



**PLANNING COMMISSION  
A G E N D A  
February 2, 2017**

**Notice is hereby given of a Public Meeting to be held before the City of Wheat Ridge Planning Commission on February 2, 2017 at 7:00 p.m., in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.**

*\*Agenda packets and minutes are available online at <http://www.ci.wheatridge.co.us/95/Planning-Commission>*

- 1. CALL THE MEETING TO ORDER**
- 2. ROLL CALL OF MEMBERS**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVE THE ORDER OF THE AGENDA (Items of new and old business may be recommended for placement on the agenda.)**
- 5. APPROVAL OF MINUTES – January 5, 2017**
- 6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda. Public comments may be limited to 3 minutes.)**
- 7. PUBLIC HEARING**
- 8. OTHER ITEMS**
  - A. Planning Commission Training**
- 9. ADJOURNMENT**

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**City of  
Wheat Ridge**  
**PLANNING COMMISSION**  
**Minutes of Meeting**  
**January 5, 2017**

**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 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**2. ROLL CALL OF MEMBERS**

Commission Members Present: Dirk Boden  
Alan Bucknam  
Emery Dorsey  
Janet Leo  
Scott Ohm  
Amanda Weaver

Commission Members Absent: Donna Kimsey  
Steve Timms

Staff Members Present: Lauren Mikulak, Senior Planner  
Lisa Ritchie, Planner II  
Robin Eaton, Deputy City Clerk  
Tammy Odean, Recording Secretary

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVE ORDER OF THE AGENDA**

**It was moved by Commissioner BUCKNAM and seconded by Commissioner DORSEY to approve the order of the agenda. Motion carried 6-0.**

**5. APPROVAL OF MINUTES – December 1, 2016**

**It was moved by Commissioner WEAVER and seconded by Commissioner BUCKNAM to approve the minutes of April 21, 2016, as written. Motion carried 4-0-2 with Commissioner BODEN 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**

No Public Hearing

**8. OTHER ITEMS**

**A. Small-Scale Alcohol Production**

Ms. Ritchie gave a brief presentation on reasons for a Small-Scale Alcohol Production discussion, including economic development in the State of Colorado, interest from potential brewers and distillers, clarity in the zoning code and the fact they already exist.

Commissioner BODEN thinks it is a good idea to regulate small-scale alcohol production and he feels small communities such as Wheat Ridge can be revitalized and breweries can be the forefronts to energizing these communities. He said he would support leniency and will embrace the economic benefit.

Commissioner BUCKNAM knows the impact Brewpubs can have on communities, such as the positive impact Colorado Plus has had on the 38<sup>th</sup> Avenue Corridor. He feels more of these uses in the community would bring destination-based traffic to the City of Wheat Ridge. He asked if staff knows the capacity that high visibility distilleries might be operating at, such as Leopold Bros to get an idea about what 15,000 gallons of production is equivalent to.

Ms. Ritchie explained that research would have to be conducted; specific distilleries have not been contacted to find out how much they produce. She also explained there is no single industry trade organization that publishing that data.

Mr. Eaton explained that most distilleries do not like showing how much alcohol they make every year, it is not required. Leopold's is in an industrial zone district so they make a lot.

Commissioner BUCKNAM also questioned if a large brewery came to Wheat Ridge would they be put into a Planned Development.

Ms. Ritchie said that would probably be the case.

Commissioner DORSEY asked why a brewpub is not part of the definition list.

Ms. Mikulak explained the casual term brewpub is different than the legal term, from a liquor-licensing standpoint.

Commissioner LEO asked how many applications, for small-scale alcohol production, the city has received.

Ms. Mikulak explained there is no specific number; the challenge is the uncertainty because there is nothing in our zoning code and businesses want to know where to look.

Commissioner WEAVER wanted to know how Colorado Plus operates. She also asked if there could be an Agricultural aspect to this type of production.

Mr. Eaton explained that Colorado Plus is operating as an Eating Establishment, but also has a license to sell the malt liquor they make and can sell others wines, spirits and beers, but no off premise consumption except for what they manufacture.

Ms. Ritchie and Ms. Mikulak explained they have looked into the Agricultural aspect, but it is difficult to combine Agricultural and Industrial zoning because of the second step uses. In addition, most of the Agricultural zoned areas are surrounded by Residential zone districts; it would be best to do a Planned Development where there can be activity that is more commercial.

Commissioner OHM asked if someone wants to make mead, how is that classified.

Mr. Eaton said that mead is considered wine and before an individual starts making a product they should check with the Feds to find out the proper licensing.

The Planning Commission agreed they would like to see the clarification in the code for small-scale alcohol production.

## **B. Regulations for New Site Design Standards**

Ms. Ritchie gave a brief presentation about a potential zoning ordinance amendment to expand standards for site grading, retaining walls and storm water facilities and hope to see results in the future with better standards.

Commissioner WEAVER said she supports this plan.

Commissioner DORSEY asked who makes the decision as to the aesthetics and is the cost added to the developers on the site.

Ms. Ritchie explained the majority of the cost goes into the facility itself. The goal is to provide some flexibility and by giving the developers options, we do not want to make the standards more cost prohibitive.

Ms. Mikulak said that by adding some simple landscaping we can meet the intent of the new code in some cases.

Commissioner BUCKNAM thinks this is a great step forward and the landscaping plays a big role.

Commissioner BODEN asked if standards were compared to other communities.

Ms. Ritchie explained that other communities regulations were compared, and some were more prescriptive and some were more flexible, but this gives the City a way to get something established.

Commissioner OHM gave some of his professional advice and explained he does not put heavy water turf on slopes that are greater than 3:1. Regarding retaining walls, they should not be more than 4 feet in height. In detention areas, there needs to be vegetation so there is no erosion and no trees; there also needs to be irrigation in the beginning until establishment. He also feels money should be spent on the detentions areas that are visible, but not in the back forty.

Ms. Ritchie and Ms. Mikulak explained these standards will live both in the code and in the ASDM with images, captions and narrative and staff will bring that back to the Planning Commission for guidance.

## 9. ADJOURNMENT

**It was moved by Commissioner WEAVER and seconded by Commissioner DORSEY to adjourn the meeting at 8:11 p.m. Motion carried 6-0.**

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**Scott Ohm, Chair**

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**Tammy Odean, Recording Secretary**

## **PLANNING COMMISSION TRAINING SESSION**

City Council Chambers

February 2, 2017 - 7:00 p.m. [GD1]

### **A. INTRODUCTIONS**

1. Staff present
2. Purpose of the training

### **B. PUBLIC HEARING CONDUCT**

1. Quasi-judicial role defined
2. Taking testimony
  - Listening
  - Asking questions
    - From staff
    - From applicant
    - From public
  - Limiting off-topic testimony
3. Making a decision
  - Proper motions
  - Amendments and conditions
  - Findings
  - Requesting findings from City Attorney
4. Representing the City of Wheat Ridge
5. Procedural due process

### **C. EX-PARTE CONTACT**

1. Definition
2. With an applicant
3. With neighbors/public
4. Case No. WS-14-02 /Quail Hollow Subdivision – 3301 Quail Street
5. Options and solutions

### **D. OUTSIDE FACT FINDING/RESEARCH**

1. Definition
2. Drive-by site visits
3. Role of Staff
4. Case No. WS-14-02 /Quail Hollow Subdivision – 3301 Quail Street
5. Options and solutions

**E. PRE-JUDGEMENT**

1. Definition
2. Prior to the public hearing
  - Individual pre-judgement
  - Communication between members
3. During the public hearing
4. Case No. WZ-16-01/Fountain on the Ridge – 10001 W. 32<sup>nd</sup> Avenue
5. Options and solutions

**F. CONFLICTS OF INTEREST**

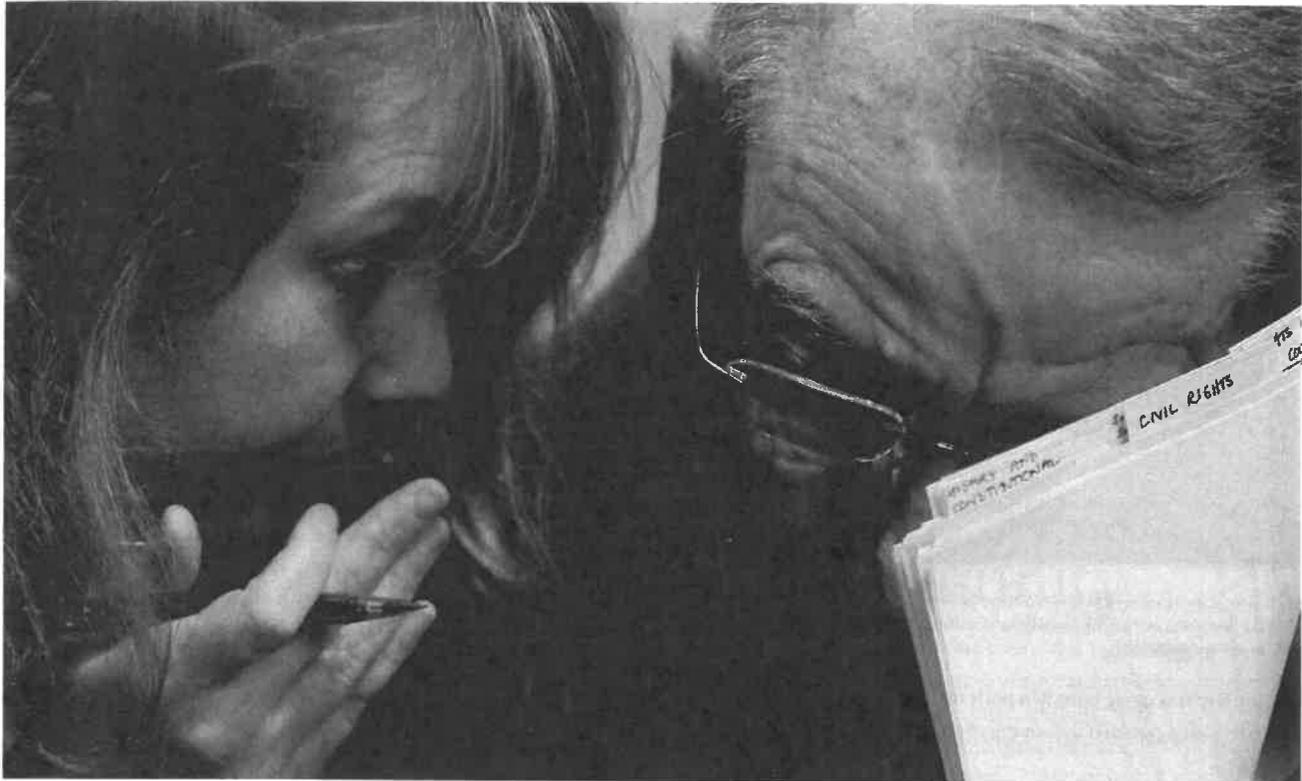
1. Definition
2. Examples
  - What it is
  - What it isn't
3. Options and solutions
  - Disclosure
  - Call City Attorney

**G. PLANNING COMMISSION'S LEGISLATIVE ROLE**

1. Important advisor to City Council
2. Case No. ZOA-16-06/Bulk Plane

**H. DISCUSSION OF PACKET ARTICLES**

**I. QUESTION AND ANSWERS**



Nonverbal communication can say as much as spoken words. Their body language sends a message of exclusion and rejection.

## Credibility, Respect, and Power

### PLANNING TOOLS

**PLANNING COMMISSIONERS** spend a lot of time choosing the right words to avoid sending the wrong message, but it is equally

important to monitor the nonverbal communication signals that accompany your words. In fact, research shows that more than 93 percent of communications effectiveness is determined by eye contact, body language, facial expressions, and voice quality.

When you are trying to send important messages like “I am telling you the truth” or “I respect you,” or when you are establishing the power positions of the parties, the nonverbal signals you send can be even more important than the particular words you speak.

Understanding nonverbal communication can help you monitor your own physical cues and understand what other

people are telling you, even when they’re not speaking out loud. Here is how this applies to planning commission meetings.

### Honestly, now . . .

People involved in high-tension civic discussions often feel very distrustful, and planning commissioners need to carefully monitor both incoming and outgoing nonverbal signals of honesty. How can you tell if a witness is exaggerating or lying? How can you make sure you aren’t inadvertently sending signals of dishonesty? Here are some tips on how to enhance your own credibility and assess the straight story from other people.

We are very suspicious of people who won’t look us in the eye. Speakers rated as “sincere” make eye contact three times more often than “insincere” speakers. Maintaining sincere eye contact doesn’t mean staring like an unblinking lizard.

Honest speakers blink between 10 and 20 times per minute. To not appear dishonest, avoid excessive blinking when facing a news camera or when sitting on a brightly lit podium, where strong lights may naturally trigger a lot of blinking.

Stress and tension can cause delicate nerves in the face to tingle, so people who are lying often scratch their noses, touch their cheeks, and rub their eyes more frequently than calmer, more truthful speakers. The same response can also thicken the consistency of the saliva. Stressed or tense speakers (whether honest or dishonest) often lick their lips, swallow, or clear their throats more often than relaxed and happy speakers. Have a glass of water available when you are making a stressful presentation.

People with something to conceal often hide their hands. In stressful situations, keep your hands where people



Sen. Carl Levin (D-Mich.), former Sen. Mary Landrieu (D-La.), and Sen. Jack Reed (D-R.I.) display varying levels of skepticism during a hearing. Landrieu, who has her mouth covered, is the least receptive.

can see them. People who talk with their hands are also perceived as being more confident.

## Show respect

It is easy to say you want to treat citizens with respect, but what should you actually do to demonstrate it?

Start by paying attention. Abandon other activities competing for your attention. Set aside reports and turn off your cell phone. Put your pen down as soon as a citizen approaches the microphone to indicate that you are now turning your attention to the speaker. Needless to say, turning away from the witness to exchange private whispers or jokes with a fellow commissioner is an obvious and inappropriate misdirection of attention.

Leaning forward is an effective way to convey attention to and interest in a speaker. By inclining forward in your chair, you create a more intimate environment between you and the speaker that seems to exclude distractions. Leaning back can signal that you feel distanced from the speaker or are unwilling to get personally interested in the issues.

No matter how big the audience is, genuine, respectful eye contact involves looking at one individual at a time. Select



Supreme Court Chief Justice John Roberts positively reinforces his testimony during his confirmation hearing with forceful, but not domineering, hand gestures.

one audience member and make personal eye contact with that citizen, then look at another part of the audience and make eye contact with another individual. Even if you cannot make personal eye contact with each person in the room, attendees will perceive that you are respecting each citizen as a unique individual.

We have a natural tendency to make more eye contact with people we know

and like, and with an individual who has asked a question and is now listening to the answer. In an audience setting, however, looking exclusively at one person for too long can actually send messages of disrespect to everyone else. If you have something to say of interest to one audience member, assume that it is of interest to everyone, so shift eye contact regularly.

Some planning commissioners who process information best when it is in writing might alternate between looking at the witness and looking at staff reports and other printed materials, trying to link what they are hearing to the written evidence before them. Other commissioners are such focused listeners that they need to eliminate visual distractions that could compete with auditory evidence. These commissioners may close their eyes to listen to a witness, seem to stare straight “through” the speaker without really seeing anything, or gaze vaguely at their desk or off into space. While these can be effective strategies to help commissioners balance verbal, written, and visual input, they can send the inadvertent message that the commissioner isn’t really listening.

It is very important to keep your hands away from your mouth whenever you are speaking or listening. Studies have shown that roughly three-fourths of people who cover their mouths when listening are hiding thin, compressed lips that indicate disapproval. Concealing your lips while listening sends the signal that you don’t like the person you are listening to, that you disagree with what is being said, or that you don’t want to be involved in the discussion.

These negative nonverbal signals are often accompanied by positive but insincere cues such as nodding one’s head or smiling, but the rejection message always prevails. A savvy audience can often predict the planning commission’s vote simply by watching what happens when various supporters and opponents are testifying. If too many audience members start covering their lips while you are speaking, you aren’t getting through. Take another approach.

It is perfectly okay, though, to touch other parts of your face while listening. Resting your chin on your hand while listening or touching your cheek send the message that you are listening carefully and trying to understand.

### Powerful planning

Power is a real part of the world of planning and politics. Neighbors who feel pushed around feel resentful and angry, while commissioners who appear weak, ineffective, or lacking in confidence may be unable to achieve important civic goals.

Hands communicate power in several ways. Powerful people speak with their hands and point with their index fingers while speaking. People who engage in hand-washing motions, clutch their fingers, rub the back of their necks, put their hands in their pocket, or touch their body or face are sending signals of nervousness or insecurity, so be aware of what you are doing to ensure you are sending appropriate signals of confidence and authority.

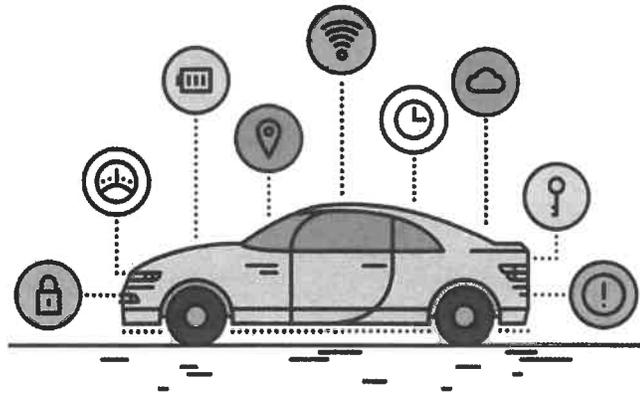
It is important to keep in mind that everyone has a sphere of personal space. When you inadvertently invade someone's private bubble, an individual feels threatened. So when you see someone moving closer or farther away from you, don't automatically adjust the distance to your own comfort level. Consider whether the individual has moved in order to minimize his or her discomfort.

### Sending the right signals

While it is always important to pick one's words carefully in the high-profile world of planning, it is equally important to monitor and control one's nonverbal communication signals. By using nonverbal communication skills planning commissioners can enhance their statements, better communicate with the public, and help make the planning process more inclusive.

—Debra Stein

*Stein, who died in 2009, was president of CGA Strategies and a nationally recognized land-use expert, public affairs professional, and published author. This article first appeared in the Fall 2006 issue of The Commissioner.*



New technologies are being introduced into autonomous vehicles continuously, but it could be decades before completely driverless cars are widely adopted.

## Driverless Vehicles and Your Community

### BEST PRACTICES

MUCH HAS BEEN written about what might happen, what will happen, and even what should happen as a result of autonomous vehicles.

But not enough attention has been given to how we get there, and more precisely, where it is exactly that we want to end up. Identifying our community's goals and plotting the "how" is what we, as planners and planning commissioners, do. We may be in the best position to facilitate consensus around the desirable outcomes of AV technology, and to create the policies that ensure those outcomes. (For more on new federal action, see "Feds Issue Policy on Autonomous Vehicles" on page 10 in News.)

Let's start with what we know. In 2013, the National Highway Traffic Safety Administration released its *Preliminary Statement of Policy Concerning Autonomous Vehicles*, which identified five levels of automation ranging from Level 0 (no automation, like conventional cars you are used to) to Level 4 (full automation, in which the "vehicle is designed to perform all safety-critical driving functions and monitor roadway conditions for an entire trip"). Fast forward to 2016 and we have Level 2 technology available on the

market today; this technology allows a driver to temporarily relinquish control of the vehicle, meaning both hands and feet can disengage until the driver's attention is needed. Today, some vehicles traveling on highways use Level 2 technology for adaptive cruise control in combination with lane centering.

There is a lot of speculation about when we can expect commercially available Level 4 technology—the holy grail of AVs and the level at which many of the technology's purported benefits could begin to accrue. Some automakers claim they will have figured out full automation in the next few years, while others are less aggressive in their timeline. The best guess for wide adoption currently hovers around 2025 to 2050—there are still many details to work out.

Although widespread adoption of full automation is likely many years, and perhaps decades away, we—as planners and commissioners—should be drivers and managers of change.

A 2015 study by the National League of Cities found that only six percent of municipalities had considered the potential impacts of autonomous vehicles within their long-range transportation plans, while 50 percent suggest new highway construction is necessary. A handful

# On Being an Effective—and Satisfied —Planning Commission

## LAW

“WHY DO WE EVEN bother?”

If you have served on a planning commission, chances are you’ve heard this statement—or

maybe even made it yourself—on more than one occasion. Typically, this lament is triggered by a city council decision that fails to follow the planning commission’s recommendation. Stung by the rejection of their advice, planning commissioners uttering these words wonder if their contributions are even necessary (or appreciated).

As a current city council member who served on a planning commission for nine years (and has advised city councils and planning commissions as a city attorney for over 20 years), I can tell you that your contributions are, in fact, necessary. But the value of those contributions should not be measured by whether your recommendations are adopted by your city council. Instead of focusing on whether the city council adopts your recommendations, expend your energy making sure those recommendations are supported by evidence, based on relevant policy arguments, and produced by an objective and fair process that earns credibility with all stakeholders.

As you strive to be an indispensable part of your city’s planning infrastructure, here are three things that might help you be more effective and less frustrated:

**EMBRACE THE FREEDOM OF NOT BEING THE CITY COUNCIL.** Some planning commission members arrive at their “why do we even bother” moments in part because they are trying to play the same role as the city council. As a planning commissioner, you’ll want to avoid this for at least a couple of reasons.

First, council members are elected;

planning commissioners are not. As elected officials, council members are directly accountable to the residents of the community. Describing the unique position council members occupy, L.P. Cookingham (one of the deans of the local government management profession) once wrote: Council members spend a great deal of time and energy monitoring the mood of your city. It’s harder than it looks; don’t be in a hurry to try to do it for them.

Never forget that the council, to the best of its ability, expresses the will of the people. There will be times when you will not understand why the council takes certain actions, but you will see that the council is generally right, and the members express public opinion as they see it and as they learn it from their constituents.

Second, council members are required to juggle a broad range of priorities. In addition to the issues that planning commissioners study, the council is responsible for the city’s finances, public works, public safety, and many other issues. They must both understand and balance the competing interests of all of these areas every day without being experts in any one area.

As planning commission members, you have the luxury of focusing exclusively on planning issues. You should embrace the freedom to develop that expertise unburdened by the roles of balancing priorities and determining what is politically

possible. Recognizing that your role is that of an expert advisor to the council—and not a “mini-council member”—will help you be more effective and less frustrated as a planning commission member.

**GET ON THE SAME PAGE WITH YOUR CITY COUNCIL.** If you find that your city council frequently disregards your recommendations, it may be a sign that the planning commission and the council have different ideas about the community’s goals. Rather than focusing on the individual decisions, take a step back and examine your community’s long-range goals. Are the recommendations you are making consistent with those goals? If they are—and the council is rejecting them—the real issue may be that the council is not on board with those goals.

Your community’s long-range goals should be articulated in a comprehensive plan. The planning commission and city council each bring critical ingredients for successfully crafting and amending that comprehensive plan. As planning commissioners, you contribute expertise in land-use planning; the council contributes expertise in what residents of the community will support and how land-use planning objectives fit with other city priorities. If you work with the council to craft (and continually refine) a document that incorporates all of this expertise, you will have fewer “why do we even bother” moments.

**BE OBJECTIVE AND CREDIBLE EXPERTS.** Focusing on being an expert advisor to the council is a necessary, but not sufficient, part of being an effective planning commission. It is critical, in addition to being an expert advisor, that the commission earns a reputation with the council and community stakeholders as an objective evaluator of land-use applications and

honest broker of community discussion and research in crafting and refining long-range land-use goals.

Here are a few of the many tools to consider using to help reassure the council and community stakeholders on this front:

**PROHIBIT EX PARTE COMMUNICATIONS** in evaluating site-specific applications. Limiting input by applicants and interested residents (both in favor and opposed to any given application) to written submissions or testimony at a noticed public hearing reassures those observing the process that all of the information you consider when evaluating an application is in the record presented to you and available to the applicant and interested members of the public.

**KEEP AN OPEN MIND.** Resist the temptation to make up your mind until you've had a chance to hear from all stakeholders and your colleagues on the planning commission.

**DIRECT—DON'T BE DIRECTED BY —CONSULTANTS AND STAFF.** Use outside experts to tell you the answer, not the question to ask.

**ENGAGE STAKEHOLDERS** in meaningful ways in policy-making processes. Many of your most valuable experts in charting long-range goals will be stakeholders in your community who know the community from firsthand experience.

As a member of the planning commission, you can be an effective and essential part of a city's land-use regulatory infrastructure if you understand your role, get on the same page with your city council, and earn a reputation as an honest broker of planning expertise for your community.

—Kevin Staunton

*Staunton is a city council member in Edina, Minnesota. Prior to his election in 2014, he served nine years on the Edina Planning Commission, including two years as its chair. Professionally, he is an attorney licensed to practice in Minnesota, where he has served as the city attorney in Excelsior since 1996.*

## HISTORY

### A SAFE PASSAGE FOR WILDLIFE



Chicago's Burnham Wildlife Corridor comprises about 100 acres running along Lake Michigan's shoreline south of the city center.

**DEVELOPMENT IS OFTEN RESPONSIBLE** for the fragmentation of wildlife habitat. One tool that planners have used to mitigate some of the negative impacts of disconnected habitats is a wildlife corridor. The idea comes out of the work of famed biologist E.O. Wilson, who studied the effects on isolated populations of various species in the 1960s. The basic theory is that plants and animals can travel between isolated patches of habitat by using a "corridor" of undeveloped or restored greenspace and thus reduce the loss of genetic diversity.

Critics of the strategy point to the lack of scientific research showing the effectiveness of corridors. Some studies have shown that to be successful, corridors must be significantly wider than most currently are, since many animals tend to avoid edges and prefer more room to maneuver.

—Ben Leitschuh

*Leitschuh is APA's education associate.*

## RESOURCE FINDER

Autonomous vehicles will take to the roads in the coming years. Is your community ready?

### APA RESOURCES

***When Autonomous Cars Take to the Road***  
Erick Guerra  
*Planning*, May 2015  
[planning.org/planning/2015/may/autonomouscars.htm](http://planning.org/planning/2015/may/autonomouscars.htm)

***Planning for the Autonomous Vehicle Revolution***  
Joseph DeAngelis  
*APA Blog*, June 2016  
[planning.org/blog/blogpost/9105024](http://planning.org/blog/blogpost/9105024)

### WEB RESOURCES

***Why Aren't Urban Planners Ready for Driverless Cars?***  
Eric Jaffe  
*CityLab*, December 2015  
[tinyurl.com/nl8t6fv](http://tinyurl.com/nl8t6fv)

***Imagining the Driverless City***  
Patrick J. Kiger  
*Urban Land*, October 2015  
[tinyurl.com/jthwrp6](http://tinyurl.com/jthwrp6)