severe considering the grade of the property. She added that there are no view shed ordinances in Wheat Ridge. Mr. Cutler added that the homes on the south side of 32<sup>nd</sup> Avenue are built into the hill and are higher than 32<sup>nd</sup> Avenue, whereas the first floor of the new homes will be lower than 32<sup>nd</sup> Avenue. He also mentioned that it will be up to each individual property owners to build a fence along the ditch line.

Commissioner SIMBAI referenced a comment from Wheat Ridge Speaks and asked for parkland dedication and impact fees to be explained.

Ms. Mikulak said that the City assesses parkland dedication or fees in lieu for all new residential development based on the assumption that added residents created added demand. New residents create demand on other services as well such as public safety and storm water facilities, but the City does not have other impact fees. Impact fees are permitted by state statute and could be assessed for other services at the policy direction of Council.

Commissioner LARSON asked about the slope of Hillside Drive and if there will be ice and snow issues.

Mr. Laudick explained that once off 32<sup>nd</sup> Avenue the road levels off at a 2.5% grade and has a maximum of 8% grade. Ms. Mikulak added the street has a similar grade to all other north/south streets in the area. In response to comment

from Commissioner LARSON she clarified that the street will be plowed by the City depending on the amount of snow that falls but HOAs are not permitted to plow public streets.

Commissioner OHM said he is happy to see the cottonwood trees being removed and hopes that bikers and cars on 32<sup>nd</sup> will drive and ride safely.

Commissioner DISNEY noted that she was aware of the controversy surrounding past proposals for the property which included more density, and she thinks the developer has addressed the community's issues and delivered what the neighbors requested with high quality single family homes under the existing zoning.

**It was moved by Commissioner DISNEY and seconded by Commissioner SIMBAI to recommend APPROVAL of Case No. WS-20-01, a request for approval of a major subdivision on property located at the northwest corner of W. 32<sup>nd</sup> Avenue and Kipling Street and zoned Residential-One (R-1), 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 at time of building permit for each individual lot.**
- 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 homeowner association covenants for review by staff.**

**Motion carried 8-0.**

- B. Case No. WZ-19-03:** an application filed by JMS Lake Holdings, LLC for approval of a rezone from Agricultural-Two (A-2) to Planned Mixed Use Development (PMUD) with approval of an Outline Development Plan (ODP).

Mr. Cutler gave a short presentation regarding the rezone 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 SIMBAI asked how this property became a part of Wheat Ridge.

Ms. Mikulak clarified that the property has always been located in the City of Wheat Ridge, but the City of Arvada owned the property for some time. She explained that the City of Arvada offered the City of Wheat Ridge to buy it in 2016, but the City did not have the funds to purchase it or a vision for the site at the time.

Commissioner SIMBAI also asked about the property owner to the east and the access easement.

Mr. Cutler explained there is still some unsolved issues between the two property owners so staff has added a condition to the motion stating that no building permit or grading and drainage permit may be granted until any sort of defect for access through the property is resolved.

Ms. Mikulak added that there is currently a platted easement and both parties have indicated a desire to come to a mutual agreement.

Commissioner ANTOL asked staff to address the variety of zoning and land uses in the area and the compatibility of proposed land uses

Ms. Mikulak explained how the proposed permitted uses fit into the City's vision and relate to the adjacent uses and transportation infrastructure.

Commissioner LARSON commented that this property is in the early stage of development, but thinks it is highly visible to the highway and Ward Station and agreed something should be done with the property. He asked if there is enough space to build an apartment building and recreational space.

Mr. Cutler acknowledged the challenges of the site, confirmed the site design questions will be addressed during the specific development plan, and noted the site can accommodate the proposed uses. He explained that there are 5 acres in Planning Area 1 where the apartment building will be built, and it will be built into the hillside to work with the existing topography. Ms. Mikulak added that the minimum parking standards will be established by the ODP and described that the topography lends itself to a parking garage design.

Commissioner DISNEY asked about the pond to the east with the lights and a sidewalk around it.

Ms. Mikulak explained that the owner has had a vision to have a recreational area around the lake and the land is being marketed.

In response to a question from Commissioner OHM, Mr. Jefferies explained the daily and peak hour trips in the traffic study. Mr. Cutler added because this is a

mixed use development it takes into account the residential and potential commercial trip generation which have different peak hours and result in distribution of total trips throughout the day.

Commissioner OHM also asked about potential access easements and asked if a portion of the northeast corner of the lake be filled in.

Mr. Cutler said the ODP allows some fill into the lake to allow road access.

Commissioner KERNS asked about the water quality and if the lake is safe to swim in and also inquired if the lake drains into the neighboring lake.

**Patrick Barrend,  
Think Tank Studio**

Mr. Berrend clarified that the water in the lake is spring fed and a minor percentage of the water is seepage from the irrigation adjacent to it and added the lake does drain into the adjacent lake.

**Citizens Forum:**

**David Reardan, Denver Resident  
Colorado River Surfing Assoc.**

Mr. Reardan said this company would be in support of the zone change and would like to see the recreational use at this lake in the future.

Commissioner OHM asked if Colorado River Surfing Assoc. has had a conversation with the property owner or staff regarding this case.

Mr. Berrend said he has not had any conversations with Mr. Reardan and Ms. Mikulak added she spoke with Mr. Reardon a week prior and he inquired about the vision of recreation uses and the status of the two ponds.

**It was moved by Commissioner KERNS and seconded by Commissioner SIMBAI to recommend APPROVAL of Case No. WZ-19-03, a request for approval of a zone change from Agricultural-Two (A-2) to Planned Mixed Use Development (PMUD) with an Outline Development Plan (ODP) for property located at the southeast corner of I-70 Frontage Road and Ward Road, 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. **The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan and its vision for transit supportive uses in the Northwest Subarea.**
3. **The proposed zoning and land use are consistent with the intent of a planned development, compatible with surrounding land uses, and will result in a high-quality development.**
4. **The infrastructure in the area can support the development.**
5. **The proposed zoning balances the site's proximity to transit, access to water, visibility from the interstate, and adjacency to a state highway.**
6. **The criteria used to evaluate a zone change support the request.**

**With the following condition:**

1. **No building permit or grading and drainage permit may be granted until resolution of the claimed defect in access across Tract A is resolved to the satisfaction of the City Attorney**

**Motion carried 8-0.**

**8. OLD BUSINESS**

Ms. Mikulak mentioned that the Let's Talk survey is now open for Bel Aire and East Wheat Ridge neighborhoods at [whatsupwheatridge.com](http://whatsupwheatridge.com). She gave a brief explanation about the website.

**9. NEW BUSINESS**

Ms. Mikulak mentioned there will not be a meeting on October 15, but there will be at least one of the November and one of the December meetings.

**10. ADJOURNMENT**

**It was moved by Commissioner Larson and seconded by Commissioner DISNEY to adjourn the meeting at 9:34 p.m. Motion carried 8-0.**

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**Scott Ohm, Chair**

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**Tammy Odean, Recording Secretary**