



PLANNING COMMISSION

Minutes of Meeting

April 16, 2020

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair OHM at 7:00 p.m. in a Virtual meeting.

2. ROLL CALL OF MEMBERS

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

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 SIMBAI and seconded by Commissioner LEO to approve the order of the agenda. Motion carried 8-0.

5. APPROVAL OF MINUTES – February 20, 2020

It was moved by Commissioner ANTOL and seconded by Commissioner LEO to approve the minutes of February 20, 2020, as written. Motion carried 7-0-1 with Commissioner DISNEY abstaining.

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

Zoriana Morozewch, resident
3651 Ward Road, Wheat Ridge

Odarka Figlus
10580 West 34th Avenue, Wheat Ridge

Both Ms. Morozewch and Ms. Figlus do not feel Public Hearings should be held virtually. They are frustrated and feel it is not representative of democracy. They also mentioned that the public postings are not done correctly for virtual meetings.

Tara La Venture, resident
10580 West 34th Avenue, Golden

Ms. La Venture is not happy with the lack of dust control and the mounds of dirt at Clear Creek Crossing. She believes it is not healthy for the public. She also believes not enough residents received the public notice for this meeting.

7. **PUBLIC HEARING**

- A. **Case No. WZ-19-02:** an application filed by Kum & Go for approval of a Specific Development Plan for a gas station/convenience store for the property zoned Planned Mixed Use Development (PMUD) located at 3432 Clear Creek Drive.

Mr. Cutler gave a short presentation regarding the Specific Development Plan 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.

Christine McRight with Evergreen Development Company gave a brief presentation updating the Commission and public on the construction at Clear Creek Crossing. In addition, Robert Fiebig and Dan Garneau gave a brief presentation regarding the Kum & Go site plan.

Commissioner SIMBAI referenced the staff report and asked about the minor corrections required by the Engineering Division that need to be updated.

Mr. Jefferies explained that the minor corrections are only clean up items like flattening the bike area and a sign correction. Mr. Cutler added that the Plat is approvable.

Commissioner Larson asked for clarification with regards to criteria 2 and 4 in the staff report which both address the SDP relationship to the ODP.

Mr. Cutler explained that criterion #4 is confirming the SDP is consistent with the development guidelines established in the Outline Development Plan, which includes, but is not limited to landscape coverage, setbacks, parking, etc. Criterion #2 is a broad based statement confirming the SDP is consistent with the overarching design and intent statements of the ODP.

Commissioner PETERSON asked if Clear Creek Crossing is the owner and Kum & Go is the leasee.

Ms. McRight explained the Kum & Go is under contract to purchase the site and will be the owners after closing.

Commissioner PETERSON also wanted to know how this area will be connected to the bicycle trail down by Clear Creek.

Mr. Cutler and Mr. Jefferies confirmed there will be 4-foot bike lanes on Clear Creek Drive that will be enhanced with green striping. They added the bike lanes will be constructed in May and June.

Commissioner PETERSON also asked staff to explain the lighting and photometric plan; he wanted assurance that the canopy lights will not be excessive.

Mr. Cutler explained that staff analyses the light levels and spillage and has confirmed there is no up lighting and the range of light spillage is acceptable.

Commissioner OHM inquired about the landscaping and if the areas outside the lot line to the NW and NE are included in the 20% minimum.

Mr. Cutler responded it those areas are not included in meeting the 20% coverage minimum and explained that SDP boundaries can go outside of property lines.

Commissioner OHM also asked if the Tesla Charging spaces will affect the required parking spaces.

Mr. Cutler said it will not affect the required parking spaces because there are more parking spaces than required.

Commissioner OHM then asked why the public art that is being placed on the SW side of the building instead of having a tree in that location.

Mr. Cutler clarified that the site has more trees than are required.

Mr. Garneau explained the sculpture is usually placed outside the store and customers usually like to take selfies with it.

Commissioner OHM wanted to know if Xcel is aware that the trash enclosure will be over the 10-foot utility easement.

Mr. Cutler explained that Xcel has was referred the SDP application and did not make a comment on the location of the enclosure.

Commissioner LARSON inquired if the monument sign will be the only sign for this property.

Mr. Cutler confirmed it will be the only freestanding sign for this property.

Commissioner Larson also asked if there will be a traffic signal at the end of the hook ramps coming off I-70.

Mr. Jefferies confirmed there will be a traffic signal and will be operational soon.

In response to a question regarding the service road going through the property, Mr. Cutler said the drive will terminate at the property and will not go any further north. Mr. Jefferies added the service road will be used by exiting trucks.

Commissioner LARSON asked where the refill connectors for fuel are located.

Mr. Garneau explained the trucks will pull up next to the curb on the west side of the site on the opposite side of the pump and the fuel drops are on the high side of the curb so no cars will drive over them.

Commissioner LARSON also inquired about water runoff and where it goes.

Mr. Jefferies said it drains to regional water quality pond north of PA 1 & 2 and there is no additional requirement for containment of runoff from the fueling station.

Commissioner OHM observed that the tree canopy diameters did not appear to be drawn to scale in the landscaping plan and asked why buffalo grass was being planted in the shade.

The landscape designer was not a participant in the hearing. Mr. Fiebig said he is not sure why the trees weren't drawn to scale, but will look into it. The applicant's civil engineer, Mr. Jesse, said the buffalo grasses are used all over the State of Colorado and should do well.

Commissioner Kerns inquired about how the underground fueling tanks are buried.

Mr. Fiebig explained that the tanks are double reinforced fiberglass and there are detection systems to any leaks which does not happen often but there are automatic shutoffs as well. Underground tanks are regulated by state and federal agencies.

Tara La Venture, resident
13167 W 33rd Avenue, Golden

Ms. La Venture had concerns about public hearing notice and questions regarding the elevation of the gas station, current guidelines of emissions, how often gas is delivered, truck routes, and intensity of lighting. She expressed a preference for the convenience store to be on the west side of the site and requested a brick sound wall at her property. She also said she would like to see things done about homeless people.

Zoriana Morozewych, resident
3651 Ward Road

Ms. Morozewych had concerns about 2 gas stations being close to each other and wants to know the environmental impact. She also wanted to know how the light pollution is going to be mitigated. She also had concerns about the virtual process for these meetings.

Odarka Figlus, resident
10580 West 34th Avenue

Ms. Figlus still does not like the virtual format for public meetings and said she couldn't see the slides.

Chair OHM asked staff to respond to the public comment:

Mr. Jefferies explained the truck route is to the east of the site, is kept away from the residential area, and is a way for a truck to navigate safely through a site.

Mr. Fiebig said the elevation will be lower than the La Quinta Inn which is adjacent to the south and higher in elevation.

Mr. Fiebig said Kum & Go meets all emission requirements and there is a vapor recovery system when fuel is off-loaded from the truck to the tank.

Mr. Garneau explained the orientation of the pumps and the convenience store is for efficiency of getting traffic through safely. Ms. Mikulak added the zoning does not require the building to be closer to the street in recognition that this area next to the interstate hook ramp is auto oriented.

Mr. Jefferies explained that if there is a storm event the underground tanks are regulated by the State. Ms. Mikulak said there are water quality features around the entire site.

Mr. Garneau confirmed that every specification for light spillage has been met and the LED lights are directional and will point down.

Ms. Mikulak explained to the Commission that there is currently a brick noise wall on the west side of the Youngfield service road and there is no requirement for another one to be built. She also confirmed there are 4 methods for posting of public hearings and all posting requirements were met between signs posted on private property, mailing of 300-ft radius, newspaper and website publications. Ms. Mikulak added there are multiple ways to view the agenda and staff report and presentation including Wheat Ridge Speaks and the website.

Ms. Mikulak also noted that pan handling is protected by the First Amendment so the City is limited in what they can do, but the Police Department is aware of the issue.

Regarding concerns of dust control, Ms. Mikulak said she will bring to the attention of the Storm Water Manager.

It was moved by Commissioner LEO and seconded by Commissioner PETERSON to APPROVE Case no. WZ-19-02, a request for approval of a Specific Development Plan for the construction of a gas station and convenience store on property located at 3432 Clear Creek Drive within Planning Area 4 of Clear Creek Crossing, for the following reasons:

- 1. The specific development plan is consistent with the purpose of a planned development, as stated in Section 26-301 of the Code of Laws.**
- 2. The specific development plan is consistent with the intent and purpose of the outline development plan.**
- 3. The proposed uses are consistent with those approved by the outline development plan.**
- 4. All responding agencies have indicated they can serve the property with improvements installed at the developer's expense.**
- 5. The specific development plan is in substantial compliance with the applicable standards set forth in the outline development plan and with the City's adopted design manuals.**

Motion approved 8-0.

Commissioner OHM thanked all for participating and believes it is imperative to proceed with the public hearings virtually albeit a new process for everyone involved.

8. OLD BUSINESS

9. NEW BUSINESS

Ms. Mikulak welcomed the Commission's newest member Kristine Disney.

She mentioned that per the bylaws a new Chair and Vice Chair are usually selected at the first meeting following Council appointments in March. Due to virtual meetings being new and Chair and Vice Chair needing to be selected by secret ballot, staff is recommending a motion to suspend the Commission's Bylaws and retain the current Chair and Vice Chair. The City Attorney agreed this would be an appropriate action to take.

It was moved by Commissioner DISNEY and seconded by Commissioner ANTOL to retain the current Chair and Vice Chair until the Commission meets in person.

Motion passed 8-0.

10. ADJOURNMENT

It was moved by Commissioner ANTOL and seconded by Commissioner DISNEY to adjourn the meeting at 8:45 p.m. Motion carried 8-0.



Scott Ohm, Chair



Tammy Odean, Recording Secretary