

City of Arvada City Council Agenda

JULY 19, 2021
CITY COUNCIL CHAMBERS
Regular Business

Councilmembers:

Marc Williams, Mayor
Dot Miller, Mayor Pro-Tem
Bob Fifer, At large
Nancy Ford, District 1
David Jones, District 4
John Marriott, District 3
Lauren Simpson, District 2

Staff Members Usually Present:

Mark Deven, City Manager
Lorie Gillis, Deputy City Manager
Rachel Morris, City Attorney
Don Wick, Director of Public Works
Sharon Israel, Director of Utilities
Ryan Stachelski, Dir. of Community & Economic Development
Bryan Archer, Director of Finance
Rob Smetana, Manager of City Planning & Development
Ben Irwin, Chief Communications Manager
Kristen Rush, City Clerk

Info: 720-898-7550

THIRD FLOOR CONFERENCE ROOM EXECUTIVE SESSION 5:00 P.M.

Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to LDC Appeal Process

ARVADA HOUSING AUTHORITY CITY COUNCIL CHAMBERS 6:00 P.M.

CITY COUNCIL MEETING – CITY COUNCIL CHAMBERS 6:15 PM

1. Call to Order - 6:15 PM
2. Moment of Reflection and Pledge of Allegiance - Mayor Pro-Tem Miller
3. Roll Call of Councilmembers
4. Approval of Minutes
 - A. June 23, 2021 and June 28, 2021 City Council Meeting
5. Recognitions and Communications - None
6. Presentations - None

7. Public Comment on Issues not Scheduled on Agenda - Three Minute Limit
8. New Business
 - A. Consent Agenda
 1. R21-093 A Resolution Granting a Non-Exclusive Public Utility Easement to the Public Service Company of Colorado (Xcel Energy) for the Construction of Utility Lines in Holistic Health and Fitness Park
 - B. Resolutions
 1. R21-094 A Resolution Authorizing an Intergovernmental Agreement Between the City of Westminster and the City of Arvada Regarding the Resurfacing of Garrison Street– 88th Avenue South to City Limit
 2. R21-095 A Resolution Authorizing the Second Revision to the City of Arvada City Council Strategic Plan 2020-2025
 - C. Ordinances (First Reading)
 1. CB21-025 An Ordinance Authorizing an Additional Appropriation to the Community Development Fund for Fiscal Year 2021 (Public Hearing to be set for August 2, 2021 at 6:15 p.m.)
9. Other
10. Public Hearings - 6:15 PM
 - A. Public Hearing for Second Substantial Amendment to 2020 Community Development Block Grant Annual Action Plan
 - B. CB21-021 An Ordinance Adding Section 62-62, Interference with Staff, Faculty, or Students of Educational Institutions, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code (Ordinance No. 4767)
 - C. CB21-022 An Ordinance Amending Section 1-5, General Penalty; Continuing Violations, of Chapter 1, General Provisions, and Section 58-41, Classification of Violations, of Article II, Trial by Jury, of Chapter 58, Municipal Court, of the Arvada City Code (Ordinance No. 4768)
 - D. Ratification and Approval of CP2021-0003, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan Land Use Designation Pertaining to 15812 W. 64th Avenue from LDR (Low Density Residential) to MDR (Medium Density Residential)
 - E. R21-096 A Resolution Setting Forth Certain Findings of Fact and Conclusions as to the Annexation of Certain Land into the City of Arvada, Colorado, 15812 W. 64th Avenue
 - F. CB21-023 An Ordinance Annexing Certain Land Into the City of Arvada, 15812 W. 64th Avenue in the County of Jefferson and State of Colorado (Ordinance No. 4769)
 - G. CB21-024 An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural) to City of Arvada R-13 (Residential 13), and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at 15812 W 64th Avenue from Low Density Residential to Medium Density Residential. (Ordinance No. 4770)
 - H. Major Modification from the Land Development Code Subsection 3-1-3-8 C.1.a for Caliber Collision, Generally Located at 6782 Fig Street
 - I. Major Modification from the Land Development Code Subsection 3-1-3-8 C.1.c for Caliber Collision, Generally Located at 6782 Fig Street
 - J. Conditional Use Application to Allow Light Industrial Uses Within a New Commercial Flex Building Located in a CG (Commercial, General) Zoning District for Center Land at Indiana Business Park, Generally Located at 14763 W. 65th Way and 6595 Holman Street

11. Public Comment - Five Minute Limit
12. Reports from City Council
 - A. Council Committee Reports
13. Reports from City Manager
 - A. Review of Future Workshops and Presentations
14. Reports from City Attorney
15. Adjournment



SUMMARY OF MINUTES FOR THE SPECIAL MEETING OF THE ARVADA CITY COUNCIL HELD JUNE 23, 2021 AT 5:00 P.M.

1. Executive Session – Third Floor Conference Room

Legal Advice Pursuant to C.R.S. 24-6-402(4)(b) regarding a recent critical incident involving the Arvada Police Department.

Councilmember Marriott moved to go into Executive Session Pursuant to C.R.S. 24-6-402(4)(b) regarding a recent critical incident involving the Arvada Police Department.

The following votes were cast on the Motion:

Those voting Yes: Williams, Marriott, Fifer, Ford, Jones, McGoff, Miller

The Motion was Approved

2. Adjournment at 5:55 p.m.

Marc Williams, Mayor

SEAL:

Kristen R. Rush, City Clerk



SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD JUNE 28, 2021

1. Executive Session - Third Floor Conference Room - 4:30 p.m.
 - A. Legal Advice, Pursuant to C.R.S. 24-6-402(4)(b) Relating to the Jefferson Parkway Public Highway Authority and Instructions to Negotiators, Pursuant to C.R.S. 24-6-402(4)(e) Relating to an Intergovernmental Agreement between the City of Arvada and Apex Park and Recreation District

Mayor Pro Tem Miller moved to go into Executive Session for Legal Advice, Pursuant to C.R.S. 24-6-402(4)(b) Relating to the Jefferson Parkway Public Highway Authority and Instructions to Negotiators, Pursuant to C.R.S. 24-6-402(4)(e) Relating to an Intergovernmental Agreement between the City of Arvada and Apex Park and Recreation District

The following votes were cast on the Motion:

Those voting Yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson
The Motion was Approved

2. Call to Order - 6:00 p.m.

This Arvada City Council meeting was held in the City Council Chambers and remotely using webinar technology. Mayor Williams, Mayor Pro Tem Miller, Councilmember Fifer, Councilmember Ford, Councilmember Marriott, Councilmember Jones and Councilmember Simpson were present in the council chambers. Members of the public were given notice with instructions on how to participate with public comment.

3. Moment of Reflection and Pledge of Allegiance

Mayor Williams read the following statement:

This has been an incredibly tough seven days since what happened last Monday. This week, Arvada has been wounded in its very heart. An individual who had hatred for the police, and for the Arvada Police in particular, set off a horrendous chain of events that has led to three tragedies and adversely affected many people.

This gunman ambushed and murdered Officer Gordon Beesley who was a 19-year veteran of the Arvada Police Department. Gordon was a school resource officer, a former recipient of the Arvada Employee of the Year award, and he was loved by all, especially his wife and two children. They, and all of us, are grieving.

Johnny Hurley was a visitor to Olde Town, who took decisive action to protect others without thought for his own safety. Based on reports, he shot and killed the gunman, which without question saved lives of other officers and potentially other citizens in our community. He died a hero, and we will forever call him a hero to our community. Arvada will forever be in his debt, and we offer our thoughts and our prayers to his family, friends and loved ones.

The second tragedy is one we are now dealing with. Because of the Critical Incident Response Team (CIRT) investigation that is going on right now, that is being conducted through the Jeffco Sheriff's Office and the Jeffco District Attorney's office, we are limited in what we can say at this juncture about the events that transpired after Mr. Hurley courageously shot the gunman. It has been reported, and we know one of Arvada's police officers shot and killed Mr. Hurley.

We mourn the death of Mr. Hurley, but we also support our police officers and remain mindful of the challenges and the circumstances they confront in an active shooter situation. They face that potential each and every day, and they are trained to address it.

The third tragedy is for our officers involved in this incident. All of our officers. Not only the officer involved in the shooting, but our entire police force. It's a family. The anguish our officers are dealing with is unimaginable and will change their lives forever. Our thoughts and prayers are also with our officers and their families as they cope with the aftermath of Monday's events.

Monday reminds us of how close knit our Arvada community is. The outpouring of support for our police and those most directly affected by these tragedies is heartwarming. We urge those affected to seek help and guidance in the days and weeks to come.

Through it all Arvada is strong. We are resilient. We are hurting, but we will, as we always do, help each other out. We will do our utmost to keep Arvada safe and the special place we call home.

4. Roll Call of Councilmembers

Those Present: Mayor Marc Williams, Mayor Pro Tem Dot Miller, Councilmember Bob Fifer, Councilmember Nancy Ford, Councilmember David Jones, Councilmember John Marriott, Councilmember Lauren Simpson

Also Present: Mark Deven, City Manager; Rachel Morris, City Attorney; Lorie Gillis, Deputy City Manager and Kristen Rush, City Clerk.

5. Approval of Minutes of the June 14, 2021 City Council Meeting

The minutes stand approved.

6. Recognition and Communication

A. Recognition of Recipients of the Colorado Manufacturing Awards - Presented by Councilmember Marriott

Councilmember Marriott said that each year, CompanyWeek, a Colorado-centric manufacturing industry magazine, and Manufacturer's Edge, Colorado's NIST-sponsored Manufacturing Extension Partnership, join together to host and produce an event to recognize Colorado manufacturing advocates and stakeholders from across industry and the supply chain. The 2021 Colorado Manufacturing Awards (CMA) build on five successful years of recognizing outstanding companies and people shaping American manufacturing, in a region emerging as a model for a new, dynamic sector.

Arvada was honored this year with three of the winners having businesses in Arvada. Sundyne is

located in Arvada, while SAS's manufacturing facility known as the Flight Factory is in Arvada, and Heidi Hostetter works as Vice President of Faustson Tool in Arvada.

Sundyne, a global leader in the design and manufacture of mission critical pumps and compressors, has been named Industrial Equipment Manufacturer at the 2021 Colorado Manufacturing Awards. With nearly 400 employees in Arvada Colorado, Sundyne designs and manufactures highly-engineered pumps & compressors for natural gas, power, chemical, petrochemical and agro-chemical businesses in more than 100 countries around the globe. Angela Alloro, Sundyne, will be present for the Recognition.

Special Aerospace Services (SAS) has been named Aerospace Manufacturer of the Year at the 2021 Colorado Manufacturing Awards. SAS started with the dream of founders Heather and Tim Bulk to bring together the best minds in the aerospace community to offer clients unique engineering and tactical solutions in support of their endeavors in the air and in space. SAS is a tactical engineering and advanced manufacturing firm with more than a decade of experience providing cutting-edge solutions to Aerospace, Aviation, Defense and Energy organizations worldwide. This category in the Colorado Manufacturer Awards recognizes outstanding contract and OE manufacturing and supply-chain operations in Colorado's world-class aerospace economy. Heather Bulk with Special Aerospace Services will be present for the Recognition.

Heidi Hostetter, CEO of H2 Manufacturing Solutions was named as the 2021 Colorado Manufacturing Woman of the Year. Although Heidi's manufacturing consulting business, H2 Manufacturing Solutions, is located outside of Arvada, she has been and continues to be highly involved with manufacturing leadership and innovation in Arvada over the past two decades. Heidi serves as Vice President of Faustson Tool, an aerospace manufacturing company in Arvada. She also serves on the Board of Directors for the Northern Colorado Manufacturing Partnership, and was a founding member of the Adapt Center for additive manufacturing in partnership with the Colorado School of Mines. Mr. and Mrs. Hostetter were present for the Recognition.

B. Recognition of Julia Gutierrez Walker, Recipient of the Arvada Elks Lodge 2020 Citizen of the Year Award - Presented by Councilmember Simpson

The Arvada Elks Lodge has named Julia Gutierrez-Walker as the recipient of their Distinguished Citizenship Award for 2020. The overall Mission of the Elks is "To inculcate the principles of Charity, Justice, Human Love and Fidelity; to promote the welfare and enhance the happiness of its Members; to quicken belief and patriotism; to cultivate good fellowship; to perpetuate itself as a fraternal organization and to provide for its government. The Benevolent and Protective Order of Elks of the United States of America serves the people and communities through benevolent programs. Gene Schluter, Arvada Elks Lodge will present this award to Julia Gutierrez Walker.

In March of 2020 at the beginning of the first pandemic shutdown, Julia Gutierrez Walker and her son took a small table to the Secrest Elementary School parking lot and set it up with some food and hygiene supplies for people in need to come and help themselves. They invited the community to join in dropping off food and donations as well as invited anyone in need to come by to collect what they could use. They called the event "The Giving Table".

The response to the first table was huge, and many community members requested that Julia continue to host the event as more and more support grew, especially with the pandemic putting

Arvadans out of work. The informal Giving Table was officially registered as a non-profit over the summer of 2020, with an official new name: **Hope, Connection and Community**.

During 2020 Julia ran several events to help those in need. A sampling include:

- Food delivery: Her non-profit organized community volunteers and business partners to build grocery bags of nutritious food staples and delivered for free to hungry residents across the city.
- Easter: They provided fifteen complete meals for families impacted by the pandemic as well as Easter Baskets for their children.
- Mother's Day: They provided ten gift bags for mothers whose families that had been affected by COVID and would not be able to afford to get their mom anything for the holiday.
- Arvada Fire Department Appreciation Day: Gift baskets for each Fire Station in Arvada as well as their First House. They also supported the "Light the Night" event by purchasing and distributing red light bulbs to support fallen firefighters and their families.
- Police Appreciation Day: Gift baskets were provided for all the police stations in Arvada as well as many thank you cards made by community members.
- Bike Drive: They collected 64 bikes of all sizes and held a bike event where 64 kids came with their parents to pick up their bikes and then stay for a socially-distant BBQ and live music.
- Thanksgiving: They provided 10 complete Thanksgiving meals and distributed them to families in need.
- Christmas: They hosted the "Tree of Hope," which paired 103 kids with sponsors who secured Christmas gifts for them and also worked with a local food caterer to provide 25 meals to families in need in Arvada.

Overall, it is estimated that **Hope, Connection and Community** events served approximately 1,000 Arvada households that were in need in 2020.

A representative from the Arvada Elks Lodge presented the award to Ms. Gutierrez Walker.

7. Presentations - none
8. Public Comment
 - A. Dalila Machinal, Arvada resident, addressed council regarding the Challenge of Drug Usage
 - B. Mindy Mohr, Arvada resident, addressed council regarding recycling at the Arvada on Tap festival
9. New Business
 - A. Consent Agenda
 1. R21-088 A Resolution Authorizing the Issuance of a Purchase Order in the Amount of \$230,000.00 to Intuitech, Inc. for the Purchase of a Water Treatment Filter Pilot Plant

2. R21-089 A Resolution Authorizing Contracts for On Call Engineering Services in an Amount up to \$450,000.00 per Contract for Work as Specified Within each Individual Agreement with the Following Contractors: Brown and Caldwell Inc.; Burns & McDonnell Engineering Company, Inc.; Carollo Engineers Inc.; CDM Smith Inc.; Felsburg Holt & Ullevig, Inc.; HDR Engineering Inc.; J & T Consulting, Inc.; Jacobs Engineering Group Inc.; Matrix Design Group Inc.; Muller Engineering Company Inc.; Murraysmith Inc.; Rocksol Consulting Group, Inc.; Stantec Consulting Services, Inc.; Terracon Consultants Inc.
3. R21-090 A Resolution Authorizing the First Amendment to an Agreement by and between the City of Arvada and T & M Construction, LLC for the Reconstruction of Ralston Road between Upham Street and Yukon Street to Change the Scope of Work and Increase the Maximum Compensation Amount by \$448,946.80, Project No. 15-ST-30
4. R21-091 A Resolution Authorizing an Agreement By and Between the City of Arvada and PCL Construction, Inc. for Converting Public Streets into Pedestrian Space for Olde Town Business District in an Amount Not to Exceed \$360,083.00
5. R21-092 A Resolution Authorizing an Agreement Between the City of Arvada and Modstreet for Modular Parklets and Fencing for Olde Town Arvada In an Amount not to Exceed \$500,000.00

Councilmember Marriott moved that R21-088, A Resolution Authorizing the Issuance of a Purchase Order in the Amount of \$230,000.00 to Intuitech, Inc. for the Purchase of a Water Treatment Filter Pilot Plant; R21-089, A Resolution Authorizing Contracts for On Call Engineering Services in an Amount up to \$450,000.00 per Contract for Work as Specified Within each Individual Agreement with the Following Contractors: Brown and Caldwell Inc.; Burns & McDonnell Engineering Company, Inc.; Carollo Engineers Inc.; CDM Smith Inc.; Felsburg Holt & Ullevig, Inc.; HDR Engineering Inc.; J & T Consulting, Inc.; Jacobs Engineering Group Inc.; Matrix Design Group Inc.; Muller Engineering Company Inc.; Murraysmith Inc.; Rocksol Consulting Group, Inc.; Stantec Consulting Services, Inc.; Terracon Consultants Inc.; R21-090, A Resolution Authorizing the First Amendment to an Agreement by and between the City of Arvada and T & M Construction, LLC for the Reconstruction of Ralston Road between Upham Street and Yukon Street to Change the Scope of Work and Increase the Maximum Compensation Amount by \$448,946.80, Project No. 15-ST-30; R21-091, A Resolution Authorizing an Agreement By and Between the City of Arvada and PCL Construction, Inc. for Converting Public Streets into Pedestrian Space for Olde Town Business District in an Amount Not to Exceed \$360,083.00; R21-092, A Resolution Authorizing an Agreement Between the City of Arvada and Modstreet for Modular Parklets and Fencing for Olde Town Arvada In an Amount not to Exceed \$500,000.00, be approved.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

- B. Resolutions - none
- C. Ordinances (First Reading)

1. CB21-021 An Ordinance Adding Section 62-62, Interference with Staff, Faculty, or Students of Educational Institutions, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code (Public Hearing to be set for July 19, 2021 at 6:15 p.m.)
2. CB21-022 An Ordinance Amending Section 1-5, General Penalty; Continuing Violations, of Chapter 1, General Provisions, and Section 58-41, Classification of Violations, of Article II, Trial by Jury, of Chapter 58, Municipal Court, of the Arvada City Code (Public Hearing to be set for July 19, 2021 at 6:15 p.m.)
3. CB21-023 An Ordinance Annexing Certain Land Into the City of Arvada, 15812 W. 64th Avenue in the County of Jefferson and State of Colorado (Public Hearing to be set for July 19, 2021 at 6:15 p.m.)
4. CB21-024 An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural) to City of Arvada R-13 (Residential 13), and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at 15812 W 64th Avenue (Public Hearing to be set for July 19, 2021 at 6:15 p.m.)

Mayor Pro Tem Miller moved that CB21-021, An Ordinance Adding Section 62-62, Interference with Staff, Faculty, or Students of Educational Institutions, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code; CB21-022, An Ordinance Amending Section 1-5, General Penalty; Continuing Violations, of Chapter 1, General Provisions, and Section 58-41, Classification of Violations, of Article II, Trial by Jury, of Chapter 58, Municipal Court, of the Arvada City Code; CB21-023, An Ordinance Annexing Certain Land Into the City of Arvada, 15812 W. 64th Avenue in the County of Jefferson and State of Colorado; CB21-024, An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural) to City of Arvada R-13 (Residential 13), and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at 15812 W 64th, be approved on first reading, ordered published in full, and a public hearing set for July 19, 2021 at 6:15 p.m.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

10. Other

- A. Appointment to the Metro Wastewater Reclamation District

Councilmember Marriott moved to Appoint Bill Ray to the Metro Wastewater Reclamation District for a term beginning July 1, 2021 and ending June 30, 2023.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

11. Public Hearings

A. Conditional Use Application for Ralston Gardens Parking Lot, Generally Located at 9250 Ralston Road

Mayor Williams opened the public hearing on the Conditional Use Application for Ralston Gardens Parking Lot.

Rob Smetana, Planning Manager, reviewed this item with council and stated that the posting logs and mailing affidavit have been received and are in order. Mayor Williams made them a part of the official record, along with the staff report.

Sworn Testimony: George Thorn, Representing Applicant
Andre Barros, Representing Applicant

Mayor Williams closed the public hearing.

Councilmember Fifer moved that the Conditional Use Application for the Ralston Gardens Parking Lot, generally located at 9250 Ralston Road, be approved with the following condition. The Conditional Use for the proposed parking lot shall only be valid if it is used to comply with the off-street parking requirements of the associated affordable multifamily development at the southeast corner of Ralston Road and Garrison Street.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

B. Major Modifications for Greyshoe Unit Addition, Generally Located at 5430 Estes Street

Mayor Williams opened the public hearing on Greyshoe Unit Addition

Sworn Testimony: Grayson Scherer, applicant
Jessica Hsu, applicant

Mayor Williams closed the public hearing.

Councilmember Marriott moved that the Major Modifications for Greyshoe Unit Addition, Generally Located at 5430 Estes Street, be denied. This motion is based on the following findings of fact for denial. This project doesn't comply with the Land Development Code on a number of issues including the number of units and the square footage of the lot.

The following votes were cast on the Motion

Those voting yes: Williams, Fifer, Ford, Jones, Marriott, Simpson

Those voting no: Miller

The Motion was Approved

12. Public Comment - Five Minute Limit - none

13. City Council Reports - None

14. City Manager Reports

A. Mark Deven, City Manager, reviewed the upcoming Workshop Schedule.

15. City Attorney Reports – none

16. Adjournment at 7:05 p.m.

Marc Williams, Mayor

SEAL:

Kristen R. Rush, City Clerk



REPORT TO CITY COUNCIL

AGENDA ITEM
8.A.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: Consent Agenda

Report in Brief

8.A.1. R21-093 A Resolution Granting a Non-Exclusive Public Utility Easement to the Public Service Company of Colorado (Xcel Energy) for the Construction of Utility Lines in Holistic Health and Fitness Park

Suggested Motion: Moved by: _____

I move that the Consent Item(s), Number(s) R_____ be (Removed from the Consent Agenda and Heard Upon Item _____) (Referred to a Workshop) (Postponed Indefinitely).

YES _____ NO _____ ABSENT _____

That All/Remaining Consent Items be (Approved) (Rejected).

YES _____ NO _____ ABSENT _____

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.A.1.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: R21-093 A Resolution Granting a Non-Exclusive Public Utility Easement to the Public Service Company of Colorado (Xcel Energy) for the Construction of Utility Lines in Holistic Health and Fitness Park

Report in Brief

In 2017, the Arvada City Council passed Resolution R17-038 authorizing an Agreement between the City of Arvada and DHM Design Corporation for architectural landscape design services for the Holistic Health and Fitness Park. The Holistic Health & Fitness Park is a collaborative public park endeavor aimed to meet an increasing population's recreation demand in the Arvada Ridge Transit Area and support Red Rocks Community College's (RRCC) curriculum, degrees and certificates - such as Holistic Health, Reflexology, Yoga, and Rehabilitation - through a unique design program unlike other typical neighborhood parks. The park will fulfill community park and recreation needs identified in the 2007 Arvada Transit Station Framework Plan, the 2009 Pedestrian and Bicycle Access Plan, and the 2016 Arvada Parks, Trails and Open Space Master Plan.

A critical first step in achieving the realization of this new park is obtaining the utility easement to allow Xcel Energy to relocate the existing above-ground utility to below-ground through a utility boring process.

The Arvada team recommends that the City Council approve R21-093, A Resolution Granting a Non-Exclusive Public Utility Easement to the Public Service Company of Colorado (Xcel Energy) for the Construction of Utility Lines in Holistic Health and Fitness Park.

Financial Impact

Xcel Energy will be responsible for the design, layout, construction, and maintenance of the underground utility. There is no financial impact to the City of Arvada associated with the easement.

Background

The City of Arvada and Red Rocks Community College (RRCC) have worked together since March 2016 on the vision, design and public outreach for this new park intended to meet identified public park service gaps and support higher education curriculum at the RRCC Arvada Campus. Substantial design, partnerships, approvals, and outreach were completed as part of that process. More recently, Xcel Energy was identified as a project partner to locate the existing above-ground utilities to below-ground, providing a critical element of high design value to the park's aesthetics and operations.

The site consists of two parcels totaling approximately 8.55 acres combined:

- 5470 Miller Street, owned by City of Arvada (Utilities)
- 5420 Miller Street, owned by the State Board for Community Colleges and Occupational Education, represented by Red Rocks Community College (RRCC)

Initially presented in concept to RRCC Staff and Foundation in early 2016, RRCC is supportive of shared land use. RRCC is also a fully-involved project partner with staff and students having already invested in the design process in visioning this truly unique outdoor health and wellness center. Anchored by the Arvada Ridge Transit Station, medium to high density residential

development, and the public health sciences campus, the new park site will broaden and democratize access to healthy opportunities and provide an outlet for residents as well as students to champion their own health through outdoor-based healing modalities.

Discussion

The Park is the crowning piece of a larger vision to connect people to art and health on a daily basis. Anchored by the Arvada Ridge RTD Gold-Line Transit Station and Arvada Station II Public Art Plaza to the south, a wide tree-lined Pedestrian Promenade along Lee Street is already being constructed that will bridge the short distance between these points. This vision will also include a progression of smaller public art plazas between the busy transportation center and the Park. When built, the park will provide an outlet for diverse groups – ranging from the general public, health practitioners, faculty, students, and visitors – to champion their own health.

Red Rocks Community College (RRCC) has been wholly invested in the park planning process, fully supports the project, and provided a letter authorizing the planning process to occur with an understanding a formal Lease Agreement, Intergovernmental Agreement, or other mechanism will be required authorizing use of the site for public park use and shared use of the existing parking area ahead of final plan approval or construction.

It is also important to note that this project is an important element to achieving the vision laid out in our Parks, Trails, and Open Space Master Plan of focusing attention on improving the ecological health of our open space network to benefit wildlife habitat and outdoor recreation destinations; connecting every resident to a park, trail and open space system; and developing a series of interconnected cultural and fitness trails. In addition, this project leverages AURA funds and local relationships to create new amenities and benefits for Arvada residents and visitors.

A critical first step in achieving the realization of this new park is obtaining the utility easement to relocate the existing above-ground utility to below-ground through a utility boring. Beyond irrigation, grading, and accessible routes, the new park will include a number of other new amenities within Phase I, including two plazas with shade shelters, an intergenerational natural play area, activity lawn, exercise stairs, restroom enclosure, interactive art, educational obelisks, labyrinth, yoga/qi gong outdoor classroom, bike racks, benches, trash receptacles, therapeutic and sensory gardens, safety lighting, three entry plazas, a reflexology path, a compass rose/astronomy plaza, natural stone retaining walls, 1,200 linear feet of 10-foot wide concrete path, and 400 linear feet of soft surface trail.

Parks & Urban Design has already identified and secured the capital improvement funding necessary for Phase I of the design and construction of Holistic Health and Fitness Park.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

Granting a non-exclusive public utility easement to Xcel Energy allows for the creation of the new park, and directly aligns with and contributes to the following City Council Strategic Result:

By 12/22, complete strategic investments and initiatives to ensure parks, trails, open space, and amenities are in alignment with our diverse, changing, and growing community.

The City's 2016 Parks, Trails and Open Space Master Plan identified this location as a park improvement priority area. Additionally, this project achieves the goals of activating parks, trails and open spaces; providing new parks and improvements

to existing parks; and encourages access to healthy living for all.

The City, in collaboration with AURA, identified the opportunity to construct a new park in the Ralston Fields Urban Renewal Area, as well as allowing the Embrey Development to adjust their design and offer a linear Park Promenade linking its pedestrian art plaza with the proposed Holistic Health & Fitness Park site, the new Kipling Parkway access, and the surrounding neighborhood.

Alternative Courses of Action

N/A.

Recommendation for Action

The Arvada team recommends that the City Council approve R21-093, A Resolution Granting a Non-Exclusive Public Utility Easement to the Public Service Company of Colorado (Xcel Energy) for the Construction of Utility Lines in Holistic Health and Fitness Park.

Suggested Motion:

I move that R21-093, A Resolution Granting a Non-Exclusive Public Utility Easement to the Public Service Company of Colorado (Xcel Energy) for the Construction of Utility Lines in Holistic Health and Fitness Park, be (approved) (rejected).

Prepared by:
Rosa Kougl, Executive Assistant

Reviewed by:

Approved by:

Enessa Janes, Deputy Director of Vibrant Community and Neighborhoods	6/28/2021
Gordon Reusink, Director of Vibrant Community and Neighborhoods	6/28/2021
Bryan Archer, Director of Finance	6/28/2021
Gail Walker, Legal Specialist-Contracts	6/28/2021
Kylie Justus, Assistant City Attorney	7/7/2021
Rachel Morris, City Attorney	7/7/2021
Lorie Gillis, Deputy City Manager	7/7/2021
Mark Deven, City Manager	7/7/2021

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R21-093

A RESOLUTION GRANTING A NON-EXCLUSIVE PUBLIC UTILITY EASEMENT TO THE
PUBLIC SERVICE COMPANY OF COLORADO (XCEL ENERGY) FOR THE
CONSTRUCTION OF UTILITY LINES IN HOLISTIC HEALTH AND FITNESS PARK

WHEREAS, Arvada has collaborated with Red Rocks Community College to design and construct a health and fitness focused park; and

WHEREAS, the Holistic Health and Fitness Park construction and design require utility lines and services from the Public Service Company of Colorado (Xcel Energy);

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The Mayor or Mayor Pro Tem is authorized to sign and the City Clerk to attest, in a form approved by the City Attorney, a *Public Service Company of Colorado Easement*, which is in substantially the same form as the attached Easement grant by and between the City of Arvada and the Public Service Company of Colorado.

Section 2. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 19th day of July, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel Morris, City Attorney

By: _____

S-T-R: 16-3S-69W

County: Jefferson

Division-City/Town: North Metro-Arvada

LAT & LONG GPS: 39°47'48.80"N & 105° 6'51.61"W

Grantor: City of Arvada

Address/Intersection: 10375 W. 55th Ave.

DIST/TRANS: DISTRIBUTION

Doc No: 533968-E

ROW Agent: Brett McGrath

Descript/Author: Brett McGrath

Reception No.:

PUBLIC SERVICE COMPANY OF COLORADO EASEMENT

The undersigned Grantor hereby acknowledges receipt of good and valuable consideration from PUBLIC SERVICE COMPANY OF COLORADO (Company), 1800 Larimer Street, Suite 1100, Denver, Colorado, 80202, in consideration of which Grantor(s) hereby grants unto said Company, its successors and assigns, a non-exclusive easement to construct, operate, maintain, repair, and replace utility lines and all fixtures and devices, used or useful in the operation of said lines, through, over, under, across, and along a course as said lines may be hereafter constructed in a portion of the NE 1/4 of Section 16, Township 3 South, Range 69 West of the 6th Principal Meridian in the City of Arvada, County of Jefferson, State of Colorado, the easement being described as follows:

A non-exclusive easement over, under, through and across said property as defined by State of Colorado Patent Deed No. 8468, which was recorded June 30, 2011 at reception number 2011060860 with the Clerk and Recorder of Jefferson County, Colorado for the construction, operation, maintenance, repair and replacement of gas and electric service lines and distribution systems and appurtenances thereto, as may be necessary to provide such services within this development or properties contiguous thereto, excepting building envelopes and exclusive easements.

Upon completion of the installation, Company shall cause a survey to be made of the utility lines, as constructed, to obtain a revised legal description for the easement based on the survey, which easement shall extend five (5) feet on each side of the utility lines as installed. Grantor shall thereafter execute and deliver to the Company a replacement easement in the same form as this easement over, under, through and across the surveyed legal description. If requested the Company will then quitclaim this blanket easement back to the property owners of record at that time.

Together with the right to enter upon said premises, to survey, construct, maintain, operate, repair, replace, control, and use said utility lines and related fixtures and devices, and to remove objects interfering therewith, including the trimming and felling of trees and bushes, and together with the right to use so much of the adjoining premises of Grantor during surveying, construction, maintenance, repair, removal, or replacement of said utility lines and related fixtures and devices as may be required to permit the operation of standard utility construction or repair machinery. The Grantor reserves the right to use and occupy the easement for any purpose consistent with the rights and privileges above granted and which will not interfere with or endanger any of the said Company's facilities therein or use thereof. Such reservations by the Grantor shall in no event include the right to erect or cause to be erected any buildings or structures upon the easement granted or to locate any mobile home or trailer units thereon. In case of the permanent abandonment of the easement, all right, privilege, and interest granted shall terminate.

The work of installing and maintaining said lines and fixtures shall be done with care; the surface along the easement shall be restored substantially to its original level and condition.

Signed this _____ day of _____,2021.
(Type or print name below each signature line with official title if corporation, partnership, etc.):

GRANTOR: City of Arvada, a Colorado municipal corporation

By: _____
Name: _____
Title: _____

STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____,2021 by [Grantor name(s) from above]:

Witness my hand and official seal.

My commission Expires _____

Notary Public



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.B.1.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: R21-094 A Resolution Authorizing an Intergovernmental Agreement Between the City of Westminster and the City of Arvada Regarding the Resurfacing of Garrison Street– 88th Avenue South to City Limit

Report in Brief

Council action is requested on the attached resolution authorizing an Intergovernmental Agreement between the Cities of Arvada and Westminster regarding the Resurfacing of Garrison Street from West 88th Avenue South to the city limit. Please note that the Intergovernmental Agreement between the City of Westminster and the City of Arvada Regarding Resurfacing of Garrison Street – 88th Avenue South to City Limit is included in the agenda packet.

The Arvada team recommends that City Council approve R21-094, A Resolution Authorizing an Intergovernmental Agreement between the City of Arvada and the City of Westminster Regarding shared roadway repair which will include but is not limited to resurfacing and deteriorated concrete removal and replacement on Garrison Street from West 88th Avenue South to the city limit.

Financial Impact

Fiscal Impact:

2022 Fiscal Impact: \$64,906.78.

This is a one-time request for construction cost.

Funding Source:

General Fund

Streets Maintenance Fund

Budgeted in account number 04.705012.55002

Background

The City of Arvada and the City of Westminster share jurisdiction of Garrison Street from West 88th Avenue south to the city limit. Both cities provide maintenance, repair, snow-plowing and other operations on Garrison Street.

Garrison Street from West 88th Avenue South to the city limit is in need of repair. The City of Westminster will contract to have street resurfacing and deteriorated concrete removal and replacement completed on this section of shared roadway. The City of Arvada wishes to be a party to this project as this project benefits both cities. The City of Westminster will invoice the City of Arvada for Arvada's portion of this project in the amount of \$64,906.78.

Cooperative agreements with the City of Arvada and the City of Westminster have occurred in the past. On January 6, 2020, the City of Arvada and the City of Westminster entered into an IGA to perform a similar project on West 88th Avenue between Wadsworth Boulevard and Harlan Street and on May 15, 2006 on West 88th Avenue from Wadsworth West to the Arvada city limits.

Discussion

Garrison Street between West 88th Avenue south to the city limits is a main arterial street that is in need of repair. The Arvada team recommends that the City coordinate and jointly fund the major capital maintenance for this shared roadway. The City of Westminster is scheduled to complete this repair project in 2022. The most efficient and cost effective way to complete this project is for Arvada to participate in the cost of this project with the City of Westminster. Benefits to the City of Arvada include project delivery efficiency and cost savings and reduced impact to the traveling public.

Public Contact

Posting of the City Council Agenda

Commission Recommendation

N/A

Strategic Alignment

This action aligns with the Infrastructure Priority Area of Infrastructure of the City Council Strategic Plan. Performing this maintenance in cooperation with the City of Westminster on Garrison Street increases the efficiency and safety of the City's transportation system.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that City Council approve R21-094, A Resolution Authorizing an Intergovernmental Agreement between the City of Westminster and the City of Arvada regarding the resurfacing of Garrison Street between West 88th Avenue South to city limits which will include but is not limited to mill, overlay and the removal and replacement of deteriorating concrete.

Suggested Motion:

I move that R21-094, A Resolution Authorizing an Intergovernmental Agreement between the City of Westminster and the City of Arvada Regarding the Resurfacing of Garrison Street - 88th Avenue South to City Limit, be (approved) (rejected).

Prepared by:
Christine Biddle, Administrative Specialist

Reviewed by:

Approved by:

Keith Bohan, Pavement Asset Management Supervisor 6/29/2021
Jacqueline Rhoades, Civil Engineer III 6/30/2021

SUBJECT: R21-094 A Resolution Authorizing an Intergovernmental Agreement Between the City of Westminster and the City of Arvada Regarding the Resurfacing of Garrison Street–88th Avenue South to City Limit

PAGE: 3
ITEM: 8.B.1.

Don Wick, Director of Public Works	7/1/2021
Bryan Archer, Director of Finance	7/1/2021
Erika Pierce, Litigation Paralegal	7/7/2021
Jessica Morales, Assistant City Attorney	7/7/2021
Rachel Morris, City Attorney	7/7/2021
Lorie Gillis, Deputy City Manager	7/7/2021
Mark Deven, City Manager	7/7/2021

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R21-094

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF WESTMINSTER AND THE CITY OF ARVADA REGARDING
THE RESURFACING OF GARRISON STREET– 88TH AVENUE SOUTH TO CITY LIMIT

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution, as well as Section 29-1-201, *et seq.*, and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit; and

WHEREAS, Arvada is responsible for maintaining and repairing those portions of Garrison Street situated within the City of Arvada; and

WHEREAS, Westminster is responsible for maintaining and repairing those portions of Garrison Street situated within Westminster; and

WHEREAS, Westminster desires to contract for the resurfacing of the asphalt pavement and the removing and replacing of deteriorated concrete along Garrison street – 88th Avenue south to city limit; and

WHEREAS, Westminster is willing to include Arvada’s portion of Garrison Street, from 88th Avenue south to city limit, in the same contract as Westminster will be entering into for those street improvements located within Westminster; and

WHEREAS, Westminster has requested, and Arvada is agreeable, that Arvada reimburse Westminster on a proportionate share basis Arvada’s portion of the cost for that portion of Garrison Street from 88th Avenue south to city limit, which is located within Arvada’s jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The Mayor or Mayor Pro Tem is authorized to sign and the City Clerk to attest, in form approved by the City Attorney, an Agreement, which is in substantially the same form as that attached hereto.

Section 2. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 19th day of July, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By:

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF WESTMINSTER AND THE CITY OF ARVADA
REGARDING RESURFACING OF
GARRISON STREET – 88TH AVENUE SOUTH TO CITY LIMIT**

This **INTERGOVERNMENTAL AGREEMENT REGARDING THE RESURFACING OF GARRISON STREET** (the “Agreement”) is made and entered into effective this 24TH day of August, 2021, by and among the **CITY OF WESTMINSTER**, a Colorado home rule municipality whose principal business address is 4800 West 92nd Avenue, Westminster, Colorado 80031 (“Westminster”), and the **CITY OF ARVADA**, a Colorado home rule municipality whose principal business address is 8101 Ralston Road, Arvada, Colorado 80002 (“Arvada”). Both the City of Westminster and City of Arvada are referred to herein as either the singular “Party” or the plural “Parties.”

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution, as well as Section 29-1-201, *et seq.*, and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit; and

WHEREAS, Westminster desires to contract for the resurfacing of the asphalt pavement and the removing and replacing of deteriorated concrete along Garrison street – 88th Avenue south to city limit; and

WHEREAS, Westminster is responsible for maintaining and repairing those portions of Garrison Street situated within Westminster; and

WHEREAS, Arvada is responsible for maintaining and repairing those portions of Garrison Street situated within the City of Arvada; and

WHEREAS, Westminster is willing to include Arvada’s portion of Garrison Street, from 88th Avenue south to city limit, in the same contract as Westminster will be entering into for those street improvements located within Westminster; and

WHEREAS, Westminster has requested, and Arvada is agreeable, that Arvada reimburse Westminster on a proportionate share basis Arvada’s portion of the cost for that portion of Garrison Street from 88th Avenue south to city limit, which is located within Arvada’s jurisdiction; and

WHEREAS, estimates of the construction costs for the portion of the Project located within Arvada’s jurisdiction are identified in EXHIBIT A, attached hereto and incorporated herein by this reference; and

WHEREAS, the proportionate cost share of the Project shall be based on the proportionate share areas within each respective jurisdiction, and

WHEREAS, the costs identified in EXHIBIT A are estimates for the total cost of the Project to be done within Arvada’s jurisdiction, and each Party shall be responsible for its share of the actual, in-place costs of the Project (the “Actual Project Costs”); and

WHEREAS, a ten percent (10%) contingency has been applied to each item to accommodate the possibility of over-running estimated quantities, and a ten percent (10%) contingency has been added to the overall budget for use toward change orders or minor contract revisions to accommodate issues that arise during construction.

NOW, THEREFORE, in consideration for the making and performance of the mutual promises and covenants contained herein the parties agree as follows:

1.0 SCOPE OF WORK

1.1 Westminster shall perform "Work" (street resurfacing and deteriorated concrete removal and replacement) to Garrison Street from 88th Avenue south to city limit. This Work will be performed on that portion of Garrison Street located in Westminster, and on two thousand eight hundred sixty-five (2,865) square yards of pavement presently located in Arvada, as shown on attached EXHIBIT A. It is agreed that this Work shall include improvements to Garrison Street located in Arvada consisting of a 2 inch mill and overlay, restriping of the roadway, replacement of all traffic markings, and the removal and replacement of deteriorated concrete. The Work shall be secured by payment and performance bonds and warranted for a period of one year.

2.0 TERM. Arvada shall pay Westminster an amount of sixty-four thousand nine hundred six dollars seventy-eight cents (\$64,906.78). Westminster shall send an invoice to Arvada, with the quantities and unit prices, and Arvada shall pay Westminster within thirty (30) days of receipt of the invoice.

3.0 PROJECT MANAGER

3.1 Westminster's project manager for the project is Barb Cinkosky, Street Projects Specialist, Department of Public Works and Utilities, Street Operations Division.

3.2 Arvada's project manager for the Project is Keith Bohan, Crew Supervisor, Streets Division, Department of Public Works.

3.3 The project managers from both Westminster and Arvada shall be the primary points of contact for questions and inquiries about the Project, and shall be responsible for reporting to their respective entities the progress of the Project, as well as any problems which might arise. Westminster and Arvada may change their designated project managers upon written notice to the other party. All notices given pursuant to this Agreement should be sent to the attention of the project manager of the party to whom the notice is being given.

4.0 COOPERATION. Westminster and Arvada hereby agree that, upon execution of this Agreement and commencement of the Project, they will cooperate with each other to the fullest extent in the scheduling of the work, supervision, and review when applicable to ensure the successful completion of the Project. Arvada may inspect the project but shall communicate to the Contractor through Westminster.

5.0 WARRANTY. The parties agree that any contracts awarded for the construction of the Project shall be warranted by the selected Contractor for a one (1) year period, and that surety be provided for enforcement of this warranty.

6.0 INSURANCE AND INDEMNIFICATION.

6.1 During the term of this Agreement, both parties shall maintain property and general liability insurance in commercially reasonable amounts, either or both parties may meet this obligation through their membership in the insurance pool provided by the Colorado Intergovernmental Risk Sharing Agency (CIRSA), to insure them from claims arising from the Project.

- 6.2 Westminster shall require that all contractors, subcontractors, and independent contractors employed by Westminster for the Project maintain property, general liability and statutory worker's compensation insurance in such amounts as to insure Westminster, and Arvada as an additional insured, to the statutory limits of their liability.
- 6.3 Westminster shall require that the selected Contractor for the Project and its subcontractors indemnify, defend and hold harmless Arvada and Westminster, and their respective Mayors, Councillors, Commissioners, officials, and employees from and against any and all claims, demands, suits, actions, proceedings, judgments, losses, damages, injuries, penalties, costs, expenses (including attorney's fees) and liabilities of, by or with respect to third parties to the extent they arise, or may be alleged to arise, directly or indirectly, in whole or in part, from the intentional misconduct or negligent acts or omissions of the selected Contractor, the selected Contractor's subcontractors, suppliers, and/or employees in connection with work on the Project.
- 7.0 ADDITIONAL DOCUMENTS OR ACTION.** The parties agree to execute any additional action that is necessary to carry out this Agreement.
- 8.0 ASSIGNMENT.** This Agreement shall not be assigned by either party without the prior written consent of the other party.
- 9.0 FORCE MAJEURE.** Any delays in or failure of performance by any party of his or its obligations under this Agreement shall be excused if such delays or failure are a result of acts of God, fires, floods, strikes, labor disputes, accidents, regulations or orders of civil or military authorities, shortages of labor or materials, or other causes, similar or dissimilar, which are beyond the control and such party.
- 10.0 BINDING EFFECT.** This Agreement shall inure to the benefit of, and be binding upon, the parties, their respective legal representative, successors, heirs, and assigns; provided, however, that nothing in this paragraph shall be construed to permit the assignment of this Agreement except as otherwise expressly authorized herein.
- 11.0 EXHIBITS.** All EXHIBITS referred to in this Agreement are, by reference, incorporated herein for all purposes.
- 12.0 NOTICES.** Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the project manager as referenced in paragraph 3.0 above at the address set forth on the signature page below, or at such other address as has been previously furnished in writing, to the other party or parties. Such notice shall be deemed to have been given when deposited in the United States mail.
- 13.0 PARAGRAPH CAPTIONS.** The captions of the paragraphs are set forth only for the convenience and reference of the parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.
- 14.0 INTEGRATION AND AMENDMENT.** This Agreement represents the entire agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties. If any other provision of the Agreement is held invalid or unenforceable, no other provision shall be affected

by such holding, and all of the remaining provisions of this Agreement shall continue in full force and effect.

- 15.0 DEFAULT.** Time is of the essence. If any payment or any other condition, obligation, or duty is not timely made, tendered or performed by either party, then this Agreement, at the option of the party who is not in default, maybe terminated by the nondefaulting party, in which case, the nondefaulting party may recover such damages as may be proper. If the nondefaulting party elects to treat this Agreement as being in full force and effect, the nondefaulting party shall have the right to an action for specific performance or damage or both.
- 16.0 WAIVER OF BREACH.** A waiver by any party to the Agreement of the breach of any term or provision of this Agreement shall no operate or be construed as a waiver of any subsequent breach by either party.
- 17.0 ATTORNEY'S FEES.** If any party breaches this Agreement, the breaching party shall pay all of the prevailing party's reasonable attorney's fees and costs in enforcing this Agreement.
- 18.0 GOVERNING LAW AND VENUE.** This Agreement shall be governed by the laws of the State of Colorado. Venue for any action arising under this Agreement or for the enforcement of this Agreement shall be in the appropriate court for Jefferson County, Colorado.
- 19.0 GOVERNMENTAL IMMUNITIES.**
- 19.1 The Parties hereto intend that nothing herein shall be deemed or construed as a waiver by either party of any rights or protections afforded to them under the Colorado Governmental Immunity Act (Section 24-10-101, C.R.S., *et seq.*)
- 19.2 Arvada and Westminster agree that in the event any claim or suit is brought against either or both parties by any third party as a result of the operation of this Agreement that both parties will cooperate with each other, and with the insuring entities of both parties, in defending such claim or suit.

ILLEGAL ALIENS-PUBLIC CONTRACTS FOR SERVICES. Westminster shall require that the selected Contractor for the Project and its subcontractors are in compliance with CRS §8-17.5-101 *et seq.*

SIGNATURE PAGE TO FOLLOW

In Witness Whereof, the parties hereto have caused this agreement to be executed on the day and year first above written.

CITY OF ARVADA, COLORADO

CITY OF WESTMINSTER, COLORADO

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

[Seal]

[Seal]

City Clerk

City Clerk

Approved as to Form & Content

Approved as to Form & Content

City Attorney

City Attorney

EXHIBIT A

FEE PAYMENT SCHEDULE AND LOCATION MAP

Exhibit A

Arvada's Portion

Garrison St	88th Avenue south to city limit			2,865 SY
	Quantity	Unit	Unit Price	Extended \$
Removal of Asphalt Mat (2"-0" Edge Plaining)	965	Sq Yards	\$ 1.33	\$ 1,283.45
HMA GR SX (75) PG 64-22 (25% RAP)	346	Tons	\$ 70.28	\$ 24,316.88
Adjust Valves	1	Each	\$ 34.45	\$ 34.45
Traffic Control (Collector)	2	LS/Day	\$ 2,226.00	\$ 4,452.00
Thermoplastic Helmeted Bicycle Symbol	4	Each	\$ 644.05	\$ 2,576.20
Temporary Striping (Waterborne)	10	Gal	\$ 53.00	\$ 530.00
Lane Lines Epoxy Paint (White & Yellow)	10	Gal	\$ 125.08	\$ 1,250.80
Asphalt Total				\$ 34,443.78
2'6" Vertical Curb & Gutter (remove & replace)	410	LF	\$ 27.00	\$ 11,070.00
Sidewalk (6" thick) (remove & replace)	700	SF	\$ 8.64	\$ 6,048.00
ADA Curb Ramp (remove & replace per spec)	1	Each	\$ 1,490.40	\$ 1,490.40
ADA Curb Ramp Retro-Fit (wet set)	2	Each	\$ 518.40	\$ 1,036.80
Concrete Total				\$ 19,645.20
20% Contingency				\$ 10,817.80
Arvada Total Share				\$ 64,906.78

Total Project Work

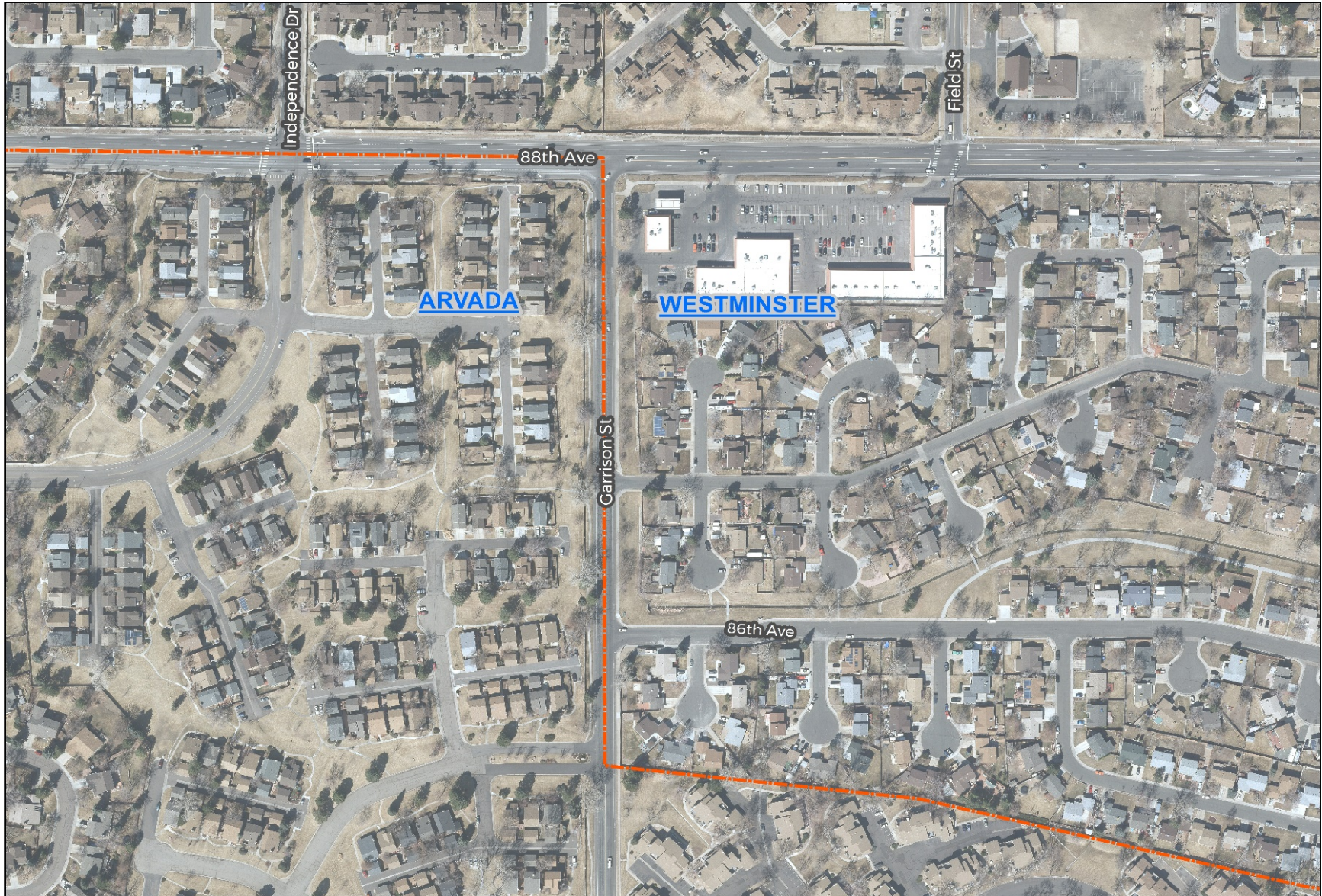
Garrison St (Arvada IGA)	88th Ave south to city limit			5,730 SY
	Quantity	Unit	Unit Price	Extended \$
Removal of Asphalt Mat (2"-0" Edge Plaining)	1,930	Sq Yards	\$ 1.33	\$ 2,566.90
HMA GR SX (75) PG 64-22 (25% RAP)	693	Tons	\$ 70.28	\$ 48,704.04
Adjust MH		Each	\$ 68.90	\$ -
Adjust Valves	1	Each	\$ 34.45	\$ 34.45
Traffic Control (Collector)	2	LS/Day	\$ 2,226.00	\$ 4,452.00
Thermoplastic Helmeted Bicycle Symbol	9	Each	\$ 644.05	\$ 5,796.45
Temporary Striping (Waterborne)	20	Gal	\$ 53.00	\$ 1,060.00
Lane Lines Epoxy Paint (White & Yellow)	20	Gal	\$ 125.08	\$ 2,501.60
Total Project Asphalt				Total \$ 65,115.44
2'6" Vertical Curb & Gutter (remove & replace)	1,093	LF	\$ 27.00	\$ 29,511.00
6'6" Monolithic Vertical Curb & Gutter w/Sidewalk	14	LF	\$ 57.02	\$ 798.28
Sidewalk (6" thick) (remove & replace)	1,136	SF	\$ 8.64	\$ 9,815.04
ADA Curb Ramp (remove & replace per spec)	2	Each	\$ 1,490.40	\$ 2,980.80
ADA Curb Ramp Retro-Fit (wet set)	5	Each	\$ 518.40	\$ 2,592.00
Total Project Concrete				\$ 45,697.12
20% Contingency				\$ 22,162.51
Total Project				\$ 132,975.07

Exhibit A

IGA - Garrison St from 88th Ave south to city limit

Legend

--- City Limit Lines





REPORT TO CITY COUNCIL RESOLUTION

**AGENDA ITEM
8.B.2.**

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: R21-095 A Resolution Authorizing the Second Revision to the City of Arvada City Council Strategic Plan 2020-2025

Report in Brief

On May 14, 2021, the City Council and the Leadership Team conducted the annual City Council Strategic Planning Retreat. Information gained from the retreat resulted in the creation of four new strategic results and associated milestones. The new strategic results are being added to the 2020-2025 City Council Strategic Plan via this second amendment to the plan adopted by City Council on September 16, 2019.

The Leadership Team has added strategic results and associated milestones to the plan which improves the alignment with the City Council and incorporates elements of our organizational culture, including Vision, Mission and Values and our Core Competences. A presentation outlining the new strategic results is attached and it is anticipated that the discussion associated with this presentation will provide information needed to finalize the second amendment to the 2020-2025 City Council Strategic Plan. The Leadership Team looks forward to this discussion.

The Arvada team recommends that the City Council approve R21-095, A Resolution to adopt the second amendment to the 2020-2025 City Council Strategic Plan.

Financial Impact

This may have financial impact as departments are currently preparing requests for the 2022 Budget Update. The City Council will have an opportunity to consider these impacts through the 2022 Budget Update process, future budget processes and updates to the 10-year Financial Plans.

Background

In June 2013, the City Council adopted the City Strategic Plan 2014 to 2019. The plan outlined four priority areas to focus on through 2019. In 2018 a fifth priority area was added. The 2020-2025 City Council Strategic Plan was adopted by City Council on September 16, 2019. An annual update on progress was provided to the City Council on March 22, 2021.

Each year the City Council and Leadership Team review plan progress during a retreat and use the opportunity to add, enhance or delete strategic results. All changes to the City Council Strategic Plan must be adopted via Resolution. Council engaged in a robust discussion during the Retreat on May 14, 2021 with a significant amount of the issues and initiatives focused on 2021 and beyond.

In response, the Leadership Team has developed four new strategic results and associated milestones that are intended to address the Council's vision.

The attached presentation includes changes to the 2020-2025 Strategic Plan. These revisions have been informed by our Journey to Excellence wherein we included our Vision, Mission and Values; Guiding Themes; Challenges and Advantages; and

Principles that emphasize our Core Competencies of customer focused and results driven that are applied to each of the five Council Priority Areas.

Discussion

The City Council Strategic Plan is the foundation for the allocation of resources for the City's Biennial Operating and Capital Budget. Each Strategic Result will be assigned to at least one department and incorporated within that department's performance measures. The integration of the Strategic Results within the Biennial Operating and Capital Budget is the "Golden Thread" that connects specific City Council direction with the day to day operation of the City.

The amended City Council Strategic Plan will be utilized by team members to implement City Council and community priorities during 2021 and form the foundation for continued progress in 2022.

Public Contact

Posted on the City Council agenda.

Commission Recommendation

Strategic Alignment

The 2020-2025 City Council Strategic Plan is the document that provides the vision for the City.

Alternative Courses of Action

N/A.

Recommendation for Action

The Arvada team recommends that the City Council approve Resolution 21-095 A Resolution Authorizing the Second Revision to the City of Arvada City Council City Strategic Plan 2020-2025.

Suggested Motion:

I move that R21-095, A Resolution Authorizing the Second Revision to the City of Arvada City Council Strategic Plan 2020-2025, be (approved) (rejected).

Prepared by:
Kelley Hartman, Budget Performance Manager

Reviewed by:
Gail Walker, Legal Specialist-Contracts 6/29/2021

Approved by:

Rachel Morris, City Attorney	7/7/2021
Lorie Gillis, Deputy City Manager	7/7/2021
Mark Deven, City Manager	7/7/2021

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R21-095

A RESOLUTION AUTHORIZING THE SECOND REVISION TO THE CITY OF
ARVADA CITY COUNCIL STRATEGIC PLAN 2020-2025

WHEREAS, the City Council has completed the process of creating strategic results and associated milestones for the 2020-2025 City Council Strategic Plan; and

WHEREAS, the City Council Strategic Plan will be used to develop action plans for each work system and provide strategic direction.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The Second Revision to the City of Arvada City Council Strategic Plan 2020-2025 is hereby formally adopted.

Section 2. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 19th day of July, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: _____

City Council Strategic Plan - New Strategic Results

CITY OF ARVADA



City Council Presentation

July 19, 2021

ARVADA CITY COUNCIL



“Working hard for something we don’t care about is called stress; working hard for something we love is called passion.” ~ Simon Sinek

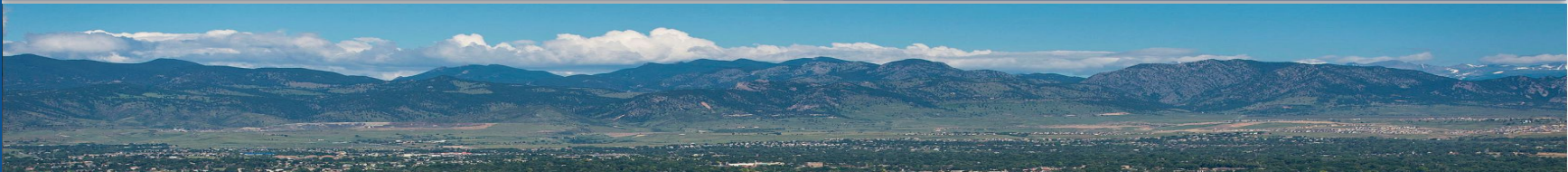
INFRASTRUCTURE

1. Community education regarding street maintenance and funding

Eliminate street maintenance funding deficit

2. Research all funding options

3. Program a fraction of annual growth toward street maintenance in the long-term financial model



By 12/23, provide financial options for City Council in order to eliminate the street maintenance deficit

(milestones 1 and 2)

- By 8/21, evaluate and develop policy direction for streets maintenance including ADA compliance requirements
- By 12/21, all new development in the City complies with ADA requirements and 2021 updated engineering standards

WHY ARE THESE MILESTONES IMPORTANT?

- ❖ Ensure compliance with Title II of the Americans with Disabilities Act
- ❖ Ensure compliance with related federal and state laws and regulations
- ❖ Develop plans and budgets for projects
- ❖ Develop interactive process addressing ADA Title II compliance



By 12/23, provide financial options for City Council in order to eliminate the street maintenance deficit

(milestones 3, 4 and 5)

- By 6/22, complete research and create the business case for dedicated funding to street maintenance
- By 7/22, obtain council support and direction for dedicated streets funding
- By 12/22 have a business case for maintaining infrastructure in the future

WHY ARE THESE MILESTONES IMPORTANT?

- ❖ Includes analysis of all funding source options
- ❖ Creates a foundation for community education and input
- ❖ Provides a strategic pathway forward



CED

1. Determine how
pocket neighborhoods
fit within the LDC

Encouraging the development
of pocket neighborhoods

2. Create policy
framework to support
pocket neighborhoods

3. Have community
conversations



By 12/23, encourage development of pocket neighborhoods

- By 12/21, develop a resource plan to ensure appropriate implementation
- By 6/22, complete City Council led meetings to identify potential locations and community interest in the development of pocket neighborhoods
- By 12/22, create a policy framework with choices for potential financial options and/or modifications to development standards congruent with community input

WHAT WE NEED FROM CITY COUNCIL

- ❖ Establish a definition of pocket neighborhoods for Arvada
- ❖ Identify issues and/or problems we are trying to address
- ❖ Provide feedback on resources required for implementation



CED

1. Determine land options

Have a plan in place to build a hospital in Arvada

2. Talk to healthcare providers



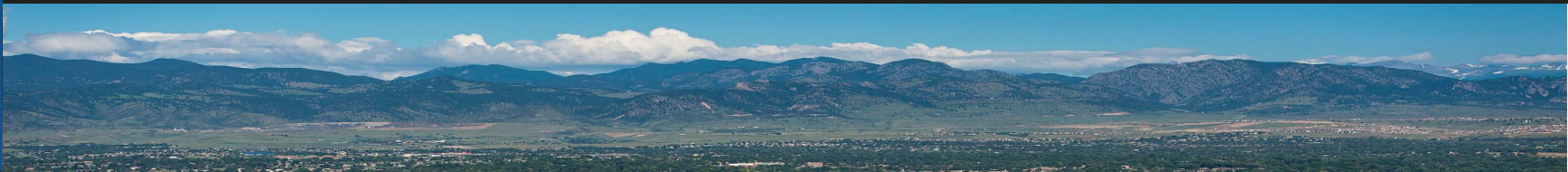


By 12/22, have a plan in place to build a hospital in Arvada

- By 12/21, identify potential building sites within City limits
- By 6/22, work with hospital providers on the potential of building a hospital in Arvada

WHAT WE NEED FROM CITY COUNCIL

- ❖ Confirm strategic result and milestones are aligned with City Council vision



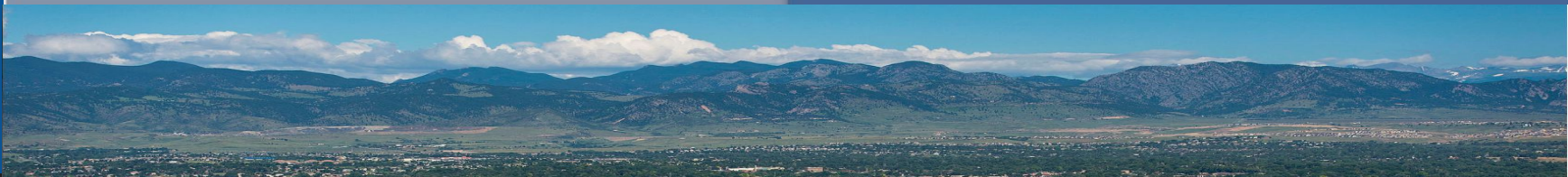
OSE

1. Determine an approach strategy

Construct a Regional Navigation Center to deliver coordinated homeless services located out of Olde Town

2. Determine venues to provide homeless services

3. Determine cost





By 12/24, construct a regional Navigation Center to deliver coordinated homeless services located out of Olde Town

- By 12/21, enter into an IGA with Jefferson County, Lakewood, Wheat Ridge, Golden, Edgewater, and Westminster to develop two navigation centers within Jefferson County
- By 10/22, complete Low Income Housing Tax Credits (LIHTC) application and receive the 4% award from CHAFA
- By 10/23, complete all closing actions and begin construction
- By 12/24, complete construction of a Regional Navigation Center

WHAT WE NEED FROM CITY COUNCIL

- ❖ Confirm strategic result and milestones are aligned with City Council vision



Thank You



We Dream Big and Deliver



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

**AGENDA ITEM
8.C.1.**

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: CB21-025 An Ordinance Authorizing an Additional Appropriation to the Community Development Fund for Fiscal Year 2021 (Public Hearing to be set for August 2, 2021 at 6:15 p.m.)

Report in Brief

Council action is requested on the attached ordinance authorizing additional appropriation to the 2021 Community Development Fund, Fund 9, totaling \$775,525. The source of these funds are from Federal COVID relief programs that have been allocated to local governments in order to assist residents in need in response to the economic impact of the pandemic.

The Arvada team recommends that CB21-025, An Ordinance Authorizing an Additional Appropriation to the Community Development Fund for Fiscal Year 2021, be approved on first reading, ordered published in full, and a public hearing date set for August 2, 2021 at 6:15 p.m.

Financial Impact

The City of Arvada received a total of \$775,525 in grants due to the COVID-19 pandemic:

- Community Development Block Grant in the amount of \$276,525 in CARES funding to assist households affected by the COVID-19 pandemic.
- Jefferson County grant in the amount of \$499,000 to aid residents of Arvada by providing emergency rental assistance dollars

Background

On January 11, 2021, Arvada City Council approved a funding agreement with the U.S. Department of Housing and Urban Development for \$276,525 in Community Development Block Grant Coronavirus funding. This funding was approved to assist with non-congregate sheltering and emergency rent/mortgage assistance.

On April 5, 2021, Arvada City Council approved an intergovernmental agreement between the City of Arvada and Jefferson County Human Services totaling \$499,000 in emergency rental assistance funding to assist Arvada residents impacted by COVID-19.

A budget amendment is necessary to include both grants into the Community Development Fund budget and therefore authorize the expenditure of these funds to meet the needs of Arvada residents for Emergency Rental Assistance.

Discussion

The City of Arvada has continued to provide much needed rental assistance to the residents of Arvada, saving many from the threat of eviction and possible homelessness. Here are some of the details of how this funding has supported our community:

- In the last quarter of 2020, from August to December, 64 households received emergency assistance totaling over \$170,000.

- In the first quarter of 2021, from January to mid-April, 71 households have received emergency assistance totaling over \$387,000
- Since joining with Jefferson County in the administration of the Federal Emergency Rental Assistance program (ERA) funds through their Neighborly Assistance portal, beginning in mid-April through today, the City of Arvada has provided 91 resident households with over \$628,000; additional applications for dozens of Arvada households are in process.

While the pandemic restrictions are lifting and employers have begun hiring and bringing back employees from furlough and unemployment, residents are still struggling to pay rent and bring their income back up to pre-pandemic levels and consistency. Some have shared that they have been borrowing money, cashing in their 401k, and charging credit cards to pay their rent, and are out of options now with nowhere to go if evicted. The need and the urgency for this assistance is actually increasing.

The number of applications received across Jefferson County, and Arvada, has increased exponentially as the final extension of the national CDC eviction moratorium ends on July 31 gets closer, increasing stress and the need for quick assistance. The Emergency Rental Assistance provides a lifeline to these households, who otherwise would not have a place to live. In addition to the experience of homelessness, they would also have an eviction on their credit record making finding a new place incredibly difficult to secure in the future.

This program is also supporting many small landlords, often dependent on the income from a small rental or two. Many have expressed appreciation for the City's engagement and dedication to supporting both the tenants and local landlords in accessing these generous federal funds. This program is making a significant difference in the lives of Arvada's vulnerable residents, all who have been directly impacted by the COVID pandemic, and continue to feel the economic impact.

Public Contact

Arvada residents impacted by COVID-19 seek rental assistance through emails and phone calls to the Housing team. In association with the Council's consideration of the recommended action, the Council was posted.

Commission Recommendation

N/A

Strategic Alignment

Approval of this item aligns with the Vibrant Community and Neighborhoods Priority Area within the City Council Strategic Plan, as follows:

"Improves access to quality housing that is affordable to a broad range of income levels and provides resources, housing, and neighborhood assistance services to Arvada residents, neighborhoods, property owners, and stakeholders."

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that CB21-025, An Ordinance Authorizing an Additional Appropriation to the Community Development Fund for Fiscal Year 2021, be approved on first reading, ordered published in full, and a public hearing date set for August 2, 2021 at 6:15 p.m.

Suggested Motion:

I move that that CB21-025, An Ordinance Authorizing an Additional Appropriation to the Community Development Fund for Fiscal Year 2021, be (approved on first reading, ordered published in full, and a public hearing date set for August 2, 2021 at 6:15 p.m.) (rejected)

Prepared by:
Rosa Kougl, Executive Assistant

Reviewed by:

Approved by:

Carrie Espinosa, Manager of Housing Preservation and Resources	6/29/2021
Gordon Reusink, Director of Vibrant Community and Neighborhoods	6/30/2021
Bryan Archer, Director of Finance	6/30/2021
Gail Walker, Legal Specialist-Contracts	6/30/2021
Kylie Justus, Assistant City Attorney	6/30/2021
Rachel Morris, City Attorney	7/7/2021
Lorie Gillis, Deputy City Manager	7/7/2021
Mark Deven, City Manager	7/7/2021

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 21-025
ORDINANCE NO.

AN ORDINANCE AUTHORIZING AN ADDITIONAL APPROPRIATION TO
THE COMMUNITY DEVELOPMENT FUND FOR FISCAL YEAR 2021

WHEREAS, the City Council of the City of Arvada adopted Ordinance No. 4660 (Council Bill No. 18-043), which authorized the annual appropriation for Fiscal Year 2021; and

WHEREAS, Section 10.8(a) of the Arvada Home Rule Charter provides that City Council may make additional appropriations by Ordinance during the fiscal year for unanticipated expenditures required of the City; and

WHEREAS, the City received the following grants due to the COVID-19 pandemic:

- Jefferson County Grant in the amount of **\$499,000.00** to aid residents of Arvada by providing emergency rental assistance dollars; and
- Community Development Block Grant in the amount of **\$276,525.00** in CARES funding to assist households affected by the COVID-19 pandemic.

Total = \$775,525.00

WHEREAS, the City Council of the City of Arvada finds that an additional appropriation to the Community Development Fund, Fund 09, is necessary in order for the City to meet unanticipated expenditures of the COVID-19 grant monies described above; and

WHEREAS, The City Council of the City of Arvada further finds that such additional expenses and budgeted expenses do not exceed budgeted revenues and reserves for Fiscal Year 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The following sums of money as may be needed or deemed necessary to defray the expenses and liabilities of the City of Arvada are hereby appropriated for the Community Development Fund for the Fiscal Year 2021.

Fund	Original Budget	New Request	Revised Budget
Community Development	1,042,102	\$ 775,525	1,817,627
Total	\$ 1,042,102	\$ 775,525	\$ 1,817,627

Section 2. This Ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 19th day of July, 2021.

PASSED, ADOPTED AND APPROVED this ____ day of August, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____

Publication Dates: July 22, 2021



REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.A.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: Public Hearing for Second Substantial Amendment to 2020 Community Development Block Grant Annual Action Plan

Report in Brief

A Public Hearing on the Second Substantial Amendment to the 2020 Annual Action Plan is necessary prior to signing a funding agreement with Housing and Urban Development (HUD).

The Council should note that this item is for information purposes only in order to conduct the Public Hearing and no action is necessary. It will only be necessary to open the public hearing, take any testimony, and close the hearing. A resolution recommending City Council approval of the substantial amendment to the 2020 CDBG Annual Action Plan will be submitted at a later date.

The Arvada team recommends that the City Council open the public hearing, take any testimony, and close the hearing.

Financial Impact

The second substantial amendment to the 2020 Annual Action Plan allocates an additional \$406,470 to the Annual Action Plan. The additional funds are Community Development Block Grant-Coronavirus (CDBG-CV) funds provided to assist communities to prepare for and respond to the coronavirus pandemic.

Background

A Public Hearing on the Second Substantial Amendment to the 2020 Annual Action Plan is necessary prior to signing a funding agreement with HUD.

\$406,470 will be used for the following activities:

Eligible activities that the City of Arvada intends to use the funds for is to pay for a Housing Navigator position that includes salary, benefits and other administrative costs. The City will also use these funds in the same manner as its original allocation of CDBG-CV, which includes assistance with emergency housing, motel vouchers, rental and mortgage assistance, eviction prevention, case management, low-income resident services, physical and mental health assistance, COVID-19 testing, personal protective equipment, deposit and moving costs, food access, utilities, transportation, employment, childcare, and self-sufficiency programming. The full usage of these funds will be utilized to prevent, prepare for, and respond to the COVID-19 pandemic within the City of Arvada. The programming of the additional funds is intended to be broad in scope to allow for quick and nimble response and assistance to anticipated and unanticipated needs as the crisis unfolds within the community.

Discussion

The second substantial amendment to the 2020 Annual Action Plan allocates an additional \$406,470 to the Annual Action Plan. The additional funds are Community Development Block Grant-Coronavirus (CDBG-CV) funds provided to assist communities to prepare for and respond to the coronavirus pandemic.

Public Contact

Notification of the Public Hearing was published on June 24, 2021 inviting all citizens and other interested parties to make comments on the City's proposal to use CDBG-CV funds in response to the coronavirus pandemic.

Commission Recommendation

This item is for information purposes only for the Public Hearing and no action is necessary. It will only be necessary to open the public hearing, take any testimony, and close the hearing.

Strategic Alignment

This item aligns with the Vibrant Community and Neighborhoods Priority Area within the City Council Strategic Plan. Specifically, the proposed action aligns with the following Principle:

Improves access to quality housing that is affordable to a broad range of income levels and provides resources, housing, and neighborhood assistance services to Arvada residents, neighborhoods, property owners, and stakeholders.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council open the public hearing, take any testimony, and close the hearing.

Suggested Motion:

N/A.

Prepared by:
Rosa Kougl, Executive Assistant

Reviewed by:

Approved by:

Carrie Espinosa, Manager of Housing Preservation and Resources	6/29/2021
Gordon Reusink, Director of Vibrant Community and Neighborhoods	6/30/2021
Bryan Archer, Director of Finance	6/30/2021
Gail Walker, Legal Specialist-Contracts	7/1/2021
Kylie Justus, Assistant City Attorney	7/1/2021
Rachel Morris, City Attorney	7/7/2021
Lorie Gillis, Deputy City Manager	7/7/2021
Mark Deven, City Manager	7/7/2021

Enclosure, exhibits & attachments required to support the report

SECOND SUBSTANTIAL AMENDMENT TO THE CITY OF ARVADA 2020 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

A. EXECUTIVE SUMMARY

The U.S. Department of Housing and Urban Development (HUD) requires all entitlement communities receiving Community Development Block Grant (CDBG) funds, such as the City of Arvada, to prepare and submit a Consolidated Plan every five years to establish a unified, strategic vision for economic development, housing and community development actions. The Consolidated Plan encompasses the analysis of local community needs and coordinates appropriate responses to those needs and priorities. The Arvada City Council adopted the 2020-2024 Five Year Consolidated Plan ("Consolidated Plan") on November 18, 2019.

The Consolidated Plan is carried out through Annual Action Plans which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified in the Consolidated Plan. The City must submit an Annual Action Plan to HUD by no later than November 15 of each year during the five-year period (unless otherwise specified by HUD). The Arvada City Council adopted the 2020 Annual Action Plan on November 18, 2019 and submitted the document to HUD before the required deadline date.

Per the City's Citizen Participation Plan (CPP), a Substantial Amendment to a Consolidated Plan and Action Plan is required when a "substantial" change is proposed as it relates to funding priorities, proposed activities, goals and objectives. This substantial amendment to the Action Plan is necessary because the City has been allocated new CDBG funding through the March 27, 2020 Coronavirus Aid, Relief and Economic Recovery Act (CARES Act) that it wishes to allocate to activities that assist with immediate and long-term aid and recovery efforts for Arvada residents impacted by the Coronavirus.

B. CITIZEN PARTICIPATION

In accordance with the CARES Act, an expedited public participation process is permitted in order to make funding available as soon as possible and provide reasonable and timely citizen input during the period in which the city is impacted by the Coronavirus. Therefore, the following amended policies will be followed during this time:

1. Virtual public meetings are permitted for the purpose of approving and/or amending Consolidated Plan/Action Plans
2. A minimum five-day public comment period can be utilized for amending Consolidated Plan/Action Plans.

A Notice of Public Hearing and 5-day public review period was published in the Arvada Press and on the City's website on June 24, 2021, informing the public of the proposed Substantial Amendment and inviting public review and comments. The public review period will begin on Thursday June 24, 2021 and will end on July 1, 2021. On July 19, 2021, the Arvada City Council will hold a public hearing regarding the Substantial Amendment.

C. 2020 ANNUAL ACTION PLAN AMENDMENT DETAILS AND NATIONAL OBJECTIVES

The City is proposing to allocate \$406,470 in new CDBG-COVID funding to activities that assist with immediate and longer-term needs for low- and moderate-income people impacted by the Coronavirus. Eligible activities that the City of Arvada intends to use the funds for is to pay for a Housing Navigator position that includes salary, benefits and other administrative costs. The City will also use these funds in the same manner as its original allocation of CDBG-CV, which includes assistance with emergency housing, motel vouchers, rental and mortgage assistance, eviction prevention, case management, low-income resident services, physical and mental health assistance, COVID-19 testing, personal protective equipment, deposit and moving costs, food access, utilities, transportation, employment, childcare, and self-sufficiency programming. The full usage of these funds will be utilized to prevent, prepare for, and respond to the COVID-19 pandemic within the City of Arvada. The programming of the additional funds is intended to be broad in scope to allow for quick and nimble response and assistance to anticipated and unanticipated needs as the crisis unfolds within the community. The City will work closely with a variety of community partners to assess the immediate and longer-term needs of those impacted by COVID-19 and ensure the funds assist those most in need as efficiently as possible.

All proposed activities will meet one or more of the following objectives:

- Benefit low- and moderate-income people
- Address an urgent community need

The following Table outlines the activity budgets that are being modified to reprogram funds to the proposed activity described in this Substantial Amendment:

Table 1: Proposed Activity Budget Modifications

Program Year/ Activity Title	Existing Budget	New Budget	Difference
<i>Increase Funding/Programming</i>			
2020 CDBG-eligible COVID response funding through CARES Act	\$276,525	\$682,995	\$406,470
Subtotal			\$682,995

D. PUBLIC COMMENTS

All public comments received during the 5-day public review period or at the public hearing will be incorporated into the overall Substantial Amendment submitted to HUD.

Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

City of Arvada Legals
8101 Ralston Road
Arvada CO 80002

Description: No. 410846 2020 ANNUAL ACTION PLAN

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Jefferson } ss

This Affidavit of Publication for the Jeffco Transcript, a weekly newspaper, printed and published for the County of Jefferson, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 6/24/2021, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



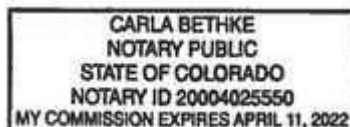
For the Jeffco Transcript

State of Colorado }
County of Jefferson } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before by the above named Gerard Healey, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 6/24/2021. Gerard Healey has verified to me that he has adopted an electronic signature to function as his signature on this document.

20004025550-326451

Carla Bethke
Notary Public
My commission ends April 11, 2022



Public Notice

NOTICE OF PUBLIC HEARING INVITING PUBLIC REVIEW AND COMMENT REGARDING AN AMENDMENT TO THE CITIZEN PARTICIPATION PLAN AND SUBSTANTIAL AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2020 ANNUAL ACTION PLAN FOR ADDITIONAL FUNDING OF COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS (CDBG-CV)

The City of Arvada is proposing to amend its 2020 CDBG Annual Action Plan to make available CDBG-CV funding under the Coronavirus Aid, Relief and Economic Security (CARES) Act to prevent, prepare for, and respond to the pandemic.

This publication will commence a five-day public comment period for the Amendments. A copy of the amendment will be available for public review starting June 24, 2021 through July 1, 2021. The document includes the proposed activities, resources and expenditures for the CDBG program. The document must be prepared according to the U.S. Department of Housing and Urban Development (HUD) regulations.

The City invites public review and comment of the City's Citizen Participation Plan Amendment and the 2020 CDBG Annual Action Plan Substantial Amendment. The documents are available for review at the City of Arvada website at <https://arvada.org/residents/city-neighborhoods/cdgb-funds-at-work-in-arvada>.

The City invites all citizens and other interested parties who desire to provide comments regarding the amendment to do so at a public hearing:

At 6:15 P.M., July 19, 2021
in City Council Chambers,
Arvada Municipal Building,
8101 Ralston Road, Arvada, Colorado.

If you wish to attend the meeting via Zoom, please contact Kevin Luy at kluy@arvada.org with the meeting date.

Program information is available by contacting the Housing Preservation and Resources Division, Arvada City Hall, 8001 Ralston Road, between the hours of 8 a.m. and 5 p.m. Monday through Friday, or call 720-898-7494. Information is also available on our website at <https://arvada.org/residents/city-neighborhoods/cdgb-funds-at-work-in-arvada>

FOR FURTHER INFORMATION:

Please contact Carrie Espinosa at: caespinosa@arvada.org or call 720-898-7494, between 8:00 A.M. to 5:00 P.M., weekdays.

Legal Notice No. 410846
First Publication: June 24, 2021
Last Publication: June 24, 2021
Publisher: Jeffco Transcript



REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.B.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: CB21-021 An Ordinance Adding Section 62-62, Interference with Staff, Faculty, or Students of Educational Institutions, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code (Ordinance No. 4767)

Report in Brief

Area schools are well-managed and security conscious. They are safe environments for both students and school team members. Nonetheless, incidents do occur. Most of these incidents are very minor and are handled by school officials. Despite the effort to create a safe environment, a few more serious incidents occur each year. Some of these involve physical altercations which can become quite disruptive. Colorado state law makes it illegal to interfere with the staff, faculty, or students of educational institutions (see C.R.S. §18-9-109); however, the City Code does not contain a school interference ordinance. The City team has discussed the need for a proposed Ordinance that is similar to C.R.S. §18-9-109 with School Resource Officers, the Jefferson County R-1 School District Safety Director and principals of Arvada high schools. The result of these discussions is agreement that drafting an ordinance which makes certain acts, such as fighting or refusing to discontinue a fight after being told to do so illegal, would improve school safety.

The Arvada team recommends that the City Council approve CB21-021, An Ordinance Adding Section 62-62, Interference with Staff, Faculty, or Students of Educational Institutions, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code.

Financial Impact

There is no financial impact associated with the recommended action.

Background

Several years ago, the Colorado legislature recognized that fighting in our schools was detrimental to students and disruptive to school operations. The legislature created a "school interference" law to address this issue. The City does not have a similar law, so juveniles and adults involved in fights in schools or at other school activities are charged into the State court system. City team members, including the Presiding Municipal Court Judge, City Attorney and Chief of Police, believe that most cases involving fighting at schools should be charged into Municipal Court. This is less burdensome for juveniles and their families. In addition, the Municipal Court has a dedicated juvenile probation office to assist juveniles, and, a presiding Municipal Court judge who is focused on restorative justice and rehabilitation principles.

Police Department team members have also discussed the addition of the proposed Section 62-62 with School Resource Officers, the Jefferson County R-1 School District Safety Director and the principals of Arvada high schools. These discussions have generated support from the individuals who are very invested in the safe operation of schools in Arvada.

As a result, team members support the approval of a school interference ordinance. Among other things, the proposed ordinance makes it illegal to fight or to refuse to discontinue a fight after being told to do so by a school official. This ordinance simply provides school officials and School Resource Officers with another tool to assist in ensuring our schools remain safe.

The Arvada team informally discussed the school interference ordinance with the City Council in January 2020. As the City Attorney's Office began to draft the ordinance, the City's focus shifted to the work necessary to address the COVID-19 pandemic and many students became engaged in remote learning. With the return to in-person learning, the Arvada team believes that it is timely to present the proposed ordinance for the City Council's consideration.

Discussion

The Arvada community recognizes that education is crucial to developing the intellectual capacity of citizens and preparing them to become independent and productive members of society. It has also determined that disruptive or criminal behaviors at educational institutions interfere with proper learning environments and negatively impact educational progress. The City team further finds that measures that protect students, staff, and others in educational institutions are necessary to protect the health, safety, and welfare of the public.

The purpose of the proposed Section 62-62 is to place on notice those who are on or upon the premises or facilities of any educational institution that they may not impede the lawful performance of the duties by school staff or faculty, and that they may not disrupt, impair, interfere with, or obstruct the processes, procedures, or function of the educational institution. The proposed Section 62-62 as described herein will support the safe operation of schools in Arvada and is entirely consistent with state law. Finally, the addition of the proposed Section 62-62 will provide the opportunity to address any violations of the Ordinance within the Arvada Municipal Court instead of the State Court system. The use of the Arvada Municipal Court as the venue to hear these cases and determine the potential penalties places the final decision within the community's judicial system where there is a commitment to apply restorative justice and rehabilitation principles in response to violations.

Public Contact

Posting of the City Council agenda. In addition, as stated herein, members of the Police Department team have engaged in discussions regarding the proposed ordinance with the School District Safety Director and Arvada high school principals.

Commission Recommendation

N/A

Strategic Alignment

The recommended action aligns with the Safe Community Priority Area of the City Council Strategic Plan.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve CB21-021, An Ordinance Adding Section 62-62, Interference with Staff, Faculty, or Students of Educational Institutions, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code.

Suggested Motion:

I move that CB21-021, An Ordinance Adding Section 62-62, Interference with Staff, Faculty, or Students of Educational Institutions, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code, be (approved on final reading, numbered 4767 and ordered published by title only) (rejected).

SUBJECT: CB21-021 An Ordinance Adding Section 62-62, Interference with Staff, Faculty, or Students of Educational Institutions, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code (Ordinance No. 4767)

PAGE: 3
ITEM: 10.B.

Prepared by:

Toni Riebschlager, Law Office Administrator

Reviewed by:

Approved by:

Rachel Morris, City Attorney 7/8/2021

Lorie Gillis, Deputy City Manager 7/8/2021

Mark Deven, City Manager 7/8/2021

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 21-021
ORDINANCE NO. 4767

AN ORDINANCE ADDING SECTION 62-62, INTERFERENCE WITH STAFF, FACULTY,
OR STUDENTS OF EDUCATIONAL INSTITUTIONS, OF ARTICLE II, MISCELLANEOUS
OFFENSES, OF CHAPTER 62, OFFENSES, TO THE ARVADA CITY CODE

WHEREAS, the City of Arvada has the authority under C.R.S. §31-16-101, and otherwise under its authority as a Home Rule city to establish ordinances, regulations, and procedures that protect life and property; and

WHEREAS, the Arvada City Council finds the City has an interest in promoting safe learning environments at educational institutions located within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Section 62-62, Interference with staff, faculty, or students of educational institutions, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code is hereby added to read as follows:

“Sec. 62-62. Interference with staff, faculty, or students of educational institutions.

(a) *Short title.* This section is known and may be cited as the "School Interference Ordinance."

(b) *Legislative declaration; purpose.* The city council recognizes that education is crucial to developing the intellectual capacity of citizens and preparing them to become independent and productive members of society. It has also determined that disruptive or criminal behaviors at educational institutions interfere with proper learning environments and negatively impact educational progress. The city council further finds that measures that protect students, staff, and others in educational institutions are necessary to protect the health, safety, and welfare of the public. The purpose of this section is to place on notice those who are on or upon the premises or facilities of any educational institution that they may not impede the lawful performance of the duties by school staff or faculty, and that they may not disrupt, impair, interfere with, or obstruct the processes, procedures, or function of the educational institution.

(c) *Definitions.* As used in this section unless the context requires otherwise:

Chief administrative officer means a person designated as the principal, vice-principal, or dean of an educational institution, or a person occupying a position similar to that of a principal, vice-principal, or a dean, and includes any designee of the principal, vice-principal, or dean charged with maintaining order on the school premises and in its facilities.

Credible threat means a threat or physical action that would cause a reasonable person to be in fear of bodily injury.

Fight means to engage in or take part in any type of loud or disruptive verbal disagreement or

argument, or to engage in or take part in any physical scuffle or struggle, including but not limited to biting, boxing, elbowing, grabbing, hitting, kicking, pinching, pulling, punching, pushing, scratching, shoving, slapping, spitting, or throwing an object at another person, except as part of a previously scheduled and school-sanctioned amateur contest of athletic skill.

Impede means to delay, hamper, hinder, obstruct, or otherwise interfere with the discharge of any school official's duties, or the ability of any student to pursue his or her educational activities, even momentarily.

Order means a command, direction, or instruction by a school official to do, to discontinue, or to refrain from doing something. This includes, but is not limited to verbal direction to "get back," "let go," "stop," "stop fighting," "step away," or "step back," or other language or action by a school official that a reasonable person would view as direction to do, to discontinue, or to refrain from doing something.

School official means any person employed by any educational institution, or any person duly authorized by the chief administrative officer of an educational institution to act as a volunteer in or in a volunteer capacity for that educational institution.

(d) *Unlawful acts.*

(1) *Deny use or movement.* It shall be unlawful for any person located on or near the premises or facilities of any educational institution, to willfully or recklessly deny to students, school officials, or invitees:

- (i) Lawful freedom of movement on the premises;
- (ii) Lawful use of the property or facilities of the institution; or
- (iii) The right of lawful ingress and egress to the institution's physical facilities.

(2) *Impede performance.*

(i) *By use of restraint or intimidation.* It shall be unlawful for any person located on the premises of any educational institution or at or in any building or other facility being used by any educational institution, to willfully or recklessly impede a school official of that institution in the lawful performance of his duties, or to willfully or recklessly impede a student of the institution in the lawful pursuit of his educational activities through the use of restraint, abduction, coercion, or intimidation or when force and violence are present or threatened.

(ii) *By engaging in a fight.* It shall be unlawful for any person located on the premises of any educational institution or at or in any building or other facility being used by any educational institution, to willfully or recklessly impede a school official of that institution in the lawful performance of his duties, or to willfully or recklessly impede a student of the institution in the lawful pursuit of his educational activities by engaging in a fight or by engaging in activities that

reasonably appear to the school official to be a fight requiring the intervention of the school official.

(iii) *By refusing to discontinue a fight.* It shall be unlawful for any person located on the premises of any educational institution or at or in any building or other facility being used by any educational institution, to willfully or recklessly impede a school official of that institution in the lawful performance of his duties by refusing to obey an order of the school official to discontinue or stop fighting.

(3) *Refusal to leave premises.* It shall be unlawful for any person to willfully or recklessly refuse or fail to leave the property of or any building or other facility used by any educational institution upon being requested to do so by the chief administrative officer, if such person has committed, is committing, threatens to commit, or has incited or is inciting others to commit any act which would disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions of the institution.

(4) *Threat.* It shall be unlawful for any person to knowingly make or convey to another person either in person, in writing, or by electronic means a credible threat to cause bodily injury against a person the actor knows or believes to be a student or school official of an educational institution, or against a person the actor knows or believes to be an invitee who is on the premises of an educational institution.

(e) *Affirmative defense.* It shall be an affirmative defense to subsections (d)(1), (d)(2)(i), or (d)(3) that the defendant was exercising his right to lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an educational institution and its employees, any contractor or subcontractor, or any employee thereof.

(f) *Penalty.* Any violation of this section shall be punished by a fine or imprisonment not to exceed the limits established in section 1-5 of this Code.”

Section 2. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of constitutionality of the remaining portions of this ordinance. The City Council declares it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. This ordinance shall be effective five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 28th day of June, 2021.

PASSED, ADOPTED, AND APPROVED this 19th day of July, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

Publication Dates: July 1, 2021
 July 22, 2021

REDLINE/STRIKEOVER VERSION

FOR INFORMATION ONLY – NOT PART OF THE ORDINANCE

Underlined indicates new material
~~Strikethrough~~ indicates deleted material

Sec. 62-62. Interference with staff, faculty, or students of educational institutions.

(a) *Short title.* This section is known and may be cited as the "School Interference Ordinance."

(b) *Legislative declaration; purpose.* The city council recognizes that education is crucial to developing the intellectual capacity of citizens and preparing them to become independent and productive members of society. It has also determined that disruptive or criminal behaviors at educational institutions interfere with proper learning environments and negatively impact educational progress. The city council further finds that measures that protect students, staff, and others in educational institutions are necessary to protect the health, safety, and welfare of the public. The purpose of this section is to place on notice those who are on or upon the premises or facilities of any educational institution that they may not impede the lawful performance of the duties by school staff or faculty, and that they may not disrupt, impair, interfere with, or obstruct the processes, procedures, or function of the educational institution.

(c) *Definitions.* As used in this section unless the context requires otherwise:

Chief administrative officer means a person designated as the principal, vice-principal, or dean of an educational institution, or a person occupying a position similar to that of a principal, vice-principal, or a dean, and includes any designee of the principal, vice-principal, or dean charged with maintaining order on the school premises and in its facilities.

Credible threat means a threat or physical action that would cause a reasonable person to be in fear of bodily injury.

Fight means to engage in or take part in any type of loud or disruptive verbal disagreement or argument, or to engage in or take part in any physical scuffle or struggle, including but not limited to biting, boxing, elbowing, grabbing, hitting, kicking, pinching, pulling, punching, pushing, scratching, shoving, slapping, spitting, or throwing an object at another person, except as part of a previously scheduled and school-sanctioned amateur contest of athletic skill.

Impede means to delay, hamper, hinder, obstruct, or otherwise interfere with the discharge of any school official's duties, or the ability of any student to pursue his or her educational activities, even momentarily.

Order means a command, direction, or instruction by a school official to do, to discontinue, or to refrain from doing something. This includes, but is not limited to verbal direction to "get back," "let go," "stop," "stop fighting," "step away," or "step back," or other language or action by a school official that a reasonable person would view as direction to do, to discontinue, or to refrain from doing something.

School official means any person employed by any educational institution, or any person duly authorized by the chief administrative officer of an educational institution to act as a volunteer in or in a volunteer capacity for that educational institution.

(d) Unlawful acts.

(1) Deny use or movement. It shall be unlawful for any person located on or near the premises or facilities of any educational institution, to willfully or recklessly deny to students, school officials, or invitees:

(i) Lawful freedom of movement on the premises;

(ii) Lawful use of the property or facilities of the institution; or

(iii) The right of lawful ingress and egress to the institution's physical facilities.

(2) Impede performance.

(i) By use of restraint or intimidation. It shall be unlawful for any person located on the premises of any educational institution or at or in any building or other facility being used by any educational institution, to willfully or recklessly impede a school official of that institution in the lawful performance of his duties, or to willfully or recklessly impede a student of the institution in the lawful pursuit of his educational activities through the use of restraint, abduction, coercion, or intimidation or when force and violence are present or threatened.

(ii) By engaging in a fight. It shall be unlawful for any person located on the premises of any educational institution or at or in any building or other facility being used by any educational institution, to willfully or recklessly impede a school official of that institution in the lawful performance of his duties, or to willfully or recklessly impede a student of the institution in the lawful pursuit of his educational activities by engaging in a fight or by engaging in activities that reasonably appear to the school official to be a fight requiring the intervention of the school official.

(iii) By refusing to discontinue a fight. It shall be unlawful for any person located on the premises of any educational institution or at or in any building or other facility being used by any educational institution, to willfully or recklessly impede a school official of that institution in the lawful performance of his duties by refusing to obey an order of the school official to discontinue or stop fighting.

(3) Refusal to leave premises. It shall be unlawful for any person to willfully or recklessly refuse or fail to leave the property of or any building or other facility used by any educational institution upon being requested to do so by the chief administrative officer, if such person has committed, is committing, threatens to commit, or has incited

or is inciting others to commit any act which would disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions of the institution.

(4) *Threat.* It shall be unlawful for any person to knowingly make or convey to another person either in person, in writing, or by electronic means a credible threat to cause bodily injury against a person the actor knows or believes to be a student or school official of an educational institution, or against a person the actor knows or believes to be an invitee who is on the premises of an educational institution.

(e) *Affirmative defense.* It shall be an affirmative defense to subsections (d)(1), (d)(2)(i), or (d)(3) that the defendant was exercising his right to lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an educational institution and its employees, any contractor or subcontractor, or any employee thereof.

(f) *Penalty.* Any violation of this section shall be punished by a fine or imprisonment not to exceed the limits established in section 1-5 of this Code.



REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.C.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: CB21-022 An Ordinance Amending Section 1-5, General Penalty; Continuing Violations, of Chapter 1, General Provisions, and Section 58-41, Classification of Violations, of Article II, Trial by Jury, of Chapter 58, Municipal Court, of the Arvada City Code (Ordinance No. 4768)

Report in Brief

Colorado Revised Statutes have allowed municipal courts to exclude juveniles from the right to jury trial for decades. The reasoning behind excluding juveniles from jury trial processes is to shield juveniles from the stresses and anxiety associated with jury trials, and to allow courts to focus on tasks associated with the rehabilitation and restoration of juveniles. The Arvada Municipal Court wishes to bring the City's jury trial ordinance into alignment with the state juvenile jury trial statute. As a result, the presiding Municipal Court Judge, Kathryn Kurtz, requested that we amend the Arvada City Code to eliminate the possibility of a jury trial in juvenile matters. The Legal team prepared the attached ordinance which removes the possibility of a jury trial for any child under the age of 18. It also removes the possibility that a juvenile may be sentenced to detention as punishment for an offense.

The Arvada team recommends that the City Council approve CB21-022, An Ordinance Amending Section 1-5, General Penalty; Continuing Violations, of Chapter 1, General Provisions, and Section 58-41, Classification of Violations, of Article II, Trial by Jury, of Chapter 58, Municipal Court, of the Arvada City Code.

Financial Impact

There is no financial impact.

Background

Following her appointment as Presiding Municipal Court Judge for the Arvada Municipal Court, Judge Kurtz has reviewed processes, procedures, policies and ordinances associated with the Court. She is very focused on restorative justice and rehabilitation for juveniles who appear in Court and can be supported through the Senior Probation Officer. Judge Kurtz's focus in this area caused her to identify the fact that the current City Code allows juveniles to face jury trials.

Judge Kurtz identified the need to modify the current City Code and has reviewed her recommendation with the City Council's Judicial Committee, the City Attorney's Office, City Manager's Office and the Police Department. The City Council was informally advised of the Judge's intention to modify the ordinance on May 21. All stakeholders who have been briefed regarding this decision have indicated their support.

Discussion

Currently, the Arvada City Code makes juveniles eligible for jury trials in Municipal Court. This no longer comports with best juvenile justice practices, so Judge Kurtz requested the Code be amended to eliminate the possibility of a jury trial in a juvenile matter. The proposed ordinance has several benefits. These benefits include:

- Conforms Municipal Court procedures to Colorado State juvenile court proceedings;

SUBJECT: CB21-022 An Ordinance Amending Section 1-5, General Penalty; Continuing Violations, of Chapter 1, General Provisions, and Section 58-41, Classification of Violations, of Article II, Trial by Jury, of Chapter 58, Municipal Court, of the Arvada City Code (Ordinance No. 4768)

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- Aligns Arvada’s juvenile justice processes more closely with the goals of Colorado’s juvenile justice system, which is designed to be less formal and adversarial than regular criminal proceedings;
- Ensures that juveniles will no longer be subjected to the stresses associated with long, drawn-out jury trial cases;
- Provides increased confidentiality for juveniles ticketed with offenses in the Municipal Court;
- Facilitates a more non-adversarial process by which to adjudicate juvenile matters; and
- Allows those involved in juvenile cases to focus on and address the underlying issues causing the child to act out, and to seek outcomes geared toward rehabilitation and restoration.

The proposed ordinance amends sec. 1-5 of the Code by removing the possibility of imprisonment (detention) for juveniles. In addition, it amends sec. 58-41 of the Code by clarifying that juveniles are not eligible for a jury trial for any offense heard by the Arvada Municipal Court.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

The proposed Ordinance aligns with the Safe Community Priority Area of the City Council Strategic Plan. Specifically, the proposed Ordinance is supports the following Principle within the Safe Community Priority Area:

Provides an independent, fair, and impartial justice system that efficiently processes the Court docket, renders fair and just decisions, and holds all stakeholders accountable.

Alternative Courses of Action

N/A.

Recommendation for Action

The Arvada team recommends that the City Council approve CB21-022, An Ordinance Amending Section 1-5, General Penalty; Continuing Violations, of Chapter 1, General Provisions, and Section 58-41, Classification of Violations, of Article II, Trial by Jury, of Chapter 58, Municipal Court, of the Arvada City Code.

Suggested Motion:

I move that CB21-022, An Ordinance Amending Section 1-5, General Penalty; Continuing Violations, of Chapter 1, General Provisions, and Section 58-41, Classification of Violations, of Article II, Trial by Jury, of Chapter 58, Municipal Court, of the Arvada City Code, be (approved on final reading, numbered 4768 and ordered published by title only) (rejected).

Prepared by:
Toni Riebschlager, Law Office Administrator

Reviewed by:

SUBJECT: CB21-022 An Ordinance Amending Section 1-5, General Penalty; Continuing Violations, of Chapter 1, General Provisions, and Section 58-41, Classification of Violations, of Article II, Trial by Jury, of Chapter 58, Municipal Court, of the Arvada City Code (Ordinance No. 4768)

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Approved by:

Rachel Morris, City Attorney 7/8/2021

Lorie Gillis, Deputy City Manager 7/8/2021

Mark Deven, City Manager 7/8/2021

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 21- 022
ORDINANCE NO. 4768

AN ORDINANCE AMENDING SECTION 1-5, GENERAL PENALTY; CONTINUING VIOLATIONS, OF CHAPTER 1, GENERAL PROVISIONS, AND SECTION 58-41, CLASSIFICATION OF VIOLATIONS, OF ARTICLE II, TRIAL BY JURY, OF CHAPTER 58, MUNICIPAL COURT, OF THE ARVADA CITY CODE

WHEREAS, section 6 of article XX of the Colorado Constitution grants home rules cities the power to provide, regulate, conduct and control the creation, as well as the powers and duties of municipal courts; and

WHEREAS, section 8.2 of the Charter for the City of Arvada establishes the Municipal Court for the City of Arvada; and

WHEREAS, section 16-10-109(1) of the Colorado Revised Statutes states that no child under the age of eighteen years shall be entitled to a trial by jury for a violation of a municipal offense for which imprisonment in jail is not a possible penalty; and

WHEREAS, the City Council finds that it is in the best interests of juveniles to be protected from the delays, formality, and stresses of an adversarial court system; and

WHEREAS, to the extent practicable, the City Council wishes to conform to state laws all municipal ordinances concerning juvenile justice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Subsection (a) of section 1-5, General penalty; continuing violations, of Chapter 1, General Provisions, of the Arvada City Code is hereby repealed and reenacted to read as follows:

“Sec. 1-5. General penalty; continuing violations.

(a) Whenever in any provision of this Code or of any other ordinance of the city, the doing of any act is required, prohibited, or declared to be unlawful, any person, who at the time of commission of the offense was at least ten years of age but not yet 18 years of age, and who is convicted of a violation of any such provision shall, for each offense, be fined not more than \$2650.00.”

All other provisions of sec. 1-5 shall remain unchanged.

Section 2. Subsection (b), Right to jury trial, of section 58-41, Classification of violations; right to jury trial, of Article II, Trial by jury, of Chapter 58, Municipal Court, of the Arvada City Code is hereby repealed and reenacted to read as follows:

“Sec. 58-41. Classification of violations; right to jury trial.

(b) *Right to jury trial.* Any defendant charged with a misdemeanor ordinance violation, petty offense, or a misdemeanor traffic offense shall have a right to a trial by jury if, within 21 calendar days after entry of a plea, the defendant files with the court a written jury demand and tenders to the court a jury fee of \$25.00. The jury fee may be waived by the court if the court finds the defendant to be indigent.

Exception: No child under the age of eighteen years shall be entitled to a trial by jury for any municipal ordinance violation, petty offense, misdemeanor traffic offense, or traffic violation.”

All other provisions of sec. 58-41 shall remain unchanged.

Section 3. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares it would have adopted this ordinance and each part or parts thereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 4. Effective date. This ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 28th day of June, 2021.

PASSED, ADOPTED AND APPROVED this 19th day of July, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney:

By: _____

Publication Dates: July 1, 2021
July 22, 2021

REDLINE/STRIKEOVER VERSION

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

Underlined indicates new material
~~Strikethrough~~ indicates deleted material

Sec. 1-5. General penalty; continuing violations.

(a) Whenever in any provision of this Code or of any other ordinance of the city, the doing of any act is required, prohibited, or declared to be unlawful, any person, who at the time of commission of the offense was at least ten years of age but not yet 18 years of age, and who is convicted of a violation of any such provision shall, for each offense, be fined not more than \$2650.00. ~~Except as otherwise provided in this Code or in any ordinance whenever, in any provision of this Code or of any other ordinance of the city, the doing of any act is required, prohibited, or declared to be unlawful, any person, who at the time of commission of the offense was at least ten years of age, but not yet 18 years of age, and who is convicted of a violation of any such provision shall, for each offense, be fined not more than \$2,650.00 or shall be sentenced to detention not to exceed ten days, or shall be both so fined and detained.~~

....

Sec. 58-41. Classification of violations; right to jury trial.

....

(b) *Right to jury trial.* Any defendant charged with a misdemeanor ordinance violation, petty offense, or a misdemeanor traffic offense shall have a right to a trial by jury if, within 21 calendar days after entry of a plea, the defendant files with the court a written jury demand and tenders to the court a jury fee of \$25.00. The jury fee may be waived by the court if the court finds the defendant to be indigent.

Exception: No child under the age of eighteen years shall be entitled to a trial by jury for any municipal ordinance violation, petty offense, misdemeanor traffic offense, or traffic violation.

....



REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.D.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: Ratification and Approval of CP2021-0003, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan Land Use Designation Pertaining to 15812 W. 64th Avenue from LDR (Low Density Residential) to MDR (Medium Density Residential)

Report in Brief

The applicant is requesting that the 2014 Comprehensive Plan Future Land Use map be amended from Low Density Residential (LDR) to Medium Density Residential (MDR) to accommodate the requested zoning.

The Arvada team recommends ratification and approval of CP2021-0003, A Resolution by the Planning Commission for the City of Arvada, Colorado to amend the 2014 Arvada Comprehensive Plan Land use designation pertaining to 15812 W. 64th Avenue from LDR (Low Density Residential) to MDR (Medium Density Residential).

Financial Impact

There will be no financial impact.

Background

The subject property is located on the south side of W 64th Avenue with an address of 15812 W 64th Avenue. The property is divided into two lots, a north lot (.93 acres) and a south lot (1.00 acre). The southern lot contains one single family detached residence. The northern lot is vacant except for a driveway providing access to the southern lot and a neighboring property.

Discussion

Requested zoning of Residential 13 (R-13) is not compliant with the current Comprehensive Plan Future Land Use map designation of Low Density Residential which allows density of six units per acre. The applicant is requesting a Comprehensive Plan amendment from Low Density Residential (LDR) to Medium Density Residential (MDR).

The Community and Economic Development team supports the change due to the property's proximity to a busy arterial street to the north and commercial use to the east. The applicant justifies the change as a necessity to increase the marketability of a property close to a busy arterial street.

Public Contact

The required neighborhood meeting for this project took place on August 20, 2020. The applicant, Arvada team, and 14 neighbors were in attendance.

The meeting was held virtually due to Coronavirus restrictions. The neighbors in attendance expressed strong concerns with the applicant's initial proposal to zone the property as Mixed Use Suburban (MX-S). Their concerns included allowance of commercial uses, density, and allowed heights of 45 feet. The primary concern was the height allowance. To address the concerns of those present in the meeting, the applicant agreed to change the zoning request to Residential 13 (R-13) which

limits building heights to 35 feet and allows only residential uses.

Written Notice: Written notices were mailed to all property owners within 500 feet of the subject property and to all homeowners associations and neighborhood associations with a known interest in the subject property. An affidavit of mailing verifying this requirement has been met.

Posted Notice: A sign notifying the public of the hearing was posted on the subject property over 15 days prior to the hearing. The applicant has provided a posting log verifying that this requirement has been met.

Published Notice: The required notice has been published.

In addition, the City Council agenda was posted.

Commission Recommendation

The Planning Commission voted 7-0 in favor of recommending approval of this Comprehensive Plan Amendment.

Strategic Alignment

This project is consistent with the City Council Strategic Plan principles stated within the Community and Economic Development Priority Area.

The project also aligns with the Vibrant Community and Neighborhoods Priority Area within the City Council Strategic Plan. Specifically, the recommended action supports the following Principle within the VCN Priority Area:

Improves access to quality housing that is affordable to a broad range of income levels and provides resources, housing, and neighborhood assistance services to Arvada residents, neighborhoods, property owners, and stakeholders.

This proposed annexation and zoning will allow for future housing to be considered for development.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends ratification and approval of CP2021-0003, A Resolution by the Planning Commission for the City of Arvada, Colorado to amend the 2014 Arvada Comprehensive Plan Land use designation pertaining to 15812 W. 64th Avenue from LDR (Low Density Residential) to MDR (Medium Density Residential).

Suggested Motion:

I move that Ratification and Approval of CP2021-0003, A Resolution by the Planning Commission for the City of Arvada, Colorado to amend the 2014 Arvada Comprehensive Plan Land use designation pertaining to 15812 W. 64th Avenue from LDR (Low Density Residential) to MDR (Medium Density Residential) be (approved) (rejected).

Prepared by:
Josie Suk, Development Systems and Administrative Manager

SUBJECT: Ratification and Approval of CP2021-0003, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan Land Use Designation Pertaining to 15812 W. 64th Avenue from LDR (Low Density Residential) to MDR (Medium Density Residential)

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Reviewed by:

Approved by:

Shane Greenburg, Planner II	6/29/2021
Robert Smetana, Manager of City Planning and Development	6/29/2021
Gail Walker, Legal Specialist-Contracts	7/1/2021
Emily Grogg, Senior Assistant City Attorney	7/1/2021
Rachel Morris, City Attorney	7/7/2021
Lorie Gillis, Deputy City Manager	7/7/2021
Mark Deven, City Manager	7/7/2021

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. CP2021-0003

A RESOLUTION BY THE PLANNING COMMISSION FOR THE CITY OF ARVADA, COLORADO TO AMEND THE 2014 ARVADA COMPREHENSIVE PLAN LAND USE DESIGNATION PERTAINING TO 15812 W. 64TH AVENUE FROM LDR (LOW DENSITY RESIDENTIAL) TO MDR (MEDIUM DENSITY RESIDENTIAL).

WHEREAS, Planning Commission, by Resolution No. CP2014-0003, adopted the 2014 Arvada Comprehensive Plan on September 19, 2014; and

WHEREAS, pursuant to § 8-1-2-1(E)(4) of the Land Development Code, City Council has final ratification and approval authority with respect to the Comprehensive Plan and any amendments thereto; and

WHEREAS, pursuant to Chapter 74, Article III, Section 74-64 of the code of the City of Arvada, the Planning Commission has held a public hearing as required by law, notice thereof being duly published in the Wheat Ridge Transcript and Arvada Press on May 20, 2021, and said public hearing being held before the Planning Commission for the City of Arvada on June 8, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ARVADA, COLORADO:

Section 1. The 2014 Comprehensive Plan is hereby amended by changing the land use designation from LDR (Low Density Residential) to MDR (Medium Density Residential).

Section 2. This Resolution shall be effective upon the ratification and approval by the City Council of the Comprehensive Plan amendment described herein.

APPROVED AND ADOPTED this 8th day of June, 2021.

CITY OF ARVADA PLANNING COMMISSION



T.O. Owens, Chairman

ATTEST:



Patricia Connell, Secretary

RATIFIED AND APPROVED this 19th day of July, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By:_____



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
10.E.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: R21-096 A Resolution Setting Forth Certain Findings of Fact and Conclusions as to the Annexation of Certain Land into the City of Arvada, Colorado, 15812 W. 64th Avenue

Report in Brief

This resolution is in the nature of a technical, housekeeping measure, intended to insure compliance with the "Municipal Annexation Act," Section 31-12-101 et seq. Section 31-12-110 of the Act states that "upon completion of the hearing, the governing body of the annexing municipality, by resolution, shall set forth its findings of fact and its conclusions based thereon with reference to the following matters: ." Section 31-12-111 goes on to state that, after the resolution (assuming the resolution determines that the requirements of Section 31-12-104 and 31-12-105 have been met, no election is required, etc.), the governing body may thereupon annex the area by ordinance. The requirements of Sections 31-12-104 and 31-12-105, as referenced in the resolution (and as asserted in the Petition for Annexation), are technical requirements of eligibility for annexation (e.g., 1/6 contiguity, etc.). Meeting those requirements does not mandate annexation of a given property, thus, in annexation proceedings, Council has the prerogative to adopt such a resolution (finding compliance with the technical requirements of Sections 31-12-104 and 31-12-105) and then reject the companion annexation ordinance (if, for example, it finds that such annexation is not in the best interests of the City).

The Arvada team recommends that the City Council approve, R21-096 A resolution setting forth certain findings of fact and conclusions as to the annexation of certain land into the City of Arvada, Colorado, 15812 W. 64th Avenue.

Financial Impact

There is no financial impact associated with the proposed action.

Background

The property proposed to be annexed into the City is a 1.93 acre parcel, and if annexed, the property will be used as residential. The applicant will be connecting to City water and sewer.

Discussion

The property, if annexed, will be zoned as R-13 and the use will be as residential.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

This project aligns with the Community and Economic Development Priority Area of the City Council Strategic Plan.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve R21-096, A Resolution setting forth certain findings of fact and conclusions as to the annexation of certain land into the City of Arvada, Colorado, 15812 W. 64th Avenue.

Suggested Motion:

I move that R21-096, A Resolution Setting Forth Certain Findings of Fact and Conclusions as to the Annexation of Certain Land Into the City of Arvada, Colorado, 15812 W. 64th Avenue, be (approved)(rejected).

Prepared by:
Josie Suk, Development Systems and Administrative Manager

Reviewed by:

Approved by:

Shane Greenburg, Planner II	6/29/2021
Robert Smetana, Manager of City Planning and Development	6/29/2021
Gail Walker, Legal Specialist-Contracts	6/29/2021
Emily Grogg, Senior Assistant City Attorney	6/29/2021
Rachel Morris, City Attorney	7/7/2021
Lorie Gillis, Deputy City Manager	7/7/2021
Mark Deven, City Manager	7/7/2021

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R21-096

A RESOLUTION SETTING FORTH CERTAIN FINDINGS OF FACT AND CONCLUSIONS
AS TO THE ANNEXATION OF CERTAIN LAND INTO THE CITY OF ARVADA,
COLORADO, 15812 W. 64th AVENUE

WHEREAS, the City Council of Arvada, Colorado has found a petition for the annexation of the hereinafter described parcel of land to be in substantial compliance with the requirements of §31-12-107(1) C.R.S.; and

WHEREAS, the City Clerk has provided notice of public hearing on the proposed annexation by publication once per week for four successive weeks and by registered mail to the Clerk of the Board of County Commissioners, the county Attorney, the school district, and to any special district having territory in the area to be annexed; and

WHEREAS, the City Council has completed a public hearing to determine if the proposed annexation complies with Article II, Section 30 of the Colorado Constitution and §§31-12-104 and 31-12-105 C.R.S., to establish eligibility for annexation.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The City Council of the City of Arvada, State of Colorado, having examined the filings and the Petition for Annexation for certain real property, 15812 W. 64th Avenue, Arvada, Colorado, more fully described in said Petition and having held a public hearing thereon, make the following findings pursuant to Colorado State law:

1. That not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the City; and therefore, because of such contiguity, a community interest exists between the territory proposed to be annexed and the City.
2. That the area proposed to be annexed is urban or will be urbanized in the near future.
3. That the area proposed to be annexed is integrated or is capable of being integrated in the City.
4. That no land held in identical ownership has been divided or included without written consent of the owner thereof.
5. That no annexation proceedings have been commenced by another municipality.
6. That the annexation will not result in the detachment of area from a school district.
7. That the annexation will not result in the extension of a municipal boundary more than three miles.

8. That the City has in place a plan for said three mile area.
9. That in establishing the boundaries of the area to be annexed the entire width of any street or alley is included within the area annexed.
10. That an election is not required under §31-12-107(2) C.R.S.
11. That no additional terms or conditions are imposed which require an election under §31-12-107(2) C.R.S.

Section 2. The City Council of the City of Arvada, State of Colorado, having examined the filings and the Petition for Annexation for certain real property, 15812 W. 64th Avenue, Arvada, Colorado, more fully described in said Petition and having held a public hearing thereon, make the additional following findings pursuant to Arvada's Land Development Code:

1. That the annexation is in accord with the Comprehensive Plan and the best interest of the City would be served by annexation of the subject property.
2. That the subject property is capable of being integrated into the City and developed in compliance with all applicable provisions of this Code, the Arvada City Code, and the terms of an annexation agreement.
3. That at the time any development of the subject property is completed, there will be capacity to adequately serve residents of such area with all necessary utilities, facilities, and public services.

Section 3. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 19th day of July, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____



REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.F.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: CB21-023 An Ordinance Annexing Certain Land Into the City of Arvada, 15812 W. 64th Avenue in the County of Jefferson and State of Colorado (Ordinance No. 4769)

Report in Brief

Mr. John Johnson is requesting approval of annexation, rezoning and a Comprehensive Plan amendment.

The applicant is requesting that the 1.93 acre property be annexed into the City with a zoning of Residential 13 (R13). The applicant is also requesting that the 2014 Comprehensive Plan Future Land Use map be amended from Low Density Residential (LDR) to Medium Density Residential (MDR) to accommodate the requested zoning.

The Arvada team recommends that the City Council approve CB21-023, An Ordinance Annexing Certain Land Into the City of Arvada, 15812 W. 64th Avenue in the County of Jefferson and State of Colorado.

Financial Impact

There is no direct financial impact associated with the proposed action.

Background

The subject property is located on the south side of W 64th Avenue with an address of 15812 W 64th Avenue. The property is divided into two lots, a north lot (.93 acres) and a south lot (1.00 acre). The southern lot contains one single family detached residence. The northern lot is vacant except for a driveway providing access to the southern lot and a neighboring property.

Discussion

Approval Criteria from the Planning Commission Report, pages 5 & 6.

Div. 8-3-3 Annexation and Disconnection Approval Criteria	Finding	Rationale
1. The annexation is in accord with the Comprehensive Plan and the best interests of the City would be served by annexation of such property.	Complies	Property is surrounded by City property on all sides. Annexation and zoning would allow the site to be serviced with City utilities and allow for future housing.
2. The property is capable of being integrated into the City and developed in compliance with all applicable provisions of this Code and the Arvada City Code.	Complies	Property is surrounded by City property on all sides. Annexation and zoning would allow the site to be serviced with City utilities and allow for future housing.

3. At the time any development of the area proposed to be annexed is completed, there will be capacity to adequately serve residents of such area with all necessary utilities, facilities and public services.

Complies

Property is surrounded by City property on all sides. Annexation and zoning would allow the site to be serviced with City utilities and allow for future housing.

Public Contact

The required neighborhood meeting for this project took place on August 20, 2020. The applicant, City team members and approximately 14 neighbors were in attendance.

Written notice was sent 15 days prior to the meeting, a published notice was posted in the newspaper 15 days prior to the meeting, and a public hearing sign was posted 15 days prior to the meeting.

Commission Recommendation

The Planning Commission voted 7 to 0 to recommend approval to the City Council during the public hearing on June 8, 2021.

Strategic Alignment

This project aligns with the Community and Economic Development Priority Area of the City Council Strategic Plan.

Alternative Courses of Action

NA

Recommendation for Action

The Arvada team recommends that the City Council approve CB21-023, An Ordinance Annexing Certain Land Into the City of Arvada, 15812 W. 64th Avenue in the County of Jefferson and State of Colorado.

Suggested Motion:

I move that CB21-023, An Ordinance Annexing Certain Land Into the City of Arvada, 15812 W. 64th Avenue in the County of Jefferson and State of Colorado, be (approved on final reading, numbered 4769 and ordered published by title only) (rejected).

This motion is based on the findings of fact adopted by Planning Commission (if approved).

This motion is based on the following findings of fact for denial: (Recite approval criteria you believe the evidence fails to satisfy and your reasons).

Prepared by:
Stephanie Wallace, Administrative Specialist

Reviewed by:

Approved by:

Shane Greenburg, Planner II	6/29/2021
Josie Suk, Development Systems and Administrative Manager	6/29/2021
Robert Smetana, Manager of City Planning and Development	6/29/2021
Gail Walker, Legal Specialist-Contracts	7/1/2021
Emily Grogg, Senior Assistant City Attorney	7/1/2021
Rachel Morris, City Attorney	7/7/2021
Lorie Gillis, Deputy City Manager	7/7/2021
Mark Deven, City Manager	7/7/2021

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 21-023
ORDINANCE NO. 4769

AN ORDINANCE ANNEXING CERTAIN LAND INTO THE CITY OF ARVADA,
15812 W. 64TH AVENUE IN THE COUNTY OF JEFFERSON AND STATE OF
COLORADO

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA,
COLORADO:

Section 1. The City Council of the City of Arvada, State of Colorado, having examined the filings and the annexation map for certain real property more fully described in said map finds as follows:

1. That a petition for annexation, together with four copies of the annexation map as required by law, was filed with the City by the owners of over fifty percent of the area of the territory hereinafter described, exclusive of public streets and alleys, and comprising more than fifty percent of the landowners of the property to be annexed.
2. That the City, by resolution at a properly noticed meeting accepted said petition and found and determined that the applicable parts of the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution have been met and further determined that an election was not required under the Act and that no additional terms and conditions were imposed upon said annexation.
3. That the area proposed to be annexed meets the applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S., and is therefore eligible for annexation to the City of Arvada.

Section 2. The following described real property, situated in the County of Jefferson, State of Colorado, be and the same hereby is annexed to the City of Arvada, to wit:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 12,
TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN:

More particularly described in attached Exhibit A.

Section 3. The Mayor is hereby authorized to execute, the City Clerk to attest, in form approved by the City Attorney, an Annexation Agreement pertaining to the property owned by the Petitioners.

Section 4. The Clerk of the City shall perform all statutory duties to complete said annexation.

Section 5. This Ordinance shall be effective five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 28th day of June, 2021.

PASSED, ADOPTED, AND APPROVED this 19th day of July, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____

Publication Dates: July 1, 2021
 July 22, 2021

15812 W. 64th Avenue Legal Description

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 12 BEING MONUMENTED BY A FOUND NO. 6 REBAR WITH A 2-1/2 INCH DIAMETER ALUMINUM CAP SET BY PLS 36561 IN A RANGE BOX WHENCE THE NORTHWEST CORNER OF SAID SECTION 12 BEING MONUMENTED BY A FOUND 1-1/2 INCH DIAMETER ILLEGIBLE BRASS CAP SET IN CONCRETE IN A RANGE BOX IS ASSUMED TO BEAR NORTH 89°19'10" WEST, A DISTANCE OF 2619.18 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE SOUTH 84°30'42" WEST A DISTANCE OF 511.81 FEET TO THE SOUTHEAST CORNER OF PARCEL CONVEYED TO CITY OF ARVADA BY AGREEMENT RECORDED AT RECEPTION NO. F1268756, AND A POINT ON THE EASTERLY LINE OF THE PROPERTY DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 713877 AT JEFFERSON COUNTY CLERK AND RECORDER, BEING THE **POINT OF BEGINNING**;

THENCE SOUTH 00°00'19" EAST A DISTANCE OF 134.95 FEET ALONG SAID EASTERLY LINE TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 713877, ALSO BEING THE NORTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297;

THENCE SOUTH 00°00'19" EAST A DISTANCE OF 250.07 FEET TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297;

THENCE NORTH 89°24'13" WEST A DISTANCE OF 174.93 FEET ALONG THE SOUTHERLY LINE TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297;

THENCE NORTH 00°09'25" WEST A DISTANCE OF 250.41 FEET TO THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297, ALSO BEING A POINT ON THE SOUTHERLY LINE OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 713877;

THENCE NORTH 89°17'35" WEST A DISTANCE OF 124.66 FEET ALONG SAID SOUTHERLY LINE TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NUMBER 713877;

THENCE NORTH 00°00'19" WEST A DISTANCE OF 134.82 FEET ALONG THE WESTERLY LINE OF THE PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NUMBER 713877 TO THE SOUTHWEST CORNER OF PARCEL CONVEYED TO CITY OF ARVADA BY AGREEMENT RECORDED AT RECEPTION NO. F1268756;

THENCE SOUTH 89°19'10" EAST A DISTANCE OF 300.26 FEET ALONG THE SOUTHERLY LINE OF THE PARCEL CONVEYED TO CITY OF ARVADA BY AGREEMENT RECORDED AT RECEPTION NO. F1268756 TO THE **POINT OF BEGINNING**.

SAID DESCRIPTION CONTAINING A CALCULATED AREA OF 84,352 SQUARE FEET OR 1.936 ACRE, MORE OR LESS.

PARCELS OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF JEFFERSON, STATE OF COLORADO
SHEET 1 OF 1

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO

COMMENCING AT THE NORTH-QUARTER CORNER OF SAID SECTION 12 BEING MONUMENTED BY A FOUND NO. 6 REBAR WITH A 2-1/2 INCH DIAMETER ALUMINUM CAP SET BY PLS 30581 IN A DIAMETER BOX WHENCE THE NORTHWEST CORNER OF SAID SECTION 12 BEING MONUMENTED BY A FOUND 1-1/2 INCH DIAMETER ILLEGIBLE BRASS CAP SET IN CONCRETE IN A RANGE OF 2619.18 FEET TO BEAR NORTH 89°19'10" WEST, A DISTANCE OF 2619.18 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

THENCE SOUTH 84°30'42" WEST A DISTANCE OF 511.81 FEET TO THE SOUTHEAST CORNER OF PARCEL CONVEYED TO CITY OF ARVADA BY AGREEMENT RECORDED AT RECEPTION NO. F1268756, AND A POINT ON THE EASTERLY LINE OF THE PROPERTY DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 713877 AT JEFFERSON COUNTY CLERK AND RECORDER, BEING THE POINT OF BEGINNING.

THENCE SOUTH 00°00'19" EAST A DISTANCE OF 134.95 FEET ALONG SAID EASTERLY LINE TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 713877, ALSO BEING THE NORTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297.

THENCE SOUTH 00°00'19" EAST A DISTANCE OF 250.07 FEET TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297;

THENCE NORTH 89°24'13" WEST A DISTANCE OF 174.93 FEET ALONG THE SOUTHERLY LINE TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297;

THENCE NORTH 00°09'25" WEST A DISTANCE OF 250.41 FEET TO THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297, ALSO BEING A POINT ON THE SOUTHERLY LINE OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 713877;

THENCE NORTH 89°17'35" WEST A DISTANCE OF 124.66 FEET ALONG SAID SOUTHERLY LINE TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NUMBER 713877;

THENCE NORTH 00°00'19" WEST A DISTANCE OF 134.82 FEET ALONG THE WESTERLY LINE OF THE PARCEL DESCRIBED IN THE INDEXED RECORD AT RECEPTION NUMBER 71307 TO THE SOUTHWEST CORNER OF PARCEL CONVEYED TO CITY OF ARVADA BY AGREEMENT RECORDED AT RECEPTION NO. F1268756;

THENCE SOUTH 89°19'10" EAST A DISTANCE OF 300.28 FEET ALONG THE SOUTHERLY LINE OF THE PARCEL CONVEYED TO CITY OF ARVADA BY AGREEMENT RECORDED AT RECEPTION NO. F1268756 TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINING A CALCULATED AREA OF 84,352 SQUARE FEET OR 1.936 ACRE, MORE OR LESS.

THIS MAP IS PREPARED EXCLUSIVELY FOR ANNEXATION PURPOSES ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE AND SHOULD NOT BE CONSTRUED AS A BOUNDARY SURVEY.

THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

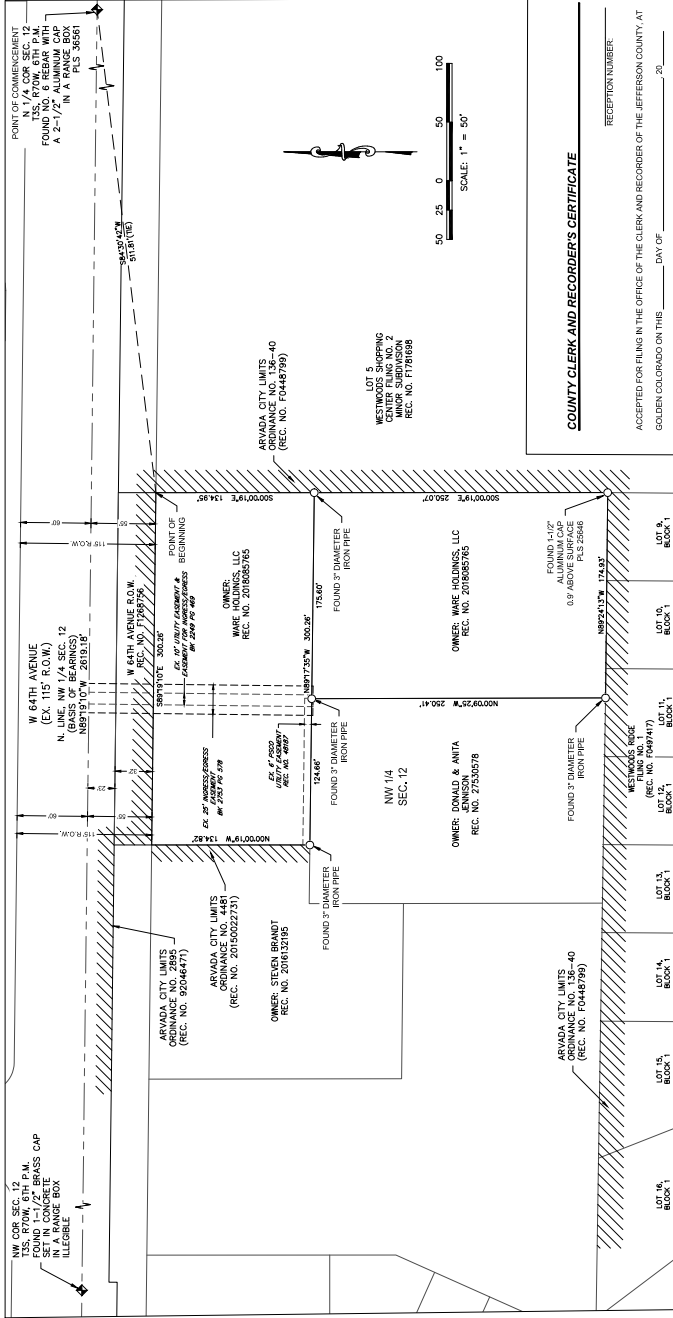
BEARINGS SHOWN ON THIS PLAT ARE BASED UPON THE NORTH LINE OF THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEING ASSUMED TO BEAR NORTH 88°19'10" WEST, 2619.18 FEET, MONUMENTED AS SHOWN HEREON.

THE ABOVE DESCRIBED SURVEYOR, KENNETH J. KUCHARCZYK, A LICENSED SURVEYOR IN THE STATE OF COLORADO, CERTIFY FORTHIN COLORADO REVISIONED STATUTES 17-1-101, 17-1-102, 17-1-103, 17-1-104, 17-1-105, 17-1-106, 17-1-107, 17-1-108, 17-1-109, 17-1-110, 17-1-111, 17-1-112, 17-1-113, 17-1-114, 17-1-115, 17-1-116, 17-1-117, 17-1-118, 17-1-119, 17-1-120, 17-1-121, 17-1-122, 17-1-123, 17-1-124, 17-1-125, 17-1-126, 17-1-127, 17-1-128, 17-1-129, 17-1-130, 17-1-131, 17-1-132, 17-1-133, 17-1-134, 17-1-135, 17-1-136, 17-1-137, 17-1-138, 17-1-139, 17-1-140, 17-1-141, 17-1-142, 17-1-143, 17-1-144, 17-1-145, 17-1-146, 17-1-147, 17-1-148, 17-1-149, 17-1-150, 17-1-151, 17-1-152, 17-1-153, 17-1-154, 17-1-155, 17-1-156, 17-1-157, 17-1-158, 17-1-159, 17-1-160, 17-1-161, 17-1-162, 17-1-163, 17-1-164, 17-1-165, 17-1-166, 17-1-167, 17-1-168, 17-1-169, 17-1-170, 17-1-171, 17-1-172, 17-1-173, 17-1-174, 17-1-175, 17-1-176, 17-1-177, 17-1-178, 17-1-179, 17-1-180, 17-1-181, 17-1-182, 17-1-183, 17-1-184, 17-1-185, 17-1-186, 17-1-187, 17-1-188, 17-1-189, 17-1-190, 17-1-191, 17-1-192, 17-1-193, 17-1-194, 17-1-195, 17-1-196, 17-1-197, 17-1-198, 17-1-199, 17-1-200, 17-1-201, 17-1-202, 17-1-203, 17-1-204, 17-1-205, 17-1-206, 17-1-207, 17-1-208, 17-1-209, 17-1-210, 17-1-211, 17-1-212, 17-1-213, 17-1-214, 17-1-215, 17-1-216, 17-1-217, 17-1-218, 17-1-219, 17-1-220, 17-1-221, 17-1-222, 17-1-223, 17-1-224, 17-1-225, 17-1-226, 17-1-227, 17-1-228, 17-1-229, 17-1-230, 17-1-231, 17-1-232, 17-1-233, 17-1-234, 17-1-235, 17-1-236, 17-1-237, 17-1-238, 17-1-239, 17-1-240, 17-1-241, 17-1-242, 17-1-243, 17-1-244, 17-1-245, 17-1-246, 17-1-247, 17-1-248, 17-1-249, 17-1-250, 17-1-251, 17-1-252, 17-1-253, 17-1-254, 17-1-255, 17-1-256, 17-1-257, 17-1-258, 17-1-259, 17-1-260, 17-1-261, 17-1-262, 17-1-263, 17-1-264, 17-1-265, 17-1-266, 17-1-267, 17-1-268, 17-1-269, 17-1-270, 17-1-271, 17-1-272, 17-1-273, 17-1-274, 17-1-275, 17-1-276, 17-1-277, 17-1-278, 17-1-279, 17-1-280, 17-1-281, 17-1-282, 17-1-283, 17-1-284, 17-1-285, 17-1-286, 17-1-287, 17-1-288, 17-1-289, 17-1-290, 17-1-291, 17-1-292, 17-1-293, 17-1-294, 17-1-295, 17-1-296, 17-1-297, 17-1-298, 17-1-299, 17-1-300, 17-1-301, 17-1-302, 17-1-303, 17-1-304, 17-1-305, 17-1-306, 17-1-307, 17-1-308, 17-1-309, 17-1-310, 17-1-311, 17-1-312, 17-1-313, 17-1-314, 17-1-315, 17-1-316, 17-1-317, 17-1-318, 17-1-319, 17-1-320, 17-1-321, 17-1-322, 17-1-323, 17-1-324, 17-1-325, 17-1-326, 17-1-327, 17-1-328, 17-1-329, 17-1-330, 17-1-331, 17-1-332, 17-1-333, 17-1-334, 17-1-335, 17-1-336, 17-1-337, 17-1-338, 17-1-339, 17-1-340, 17-1-341, 17-1-342, 17-1-343, 17-1-344, 17-1-345, 17-1-346, 17-1-347, 17-1-348, 17-1-349, 17-1-350, 17-1-351, 17-1-352, 17-1-353, 17-1-354, 17-1-355, 17-1-356, 17-1-357, 17-1-358, 17-1-359, 17-1-360, 17-1-361, 17-1-362, 17-1-363, 17-1-364, 17-1-365, 17-1-366, 17-1-367, 17-1-368, 17-1-369, 17-1-370, 17-1-371, 17-1-372, 17-1-373, 17-1-374, 17-1-375, 17-1-376, 17-1-377, 17-1-378, 17-1-379, 17-1-380, 17-1-381, 17-1-382, 17-1-383, 17-1-384, 17-1-385, 17-1-386, 17-1-387, 17-1-388, 17-1-389, 17-1-390, 17-1-391, 17-1-392, 17-1-393, 17-1-394, 17-1-395, 17-1-396, 17-1-397, 17-1-398, 17-1-399, 17-1-400, 17-1-401, 17-1-402, 17-1-403, 17-1-404, 17-1-405, 17-1-406, 17-1-407, 17-1-408, 17-1-409, 17-1-410, 17-1-411, 17-1-412, 17-1-413, 17-1-414, 17-1-415, 17-1-416, 17-1-417, 17-1-418, 17-1-419, 17-1-420, 17-1-421, 17-1-422, 17-1-423, 17-1-424, 17-1-425, 17-1-426, 17-1-427, 17-1-428, 17-1-429, 17-1-430, 17-1-431, 17-1-432, 17-1-433, 17-1-434, 17-1-435, 17-1-436, 17-1-437, 17-1-438, 17-1-439, 17-1-440, 17-1-441, 17-1-442, 17-1-443, 17-1-444, 17-1-445, 17-1-446, 17-1-447, 17-1-448, 17-1-449, 17-1-450, 17-1-451, 17-1-452, 17-1-453, 17-1-454, 17-1-455, 17-1-456, 17-1-457, 17-1-458, 17-1-459, 17-1-460, 17-1-461, 17-1-462, 17-1-463, 17-1-464, 17-1-465, 17-1-466, 17-1-467, 17-1-468, 17-1-469, 17-1-470, 17-1-471, 17-1-472, 17-1-473, 17-1-474, 17-1-475, 17-1-476, 17-1-477, 17-1-478, 17-1-479, 17-1-480, 17-1-481, 17-1-482, 17-1-483, 17-1-484, 17-1-485, 17-1-486, 17-1-487, 17-1-488, 17-1-489, 17-1-490, 17-1-491, 17-1-492, 17-1-493, 17-1-494, 17-1-495, 17-1-496, 17-1-497, 17-1-498, 17-1-499, 17-1-500, 17-1-501, 17-1-502, 17-1-503, 17-1-504, 17-1-5

KEVIN J. KUCHARCZYK, PLS NO. 34591



LEGEND	
	FOUND SECTION CORNER AS DESCRIBED
	FOUND MONUMENT AS DESCRIBED
	WATER METER
	UTILITY EASEMENT
	EASEMENT
	RIGHT-OF-WAY
	EASEMENT
	SECTION LINE
	WATER LINE
	CITY OF AMARIA LIMITS



COUNTY CLERK AND RECORDER'S CERTIFICATE

RECEPTION NUMBER _____

ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF THE JEFFERSON COUNTY
GOLDEN COLORADO ON THIS _____ DAY OF _____ 20____.

AT _____ O'CLOCK.

BY: _____
JEFFERSON COUNTY CLERK AND RECORDER

NAME OF ANNEXATION:

15812 W 64TH AVE ANNEXATION

APPROXIMATE LOCATION:

15812 W 64TH AVE

**PETITION FOR ANNEXATION OF UNINCORPORATED
TERRITORY IN THE COUNTY OF Jefferson,
STATE OF COLORADO, TO THE CITY OF ARVADA,
STATE OF COLORADO**

TO THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

The undersigned in accordance with the Municipal Annexations Act of 1965, Chapter 31, Article 12, C.R.S. 1973, as amended, hereby petitions the City Council of the City of Arvada for annexation to the City of Arvada of the following described unincorporated territory located in the County of Jefferson, State of Colorado, to wit:

LEGAL DESCRIPTION

In support of the said Petition, your Petition alleges that:

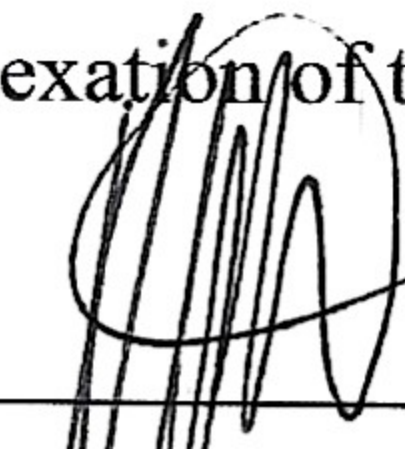
1. It is desirable and necessary that the above-described territory be annexed to the City of Arvada.
2. No less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Arvada.
3. A community of interest exists between the territory proposed to be annexed and the City of Arvada.
4. The territory proposed to be annexed is urban or will be urbanized in the future.
5. The territory proposed to be annexed is integrated or is capable of being integrated with the City of Arvada.
6. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - a. is divided into separate parts or parcels without the written consent of the landowner or landowners thereof.
 - b. comprising twenty acres or more which, together with the buildings and improvements situated thereon, has an assessed value in excess of two-hundred thousand dollars for an ad valorem tax purpose for the year preceding the annexation is included within the territory proposed to be annexed, without the written consent of the landowner or landowners thereof.
7. No annexation proceedings have been commenced by another municipality for the annexation of part or all of the area proposed herein to be annexed to Arvada.
8. Annexation of the territory proposed to be annexed will not result in detachment of area from any school district and the attachment of the same to another school district.
9. The Signer(s) of the Petition comprise(s) the landowner(s) of one hundred percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys and any landowner by the annexing municipality.

Your Petitioner(s) further request(s) that the City of Arvada approve the annexation of the area proposed to be annexed.

Owner's Signature

Address:

Date of signing:


15812 W 64TH AVE, ARVADA CO 80007
1 JUNE 2021

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
) ss.
COUNTY OF Jefferson)

John Johnson, being duly sworn, upon oath, deposes and states:

1. That the affiant circulated the Petition for Annexation for the purpose of obtaining the Signature(s) of the above Petitioner(s).
2. That each signature thereon is the signature of the person whose name it purports to be.

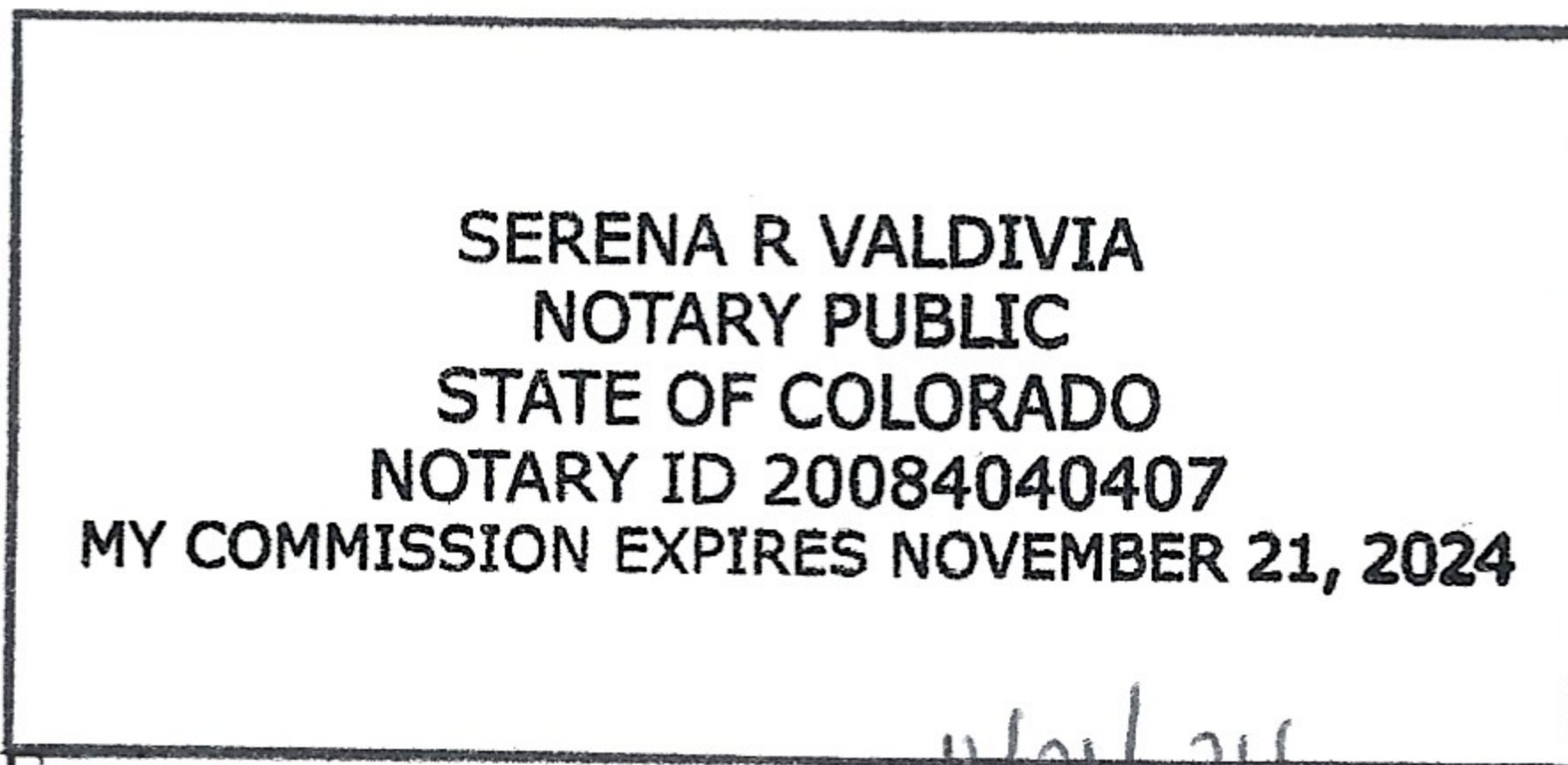
NOTARY CERTIFICATE

STATE OF COLORADO)
) ss.
COUNTY OF Jefferson)

Subscribed and sworn to before me this 1 day of June, 20 21

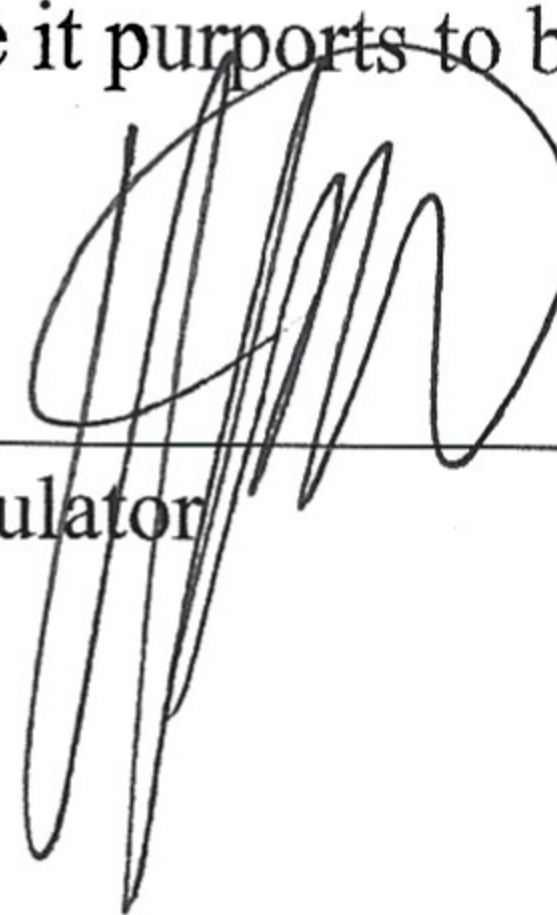
Witness my hand and official seal.

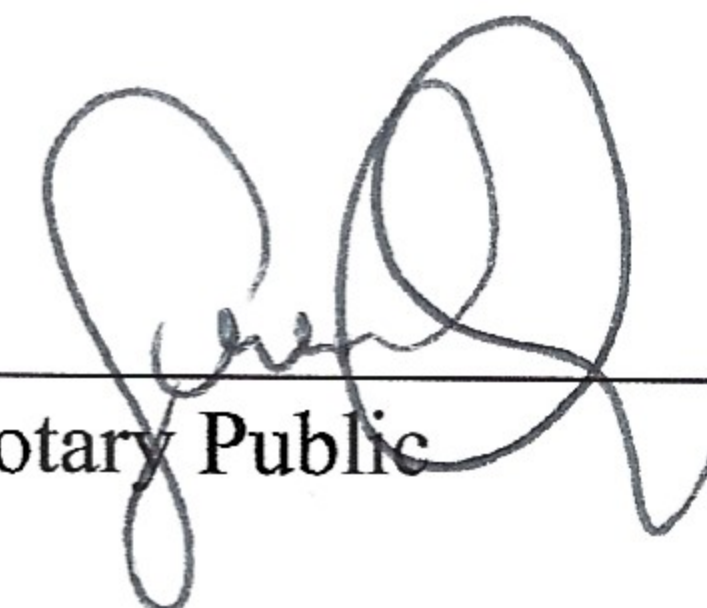
(SEAL)



My Commission Expires:

11/21/24


Circulator


Notary Public

City of Arvada
Community and Economic Development Department
PUBLIC HEARING STAFF REPORT

15812 W 64th Avenue Annexation
Annexation, Rezoning and Comprehensive Plan Amendment
DA2020-0123

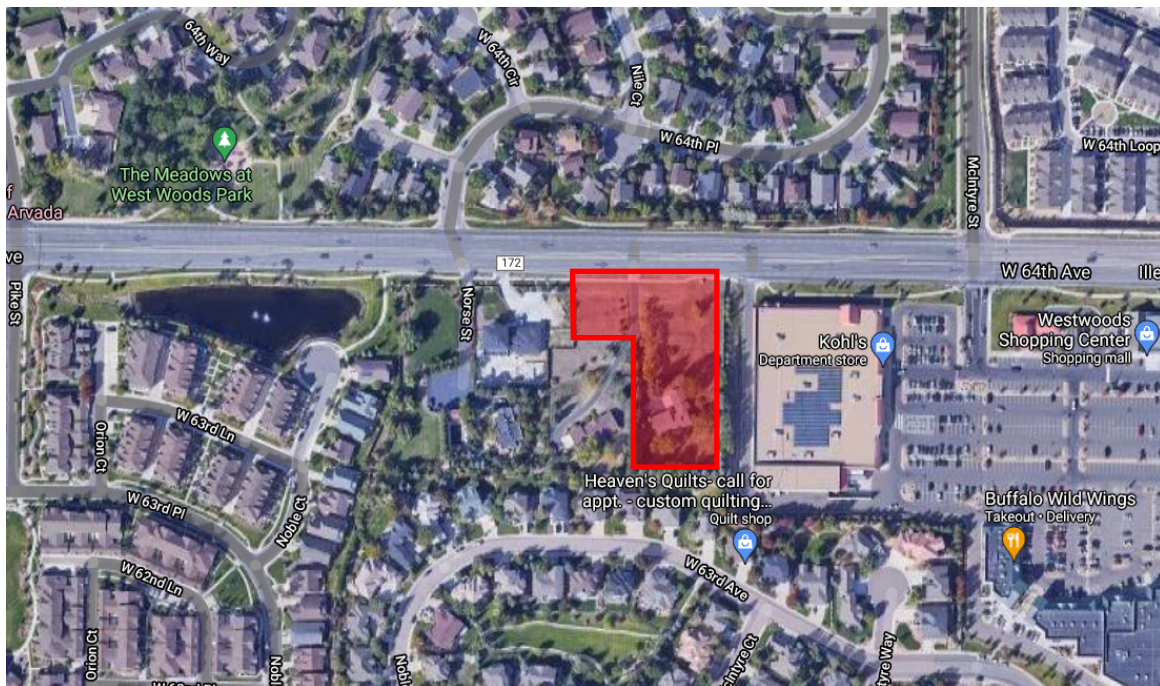
NATURE OF REQUEST

Mr. John Johnson is requesting approval of annexation, rezoning and a Comprehensive Plan amendment.

The applicant is requesting that the 1.93 acre property be annexed into the city with a zoning of Residential 13 (R-13). The applicant is also requesting that the 2014 Comprehensive Plan Future Land Use map be amended from Low Density Residential (LDR) to Medium Density Residential (MDR) to accommodate the requested zoning.

LOCATION AND HISTORY

The subject property is located on the south side of W 64th Avenue with an address of 15812 W 64th Avenue. The property is divided into two lots, a north lot (.93 acres) and a south lot (1.00 acre). The southern lot contains one single family detached residence. The northern lot is vacant except for a driveway providing access to the southern lot and a neighboring property.



NEIGHBORHOOD MEETING

Division 8-2-2 of the Land Development Code requires that at least one neighborhood meeting be held for projects that require public hearings before the Planning Commission and City Council.

The required neighborhood meeting for this project took place on August 20, 2020. The applicant, staff, and 14 neighbors were in attendance.

The meeting was held virtually due to Coronavirus restrictions. The neighbors in attendance expressed strong concerns with the applicant's initial proposal to zone the property as Mixed Use Suburban (MX-S). Their concerns included allowance of commercial uses, density, and allowed heights of 45 feet. The primary concern was the height allowance. To address the concerns of those present in the meeting, the applicant agreed to change the zoning request to Residential 13 (R-13) which limits building heights to 35 feet and allows only residential uses.

The applicant prepared a summary of the meeting, which is attached.

PUBLIC NOTIFICATION

Division 8-2-4 of the Land Development Code requires public notification for all public hearings as follows:

Written Notice: Written notices were mailed to all property owners within 500 feet of the subject property and to all homeowners associations and neighborhood associations with a known interest in the subject property. An affidavit of mailing verifying this requirement has been met.

Posted Notice: A sign notifying the public of the hearing was posted on the subject property over 15 days prior to the hearing. The applicant has provided a posting log verifying that this requirement has been met.

Published Notice: The required notice has been published.

SEVERED MINERAL RIGHTS

County records indicate that no severed mineral rights exist on the property.

DEVELOPMENT REVIEW TIMELINE

The complete initial development application was received by the city on November 6, 2020. The review was completed on December 3, 2020. The review took approximately 4 weeks. The applicant had several delays in resubmitting the application. All City reviews were completed on time.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

This project is consistent with the City Council Strategic Plan principles for the Community and Economic Development work system.

The project also aligns with Vibrant Community and Neighborhoods principles - Improves access to quality housing that is affordable to a broad range of income levels and provides resources, housing, and neighborhood assistance services to Arvada residents, neighborhoods, property owners, and stakeholders.

This proposed annexation and zoning will allow for future housing to be built.

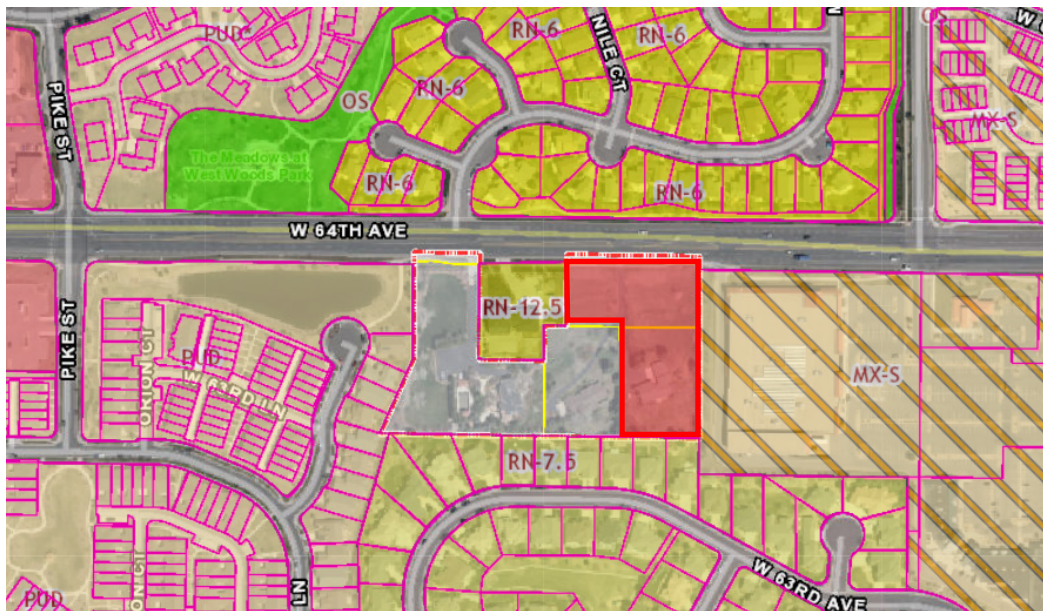
ZONING AND LAND USE

The subject property is currently zoned Jefferson County A-2 (Agriculture 2) and is approximately 1.93 acres in size.

Surrounding properties are zoned and utilized as follows:

Direction	Zoning	Actual Use
North	RN-6 (Residential Neighborhood 6) Across W 64 th Ave.	Single Family Detached Residential
South	RN-7.5 (Residential Neighborhood 7.5)	Single Family Detached Residential
East	MX-S (Mixed Use Suburban)	Commercial
West	RN-12.5 (Residential Neighborhood 12.5) JeffCo A-2 (Agricultural 2)	Single Family Detached Residential

The applicant is requesting a zoning of Residential 13 (R-13).



Existing zoning map

PROJECT ANALYSIS

Annexation

Applicant requests to annex the entire 1.93 acre site into the city.

Compliance with the Comprehensive Plan

Requested zoning of Residential 13 (R-13) is not compliant with the current Comprehensive Plan Future Land Use map designation of Low Density Residential which allows density of six units per acre. Applicant is requesting a Comprehensive Plan amendment from Low Density Residential (LDR) to Medium Density Residential (MDR).

Staff supports the change due to the property's proximity to a busy arterial street to the north and commercial use to the east. Applicant justifies the change as a necessity to increase the marketability of a property close to a busy arterial street.

Compliance with Other Applicable Plans

No other plans affect this property

Setbacks

The setbacks will comply with the requirements of the R13 zoning district.

Building Height

Building height will comply with the requirements of the R13 zoning district.

Open Space

Open space requirements will need to be met with any future Site Plan application.

Landscaping, Buffering and Fencing

The request is for an annexation and there are no buildings proposed at this time. Landscaping, buffering, and fencing requirements would need to be met with any future Site Plan application.

Parks

The request is for an annexation and there are no new buildings proposed at this time. Park dedication and fees are required for the existing single family home. Additional dedication and fees would be assessed upon a future Site Plan or subdivision application.

Building Design

The request is for an annexation and there are no buildings proposed at this time.

Circulation and Connectivity

No changes to the circulation and connectivity are proposed or required.

Grading and Drainage

No changes to grading and drainage are proposed or required.

Parking and Loading

No changes to parking and loading are proposed or required.

Utility Services

City water and sewer will be provided to the site.

Police and Fire Protection

APD and AFD will provide services to the property.

School District

The request is for an annexation and there are no new buildings proposed at this time. School dedication and fees are required for the existing single family home. Additional dedication and fees would be assessed upon a future site plan application.

LAND DEVELOPMENT CODE APPROVAL CRITERIA

It is the responsibility of the applicant to justify the requested land use application. The Planning Commission should make a recommendation to the City Council based on its findings regarding the approval criteria shown in the table(s) below and upon testimony heard during the public hearing as it applied to the criteria.

Staff performed an analysis of the proposal, based on the approval criteria listed in Section 3 of the Land Development Code, and presents the following findings:

Div. 8-3-3 Annexation and Disconnection Approval Criteria	Finding	Rationale
1. The annexation is in accord with the Comprehensive Plan and the best interests of the City would be served by annexation of such property.	Complies	Property is surrounded by city property on all sides. Annexation and zoning would allow the site to be serviced with city utilities and allow for future housing.
2. The property is capable of being integrated into the City and developed in compliance with all applicable provisions of this Code and the Arvada City Code.	Complies	Property is surrounded by city property on all sides. Annexation and zoning would allow the site to be serviced with city utilities and allow for future housing.
3. At the time any development of the area proposed to be annexed is completed, there will be capacity to adequately serve residents of such area with all necessary utilities, facilities and public services.	Complies	Property is surrounded by city property on all sides. Annexation and zoning would allow the site to be serviced with city utilities and allow for future housing.

Div. 8-3-4 Zoning and Rezoning Approval Criteria	Finding	Rationale
1. The rezoning is consistent with the Arvada Comprehensive Plan, or an adopted sub-area plan, corridor plan, or urban renewal plan, or	Complies	The applicant is requesting that the comprehensive plan be amended to allow for the proposed zoning. Staff

reflects conditions that have changed since the adoption of the Comprehensive Plan.		supports the change due to the property's proximity to a busy arterial street to the north and commercial use to the east.
2. The intended land use is consistent with the stated intent of the proposed zoning district.	Complies	The intended use is consistent with the proposed zoning.
3. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will, prior to development, be available to serve the subject property while maintaining adequate levels of service to existing development.	Complies	A necessary facilities and services will be available to the property prior to development.
4. The intended land use for which the rezoning is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.	Complies	The intended land use will not result in significant adverse impacts to the natural environment.
5. The rezoning is consistent with the character of existing or planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any negative impacts.	Complies	The proposed rezoning is consistent with the existing and planned development in the neighborhood.

STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the project.



Neighborhood Meeting Summary

Virtual Neighborhood Meeting

Location: Go To Meeting Virtual Platform

Date; Time: August 20, 2020; 5pm

Attendees: 14 neighbors
Shane Greenburg, City of Arvada Planner
John Johnson, Owner
Alina Randall, PE, Civil Engineer with CVL Consultants

Mailer Sent out August 5, 2020 (Copy of Mailer and Recipient List Attached)

Concerns, Issues, Problems with Annexation/Zoning Change:

The main concerns raised with the proposed annexation, subdivision, and zoning change were regarding the potential building height of 45 feet (with MX-S zoning) and an increase in unit density on the site.

As a compromise with the neighborhood, the Owner has changed the zoning request from Mixed Use Suburban to Residential 13 to restrict building height to 35 feet. This will also reduce the volume of pedestrian and vehicular traffic versus a mixed-use zoning.

NOTICE OF NEIGHBORHOOD MEETING

This notice is to inform you of an upcoming opportunity to participate in a neighborhood meeting for a proposed development project planned within the City of Arvada.

PROJECT NAME: 15812 W 64th Avenue Annexation and Subdivision

PROPERTY LOCATION: 15812 W 64th Avenue

APPLICATION SUMMARY: It is proposed that the existing 2 acre site be annexed into the City of Arvada, subdivided into 3 lots, and zoned as Mixed Use Suburban (MX-S).

MEETING INFORMATION

DATE: Thursday, August 20, 2020

LOCATION: Virtual Meeting – Access on the Web or by Phone
<https://global.gotomeeting.com/join/910857237/>
+1 (571) 317-3122 Access Code 910-857-237

TIME: 5:00pm

PROJECT REPRESENTATIVE

NAME: Alina Randall
CVL Consultants

PHONE NUMBER: 720-249-3541

EMAIL ADDRESS: arandall@cvlinc.net

ARVADA STAFF CONTACT

NAME: Shane Greenburg

PHONE NUMBER: 720-898-7440

EMAIL ADDRESS: sgreenburg@arvada.org

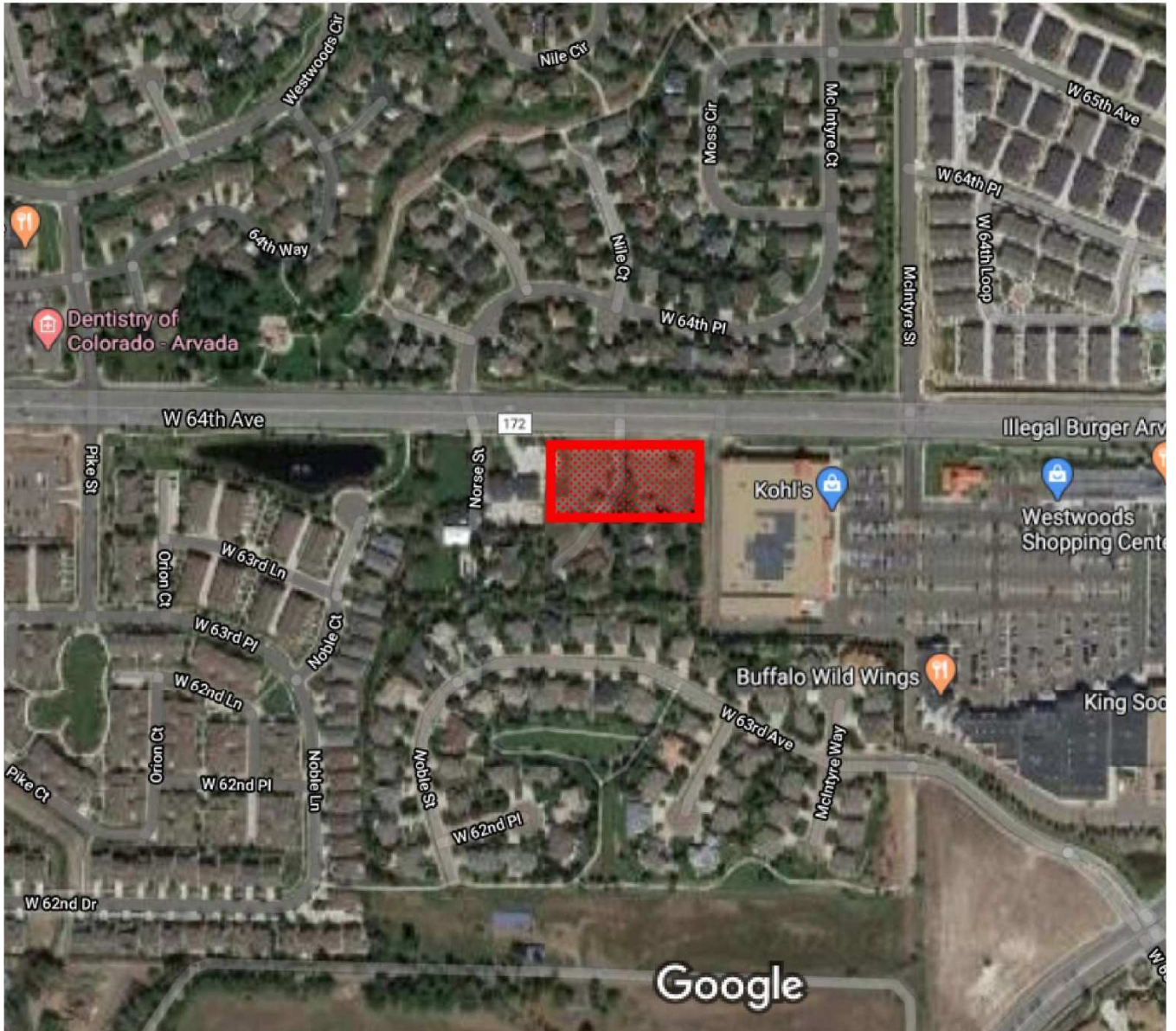
During the neighborhood meeting the project representative will present the proposed project to the audience, and may have a graphical representation of the proposal, a project fact sheet, and/or detailed handouts regarding specific details of the planned development for audience review.

Audience members will be given an opportunity to ask questions and provide comment regarding the proposed project.

Arvada city staff will be available at the meeting to address any questions regarding the development review and application process.

Please feel free to contact the project representative or the Arvada staff contact with any questions regarding the meeting.

PROJECT VICINITY MAP



WARE HOLDINGS LLC
PO BOX 427
GOLDEN, CO 80402

**MEADOWS AT WESTWOODS RANCH MASTER
ASSOC**
8700 TURNPIKE DR 230
WESTMINSTER, CO 80031

CITY OF ARVADA
8101 RALSTON RD
ARVADA, CO 80002

VAGTS MATTHEW
6456 MC INTYRE CT
ARVADA, CO 80007

MASIEL RICHARD
6450 MC INTYRE CT
ARVADA, CO 80007

TURNER STEVE R
6446 MC INTYRE CT
ARVADA, CO 80007

SU ZHI WEI
6440 MC INTYRE CT
ARVADA, CO 80007

PRADO CAROLYN F
6436 MC INTYRE CT
ARVADA, CO 80007

SMITH CHARLES D
15670 W 64TH PL
ARVADA, CO 80007

BU LINTAO
15690 W 64TH PL
ARVADA, CO 80007

CAO JIAN WEI
15730 W 64TH PL
ARVADA, CO 80007

CHAMBERS ELIZABETH G
2121 N FRONTAGE RD W 211
VAIL, CO 81657

GRIEVE JOSEPH J JR
15770 W 64TH PL
ARVADA, CO 80007

**MEADOWS AT WESTWOODS RANCH MASTER
ASSOC**
8700 TURNPIKE DR 230
WESTMINSTER, CO 80031

GIFTS ARTHUR
15790 W 64TH AVE
ARVADA, CO 80007

FISCHBACH MICHAEL B
15810 W 64TH PL
ARVADA, CO 80007

SHELTON KATHRYN
15830 W 64TH PLAC
ARVADA, CO 80007

CONTI SAM C
15850 W 64TH PLAC
ARVADA, CO 80007

BRANING WILLIAM S
15870 W 64TH PL
ARVADA, CO 80007

MCCOY ELAINE A
15890 W 64TH PL
ARVADA, CO 80007

WHITE SARA
6424 NORSE ST
ARVADA, CO 80007

BOGAR LYNDA S
6414 NORSE ST
ARVADA, CO 80007

LAWS JOHN THOMAS
6404 NORSE ST
ARVADA, CO 80007

NELSON CHAD M
6474 MOSS CIR
ARVADA, CO 80007

SCHAEFER ELIOT CHARLES
6470 MOSS CIR
ARVADA, CO 80007

SCHUBERT THOMAS D
6468 MOSS CIR
ARVADA, CO 80007

FERREIRA NICHOLAS
6464 MOSS CIR
ARVADA, CO 80007

ILYES BARBARA
6461 MCINTYRE CT
ARVADA, CO 80007

ANDERSEN VICTOR E
6457 MC INTYRE CT
ARVADA, CO 80007

ANDERSON ROBERT D
15731 W 64TH PL
ARVADA, CO 80007

BELL SHAWN L
15751 W 64TH PL
ARVADA, CO 80007

SMITH H O
15771 W 64TH PL
ARVADA, CO 80007

KIMBALL WILLIAM D
15791 W 64TH PL
ARVADA, CO 80007

RUSSELL DEBORAH
15811 W 64TH PLAC
ARVADA, CO 80007

CELENTANO NORMA E
6442 NILE CT
ARVADA, CO 80007

WEAVER GRIFF R
6452 NILE CT
ARVADA, CO 80007

MAJ DARIUSZ
6453 NILE CT
ARVADA, CO 80007

KOSMIDER THADEUS
6443 NILE CT
ARVADA, CO 80007

KILANDER KERRY
6433 NILE CT
ARVADA, CO 80007

TOWER DANIEL B
15906 W 64TH CIR
ARVADA, CO 80007

HUBER DANIEL A
15916 W 64TH CIR
ARVADA, CO 80007

JOHNSON LARS A
15926 W 64TH CIR
ARVADA, CO 80007

KLINE JOHN E
15917 W 64TH CIR
ARVADA, CO 80007

GREGORY FROST LAURIE
15907 W 64TH CIR
ARVADA, CO 80007

WANG YI
15905 W 64TH LN
ARVADA, CO 80007

PHILLIPS ROBERT S
15915 W 64TH LN
ARVADA, CO 80007

VELISEK GREGORY P
15925 W 64TH LN
ARVADA, CO 80007

METTERS DAWN M
15924 W 64TH LN
ARVADA, CO 80007

QUINNELL DANIEL
15914 W 64TH LN
ARVADA, CO 80007

ENTERLINE REBECCA L
15904 W 64TH LN
ARVADA, CO 80007

**MEADOWS AT WESTWOODS RANCH MASTER
ASSOC**
8700 TURNPIKE DR 230
WESTMINSTER, CO 80031

BRANDT STEVEN
15902 W 64TH AVE
ARVADA, CO 80007

RICHARDSON LARK
16002 W 64TH AVE
ARVADA, CO 80007

JENNISON DONALD P
15822 W 64TH AVE
ARVADA, CO 80007

WARE HOLDINGS LLC
PO BOX 427
GOLDEN, CO 80402

ERICKSON STEVEN J
15905 W 63RD AVE
GOLDEN, CO 80403

WARD VINCENT E
15885 W 63RD AVE
ARVADA, CO 80007

BEVERLIN DAVID L
15865 W 63RD AVE
ARVADA, CO 80004

ALLER SCOTT
15845 W 63RD AVE
ARVADA, CO 80403

EMERY REX C
15825 W 63RD AVE
GOLDEN, CO 80403

STAUFFER JEFFREY W
15300 W 55TH AVE
GOLDEN, CO 80403

SILZ HEINZ O
15785 W 63RD AVE
GOLDEN, CO 80403

LIPSON DAVID S
15765 W 63RD AVE
GOLDEN, CO 80403

GUERNSEY MICHAEL LEE
15745 W 63RD AVE
GOLDEN, CO 80403

MEYERHOFF RICHARD D
15725 W 63RD AVE
ARVADA, CO 80004

PEVONKA DANIEL C
15705 W 63RD AVE
GOLDEN, CO 80403

SHARON K ARAJI LIVING TRUST
15665 W 63RD AVE
GOLDEN, CO 80403

DONNA D DRAKE TRUST
15685 W 63RD AVE
GOLDEN, CO 80403

CHRISTINE BEVERLY A
6321 MC INTYRE WAY
ARVADA, CO 80403

KOHL'S DEPARTMENT STORES INC
PO BOX 2148
MILWAUKEE, WI 53201

SCHNELL HANS
PO BOX 630992
LITTLETON, CO 80163

HIX ROBERT J
6396 NOBLE CT
ARVADA, CO 80403

MCAVIN CHAD
6388 NOBLE CT
ARVADA, CO 80403

CONNELL MARTHA T
6386 NOBLE CT
GOLDEN, CO 80403

REESMAN JAMES ROBERT JR
6378 NOBLE CT
GOLDEN, CO 80403

PFAFF PATRICIA ANN
6376 NOBLE CT
ARVADA, CO 80403

BOYD PONDS METROPOLITAN DISTRICT #2
450 E 17TH AVE 400
DENVER, CO 80203

MC INTYRE DEVELOPMENT COMPANY LLC
107 S PUBLIC RD
LAFAYETTE, CO 80026

HASSE PATRICK R
6293 MC INTYRE CT
GOLDEN, CO 80403

HICKS PATRICK W
15764 W 63RD AVE
ARVADA, CO 80403

PERKINS JORDAN
15784 W 63RD AVE
ARVADA, CO 80403

MAYEDA SAM K
15804 W 63RD AVE
GOLDEN, CO 80403

HICKOX REVOCABLE TRUST
15824 W 63RD AVE
GOLDEN, CO 80403

LICHON STEVEN J
15844 W 63RD AVE
ARVADA, CO 80403

WANG JUNPING
6024 BERWYND CT
FAIRFAX, VA 22030



Project Name: 15812 West 64th Avenue Annexation

Prepared By: Alina Randall, PE

Date: August 20, 2020; 5pm

Meeting Subject: Virtual Neighborhood Meeting

Meeting Attendees:

Shane Greenburg, City of Arvada Planner (SG)	MLC
John Johnson, Owner/Applicant (JJ)	Patricia Pfaff
Alina Randall, PE, Civil Engineer, CVL Consultants/Applicant (AR)	George Webb
	Kendra Moore
Melisa Cowden	Judy Fischbach
Steve Brandt	Rex Emery
Melisa Kitowski	Dave Lipson
Lynn Clemens	Scott Aller
HRS Water Consultants	Discount Tire Company (Howard)

SG: Explained that purpose of meeting is for City of Arvada to understand the feel of the neighbors early on in the process prior to submitting the application to city council. The notes from this meeting will go in the file for city council/planning commission. This meeting allows the City of Arvada to understand what the neighbors have concerns with before the project goes to city council. Shane's email address is sgreenburg@arvada.org. Meeting minutes will be created and will be provided if you send an email to Shane. If you send an email with comments, they will be included in the project file.

Neighbor: Why is MXS zoning proposed and not neighborhood zoning?

Neighbor: What is the time frame for the project review?

AR: The application is anticipated to be submitted in late September.

AR: This project is requesting to annex a roughly 2-acre parcel of land into the City of Arvada. The project is located at 15812 W 64th Avenue along E. 64th Avenue. There is a Kohl's and commercial shopping center to the west and residential subdivisions to the south and north of the land parcel. Concept plan is introduced. Currently land is part of unincorporated Jefferson County. The parcel already has a water connection to City of Arvada. The project will subdivide the land into three parcels:

two half-acre lots along West 64th Avenue, and one lot to the south which is about 1 acre. The project also proposes to construct a sanitary sewer pipe within the parcel. The land is proposed to be zoned Mixed-Use Suburban, which allows commercial and residential. Because of Kohl's commercial area, owner feels this zoning fits in with Arvada plan.

Neighbor: What is distance between Kohl's and proposed building?

SG: Per MXS zoning, interior side setback is 10ft.

AR: From Kohl's wall to property line is about 60ft.

Neighbor: How will current access easement be affected by this parcel? (This access easement is over a driveway that leads to project site and neighboring house.)

AR: There is no proposal to remove this access. When sanitary pipe is installed, another easement will be provided.

Neighbor: What size of sanitary is being proposed? What is the existing water line size?

AR: An 8" sanitary line is being proposed. The existing waterline is less than 1".

Neighbor: MXS allows 45ft (tall building). A 45ft tall building could be proposed on the southern lot, Lot C

JJ: This project was started to sell the land and the house. Currently, Lot C is already a separate lot, this project will separate the lot along 64th into 2 lots. In addition, a sanitary sewer connect is desired this cannot be accomplished until the property has annexed into Arvada. The land must be part of the City of Arvada in order to obtain a sewer tap. This has been confirmed by the city planners in several meetings.

Neighbor: Please clarify why you are applying for mixed use.

JJ: This is per the plan of Arvada. It is the path of least resistance per meetings with City of Arvada.

SG: Actually, this will require Comprehensive Plan Amendment. Currently zoned for medium use residential. Based on neighbor's comments, it sounds like most neighbors aren't as concern with the annexation as they are with the rezoning.

Several neighbors confirm this.

SG: We do have a comprehensive plan; I apologize if this wasn't clear in the pre-application meeting. A different zoning can be requested, but the applicant must apply for a Comprehensive Plan Amendment.

Neighbor: John, please inform us of your intention for a mixed-use zoning.

JJ: Per pre-application meetings with the city, a mixed-use zoning is what the city wants. This zoning will improve the marketability of the lots. The property is not currently contract, the asking price is \$1.518M.

Neighbor: What can we as neighbors do to oppose this zoning request?

SG: The first step is to email your comments to sgreenburg@arvada.org. Shane will send you what is allowed within an MXS zone. The applicant is not proposing to build. The annexation doesn't require a subdivision of the lots, but the zoning, which is currently A2, must be changed. Three applications will be required from the applicant to do this work: annexation (which will allow the applicant to have City water and sewer connection), subdivision, and a zoning/comprehensive plan amendment.

Neighbor: Why are you changing zoning?

Neighbor: Will Lot C be annexed as well?

JJ: The entire property must be annexed to have sewer connection.

Neighbor: Are you open to zoning for residential zoning instead of MXS?

SG: The Comprehensive Plan shows this area zoned as Suburban Residential, which allows 5 dwelling units/acre. For MXS, the Comprehensive Plan will have to be amended. This will go through the Planning Commission for approval. This neighborhood meeting is the first step, once the application is submitted, it will go through 3 reviews at least in the planning department, then to Planning Commission and then City Council.

Neighbor: Does anyone require the applicant to follow comprehensive plan?

SG: The applicant can apply for any zoning. It is up to Planning Commission and City Council what to approve.

.

Neighbor: Please explain why an 8" sanitary service and a large water service are being requested? We will fight this change.

JJ: No changes are being made to the water service; it was installed in 1970.

Neighbor: There are concerns with mixed use zoning. Why is applicant pursuing this zoning?

JJ: This zoning provides great variability and greater market.

Neighbor: What exactly can be constructed within MXS zoning?

SG: the website www.advancearvada.org has the Land Development Code and zoning maps. Page 36 of the Land Development has MXS zoning information and available land uses. Shane will email this information if neighbors reach out to him via email.

Neighbor: Will this sewer line support residential? Or is it too big?

Neighbor: Shane, we are hoping City Council will represent the people.

SG: The purpose of this meeting is to gather your comments, questions, and concerns. The city planners will require all applications to follow the recommendation of City Council. The planners don't make recommendations. The applicant can submit for an amendment to the Comprehensive Plan, but that doesn't guarantee an approval. That decision will be made by City Council and Planning Commission.

Neighbor: First step is Planning Commission and City Council. We need to stop the zoning change. Mr. Johnson doesn't have to pay for the sewer, correct? He just needs approval to change zoning. Future builder could pay.

SG: A civil engineer is required to be involved in any subdivision as there could be utility access changes or sidewalk changes. The City does have tap fees, but also requires stamped engineering plans.

Neighbor: What is the allowed height?

SG: Correct, townhomes are allowed. 35ft is the believed maximum building height but it depends on the zoning. Per the Comprehensive Plan today, townhomes would be allowed.

Neighbor: Does Mayor Marc Williams vote on City Council? This is a conflict of interest because he mediated a neighbor's property due to a divorcing couple. How can he be eliminated from the vote?

SG: Please send an email to sgreenburg@arvada.org and this information will be passed on.

Neighbor: What size sanitary pipe is required for townhomes?

JJ: Arvada indicated that this would be used as a buffer space from Kohl's, which led owner to choose mixed-use zoning. The problem is that the land wasn't sold sooner and everything developed around this property. The conundrum is that the owner waited for people to buy the land in this area, and now the dilemma is that the residents don't like the fact that they built around this property and a change is being made.

Neighbor: The owner has lived here longer than the residents?

JJ: Owner has lived here for the last 40 years.

Neighbor is concerned that more homes in the area would increase the chance someone could hop the fence and drown in the pool. A duplex or four-plex would require a change in liability, higher taxes, and insurance for him, personally.

Neighbor proposed idea of city developing this area into community pool.

Neighbor: How are neighbors kept informed when this goes to planning commission? What is project number?

SG: For the Planning Commission and City Council meetings, everyone within 500ft will receive notice in the mail, just like for this meeting. If you send planner an email, he can give you the project number once it's assigned. Where you want to make your voice heard is at the Planning Commission meeting. The Planning Commission and City Council will see meeting minutes from today and any emails received.

Neighbor is concerned about notice provided to neighbors.

AR: Mailer notices were sent to all neighbors within 500ft.

SG: City requires that mailers are sent out to all neighbors within 500ft. Door to door notice is not required.

Neighbor: How do neighbors contact the planning committee? Do they have an email address?

SG: They aren't elected officials, like City Council. It is recommended that you contact your representative at city council and ask them to reach out.

Neighbor: There is a recall of city council. How will that affect this project?

SG: It won't have a direct effect on this project. This will still go to City Council. The land development code does not state that. It is recommended that you attend the planning commission meeting to state your opinions.

Neighbor: Offers support for neighbors going door to door to notify neighbors: Melisa1@me.com

Neighbor: John, any intention to sway your zoning request?

JJ: Owner wants to get best value for the land. Owner has heard neighbor comments and will take these into account.

Neighbor: Many neighbors are prepared to flood Planning Committee and City Council.

SG: Be aware once zoning has been completed; this will not go back to City Council when a building is proposed. If you send an email requesting notification, planner will keep you informed about the process. Please email (sgreenburb@arvada.org) any comments, and they will be included in the project package. Please also attend the Planning Commission and City Council meetings to make your voice heard.

Synopsis of Meeting Minutes from November 17, 2020 Planning Commission

Comprehensive Plan Amendment, Annexation and Rezoning 15812 West 64th Avenue, Approximately Located at 15812 West 64th Avenue and an Annexation 15812 West 64th Avenue.

Mr. Owens entered into the record the Staff Report dated June 8, 2021, affidavits of mailing and posting, and posting log.

Mr. Greenburg gave a brief overview of the project. Staff recommends approval.

John Johnson and Alina Randall, applicant, explained the site, the zoning, and the reasons for the requests. She stated currently there's not any construction plan for the lot.

Mr. Owens opened the hearing for comments from the public.

PUBLIC COMMENT

IN FAVOR

None.

IN OPPOSITION

None.

APPLICANT REBUTTAL

None.

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Magee asked the applicant if the home to the South is owner occupied and not a rental.

Mr. Johnson responded that he lives there.

Mr. Magee and Mr. Johnson had some discussion on the slope of the property.

Mr. Magee asked Staff, if the R13 zoning that is being requested has a 35 foot height limitation.

Mr. Greenburg responded, correct 35 foot.

Mr. Magee and Mr. Greenburg discussed if the height matches the residential units to the North of 64th and to the South. Mr. Greenburg stated the max height for the RN zoning is 28 feet. He stated the applicant originally proposed a mixed use zoning, which would have given a 45 foot height. Mr. Greenburg commented that in the neighborhood meeting, comments were concerning the height. The applicant went with the R13 to have the max height of 35 feet.

Mr. Magee asked if the R13 zoning is different than the current zoning directly to the West from 12.5, which R13 has some conditional and limited uses. Would that come before the Planning Commission or would that be resolved administratively.

Mr. Greenburg responded Conditional Use would go to Planning Commission.

Mr. Gay asked for a guesstimate on approximately how many units would fit on 1.93 acres in the R13 designation.

Mr. Greenburg responded approximately 20 units.

Mr. Knapp asked for clarification that this lot is still in Jefferson County.
Mr. Greenburg responded it is currently A2 in Jefferson County.

Mr. Knapp asked if there are any plans coming before the City at this time.

Mr. Greenburg responded not that the City is aware of.

Mr. Knapp asked for clarification regarding the staff report and the proposed annexation and rezoning is consistent with the City Council's Strategic Plan and principles and Community and Economic Development work could Staff identify and explain what this is based upon.

Mr. Greenburg responded that Staff is recommending approval on the comprehensive plan amendment and if the Commission approves it would comply with the strategic plan that 95% of all developments conform to the City's Comprehensive Plan.

Mr. Knapp asked if the applicant has provided any information as to what is being proposed with the R13 and how it will be built out.

Mr. Greenburg responded that Staff's understanding is the applicant would not be developing, but will be selling the lots.

Mr. Johnson stated he is not developing the property. Just intends to do the annexing and rezoning to create flexibility for sale of the property, as well as potentially adding sewer to sell the lots separately.

Mr. Hannan stated he did not receive the neighborhood meeting summary and wanted a quick overview of what the neighborhood said.

Mr. Greenburg apologized for that not being included. He stated the biggest concern from the neighborhood meeting was the 45 foot tall buildings and potentially allowing

commercial on the lots that are allowed in the mixed use zoning. He stated the neighborhood seemed to like that the applicant agreed to go to R13 with a maximum height of 35 feet.

Ms. Connell asked if this would impact the traffic on 64th.

Mr. Greenburg responded there is no site plan at this point; therefore no traffic study will be done.

Mr. Griffith asked if the Planning Commission would hear what would potentially be developed on this site.

Mr. Greenburg responded unless they are proposing something that is not allowed on R13, it would be reviewed by Staff.

Mr. Griffith asked if Staff could give an idea of what could potentially be developed at this site.

Mr. Greenburg responded R13 could allow townhome, duplexes, and single family homes. There are some restrictions on buffer yards between multi families such as townhomes. He stated engineering would decide if a traffic study would be required once we know what would be proposed for this site.

Mr. Owens asked if there were any further comments, no more comments were made. Mr. Owens asked for a motion.

MOTION:

It was moved by Mr. Magee, that the Comprehensive Plan Amendment for 15812 West 64th Avenue, LDR to MDR, generally located at 15812 West 64th avenue be approved and recommended to City Council for ratification.

DISCUSSION OF MOTION:

None

The following votes were cast on the motion:

Those voting Yes: Owens, Griffith, Gay, Connell, Magee, Hannan, Knapp

Those voting No: None

Those absent: None

The motion carried 7-0.

Mr. Owens explained that the motion carried.

Mr. Owens asked for a motion.

MOTION:

It was moved by Mr. Magee, that the Annexation for 15812 West 64th avenue, generally located at 15812 West 64th Avenue, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 5 and 6 of the Staff Report.

DISCUSSION OF MOTION:

None

The following votes were cast on the motion:

Those voting Yes: Owens, Griffith, Gay, Connell, Magee, Hannan, Knapp

Those voting No: None

Those absent: None

The motion carried 7-0.

Mr. Owens explained that the motion carried.

Mr. Owens asked for a motion.

MOTION:

It was moved by Mr. Magee, that the Rezoning for 15812 West 64th avenue, from Jefferson County to the City of Arvada R13, generally located at 15812 West 64th Avenue, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 5 and 6 of the Staff Report.

DISCUSSION OF MOTION:

None

The following votes were cast on the motion:

Those voting Yes: Owens, Griffith, Gay, Connell, Magee, Hannan, Knapp

Those voting No: None

Those absent: None

The motion carried 7-0.

Mr. Owens explained that the motion carried.



15812 W 64th Avenue Annexation
ANNEXATION & DEVELOPMENT AGREEMENT

THIS ANNEXATION & DEVELOPMENT AGREEMENT ("Agreement") between Ware Holdings, LLC, a Colorado Limited Liability Company ("Annexor") and the City of Arvada, Colorado, a Colorado municipal corporation ("City"), shall be effective upon execution by all applicable parties and immediately upon approval by the City of Arvada as evidence by the approval signature where indicated below.

RECITALS AND REPRESENTATIONS:

WHEREAS, the Annexor represents that it is the sole Annexor of the following described property generally located at 15812 W 64th Avenue, in the City of Arvada, County of Jefferson, State of Colorado, more fully described as follows:

See attached Legal Description Exhibit A

known as ("Property").

WHEREAS, the Annexor desires to annex the Property to the City, and to that end has filed a Petition for Annexation of the Property into the City, pursuant to the Colorado Municipal annexation Act, C.R.S. 31-12-101, et seq.; and

WHEREAS, the City wishes to control its growth in a planned and orderly fashion, maintaining the improvements and the quality of life and the City's ability to provide and enhance environmental amenities, services, and local opportunities for its citizens; and

WHEREAS, the Annexor is planning development of the Property as Residential, which is generally located at 15812 W 64th Avenue. The Annexor's development and construction plans include the installation of certain public infrastructure including, but not necessarily limited to, sanitary sewer facilities, water line facilities, storm drainage facilities more particularly shown on City Job No. 2020-0123.

WHEREAS, the Annexor has submitted to the City a proposed Final Plat and construction plans for the Property, which include supporting documentation for the development thereof. The plat, construction plans, and other supporting documents, as approved by the City, are public records on file and available for review at the City of Arvada City Hall, 8101 Ralston Road, Arvada, Colorado. These approved plans and associated documents, are also incorporated into this Agreement for all purposes including illustration and interpretation of the terms and conditions of this Agreement, and may herein be referred to collectively as the "Final Plans".

WHEREAS, the parties hereto understand and agree that the intent of this Agreement is to establish obligations and responsibilities with respect to the development of the Property in accordance with the Final Plans, said obligations and responsibilities being covenants that run with the Property, encumbering such and governing the development thereof. The Annexor shall be affirmatively bound to satisfy all of the obligations and responsibilities set forth herein (including the construction of public improvements).

NOW, THEREFORE, in consideration of the mutual promises, covenants, and agreements of the parties, the approval by the City of Arvada of the Final Plans for the Property, the dedication of certain land and/or easements to the City and other good and valuable consideration, the sufficiency and adequacy of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. PLAN AND AGREEMENT APPROVALS: The Annexor, upon approval of the Final Plans for the Property, shall immediately submit copies of the approved Final Plans to the Director of Community and Economic Development. No construction may occur on or associated with the Property and no building permits may be issued until construction documents for all required improvements are submitted and approved by the City Engineer. Upon approval, the Annexor shall provide the City Engineer the approved final construction plans for the construction of water lines and sanitary sewer services associated with development of the Property, as required by the City. Said Construction Plans shall meet the approval of the City and the proposed development shall be constructed according to the Final Plans. No approval of the public improvements as referenced in the Construction Plans conferred by this Agreement and approval shall be independently made by the City Engineer following the City Engineer's determination that the plans meet the applicable City engineering specifications, commonly accepted engineering practices, and all applicable codes, ordinances, and State, Federal and local laws. Additional public improvements may be necessary at the time of future site plan approval(s).

2. CODE COMPLIANCE: The Annexor shall comply with all codes, ordinances, and rules and regulations of the City. Development of the Property shall also be in conformance with all aspects of the Final Plans and shall be completed prior to issuance of the first certificate of occupancy within the Property. This shall include, but not be limited to, street and parking lot paving and striping, landscaping, trash enclosures, rooftop and wall mounted equipment, building elevations, and all other requirements of the Final Plans and applicable City codes, ordinances, and rules and regulations.

3. PAYMENT OF FEES: The Annexor shall pay all fees and other charges in a timely manner as required by the City, including but not limited to building permits, inspection fees, tap fees, drainage fees, park and school dedication and development fees, and departmental review fees imposed by the City by ordinance, rule, resolution, motion, or by the terms and conditions of this Agreement. Unless otherwise agreed to by the City, the Annexor's payment of fees and charges specified by this Agreement shall be made in the form of certified funds, cashier's check, or cash delivered to the City of Arvada, Municipal Building, 8101 Ralston Road, Arvada, Colorado 80002. The City shall not accept personal or business checks or drafts not certified by

a financial institution as payable.

4. PARK LAND DEDICATION/FEE-IN-LIEU: The Annexor shall provide cash-in-lieu for park dedication as required by the LDC, Division 8-4-3. Payment shall be based on the fee rate in effect at the time of payment. Based on the current fee rate in the LDC and an appraisal provided by the Annexor at \$153,061/acre, the current amount of this fee shall be \$13,040.80. Payment of this fee-in-lieu of park land dedication must be paid prior to approval of the plat.

5. PARK DEVELOPMENT FEE: The amount of park development fees shall be based on the rate in effect at the time of payment. Currently this fee is \$1,708.28 per unit for single family detached units. For three lots, this fee currently equates to \$5,124.84. The Annexor must pay the entire park development fee owed for the Property prior to recordation of the plat. Should any of these lots become duplex units, additional fees must be paid in compliance with the requirements for single family attached units, prior to issuance of any building permits.

6. SCHOOL LAND DEDICATION/FEE-IN-LIEU: The Annexor shall provide cash-in-lieu for school land dedication as required by the LDC, Division 8-4-3. Payment of these fees shall be based on the fee rate in effect at the time of payment. Based on the LDC and an appraisal provided by the Developer, the current amount of this fee shall be \$5,216.32. Payment of this fee-in-lieu of school land dedication must be paid to the City prior to approval of the plat or the first building permit, whichever occurs first.

7. FIRE DISTRICT APPROVALS: The Annexor shall address all of the comments noted in the referral responses, including any requirements for fire hydrants, emergency access lanes, and fire lane signage, and shall obtain approval from the Fire Protection District having jurisdiction prior to issuance of each building permit and certificate of occupancy (as applicable) for the Property.

8. CONSTRUCTION PHASING: The Annexor shall submit a construction-phasing plan, which illustrates the phasing of the public and private improvements for the entire Property with the submittal of construction plans for review. Within each identifiable phase of development, all public improvements shall be completed and inspected prior to issuance of the first building permit and all remaining aspects of the Final Plans related to that phase shall be constructed prior to the final certificate of occupancy within such phase. This shall include, but not be limited to street and parking lot paving and striping, landscaping, trash enclosures and related screening, rooftop mechanical screening, and all other requirements of the Final Plans and Arvada Land Development Code (LDC).

9. CONTRACTOR LICENSING: Before proceeding with work contemplated herein, the Annexor shall ensure that all contractors and/or subcontractors it employs be licensed by the City before the contractor and/or subcontractor may commence work on any improvements associated with development of the Property. The Annexor shall be responsible for ascertaining the status of any contractor or subcontractor to be utilized in the development of the Property, with respect to any uncorrected deficiencies in that entity's previous, unrelated work within the City or its outstanding omissions related to such work including, but not limited to, failure to: (i)

submit as-built construction plans, (ii) complete the process of placing public improvements under warranty (iii) submit tax certifications, (iv) submit test records.

10. DEVELOPMENT IMPROVEMENTS: The Annexor shall, at its own expense, design, furnish, construct, and install the public and private improvements in accordance with the plans and specifications approved by the City of Arvada, Colorado (City Job No. 2020-0123). These improvements shall include, but not be limited to, construction of all public/private streets, alleys, driveways, parking areas, water lines and mains, sewer lines and mains, drainage facilities, and landscaping within and adjacent to the Property in accordance with the approved Final Plans for the Property and with the requirements of the LDC. The public improvements must be completed prior to issuance of the first building permit for the Property unless specified differently.

All public improvements constructed by the Annexor in public rights-of-way, easements, streets or alleys shall become the property of the City immediately upon acceptance of said improvements by the City and the Annexor shall warrant said improvements for 2 years from the date of acceptance by the City. The Annexor shall complete the process of placing completed public improvements under warranty promptly upon completion. These improvements must be completed prior to issuance of the final certificate of occupancy. Failure to place such improvements under warranty may, in the City's discretion, result in the withholding or denial of subsequent building permits or certificates of occupancy.

The City may request, and the Annexor shall provide at the Annexor's cost, documentary evidence satisfactory to the City that any public right-of-way, easement, or other real property dedicated, conveyed, acquired, devised, or granted to the City are free and clear of encumbrances which, in the sole opinion of the City, defeat, limit, or impede the City's ability to use the relevant property as intended. The Owner and Annexor acknowledge that no construction may occur and no building permits may be issued until construction documents for all required improvements are submitted and approved by the City Engineer.

11. FUGITIVE DUST AND EROSION CONTROL: The Annexor shall meet all requirements and obligations imposed by the State of Colorado, County of Jefferson, and the City concerning management of stormwater runoff and fugitive dust, and shall comply with all Federal, State, County, and City requirements governing the stormwater conveyances, detention ponds, fugitive dust, and requirements associated with permits issued for erosion and sediment control on the Property. The Annexor shall provide a copy of all State and County permits acquired to Arvada's Stormwater Program prior to commencement of any earth disturbance work associated with the Property. Further, the Annexor shall fully comply with the applicable sections of the City's Site Development Permit Ordinance, Chapter 50, Sections 50-70 through and including 50-79 of the Arvada City Code, including the requirement to install and maintain best management practices to reduce soil erosion and control sediment generated by development of the Property. Compliance by the Annexor with such ordinance shall be a pre-condition of obtaining building permits or certificates of occupancy. The City may deny or revoke any permit issued to the Annexor in the event that the Annexor is non-compliant with City requirements. The Annexor shall also follow any new standards that the City may adopt for erosion and sediment control and fugitive dust due to changes in State and Federal requirements

or drought conditions.

12. RIGHTS-OF-WAY: The Annexor shall comply with all applicable provisions of Chapter 78, Article V of the Arvada City Code, entitled "Rights-of-Way." This article contains requirements including, but not limited to, Annexor escrow for improvements in public rights-of-way and street surface restoration for public streets.

13. SUBDIVISION MONUMENTATION: In accordance with the applicable Colorado Revised Statutes as amended, and in accordance with the LDC, the Annexor shall establish all subdivision monumentation and have the monumentation approved by the City prior to issuance of the first certificate of occupancy within the Property.

14. STREET IMPROVEMENTS AND MAINTENANCE: The Annexor shall maintain, in a reasonable, suitable and proper condition for travel, ingress and egress, all streets and access ways included within the Final Plans for the Property until they are completed and accepted for maintenance by the City. The Annexor shall take all steps necessary to limit and prevent the accumulation of, and to remove mud, sediment, dirt, trash, and other debris that is tracked, blown, or otherwise carried onto public property or off-site onto private property during development. Such obligation shall continue until all development associated with the Property is complete and improvements accepted by the City for maintenance. If the Annexor fails to remedy any conditions caused or generated by the development as contemplated herein within 24 hours of oral or written notice by the City, the City may enter the property, streets and public ways to remedy such conditions. The Annexor shall pay the City for any and all costs incurred by the City in remedying such conditions. Payment of said costs shall be made prior to the City's issuance of additional building permits or certificates of occupancy for all or any part of the development, or immediately upon request from the City, whichever is sooner. The City may limit, deny or revoke building permits or certificates of occupancy until such time as costs incurred, pursuant to this Agreement, are paid in full. Nothing herein shall obligate the City to remedy such conditions or shall limit the City in its selection of the method or manner of remedy, including but not limited to contracting with an individual or company to remedy such conditions. The Annexor shall also replace any broken, damaged, or settled concrete that fronts any lot associated with this development as deemed necessary by the City, prior to the issuance of the final certificate of occupancy on the Property.

15. INSTALLATION OF PARKING AND HARD SURFACE ACCESS: The Annexor shall install, sign and stripe all parking and hard surface areas within the Property, as illustrated on the Final Plans and in conformance with the LDC prior to the issuance of any certificate of occupancy for the Property. The Annexor shall comply with "Interpretation of Hard Surface Areas," Arvada City Code, Chapter 94, Section 94-64 and with the LDC.

16. UNDERGROUNDING OVERHEAD UTILITIES: The Annexor shall be responsible for undergrounding existing overhead utilities in conformance with the LDC. Any required improvements must be completed prior to the issuance of the first certificate of occupancy within the Property and shall be completed at no cost to the City.

17. PUBLIC UTILITY FEES: The Annexor shall pay all installation charges for

lighting, electric and gas required by Public Service Company/Xcel Energy for development of the Property.

18. LIGHTING RESTRICTIONS: Cut-off type fixtures with flush-mounted, flat lenses that cast light downward, and not out toward adjacent properties, must be used. All exterior lighting specifications must comply with the LDC. All exterior lighting must be approved by the Director of Community and Economic Development prior to issuance of the first building permit within the Property. All lighting associated with the development of this Property shall be extinguished within 1 hour of closing (except for that needed for security purposes) and shall remain off until 1 hour prior to opening for business on the following day. Should it be determined by the City, at a later date, that lighting on the Property is problematic to any adjacent residential uses, the Annexor, or their successors and assigns, as applicable, shall promptly adjust the light fixtures to resolve the issue to the City's satisfaction.

19. STORMWATER APPURTENANCE CONSTRUCTION AND MAINTENANCE: The Annexor shall obtain approval from the City Engineer of the final drainage plan for this development prior to approval of the associated Construction Plans/Final Plans. The Annexor shall install stormwater conveyances, detention ponds, swales, infiltrations beds, underground best management practices, or any other stormwater feature as detailed on the approved construction drawings unless prior written approval is obtained by the City Engineer. The Annexor shall meet all requirements, obligations, and best engineering principles imposed by the State of Colorado, County of Jefferson, City, and Urban Drainage and Flood Control District governing the construction of stormwater conveyances, detention ponds, swales, infiltration beds, underground best management practices, or any other water quality feature.

Drainage easements are required for all detention areas and drainage channels, which shall be privately maintained by the Annexor, its successors or assigns. The Annexor shall include language to this effect in any covenants for the Property. Maintenance of stormwater appurtenances must be conducted on a routine basis and in response to the Annexor or its successors' or assigns' annual inspection and evaluation of the stormwater conveyances' condition. Should ownership of stormwater appurtenances or maintenance responsibilities change, the City of Arvada Stormwater Program must be notified in writing of all new contact information within 30 days of changes taking effect. The City will enforce stormwater installation and maintenance provisions throughout the construction of the Property and beyond as required by law. In no event shall the City be responsible for constructing or maintaining the drainage/detention facilities or maintaining the easements within the Property.

20. WATER RIGHTS: Chapter 102, Article II, of the Arvada City Code requires that all Property annexed into the City, must convey any tributary water rights appurtenant thereto to the City of Arvada. The Annexor of the Property has declared that no water rights are associated with the Property. Should it be determined otherwise, the Annexor shall be required to comply with the conveyance requirements of the Arvada City Code. In addition, the City, upon annexation, will not acquire, or require conveyance of, existing well water rights, but shall have a right of first refusal to have such rights conveyed to the City, pursuant to the Arvada Land Development Code, in the event the Annexor, or its successors or assigns, desires to convey such rights to any party other than a subsequent purchaser of the landowner's lot(s) upon which the

well is situated.

21. AS-BUILT CONSTRUCTION PLANS: The Annexor shall file, or cause to be filed, with the City an original or reproducible copy of the as-built construction plans of said public improvements promptly upon the completion of the improvements. Failure to do so will delay commencement of the two-year warranty for said public improvements, in which case the Annexor agrees to hold harmless and indemnify the City for any and all actions, claims, damages, injuries, and liabilities resulting from, or in any way related to, such improvements or the failure to submit such as-built plans. The Annexor further understands and agrees that, as a result of its failure to promptly submit such as-built plans, the City may withhold or deny subsequent building permits or certificates of occupancy, either related to the Property or any subsequent development by the Annexor, until such failure is remedied. This section shall survive the expiration or earlier termination of this Agreement.

22. FORCE MAJEURE: Any delays in or failure of performance by any party of their respective obligations under this Agreement shall be excused if such delays or failure are a result of acts of God, fires, floods, pandemics, strikes, labor disputes, accidents, regulations or orders of civil or military authorities, shortages of labor or materials, or other causes, similar or dissimilar, which are beyond the control of such party, and which are agreed to by the parties as justifying delay.

23. WAIVER: A waiver by any party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either party.

24. BINDING EFFECT: The parties hereto agree that this Agreement, by its terms, shall be binding upon the successors, heirs, legal representatives, and assigns thereof and shall constitute covenants running with the Property. In the event that all or part of the Property is sold, transferred, or otherwise conveyed to additional or multiple parties, all owners and developers shall be jointly and severally responsible for the obligations of the Annexor as set forth in this Agreement.

25. SEVERABILITY/AMENDMENT: Invalidation of any of the provisions of this Agreement or any paragraph sentence, clause, phrase, or word herein or the application thereof in any given circumstance shall not affect the validity of any other provision of this Agreement. This Agreement may be amended only by an instrument in writing signed by all parties.

26. NO THIRD PARTY BENEFICIARIES: It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the City, the Owner, and the Developer, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third person on such Agreement.

27. GOVERNING LAW AND ENFORCEMENT: The laws of the State of Colorado shall govern this Agreement. The parties agree and acknowledge that this Agreement may be enforced at law or in equity. In addition to any other available remedies, it is understood and

agreed that the City may withhold or revoke any permits or certificates, including but not limited to building permits and certificates of occupancy, for the Property or for any structure or lot within this development in the event of a breach of this Agreement by the Annexor.

28. ATTORNEYS' FEES: If the Annexor breaches this Agreement, then they shall pay the City's reasonable costs and attorneys' fees incurred in the enforcement of the terms, conditions, and obligations of this Agreement.

29. PARAGRAPH CAPTIONS: The captions of the paragraphs are set forth only for the convenience and reference of the parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

30. RECORDATION FEES: The City of Arvada shall record this Agreement and any approved subdivision plat for the Property (as applicable) with the Clerk and Recorder's office of the appropriate county per the provisions of the LDC. Prior to recordation, the Annexor shall provide the City with an updated title commitment to ensure that all appropriate parties in interest sign this Agreement. Prior to recordation, the Annexor shall also pay all costs associated with recordation of these items with the County Clerk and Recorder.

31. INCORPORATION OF EXHIBITS: Unless otherwise stated in this Agreement, exhibits referenced in this Agreement shall be incorporated into this Agreement for all purposes. Reference to "Job Numbers" or "Project Numbers" in this Agreement is a reference to Final Plans and documentation which is retained as a public record on file and available for public inspection and review upon request at the City of Arvada, Municipal Building, 8101 Ralston Road, Arvada, Colorado. Such Final Plans and documentation filed with the City, approved by the City and noted within this Agreement are hereby incorporated into this Agreement for all purposes.

32. REVIEW OF REFERENCED DOCUMENTS: The Annexor hereby understand and acknowledge that the public documents referenced in this Agreement, including but not limited to the Arvada City Code, LDC, Engineering Specifications, and Design Guidelines were, prior to the execution of this Agreement, and are presently, available for review and inspection at the Arvada Municipal Building, 8101 Ralston Road, Arvada, Colorado, from 8:00 a.m. through 5:00 p.m., Monday through Friday.

33. FAILURE OR DELAY OF THE PROJECT: The parties agree that the Annexor's remedies in the event of an alleged or actual breach by the City are expressly limited to specific performance or injunctive relief, and the Annexor are expressly precluded from seeking monetary damages from the City, including but not limited to remedial, compensatory, punitive or consequential damages, including economic damages and lost profits. The Annexor shall not claim that if the City delays the development project (for example, failure to inspect completed infrastructure within ten days of notice) as grounds to assert that the City slowed the development down or interfered with it and caused it to fail, and therefore the City will not be liable for the Annexor's failed development and any and all the Annexor's monetary losses associated with such failure. This section shall survive the expiration or earlier termination of this Agreement.

34. INDEMNIFICATION AND HOLD HARMLESS: The Annexor shall indemnify, hold harmless, release and discharge the City of Arvada and the City's officers, employees, agents, and contractors from all liability, claims, and demands, including reasonable attorneys' fees and court costs, which arise out of or are in any manner connected with or related to the approval of the Final Plans for the Property. This section shall survive the expiration or earlier termination of this Agreement.

35. DEED OF TRUST HOLDERS INTERESTS AND RESPONSIBILITIES: This Agreement is intended to control development of the Property. Execution of this Agreement by the Deed of Trust Holder signifies its consent to the Agreement, but does not obligate the deed of Trust Holder to perform any of the Agreement's terms except as otherwise provided for herein unless the Deed of Trust Holder assumes development of the Property and then only (1) as a condition precedent to the issuance of building permits for the construction of improvements on the subject property, and/or the issuance of certificates of occupancy, as the case may be, or (2) if a public improvement, required to be constructed as a term and condition of the Agreement is only partially constructed at such time as deed of Trust Holder assumes development responsibilities for all or a portion of the Property, and failure to complete the construction of such public improvement would endanger the public health, safety, or welfare, in which case the deed of Trust Holder shall be required to complete only so much of the public improvement as is necessary to eliminate the danger to the public health, safety, and welfare.

36. NOTICES: Any notice or communication required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth on the signature page below, or at such other address as has been previously furnished in writing, to the other party or parties. Such notice shall be deemed to have been given when deposited in the United States Mail or mail service such as Federal Express, United Parcel Service, etc. Such notice or communications shall be given to the parties at their addresses set forth below:

City:
City of Arvada
8101 Ralston Road
Arvada, CO 80002

Owner/Annexor:
Ware Holdings, LLC
PO Box 427
Golden, CO 80402

DATED THIS ____ DAY OF _____, 20__.

CITY OF ARVADA, a Colorado Municipal
Corporation

Marc Williams, Mayor

ATTEST:

APPROVED AS TO FORM:

For Rachel Morris, Attorney

City Clerk

OWNER/ANNEXOR
Ware Holdings, LLC
A Colorado Limited Liability Company

By: _____
John Johnson as Manager

STATE OF _____)
) ss.
COUNTY _____)

The foregoing was acknowledged before me this ____ day of _____ 2021, by John Johnson as Manager of Ware Holdings, LLC.

Notary

My Commission Expires:

Exhibit A

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 12 BEING MONUMENTED BY A FOUND NO. 6 REBAR WITH A 2-1/2 INCH DIAMETER ALUMINUM CAP SET BY PLS 36561 IN A RANGE BOX WHENCE THE NORTHWEST CORNER OF SAID SECTION 12 BEING MONUMENTED BY A FOUND 1-1/2 INCH DIAMETER ILLEGIBLE BRASS CAP SET IN CONCRETE IN A RANGE BOX IS ASSUMED TO BEAR NORTH 89°19'10" WEST, A DISTANCE OF 2619.18 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE SOUTH 84°30'42" WEST A DISTANCE OF 511.81 FEET TO THE SOUTHEAST CORNER OF PARCEL CONVEYED TO CITY OF ARVADA BY AGREEMENT RECORDED AT RECEPTION NO. F1268756, AND A POINT ON THE EASTERLY LINE OF THE PROPERTY DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 713877 AT JEFFERSON COUNTY CLERK AND RECORDER, BEING THE POINT OF BEGINNING;

THENCE SOUTH 00°00'19" EAST A DISTANCE OF 134.95 FEET ALONG SAID EASTERLY LINE TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 713877, ALSO BEING THE NORTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297;

THENCE SOUTH 00°00'19" EAST A DISTANCE OF 250.07 FEET TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297;

THENCE NORTH 89°24'13" WEST A DISTANCE OF 174.93 FEET ALONG THE SOUTHERLY LINE TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297;

THENCE NORTH 00°09'25" WEST A DISTANCE OF 250.41 FEET TO THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297, ALSO BEING A POINT ON THE SOUTHERLY LINE OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 713877;

THENCE NORTH 89°17'35" WEST A DISTANCE OF 124.66 FEET ALONG SAID SOUTHERLY LINE TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NUMBER 713877;

THENCE NORTH 00°00'19" WEST A DISTANCE OF 134.82 FEET ALONG THE WESTERLY LINE OF THE PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NUMBER 713877 TO THE SOUTHWEST CORNER OF PARCEL CONVEYED TO CITY OF ARVADA BY AGREEMENT RECORDED AT RECEPTION NO. F1268756;

THENCE SOUTH 89°19'10" EAST A DISTANCE OF 300.26 FEET ALONG THE SOUTHERLY LINE OF THE PARCEL CONVEYED TO CITY OF ARVADA BY AGREEMENT RECORDED AT RECEPTION NO. F1268756 TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINING A CALCULATED AREA OF 84,352 SQUARE FEET OR 1.936 ACRE, MORE OR LESS.

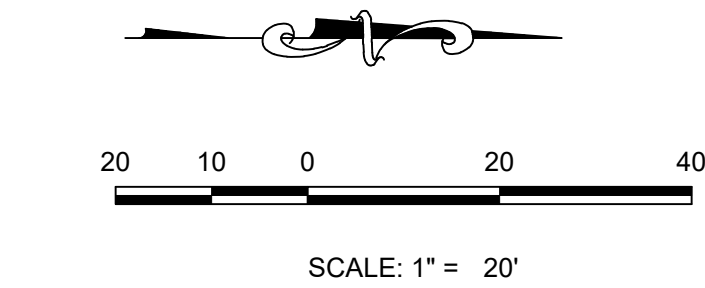
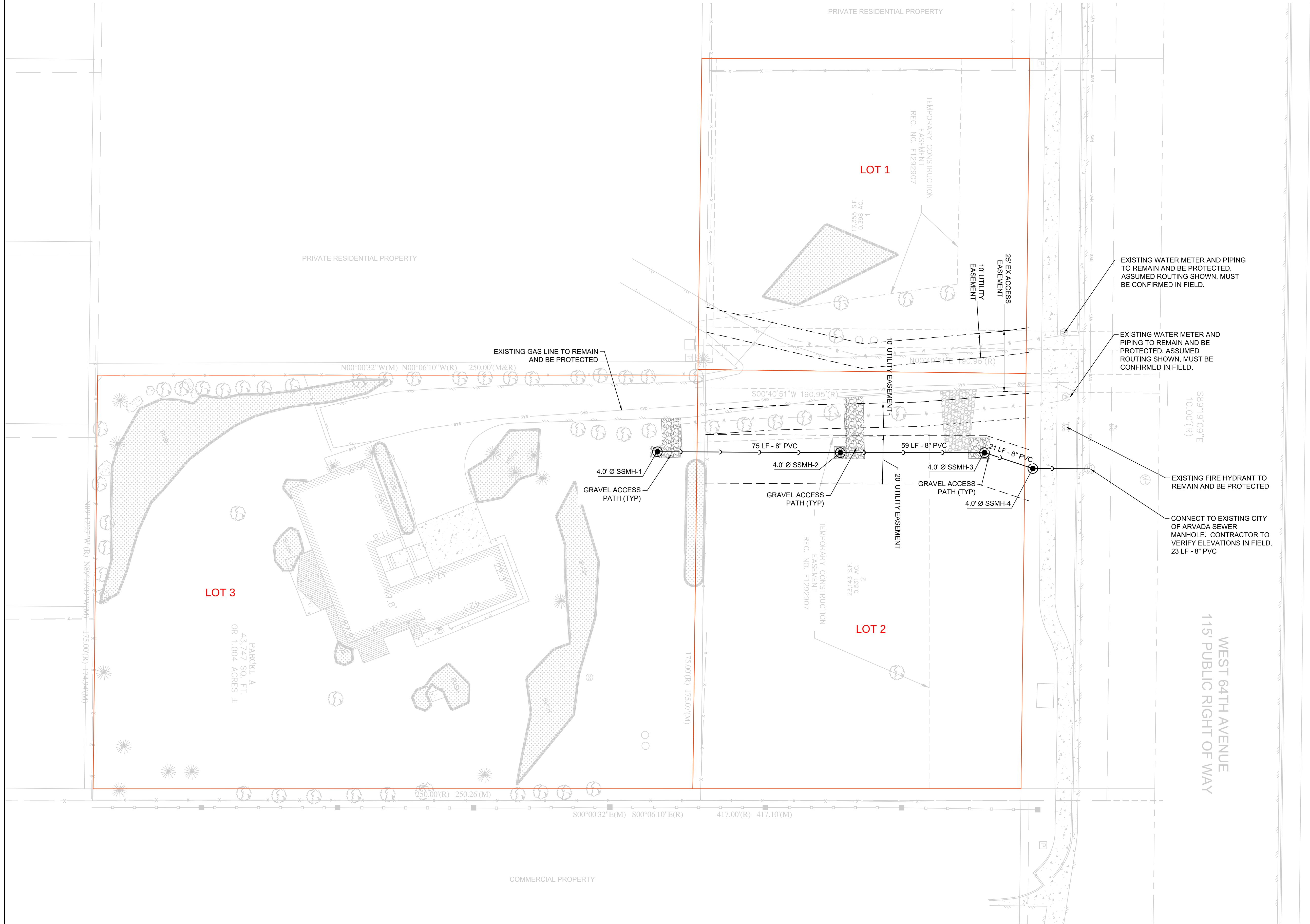
ANNEXATION PROJECT LOCATION

Legend

 15812 W 64th Ave



N:\PROJECTS\ARVADA JOHNSON ANNEXATION\CAD\ENGINEERING\EXHIBITS\CONCEPT PLAN\2020 10 30 UTILITY PLAN.DWG, AGRANDALL, 6/4/2021 1:34 PM



LEGEND

- PROPOSED SANITARY LINE
- GRAVEL ACCESS PATH
- PROPOSED SANITARY MANHOLE

NOTES:

1. THE UTILITY PLAN WILL BE REVIEWED IN DETAIL WITH THE SITE PLAN AND CONSTRUCTION DRAWINGS SUBMITTAL.
2. PLANS AND PROFILES WILL BE REQUIRED TO BE SUBMITTED AS PART OF THE CONSTRUCTION DRAWINGS.

EROSION CONTROL NOTES:

1. SEDIMENT TRACKED OFF THE SITE SHALL BE REMOVED FROM THE ROADWAY, CURB AND GUTTER AT THE END OF EACH DAY.
2. CONCRETE WASHOUT ACTIVITIES SHALL BE PERFORMED IN A DESIGNATED CONCRETE WASHOUT AREA. NO WASHOUT WATER IS ALLOWED TO BE DISCHARGED OFF THE SITE.
3. THE DISCHARGE OF SEDIMENT OR WATER IN TO THE CURB, GUTTER, AND STORM SEWER SYSTEM IS PROHIBITED.
4. CONSTRUCTION TRASH AND DEBRIS MUST BE CONTAINED ON SITE.



10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80112
Tel: 720.482.952
www.cvlinc.net
westwoodps.com

a Westwood team

UTILITY PLAN

						SCALE:	DRAWN BY:	SHEET NO: 1
						AS SHOWN	ACR	
						FILE NO:	CHECKED BY:	
						8130328201	DATE: APR2021	
No.	Revisions	Date	Init.	Appr.	Date			



REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.G.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: CB21-024 An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural) to City of Arvada R-13 (Residential 13), and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at 15812 W 64th Avenue from Low Density Residential to Medium Density Residential. (Ordinance No. 4770)

Report in Brief

Mr. John Johnson is requesting approval of annexation, rezoning and a Comprehensive Plan amendment.

The applicant is requesting that the 1.93 acre property be annexed into the City with a zoning of Residential 13 (R-13). The applicant is also requesting that the 2014 Comprehensive Plan Future Land Use map be amended from Low Density Residential (LDR) to Medium Density Residential (MDR) to accommodate the requested zoning.

The Arvada team recommends that the City Council approve CB21-024, An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural) to City of Arvada R-13 (Residential 13), and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at 15812 W 64th Avenue from Low Density Residential to Medium Density Residential.

Financial Impact

There is no direct financial impact associated with the proposed action.

Background

The applicant is requesting that the 1.93 acre property be annexed into the City with a zoning of Residential 13 (R-13). The applicant is also requesting that the 2014 Comprehensive Plan Future Land Use map be amended from Low Density Residential (LDR) to Medium Density Residential (MDR) to accommodate the requested zoning.

The subject property is located on the south side of W 64th Avenue with an address of 15812 W 64th Avenue. The property is divided into two lots, a north lot (.93 acres) and a south lot (1.00 acre). The southern lot contains one single family detached residence. The northern lot is vacant except for a driveway providing access to the southern lot and a neighboring property.

Discussion

Approval Criteria from the Planning Commission Report pages 5 & 6.

Div. 8-3-4 Zoning and Rezoning Approval Criteria	Finding	Rationale
1. The rezoning is consistent with the Arvada Comprehensive Plan, or an adopted sub-area plan, corridor plan, or urban renewal plan, or reflects	Complies	The applicant is requesting that the comprehensive plan be amended to allow for the proposed zoning. The Arvada team supports the change

SUBJECT: CB21-024 An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural) to City of Arvada R-13 (Residential 13), and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at 15812 W 64th Avenue from Low Density Residential to Medium Density Residential. (Ordinance No. 4770)

PAGE: 2
ITEM: 10.G.

conditions that have changed since the adoption of the Comprehensive Plan.		due to the property's proximity to a busy arterial street to the north and commercial use to the east.
2. The intended land use is consistent with the stated intent of the proposed zoning district.	Complies	The intended use is consistent with the proposed zoning.
3. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will, prior to development, be available to serve the subject property while maintaining adequate levels of service to existing development.	Complies	A necessary facilities and services will be available to the property prior to development.
4. The intended land use for which the rezoning is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.	Complies	The intended land use will not result in significant adverse impacts to the natural environment.
5. The rezoning is consistent with the character of existing or planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any negative impacts.	Complies	The proposed rezoning is consistent with the planned character of the surrounding neighborhood.

Public Contact

The required neighborhood meeting for this project took place on August 20, 2020. The applicant, Arvada team members and approximately 14 neighbors were in attendance.

Written notice was sent 15 days prior to the meeting, a published notice was posted in the newspaper 15 days prior to the meeting, and a public hearing sign was posted 15 days prior to the meeting.

Commission Recommendation

The Planning Commission voted 7 to 0 to recommend approval to the City Council during a public hearing on June 8, 2021.

Strategic Alignment

This project aligns with the Community and Economic Development Priority Area of the City Council Strategic Plan.

Alternative Courses of Action

NA

Recommendation for Action

The Arvada team recommends that the City Council approve CB21-024, An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural) to City of Arvada R-13 (Residential 13), and Amending the Official

SUBJECT: CB21-024 An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural) to City of Arvada R-13 (Residential 13), and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at 15812 W 64th Avenue from Low Density Residential to Medium Density Residential. (Ordinance No. 4770)

PAGE: 3
ITEM: 10.G.

Zoning Maps of the City of Arvada, Colorado, Located at 15812 W 64th Avenue from Low Density Residential to Medium Density Residential.

Suggested Motion:

I move that CB21-024, An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural) to City of Arvada R-13 (Residential 13), and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at 15812 W 64th Avenue from Low Density Residential to Medium Density Residential, be (approved on final reading, numbered 4770 and ordered published by title only) (rejected).

This motion is based on the findings of fact adopted by Planning Commission (if approved).

This motion is based on the following findings of fact for denial: (Recite approval criteria you believe the evidence fails to satisfy and your reasons).

Prepared by:

Stephanie Wallace, Administrative Specialist

Reviewed by:

Approved by:

Shane Greenburg, Planner II	6/29/2021
Josie Suk, Development Systems and Administrative Manager	6/30/2021
Robert Smetana, Manager of City Planning and Development	6/30/2021
Gail Walker, Legal Specialist-Contracts	7/1/2021
Emily Grogg, Senior Assistant City Attorney	7/1/2021
Rachel Morris, City Attorney	7/7/2021
Lorie Gillis, Deputy City Manager	7/7/2021
Mark Deven, City Manager	7/7/2021

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 21-024
ORDINANCE NO. 4770

AN ORDINANCE REZONING CERTAIN LAND WITHIN THE CITY OF ARVADA, FROM JEFFERSON COUNTY A-2 (AGRICULTURAL) TO CITY OF ARVADA R-13 (RESIDENTIAL 13) AND AMENDING THE OFFICIAL ZONING MAPS OF THE CITY OF ARVADA, COLORADO, LOCATED AT 15812 W. 64TH AVENUE FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The following described property is hereby rezoned from Jefferson County A-2 (Agricultural) to City of Arvada R-13 (Residential 13).

A PARCEL OF LAND DESCRIBED ON THE ATTACHED EXHIBIT A.

Section 2. The Official Zoning Maps of the City of Arvada are hereby amended in accordance herewith.

Section 3. This ordinance shall be effective fifteen days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 28th day of June, 2021.

PASSED, ADOPTED, AND APPROVED this 19th day of July, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____

Publication Dates: July 1, 2021
 July 22, 2021

15812 W. 64th Avenue Legal Description

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 12 BEING MONUMENTED BY A FOUND NO. 6 REBAR WITH A 2-1/2 INCH DIAMETER ALUMINUM CAP SET BY PLS 36561 IN A RANGE BOX WHENCE THE NORTHWEST CORNER OF SAID SECTION 12 BEING MONUMENTED BY A FOUND 1-1/2 INCH DIAMETER ILLEGIBLE BRASS CAP SET IN CONCRETE IN A RANGE BOX IS ASSUMED TO BEAR NORTH 89°19'10" WEST, A DISTANCE OF 2619.18 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE SOUTH 84°30'42" WEST A DISTANCE OF 511.81 FEET TO THE SOUTHEAST CORNER OF PARCEL CONVEYED TO CITY OF ARVADA BY AGREEMENT RECORDED AT RECEPTION NO. F1268756, AND A POINT ON THE EASTERLY LINE OF THE PROPERTY DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 713877 AT JEFFERSON COUNTY CLERK AND RECORDER, BEING THE **POINT OF BEGINNING**;

THENCE SOUTH 00°00'19" EAST A DISTANCE OF 134.95 FEET ALONG SAID EASTERLY LINE TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 713877, ALSO BEING THE NORTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297;

THENCE SOUTH 00°00'19" EAST A DISTANCE OF 250.07 FEET TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297;

THENCE NORTH 89°24'13" WEST A DISTANCE OF 174.93 FEET ALONG THE SOUTHERLY LINE TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297;

THENCE NORTH 00°09'25" WEST A DISTANCE OF 250.41 FEET TO THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 2007034297, ALSO BEING A POINT ON THE SOUTHERLY LINE OF THE PARCEL DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER 713877;

THENCE NORTH 89°17'35" WEST A DISTANCE OF 124.66 FEET ALONG SAID SOUTHERLY LINE TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NUMBER 713877;

THENCE NORTH 00°00'19" WEST A DISTANCE OF 134.82 FEET ALONG THE WESTERLY LINE OF THE PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NUMBER 713877 TO THE SOUTHWEST CORNER OF PARCEL CONVEYED TO CITY OF ARVADA BY AGREEMENT RECORDED AT RECEPTION NO. F1268756;

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SAID DESCRIPTION CONTAINING A CALCULATED AREA OF 84,352 SQUARE FEET OR 1.936 ACRE, MORE OR LESS.



REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.H.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: Major Modification from the Land Development Code Subsection 3-1-3-8 C.1.a for Caliber Collision, Generally Located at 6782 Fig Street

Report in Brief

Jon Hauser, Drake Collision Partners, Applicant, is requesting approval of two major modifications from the Land Development Code (LDC) for motor vehicle repairs and service standards. The property is located on 6782 Fig Street, Lot 3 Block 4 of the Parkway Center Subdivision.

A 16,900 square foot Caliber Collision motor vehicle repair and service building is proposed on a vacant 2.78 acre lot. The property is zoned IL (Industrial Light) and allows the proposed land use. A Site Plan was submitted that requires two Major Modifications to the LDC. Access to the site is from Fig Street.

MAJOR MODIFICATIONS REQUESTED

The Applicant is requesting modifications to the LDC as follows:

Subsection 3-1-3-8 C.1.a All vehicle repair uses shall be conducted within a completely enclosed building.

The applicant is requesting to store vehicles outside of the building within a fenced storage area for 83 vehicle stalls. A six-foot privacy fences with landscape buffer are proposed to screen the storage area. A 20 foot wide landscape buffer is provided on the east side of the property to screen the vehicle storage area from residential uses and future Eldridge Street right-of-way. The landscape buffer provided exceeds the requirement for the number of trees, shrubs, and percentage of evergreen trees. The enhanced landscape and fence mitigate the impact of the storage area.

The Arvada team recommends that a Major Modification from the Land Development Code subsection 3-1-3-8 C.1.a, which requires vehicle repair to be conducted within a completely enclosed building, to allow Caliber Collision, generally located at 6782 Fig Street, to store vehicles outside of the building within a fenced storage area for 83 vehicle stalls, be approved.

Financial Impact

There is no direct financial impact associated with the proposed action.

Background

The subject property is located at 6782 Fig Street in the Parkway Center subdivision. The site is undeveloped with existing native grasses. The Parkway Center was annexed and zoned PUD-BP (Planned Unit Development –Business Professional) and PUD-I (Planned Unit Development Industrial) to the City of Arvada in February 1975. An (ODP) Outline Development Plan which included 70 acres for professional office use and 53 acres for light industrial park land uses was approved at the time. In 1977, Cobe Laboratories (now LivaNova) was the first development to be constructed. Since then, light industrial uses including Prescient, Easter Owen and Martinez Fire Protection were developed.

On May, 2020, the City updated the LDC and created new zoning districts and remapped the property from PUD-I to IL (Industrial, Light).

Discussion

It is the responsibility of the applicant to justify the requested land use application. The City Council must reach a decision based on its findings regarding the approval criteria shown in the table below and upon testimony heard during the public hearing as it applied to the criteria.

The Community and Economic Development team performed an analysis of the proposal, based on the approval criteria listed in Section 8-3-11-4 D Major Modification, and presents the following findings:

Div. 8-3-11-4 D Major Modification Approval Criteria	Finding	Rationale
1. The requested modification is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district.	Complies	The modifications allow the project to be consistent with the Comprehensive Plan and the IL zoning district.
2. The requested modification addresses a unique situation or incorporates creative site design.	Complies	Additional enhancements for a wider landscape buffer which exceeds the required number of trees, shrubs and percent of evergreen trees as well as a privacy fence are incorporated with the site design.
3. The requested modification will not result in incompatible development.	Complies	The modification will not result in incompatible development with the enhanced landscape and privacy fence screening the storage area from the neighborhood to the east. The area is primarily light industrial, outdoor storage office and warehouse land uses that are compatible with the motor vehicle repairs.
4. The requested modification will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public.	Complies	The modifications will have no significant adverse impact on the health, safety or general welfare of the adjacent property owners or the general public.
5. Any adverse impacts resulting from the modification will be mitigated to the extent reasonably feasible.	Complies	The site plan mitigates any adverse impact by providing a 20 foot landscape buffer, a six foot privacy fence and security gates.

Public Contact

The required neighborhood meeting took place on February 3, 2021 and was a virtual meeting. A total of 24 people participated on a zoom call meeting including four members of the developer's team. The applicant provided a brief summary of the site and discussed the proposed major modifications to the LDC. The applicant fielded questions and discussed Caliber Collision's business and hours of operation, the number of paint booths and type of filtrations used and why an outdoor storage area was necessary. Other questions related to traffic, road improvements, type of stormwater and detention pond, and fencing along the east side of the property adjacent to the residential uses. In addition, the applicant received five emails with similar questions

with the applicant responding to each email.

Written notice was sent 15 days prior to the meeting, a published notice was posted in the newspaper 15 days prior to the meeting, and a public hearing sign was posted 15 days prior to the meeting. In addition, the City Council agenda was posted.

Commission Recommendation

The Planning Commission voted 7 to 0 to recommend approval to the City Council

Strategic Alignment

This project aligns with the Community and Economic Development Priority Area of the City Council Strategic Plan. Specifically, the recommended action aligns with the following Principle:

Uses the Comprehensive Plan to guide planning, land use code decisions, development management, and information and resource services that are delivered to residents, businesses, the development community, decision-making bodies, and neighborhood partners to achieve a well-planned aligned sustainable, and livable community for current and future generations.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that a Major Modification from the Land Development Code subsection 3-1-3-8 C.1.a, which requires vehicle repair to be conducted within a completely enclosed building, to allow Caliber Collision, generally located at 6782 Fig Street, to store vehicles outside of the building within a fenced storage area for 83 vehicle stalls, be approved.

Suggested Motion:

I move that a Major Modification from the Land Development Code subsection 3-1-3-8 C.1.a, which requires vehicle repair to be conducted within a completely enclosed building, to allow Caliber Collision, generally located at 6782 Fig Street, to store vehicles outside of the building within a fenced storage area for 83 vehicle stalls, be (approved)(rejected).

This motion is based on the findings of fact adopted by Planning Commission (if approved).

This motion is based on the following findings of fact for denial: (Recite approval criteria you believe the evidence fails to satisfy and your reasons).

Prepared by:
Stephanie Wallace, Administrative Specialist

Reviewed by:

Approved by:

Carol Ibanez, Senior Planner

6/29/2021

Josie Suk, Development Systems and Administrative Manager	6/30/2021
Robert Smetana, Manager of City Planning and Development	6/30/2021
Gail Walker, Legal Specialist-Contracts	7/1/2021
Emily Grogg, Senior Assistant City Attorney	7/1/2021
Rachel Morris, City Attorney	7/7/2021
Lorie Gillis, Deputy City Manager	7/7/2021
Mark Deven, City Manager	7/7/2021

Enclosure, exhibits & attachments required to support the report

City of Arvada
Community and Economic Development Department
PUBLIC HEARING STAFF REPORT

Caliber Collision Development
Major Modification Request
DA2021-0025

NATURE OF REQUEST

Jon Hauser, Drake Collision Partners, Applicant is requesting approval of two major modifications from the Land Development Code (LDC) for motor vehicle repairs and service standards. The property is located on 6782 Fig Street, Lot 3 Block 4 of the Parkway Center Subdivision.

A 16,900 square foot Caliber Collision motor vehicle repair and service building is proposed on a vacant 2.78 acre lot. The property is zoned IL (Industrial Light) and allows the proposed land use. A Site Plan was submitted that requires two Major Modifications to the LDC. Access to the site is from Fig Street.

MAJOR MODIFICATIONS REQUESTED

The Applicant is requesting modifications to the LDC as follows:

1. Subsection 3-1-3-8 C.1.a All vehicle repair uses shall be conducted within a completely enclosed building.

The applicant is requesting to store vehicles outside of the building within a fenced storage area for 83 vehicle stalls. A six-foot privacy fences with landscape buffer are proposed to screen the storage area. A 20 foot wide landscape buffer is provided on the east side of the property to screen the vehicle storage area from residential uses and future Eldridge Street right-of-way. The landscape buffer provided exceeds the requirement for the number trees, shrubs, and percentage of evergreen trees. The enhanced landscape and fence mitigate the impact of the storage area.

2. Subsection 3-1-3-8 C.1.c Storage of vehicles on the premises shall not exceed 15 days.

The applicant is requesting that number of days to store vehicles on site be increased from 15 to 30 days. It is Caliber Collision best practice to schedule vehicle service and complete work on time. However, there are times when certain parts are not available locally as well as delays of parts from the international supply chains. The additional 15 days will insure that the vehicles are stored within the secured storage area.

All vehicle repairs will be performed within the building's 11 service bays. Vehicles are repaired all day long. Depending on the type of repair required, the repair time may vary. Repair work may be completed on the same day while other vehicles may take longer. If certain vehicle parts are not available and need to be ordered, the repair will take longer to complete. Other scenarios that may delay the repair are hailstorm or major weather events. The increase in

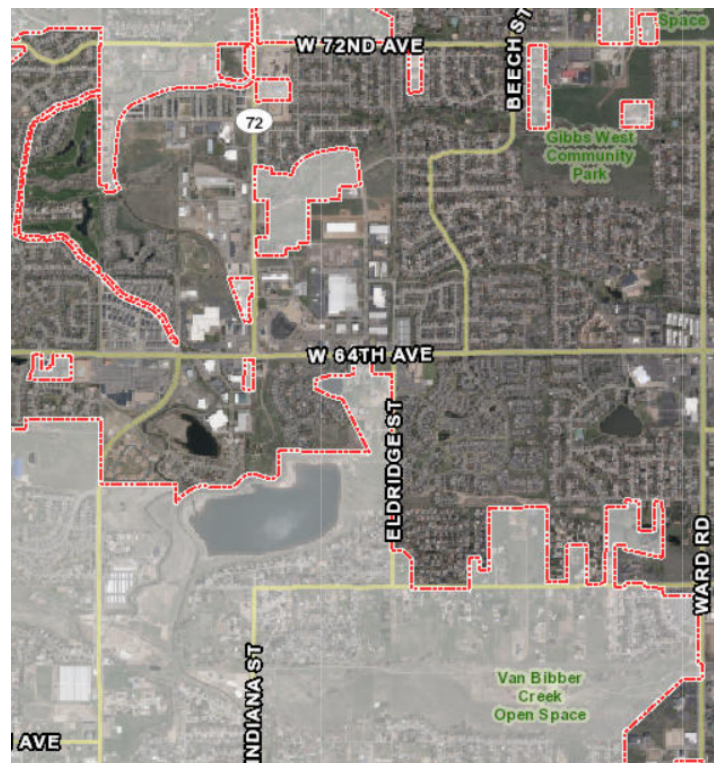
number days the vehicles are on the site will be temporary. The demand for service of vehicles requires an outdoor storage area. Insurance companies also require that vehicles be in a secure and safe environment. Otherwise, they will not pay to have the work done.

Staff supports the Major Modifications to mitigate the impact of vehicles to be stored outside by enhancing the site with a six-foot privacy fence and a wider landscape buffer yard with evergreen trees and large shrubs to screen the vehicles from the adjacent neighborhood. Except for the residential neighborhood to the east, the primary land uses in this area are industrial, outdoor storage, offices and warehouses, which are compatible with this development.

LOCATION AND HISTORY

The subject property is located at 6782 Fig Street in the Parkway Center subdivision. The site is undeveloped with existing native grasses. The Parkway Center was annexed and zoned PUD-BP (Planned Unit Development –Business Professional) and PUD-I (Planned Unit Development Industrial) to the City of Arvada in February 1975. An (ODP) Outline Development Plan which included 70 acres for professional office use and 53 acres for light industrial park land uses was approved at the time. In 1977, Cobe Laboratories (now LivaNova) was the first development to be constructed. Since then, light industrial uses including Prescient, Easter Owen and Martinez Fire Protection were developed.

On May, 2020, the City updated the LDC and created new zoning districts and remapped the property from PUD-I to IL (Industrial, Light).



NEIGHBORHOOD MEETING

Division 8-2-2 of the Land Development Code requires that at least one neighborhood meeting be held for projects that require public hearings before the Planning Commission and City Council.

The required neighborhood meeting took place on February 3, 2021 and was a virtual meeting. A total of 24 people participated on a zoom call meeting including four members of the developer's team. The applicant provided a brief summary of the site and discussed the proposed major modifications to the LDC. The applicant fielded questions and discussed Caliber Collision's business and hours of operation, the number of paint booths and type of filtrations used and why an outdoor storage area was necessary. Other questions related to traffic, road improvements, type of stormwater and detention pond, and fencing along the east side of the property adjacent to the residential uses. In addition, the applicant received five emails with similar questions which the applicant responding to each email.

A summary of the meeting is attached.

PUBLIC NOTIFICATION

Division 8-2-4 of the Land Development Code requires public notification for all public hearings as follows:

Written Notice: At least 15 days prior to all public hearings, written notice must be mailed to all property owners within 500 feet of the subject property and to all homeowners associations and neighborhood associations with a known interest in the subject property. The applicant will provide an affidavit of mailing verifying this requirement has been met prior to the public hearing.

Posted Notice: At least 15 days prior to all public hearings, signs notifying the public of the hearing must be posted on the subject property. The applicant will provide a posting log verifying that this requirement has been met prior to the public hearing.

Published Notice: At least 15 days prior to all public hearings, notice of the hearing must be published in a newspaper of general circulation in the City. The required notice has been published.

DEVELOPMENT REVIEW TIMELINE

The application was accepted by the City for review on February 16, 2021. The application was processed under the standard review and met the appropriate timeline.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

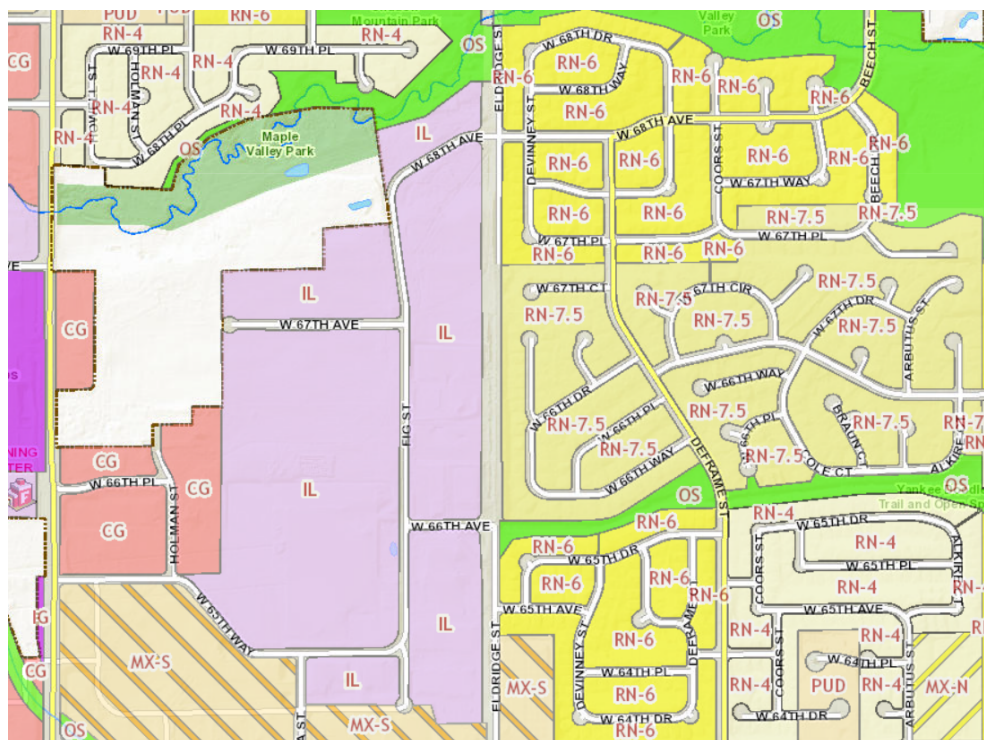
This project aligns with the Community and Economic Development strategic goal.

ZONING AND LAND USE

The subject property is currently zoned IL (Industrial Light) and is approximately 2.78 acres in size. Surrounding properties are zoned and utilized as follows:

Direction	Zoning	Actual Use
North	IL	Vacant land
South	IL	Warehouse/office building
East	RN-6 and RN-7.5	Single-Family Residential
West	IL and CG	Vacant land

Zoning Map for 6782 Fig Street



PROJECT ANALYSIS

Compliance with the Comprehensive Plan

The site is within area designated as Commercial on the 2014 Comprehensive Plan Future Land Use Map.

Setbacks

The IL zone district setbacks and those provided on the site are as follows:

Setback Standards	Minimum	Provided
Front	20 ft.	89.2 ft.

Street Side	20 ft.	N/A
Interior Side	5 ft.	77.2 ft./ 62.4 ft.
Rear	5 ft.	95.6 ft.
Front Parking	20 ft.	20.4 ft.
Lot Coverage Max.	30 %	14.1%

Building Height

The maximum building height is 40 feet. The proposed building height is 26 feet with the parapet at 28 feet.

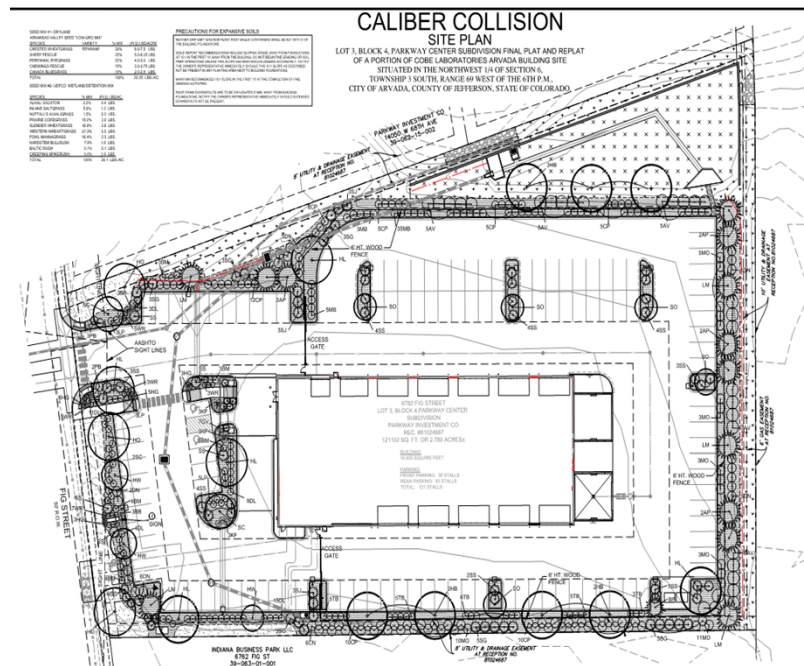
Open Space

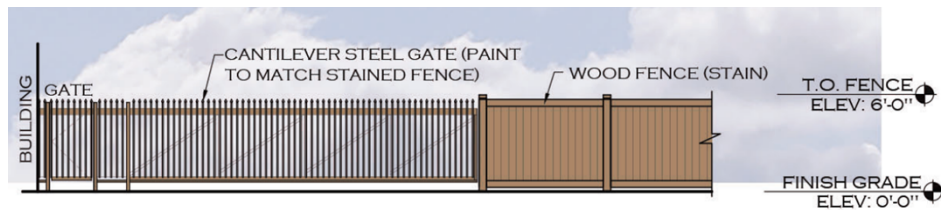
The 2.78 acre site has 51,118 square feet of landscaped area or 42.2 percent.

Landscaping, Buffering and Fencing

The minimum landscape requirement is 15 percent; however the total amount provided is 51,118 square feet or 42 percent. The perimeter landscaping includes a combination of deciduous, ornamental and evergreen trees.

A 20 foot wide landscape buffer is provided on the east side of the property to screen the vehicle storage area from residential uses to the east of the future Eldridge Street right-of-way. The landscape buffer provided exceeds the requirement for number trees, shrubs, and percentage of evergreen trees. A six foot privacy fence and steel access gates to provide secure and screen the storage area has also been provided to act as a buffer.





Building Design

The building design is a modern single story building with primary materials of stone, stucco and an aluminum storefront. The building facade incorporates architectural details, building articulation varying the parapet heights, windows and awnings and changes in materials, colors, and texture to create interest. The front of the building incorporates a storefront and a porte-cochere.



Circulation and Connectivity

Primary access to the site will be from Fig Street, a two-lane local street with attached sidewalks. Eldridge Street is a narrow two-lane local street that currently dead ends on the south end of the development. No access from Eldridge Street is proposed from this development.

Grading and Drainage

The site currently drains from southwest to northeast. All flows generated from the site will be routed and detained in the proposed water quality and detention pond on the northeast corner of the site.

Parking and Loading

The LDC 4-5-2-2G Parking Standards requires three spaces/per service bay (11 bays) require 33 spaces. A total of 38 spaces are provided. The outdoor vehicle storage area will have 83 stalls to store vehicles temporarily while waiting to be repaired.

Utility Services

There is an existing 10 inch water main and an eight inch sanitary sewer main on Fig Street to connect to serve the building. Dry utilities will be provided by and Xcel, Century Link and other providers.

Police and Fire Protection

Police and the Arvada Fire Protection District will serve this site.

LAND DEVELOPMENT CODE APPROVAL CRITERIA

It is the responsibility of the applicant to justify the requested land use application. The Planning Commission should make a recommendation to the City Council based on its findings regarding the approval criteria shown in the table below and upon testimony heard during the public hearing as it applied to the criteria.

Staff performed an analysis of the proposal, based on the approval criteria listed in Section 8-3-11-4 D Major Modification, and presents the following findings:

Div. 8-3-11-4 D Major Modification Approval Criteria	Finding	Rationale
1. The requested modification is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district.	Complies	The modifications allow the project to be consistent with the Comprehensive Plan and the IL zoning district.
2. The requested modification addresses a unique situation or incorporates creative site design.	Complies	Additional enhancements for a wider landscape buffer which exceeds the required number of trees, shrubs and percent of evergreen trees as well as a privacy fence are incorporated with the site design.
3. The requested modification will not result in incompatible development.	Complies	The modification will not result in incompatible development with the enhanced landscape and privacy fence screening the storage area from the neighborhood to the east. The area is primarily light industrial, outdoor storage office and warehouse land uses that are compatible with the motor vehicle repairs.
4. The requested modification will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public.	Complies	The modifications will have no significant adverse impact on the health, safety or general welfare of the adjacent property owners or the general public.
5. Any adverse impacts resulting from the modification will be mitigated to the extent	Complies	The site plan mitigates any adverse impact by providing a 20 foot

reasonably feasible.		landscape buffer, a six foot privacy fence and security gates.
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STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the Major Modifications.

The Planning Commission may recommend denial of the requests if it cannot make affirmative findings of the approval criteria stated above.

MEMORANDUM

TO: Carol Ibanez, Arvada – Planning Department
PREPARED BY: Cole C. Haberer, P.E.
PROJECT: Caliber Collision – 6782 Fig Street
DATE: 2/12/2021
SUBJECT: Neighborhood Meeting Summary

To whom it may concern

The following memo is to summarize the neighborhood meeting held for this project on February 3rd 2021. A notice to the adjacent properties and neighbors was prepared and send out via mail on January 14th 2021, 20 days prior to the meeting date. This meeting was hosted via a Zoom meeting due to the current COVID social distancing concerns. The meeting was set to allow for 500 participants if needed.

A total of 24 participants joined, this included the developer, architect, city planner and host. The meeting was started at 6:00 P.M. with an introduction of the development team and project. A brief summary of the type of development and business proposed was presented. It was discussed that the project request for a major modification was for the added parking storage related to the business.

After the introduction and project presentation a Q&A session was held. The neighbors had concerns with traffic impact and loading. It was discussed that Caliber Collision does not generate significant traffic loads and that a study addressing this was being completed. Neighbors wanted to know if the parking yard was going to be fenced and screened. It was discussed that a screen fence per city code would be provided. There were questions with respect to business operations and hours. This was addressed. There were questions about how paint booth spray would be contained. It was discussed that paint spray filtration would be provided as required by state and federal standards. There were questions about how storm water would be handled, and it was discussed that a detention pond and water quality would be provided per city and state requirements.

Overall the Q&A session was informative and no one at the meeting objected to the major modification request. The meeting was concluded at 7:00 P.M. and all participants were provided with contact info for HCI incase they had any follow questions.

To date there has been five follow communications related to this project. One asking for more info on the traffic. Two asking for more info on the fence. One asking to be notified when the application is submitted, and one individual opposing the project. We have addressed each inquire as possible and will notify those who have requested to be informed when the application submittal is made.

AFFIDAVIT OF MAILING

I, Cole C. Haberer, certify that letters of notification were mailed in accordance with Section 3.3 of the Arvada Land Development Code for the public hearing/neighborhood meeting to be held on February 3rd, 2021. A copy of the letter and list of recipients is attached and made a part of this Affidavit.

Said mailing was made on 01/14/2021.



Signature

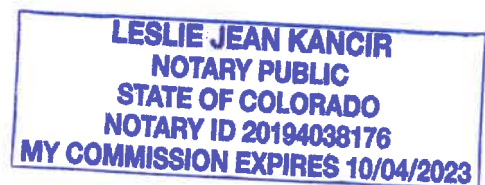
STATE OF COLORADO)
) ss
COUNTY OF Arapahoe)

The above and foregoing Affidavit as subscribed before me this 12 day of February 2021, personally by Cole C. Haberer.



Notary Public

My Commission expires: 10/04/2023



HCI ENGINEERING

A division of
HABERER CARPENTRY INC.

Date: 06.08.2021

To: City of Arvada
Community Development Dpt. – Planning
Division
8101 Ralston Rd.
Arvada, CO 80001

From: HCI Engineering
621 Southpark Drive
Suite 1600
Littleton, CO 80120

Attn: Carol Ibanez

RE: DA2021-0025: Caliber Collision – Request for Major Modification

Dear Ms. Ibanez,

We are submitting this Major Modification Request as a part of the proposed project above. This letter serves to detail the three Major Modification Requests, and their justifications under the approval criteria, LDC Section 8-3-11-4-D. Approval criteria for Major Modifications consists of the following:

1. The requested modification is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district;
2. The requested modification addresses a unique situation or incorporates creative site design;
3. The requested modification will not result in incompatible development;
4. The requested modification will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public; and
5. Any adverse impacts resulting from the modification will be mitigated to the extent reasonably feasible.

LDC Standards: 3-1-3-8-C-1-a

This section states, “All vehicle repair uses shall be conducted within a completely enclosed building.”

It is requested that storage of vehicles within the exterior storage yard be allowed.

1. Motor Vehicle Repairs and Service (Light) and Motor Vehicle Storage are both Limited Uses within the Industrial, Light Zone District. All work being performed on any vehicle will be performed in the enclosed building. Vehicles are proposed to be temporarily stored outside of the building while being serviced.

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2. Public parking is provided outside of the service yard fence on the west side of the building. The LDC calls for a total of 39 parking stalls (11 service bays x 3 = 33 for vehicle repair, 3 stalls per 1,000 SF x 1,933 SF = 6 for business area). There are 38 stalls provided outside of the fenced yard. With the exception of the one required space, the remainder of the 83 stalls within the fenced yard are proposed for vehicle repair operations and temporary storage.

Due to the nature of the way Caliber Collision does business, it requires the additional stalls to accommodate its workflow. The insurance companies require vehicles to be stored within a gated yard. Vehicles are brought in and out of the service bays throughout the day as parts arrive and work gets completed. Parts do not stack neatly on shelves, so they are installed as quickly as possible as to eliminate part storage requirements. Bad hailstorms, or other events cause temporary increases in volume, where additional storage is needed to protect the vehicles and employees.

3. No adverse effects are expected on neighboring developments due to this modification.
4. No adverse effects are expected on surrounding property owners or the public. The storage yard fence is proposed to be a 6' tall wooden fence as to screen all serviced vehicles. Additional landscaping is proposed on the exterior of the fence all sides of the storage yard, with extra attention given to the east side which faces the residential neighborhood.
5. The storage yard is completely fenced in with a 6' tall wooden fence, and steel gates on the west side. Landscaping and buffer zones are provided according to code, and will also help screen the yard, and provide noise mitigation while vehicles are being moved between the yard and building.

LDC Standards: 3-1-3-8-C-1-c

This section states, "Storage of vehicles on the premises shall not exceed 15 days."

It is requested that this 15-day limit be extended to 30 days.

1. Motor Vehicle Storage is a Limited Use within the Industrial, Light Zone District.
2. With the changing times of vehicle storage and repair, every attempt will be made to meet these guidelines. It is in Caliber Collision's best interest to have the vehicles repaired in a matter of days and off the site and back to the owner as quickly as possible. At times of high customer volume (after large hail storms for example) customers are scheduled to bring vehicles in on scheduled dates as a way to mitigate extended storage times. Although Caliber Collision does everything it can to get vehicles back in their customers hands as quickly as possible, at times, a vehicle may require a few extra days on site because of part shipment delays due to international supply chains, and scarcity of certain parts, which are out of caliber's control.
3. No adverse effects are expected on neighboring developments due to this modification.
4. No adverse effects are expected on surrounding property owners or the general public.

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5. Caliber will do everything they can to meet the original 15-day limit set by the code. Vehicles not meeting this limit will only be by extenuating circumstances due to supply chain limitations. All vehicles being serviced will be stored within the fenced yard, without direct sight into the yard from neighboring properties or public sidewalk.

Sincerely,

Garrett Goodlin, P.E.

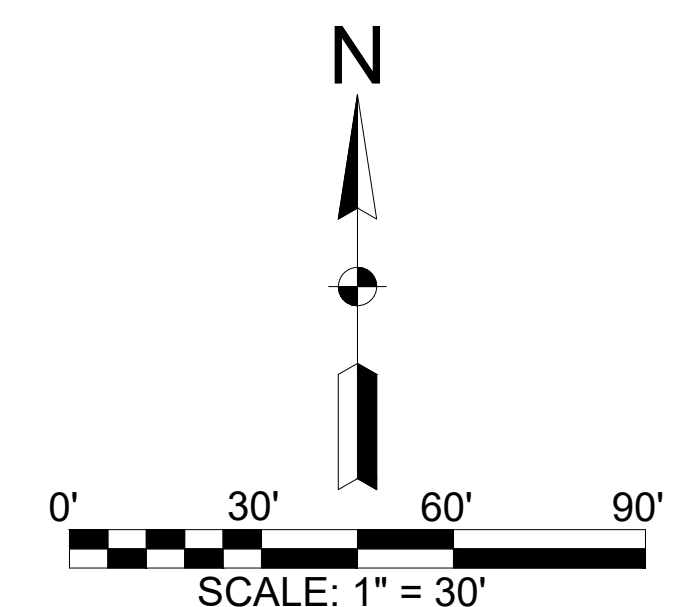
LOT 3, BLOCK 4, PARKWAY CENTER SUBDIVISION FINAL PLAT AND REPLAT OF
A PORTION OF COBE LABORATORIES ARVADA BUILDING SITE
SITUATED IN THE NORTHWEST 1/4 OF SECTION 6,
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M.,
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO.



HATCHING LEGEND

NOTES:

1. APPROVED FIRE LANE AND EMERGENCY ACCESS SHALL BE PROVIDED DURING VERTICAL CONSTRUCTION, UNLESS OTHERWISE APPROVED. THE EVA SHALL CONSIST OF THE FIRST LIFT OF ASPHALT OR CONCRETE AND BE PROVIDED PRIOR TO COMMENCING VERTICAL CONSTRUCTION.
2. DURING CONSTRUCTION THERE SHALL BE SIGNAGE THAT PROVIDES THE ADDRESS AT THE FIRE DEPARTMENT ACCESS POINT. THE CHARACTERS SHALL BE A MINIMUM OF 4 INCHES HIGH WITH A 0.5 INCH STROKE AND VISIBLE FROM THE FIRE DEPARTMENT ACCESS POINT. THE COLOR OF THE SIGN SHALL EITHER BE A RED BACKGROUND WITH WHITE CHARACTERS OR WHITE BACKGROUND WITH RED CHARACTERS.



Now what's **below**,
Call before you dig.



CALL 811 2-BUSINESS DAYS IN
ADVANCE BEFORE YOU DIG,
GRADE, OR EXCAVATE FOR THE
MARKING OF UNDERGROUND
MEMBER UTILITIES.

CALIBER COLLISION

SITE PLAN

6782 FIG ST., ARVADA, CO 80004

DRAKE COLLISION PARTNERS F
496 S. BROADWAY, DENVER, CO

REVISIONS:		
No.	Date:	Description:
1	02.12.21	1ST SUBMITTAL
2	04.02.21	2ND SUBMITTAL
3	06.10.21	3RD SUBMITTAL

Project No: HCL 20_46

Drawn By: TGG

Checked By: CCH

Date Issued: 6/8/2021

Sheet Name:
SITE PLAN

Sheet
Number:

CS1.1

LOT 3, BLOCK 4, PARKWAY CENTER SUBDIVISION FINAL PLAT AND REPLAT
OF A PORTION OF COBE LABORATORIES ARVADA BUILDING SITE
SITUATED IN THE NORTHWEST 1/4 OF SECTION 6,
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M.,
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO. ✓

SEED MIX #2- UDFCD WETLAND/DETENTION MIX

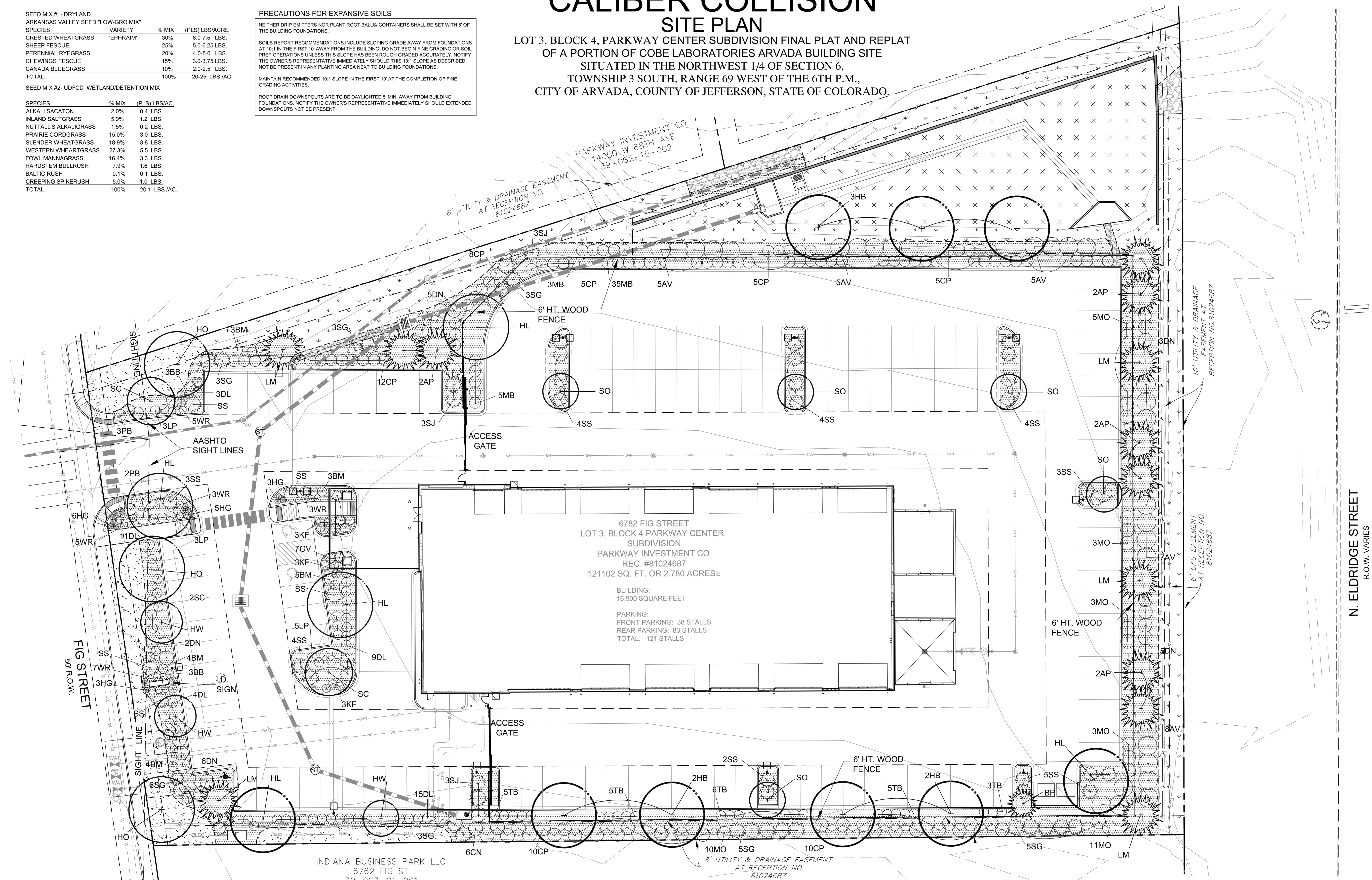
PRECAUTIONS FOR EXPANSIVE SOILS

NEITHER DRIP EMITTERS NOR PLANT ROOT BALLS/ CONTAINERS SHALL BE SET WITH 5' OF THE BUILDING FOUNDATIONS.

SOILS REPORT RECOMMENDATIONS INCLUDE SLOPING GRADE AWAY FROM FOUNDATIONS AT 10:1 IN THE FIRST 10' AWAY FROM THE BUILDING. DO NOT BEGIN FINE GRADING OR SOIL PREP OPERATIONS UNLESS THIS SLOPE HAS BEEN ROUGH GRADED ACCURATELY. NOTIFY THE OWNER'S REPRESENTATIVE IMMEDIATELY SHOULD THIS 10:1 SLOPE AS DESCRIBED NOT BE PRESENT IN ANY PLANTING AREA NEXT TO BUILDING FOUNDATIONS.

MAINTAIN RECOMMENDED 10:1 SLOPE IN THE FIRST 10' AT THE COMPLETION OF FINE GRADING ACTIVITIES.

ROOF DRAIN DOWNSPOUTS ARE TO BE DAYLIGHTED 5' MIN. AWAY FROM BUILDING FOUNDATIONS. NOTIFY THE OWNER'S REPRESENTATIVE IMMEDIATELY SHOULD EXTENDED DOWNSPOUTS NOT BE PRESENT.



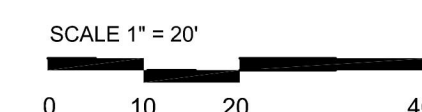
LANDSCAPE MAINTENANCE. ALL PLANTS SHALL BE MAINTAINED CONTINUALLY IN A HEALTHY CONDITION IN ACCORDANCE WITH GENERALLY ACCEPTED PROFESSIONAL HORTICULTURAL STANDARDS AND PRACTICES. PLANTS THAT DIE OR ARE UNHEALTHY SHALL BE REPLACED. REGULAR PRUNING AND TRIMMING SHALL APPLY TO MAINTAIN HEALTH AND AN ATTRACTIVE APPEARANCE AND TO PERMIT THE PLANTS TO ACHIEVE THEIR INTENDED FORM AND HEIGHT. LANDSCAPE AREAS SHALL REMAIN FREE OF WEEDS, LITTER, JUNK, RUBBISH AND OTHER NUISANCES AND OBSTRUCTIONS. TO PREVENT WEED GROWTH, EROSION AND BLOWING DUST, AREAS NOT COVERED BY VEGETATION SHALL BE COVERED WITH MULCH, WOOD OR BARK CHIPS, OR DECORATIVE ROCKS OR COBBLE, OR SIMILAR NATURAL MATERIALS PROVIDING A CLEAN, UNIFORM APPEARANCE.

-A 3-FOOT CLEAR SPACE SHALL BE MAINTAINED AROUND ALL FIRE HYDRANTS AND NOT OBSTRUCTED.

-TREES WITHIN THIS DEVELOPMENT WHEN FULLY MATURE SHALL PROVIDE AN UNOBSTRUCTED VERTICAL CLEARANCE OF 13 FEET 6 INCHES.

PARKING LOT LANDSCAPING		
	Required	Proposed
Parking Lot Area 14,041 SF		
Parking Lot Landscape Area (5%)	702 SF	1330 SF
Trees (1 per 300 SF)	3	4
Shrubs (8 per / tree)	24	32

BUILDING	17,094 S
PARKING/PAVEMENT	52,890 S
LANDSCAPE AREA	51,118 S



	DECIDUOUS TREE		ROCK MULCH
	ORNAMENTAL TREE		NATIVE SEED MIX #1
	EVERGREEN TREE		DETENTION SEED MIX #2
	DECIDUOUS SHRUB		IRRIGATED SOD
	EVERGREEN SHRUB		RIPRAP/COBBLE- SEE CIVIL PLANS
	ORNAMENTAL GRASS		STEEL EDGER
	PARKING LOT LIGHT		

SEE SHEET L1.1 FOR PLANT LIST, NOTES AND DETAILS.

Know what's **below**,
Call before you dig.



CALL 811 2-BUSINESS DAYS IN
ADVANCE BEFORE YOU DIG,
GRADE, OR EXCAVATE FOR THE
MARKING OF UNDERGROUND
MEMBER UTILITIES.

CALIBER COLLISION

SITE PLAN

6782 FIG ST. ARVADA, CO 80004

6782 FIG ST. ARVADA, CO 80004
DRAKE COLLISION PARTNERS FIVE LLC
496 S. BROADWAY, DENVER, CO 80209

REVISIONS:		
No.	Date:	Description:
1	02.12.21	1ST SUBMITTAL
2	04.02.21	2ND SUBMITTAL
3	06.10.21	3RD SUBMITTAL

Project No: 19_08
Drawn By: JDC
Checked By: TJ
Date Issued:
Sheet Name:
LANDSCAPE PLAN
Sheet Number:

L1.0

CALIBER COLLISION

SITE PLAN

LOT 3, BLOCK 4, PARKWAY CENTER SUBDIVISION FINAL PLAT AND REPLAT OF
A PORTION OF COBE LABORATORIES ARVADA BUILDING SITE
SITUATED IN THE NORTHWEST 1/4 OF SECTION 6,
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M.,
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO.

LEGEND:

STUCCO:

ST-1 DRYVIT, BAVARIAN WOOD #448
ST-2 DRYVIT, AMARILLO WHITE #113
ST-3 DRYVIT, ANTIQUE GRAY #618
ST-4 SHERWIN WILLIAMS "TRICORN BLACK" (SW6258)

STONE:

CS-1 CULTURED STONE, "LIMESTONE" COLOR: BUCKS COUNTY

PRE-CAST:

PC-1 PRE-CAST, DAVIS COLOR #5447 "MESA BUFF"

PAINT:

PT-1 SHERWIN WILLIAMS, SW6107 "NOMADIC DESERT"
PT-2 SHERWIN WILLIAMS, SW7048 "URBANE BRONZE" LOW SHEEN UDB

STEEL:

MTL-1 STEEL COATING, METL-SPAN PREM. WEATHER XL "BURNISHED SLATE"

COPING/DOWNSPOUTS:

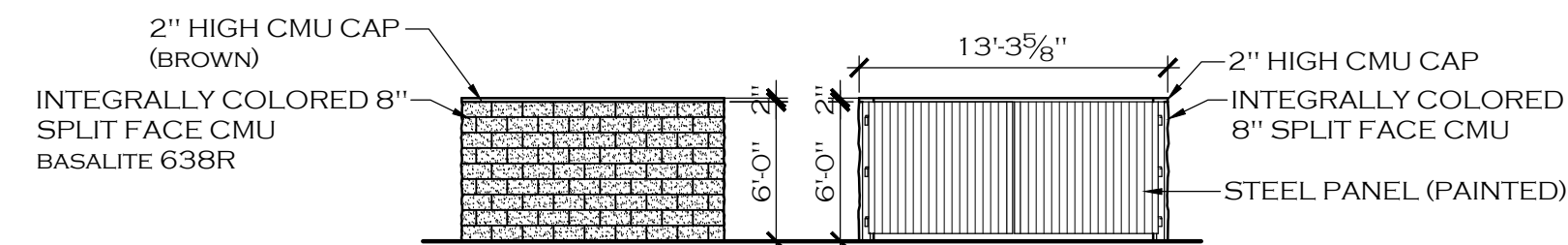
MC-1 PREFINISHED METAL, METL-SPAN "BURNISHED SLATE"

STOREFRONT:

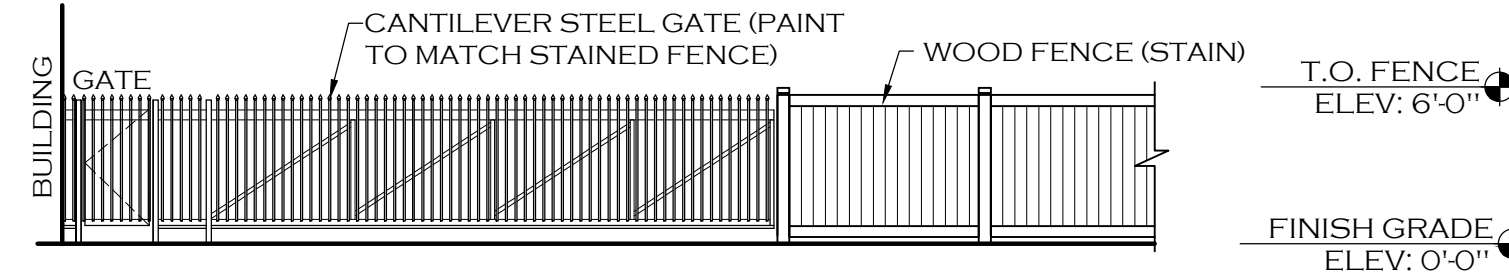
AL-1 KAWNEER, DARK BRONZE



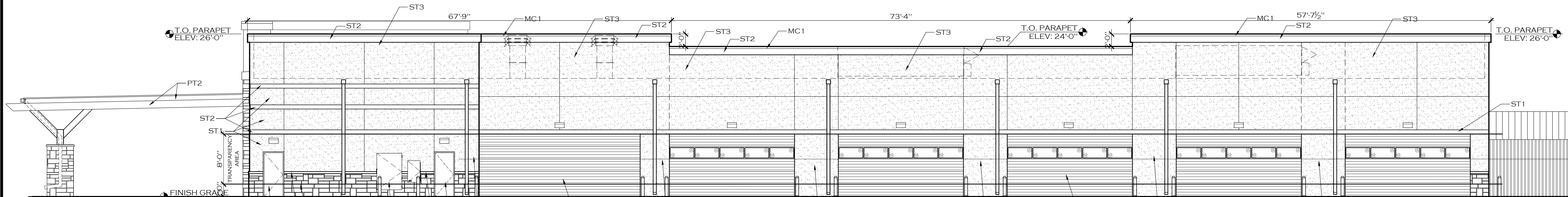
METAL BUILDING DETAILS
SCALE: 1/8" = 1'-0"



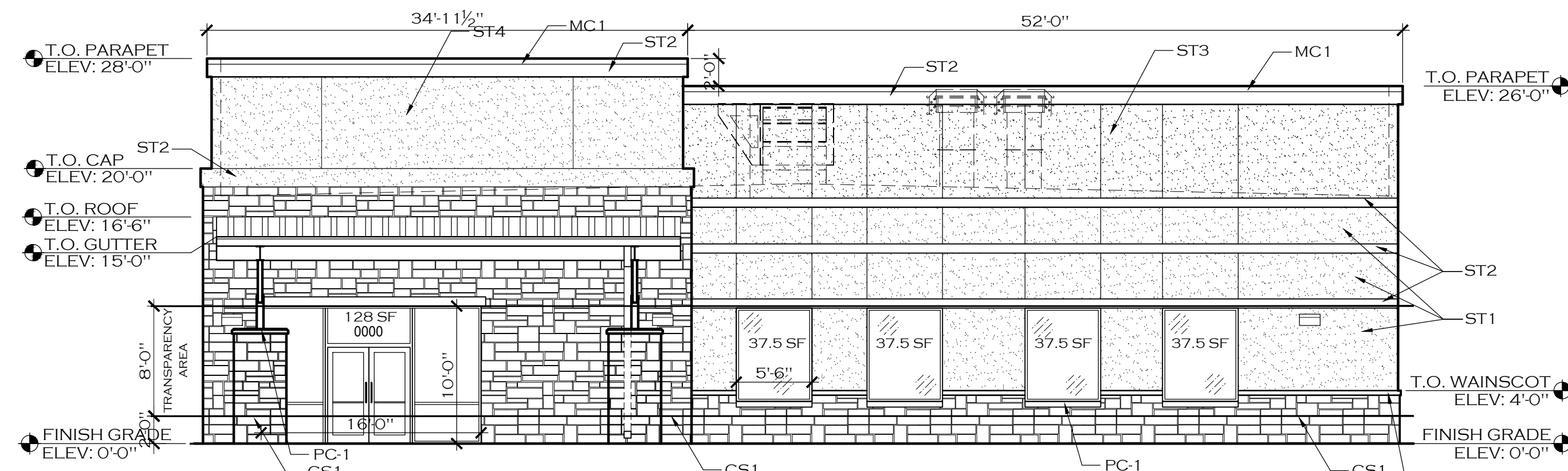
INTERIOR TRASH ENCLOSURE
SCALE: 1/8" = 1'-0"



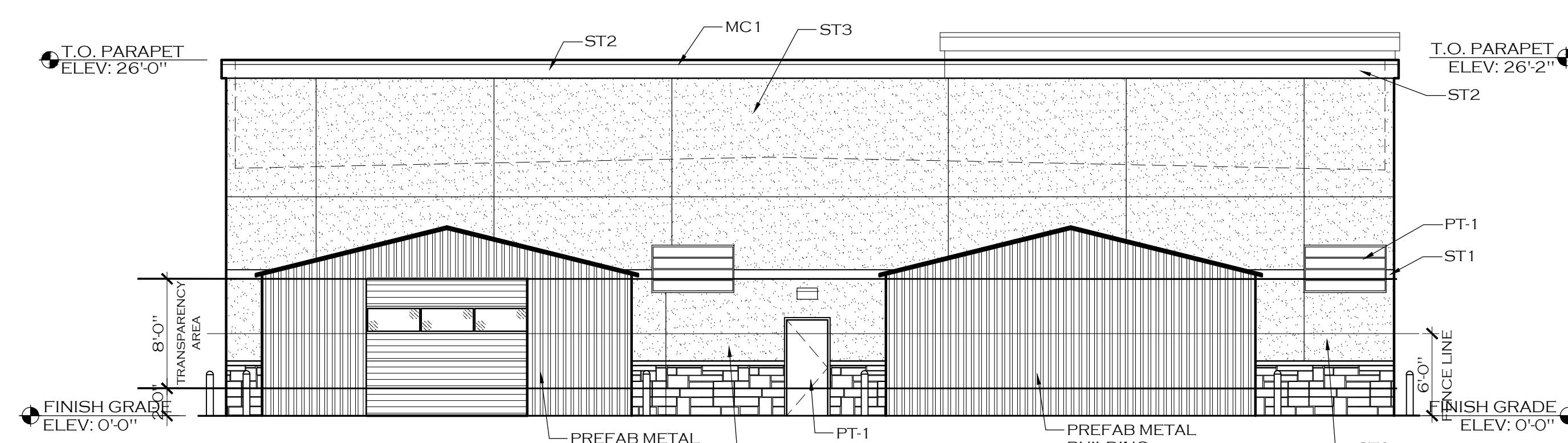
PERIMETER FENCE WITH ENTRY GATE
SCALE: 1/8" = 1'-0"



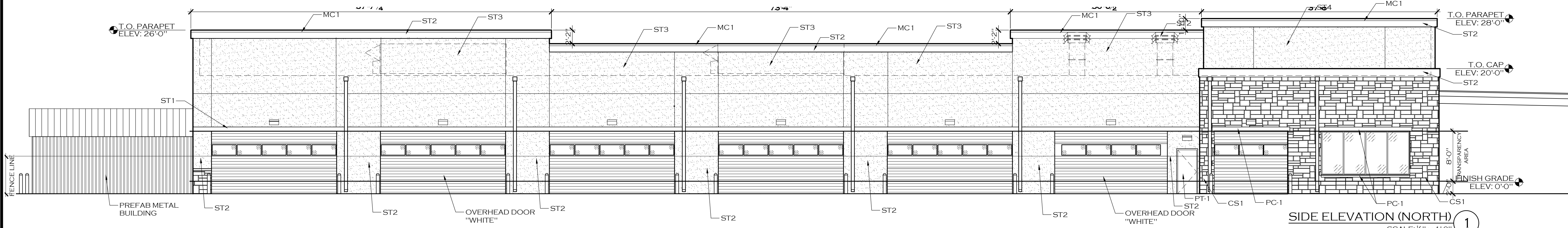
SIDE ELEVATION (SOUTH)
SCALE: 1/8" = 1'-0"



FRONT ELEVATION (WEST)
SCALE: 1/8" = 1'-0"

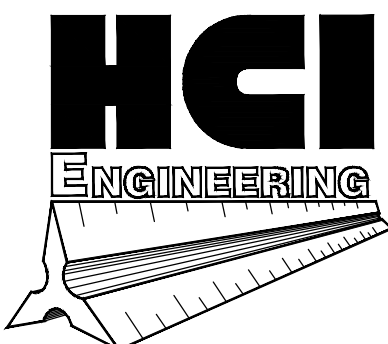


REAR ELEVATION (EAST)
SCALE: 1/8" = 1'-0"



SIDE ELEVATION (NORTH)
SCALE: 1/8" = 1'-0"

BUILDING TRANSPARENCY:
NORTH: NEEDED: 0 SF PROVIDED: 184 SF
SOUTH: NEEDED: 0 SF PROVIDED: 165 SF
EAST: NEEDED: 0 SF PROVIDED: 0 SF
WEST: NEEDED: 278 SF PROVIDED: 278 SF
(NOTE: WEST ELEVATION FACES STREET)



A DIVISION OF
HABERER CARPENTRY INC.
621 SOUTH PARK DR., SUITE 1000
LITTLETON CO, 80120
PHONE: (303) 878-3800
INFO@HABERERGROUP.COM



6140 Greenwood Plaza Blvd.
Greenwood Village, CO 80111

Know what's below.
Call before you dig.



CALL 811 2-BUSINESS DAYS IN
ADVANCE BEFORE YOU DIG.
GRADE, OR EXCAVATE FOR THE
MARKING OF UNDERGROUND
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CALIBER COLLISION
SITE PLAN
6702 FIG ST. ARVADA, CO 80004
DRAKE COLLISION PARTNERS FIVE LLC
496 S. BROADWAY, DENVER, CO 80209

REVISIONS:		
No.	Date:	Description:
1	02.05.21	1ST SUBMITTAL
2	04.02.21	2ND SUBMITTAL
3	05.28.21	3RD SUBMITTAL

Project No: 21-105
Drawn By: MB
Checked By: HC
Date Issued: 01/28/2021
Sheet Name:
Sheet Name: Building Elevations
Sheet Number:

A1.0

CALIBER COLLISION

SITE PLAN

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PT-2 SHERWIN WILLIAMS: SW7048 "URBANE BRONZE" LOW SHEEN UDB

STEEL:

MTL-1 STEEL COATING, METL-SPAN PREM. WEATHER XL "BURNISHED SLATE"

COPING/DOWNSPOUTS:

MC-1 PREFINISHED METAL, METL-SPAN "BURNISHED SLATE"

STOREFRONT:

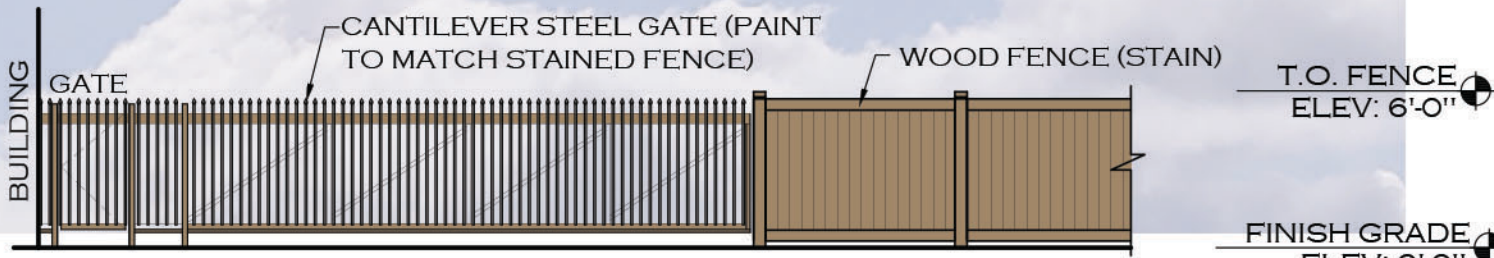
AL-1 KAWNEER, DARK BRONZE



VERTICAL RIB PANELS (TAN)
HORIZONTAL RIB DOOR (WHITE)



2" HIGH CMU CAP (BROWN)
INTEGRALLY COLORED 8" SPLIT FACE CMU BASALITE 638R
2" HIGH CMU CAP
INTEGRALLY COLORED 8" SPLIT FACE CMU
STEEL PANEL (PAINTED)



CANTILEVER STEEL GATE (PAINT TO MATCH STAINED FENCE)
WOOD FENCE (STAIN)
T.O. FENCE ELEV. 6'-0"
FINISH GRADE ELEV. 0'-0"

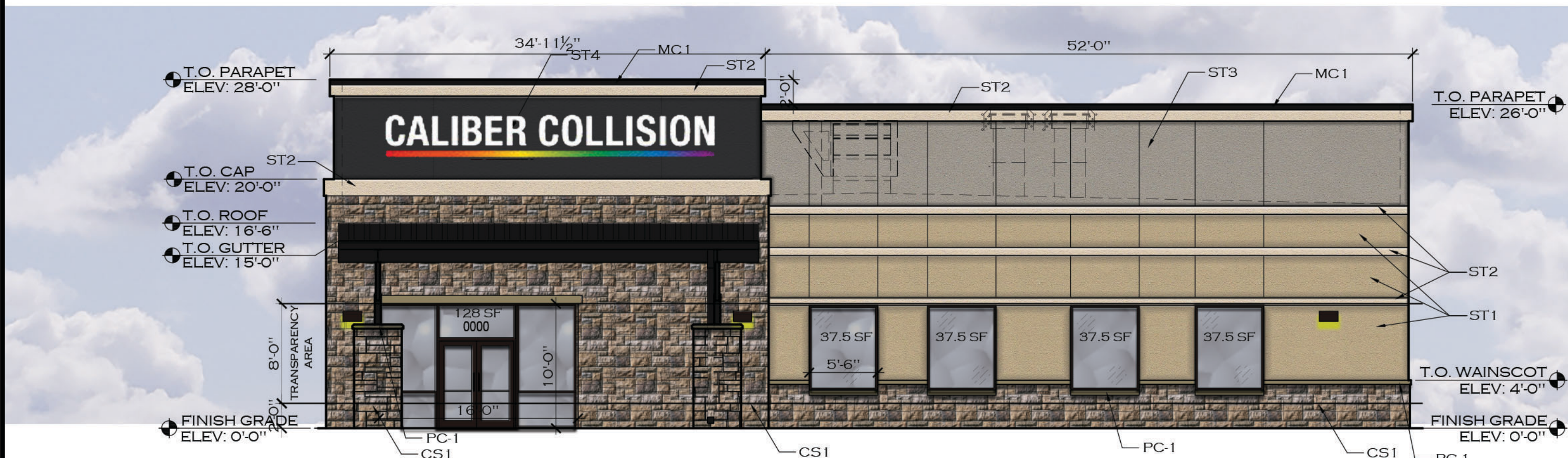
METAL BUILDING DETAILS 7
SCALE: 1/8" = 1'-0"

INTERIOR TRASH ENCLOSURE 6
SCALE: 1/8" = 1'-0"

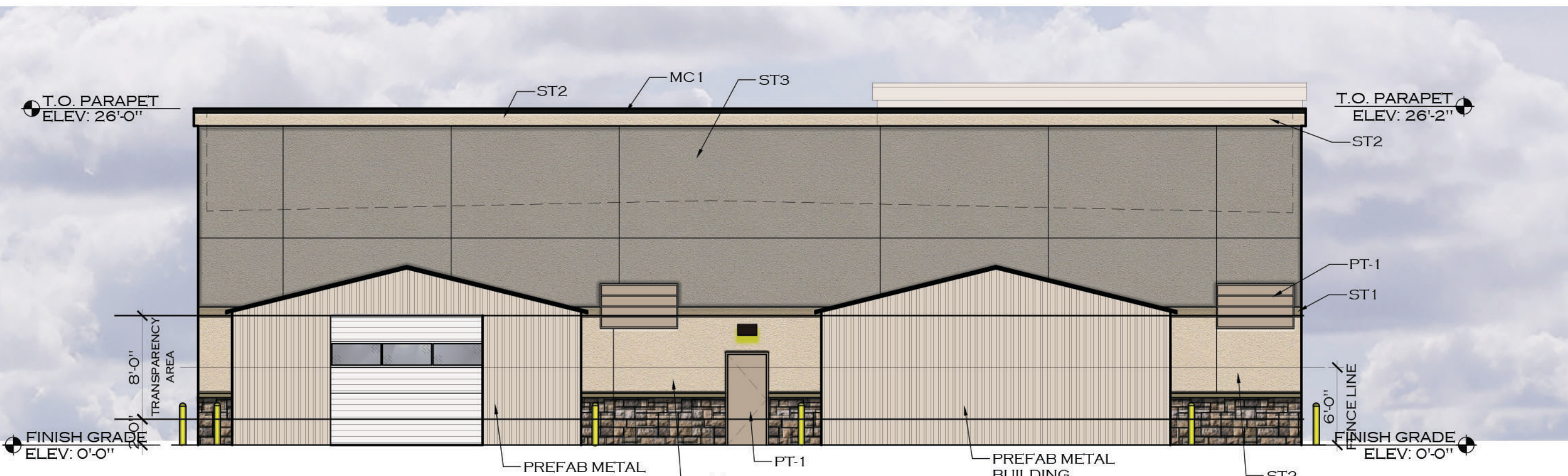
PERIMETER FENCE WITH ENTRY GATE 5
SCALE: 1/8" = 1'-0"



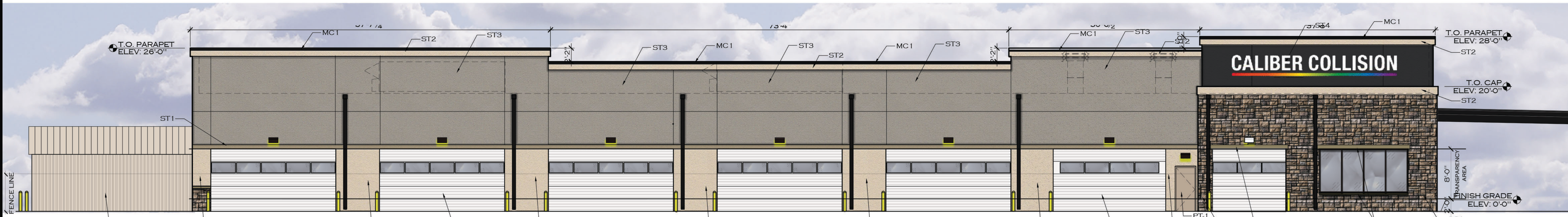
SIDE ELEVATION (SOUTH) 3
SCALE: 1/8" = 1'-0"



FRONT ELEVATION (WEST) 4
SCALE: 1/8" = 1'-0"

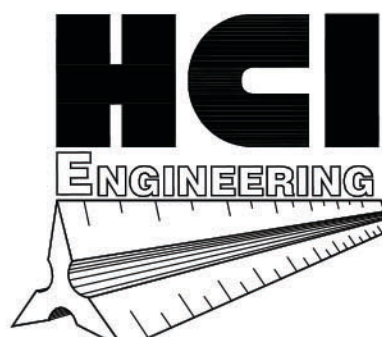


REAR ELEVATION (EAST) 2
SCALE: 1/8" = 1'-0"



SIDE ELEVATION (NORTH) 1
SCALE: 1/8" = 1'-0"

BUILDING TRANSPARENCY:
NORTH: NEEDED: 0 SF PROVIDED: 184 SF
SOUTH: NEEDED: 0 SF PROVIDED: 165 SF
EAST: NEEDED: 0 SF PROVIDED: 0 SF
WEST: NEEDED: 278 SF PROVIDED: 278 SF
(NOTE: WEST ELEVATION FACES STREET)



A DIVISION OF
HABERER CARPENTRY INC.
621 SOUTH PARK DR., SUITE 1600
LITTLETON CO, 80120
PHONE (303) 979-3300
INFO@HABERERGROUP.COM



nama
partners llc

6140 Greenwood Plaza Blvd.
Greenwood Village, CO 80111

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Call before you dig.



CALL 811 2-BUSINESS DAYS IN
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GRADE, OR EXCAVATE FOR THE
MARKING OF UNDERGROUND
MEMBER UTILITIES.

CALIBER COLLISION

SITE PLAN

6752 FIG ST. ARVADA, CO 80004
DRAKE COLLISION PARTNERS FIVE LLC
496 S. BROADWAY, DENVER, CO 80209

REVISIONS:

No.	Date:	Description:
1	02.05.21	1ST SUBMITTAL
2	04.02.21	2ND SUBMITTAL
3	05.28.21	3RD SUBMITTAL

Project No: 21-105

Drawn By: MB

Checked By: HC

Date Issued: 01/28/2021

Sheet Name:

Sheet Name: Building Elevations

Sheet

Number:

A1.1

Synopsis of Meeting Minutes from June 22, 2021 Planning Commission

Major Modification from the Land Development Code subsection 3-1-3-8 C.1.a for Caliber Collision, generally located at 6782 Fig Street

Mr. Owens entered into the record the Staff Report dated June 22, 2021, affidavits of mailing and posting, and posting log.

Ms. Ibanez gave a brief overview of the project. The applicant is requesting approval of two major modifications, for motor vehicle repair and service. The property is zoned IL (Light Industrial), Ms. Ibanez explained that the applicant is requesting approval of a major modification from the land development code subsection 3-1-3-8 C.1.a which requires all vehicles being maintenance inside an enclosed building in addition the applicant is requesting a major modification from Land Development Code subsection 3-1-3-8 C.1.C to allow for outdoor vehicle storage be changed from 15 days to 30 days. This will accommodate vehicles that need a longer time to repair. Staff recommends approval; the applicant has provided a plan to provide screening and landscaping to shield the exterior storage. The neighboring properties in the area are of similar uses.

John Hauser and Garrett Goodlin, applicant, explained the site in more detail and the reasons for the requests.

Mr. Owens opened the hearing for comments from the public.

PUBLIC COMMENT

IN FAVOR

None.

IN OPPOSITION

None.

APPLICANT REBUTTAL

None.

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Owens asked the applicant if 30 days is long enough to store the vehicles on site. He stated his vehicle was recently in the shop and it took 45 days. He commented you don't want to be in violation of that zoning if it takes more than 30 days.

Mr. Hauser responded he appreciates that, because originally they asked for 60 days. He commented, typically if a vehicle is totaled it goes to a non-drivable facility.

There was further discussion with Mr. Owens, Ms. Ibanez and Mr. Hauser to increase the maximum days from 30 days to 60 days.

Mr. Hannan expressed his same concerns on the 30 days. He recommends having an amendment to the motion. He asked how much light pollution there would be from outside the storage lot.

Mr. Goodlin responded they provided a photometric plan with a site plan that met the Land Development Code lighting requirements.

Mr. Knapp asked about the lighting as well, how many light poles there will be on the site as well as attached to the building. He asked specifically how many lights are along the east side near the residential area.

Mr. Goodlin responded that there are 10 light poles with reduced lumens to meet the City requirements. He stated there are a total of 17 wall mounted lights, with only one on the east side with the two smaller poles.

Mr. Hauser stated Caliber Collision is not open at night; therefore we have no interest in lighting up the lot at night.

Mr. Knapp appreciated the clarification. He asked if the lights are on a motion sensor or on a dimmer.

Mr. Hauser responded they turn off at night. He stated they do have a video surveillance, but that's infrared and he believes there are motion detectors.

Mr. Knapp asked about the site elevation and if they are significantly lower in elevation.

Mr. Goodlin responded they are lower than the lots to the North.

Mr. Knapp asked what the difference is on the final grade of the building and the actual grade for the residential lots to the east of Eldridge.

Mr. Goodlin responded from our property, it is about three or four feet drop to the pavement.

Mr. Knapp confirmed that the pavement is about the same elevation as the residents.

Mr. Goodlin stated there is a rise up to the backyards.

Mr. Knapp asked how tall the light poles on the property are.

Mr. Goodlin responded approximately 20 feet tall.

Mr. Magee asked what the two prefabricated buildings will be used for, since they are not screened.

Mr. Hauser responded they are more of a covering and used as a detailing bay before the vehicle is picked up.

Mr. Magee asked Ms. Ibanez how many parking stalls are allowed in the light industrial and is it on a case by case basis.

Ms. Ibanez responded it was reduced down to 83 parking stalls.

Mr. Magee asked if there would be a requirement from the applicant to provide any kind of financial assistance that would eventually help develop Eldridge Street.

Ms. Ibanez responded yes, that is part of the final site plan.

Mr. Griffith asked if the facility does not operate at night, what are the hours of operation and is the facility open on the weekends.

Mr. Hauser responded he believes it opens from 7 am to 6 pm and closed on the weekends.

Mr. Griffith asked for clarification on if there were any requirements from the insurance company to light the parking lot at night when storing customer vehicles.

Mr. Hauser responded no, the storage parking area lights are on motion sensor and not on a dimmer.

Ms. Connell stated her questions were answered by the other Commissioners questions on the security of the facility.

Mr. Hauser stated this is a gated facility and has video surveillance.

Mr. Gay asked Ms. Ibanez if there could be any kind of instrumentation that could be installed east of the property on the side of Eldridge Street that would monitor paint fumes. The staff report showed specification that it's mitigated to 98%.

Ms. Ibanez responded from her understanding there is no smell coming out of the building.

Mr. Hauser stated the paint booth is in the building and vehicles are driven into the building. He discussed that the paint booth are high-tech and federally regulated. There are no fumes escaping the building; the garage door automatically shuts when the vehicles enter or exit. He stated there are many locations and over time, we have learned what the Community wants and paint booths are designed to mitigate air and noise.

Mr. Owens asked if there were any further comments, no more comments were made. Mr. Owens asked for a motion.

MOTION:

It was moved by Mr. Magee, that a Major Modification from the Land Development Code subsection 3-1-3-8 C.1.a for Caliber Collision, generally located at 6782 Fig Street, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 7 and 8 of the Staff Report.

DISCUSSION OF MOTION:

Mr. Magee commented that he appreciated the detail even though this is the preliminary plans with the narrative for the major modification. He stated he will be supporting the project.

The following votes were cast on the motion:

Those voting Yes: Owens, Griffith, Gay, Connell, Magee, Hannan, Knapp

Those voting No: None

Those absent: None

The motion carried 7-0.

Mr. Owens explained that the motion carried.

Mr. Owens asked for a second motion.

MOTION:

It was moved by Mr. Magee, that a Major Modification from the Land Development Code subsection 3-1-3-8 C.1.c for Caliber Collision, generally located at 6782 Fig Street, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 7 and 8 of the Staff Report.

DISCUSSION OF MOTION:

Mr. Hannan offered a friendly amendment that the timeframe be extended from 30 days to 60 days.

Mr. Owens confirmed that this motion is for approval to amend the motion, with a 60 day window.

The following votes were cast on the motion:

Those voting Yes: Owens, Griffith, Gay, Connell, Magee, Hannan, Knapp

Those voting No: None

Those absent: None

The motion carried 7-0.

Mr. Owens explained that the motion carried.

Caliber Collision

DA2021-0025

Request for Major Modifications

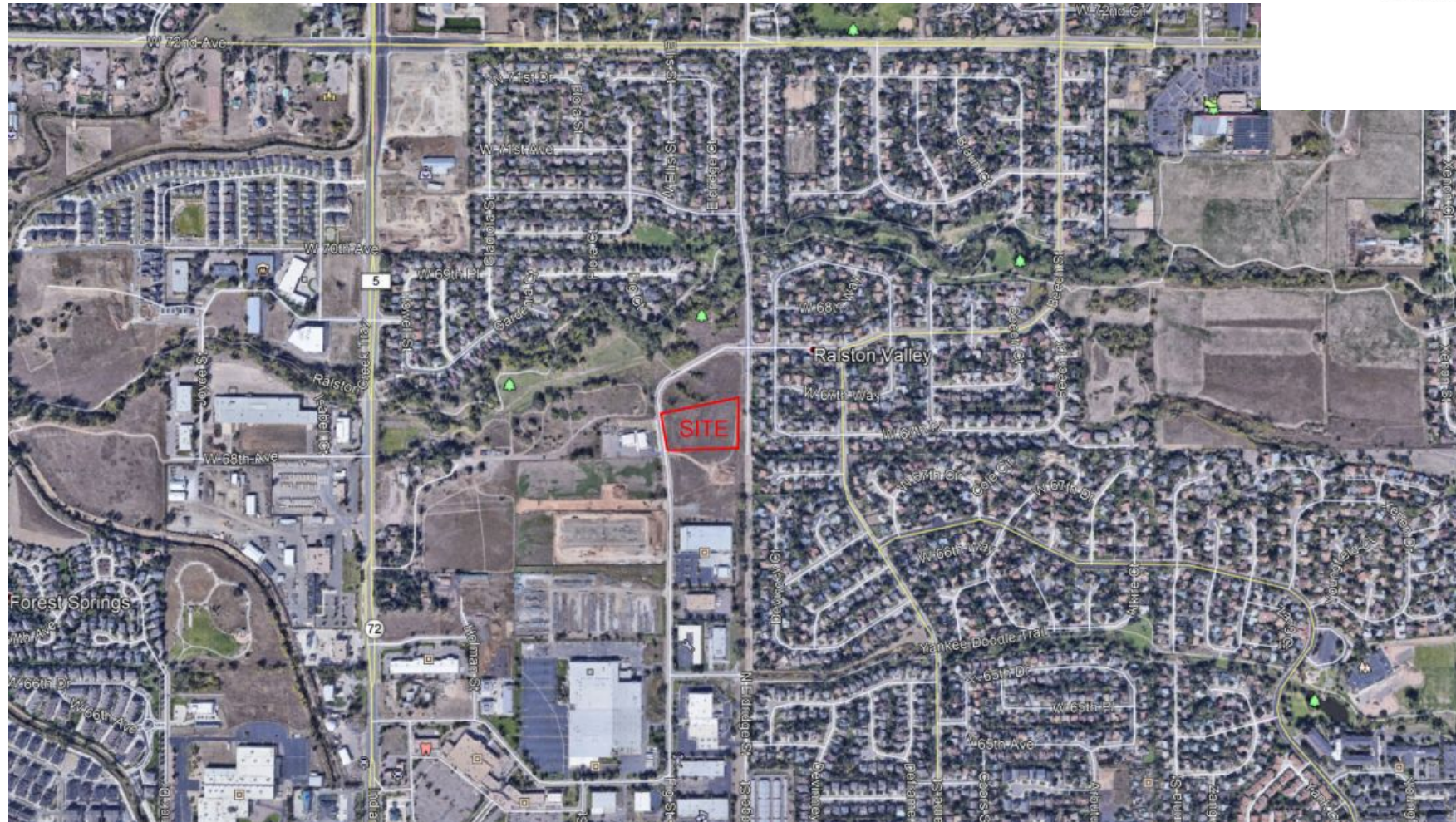
Introduction

- Developer, Drake Real Estate Services
- Site Description
 - 6782 Fig Street
 - Project area is 2.78 acres.
 - The current site is a vacant lot with native vegetation.
 - Lot is Zoned Light Industrial and allows the proposed land uses.
 - Access to the site is from Fig Street

Site Aerial:

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Major Modification Requests

- Land Development Code Section 3-1-3-8-C-1-a states, “All vehicle repair uses shall be conducted within a completely enclosed building.”
- Requesting that storage of vehicles within the exterior, fenced storage area be allowed.
- Land Development Code Section 3-1-3-8-C-1-c states, “Storage of Vehicles on the premises shall not exceed 15 days.”
- Requesting that the 15-day limit be extended to 30 days. Planning Commission recommended a motion that the limit be extended to 60 days.

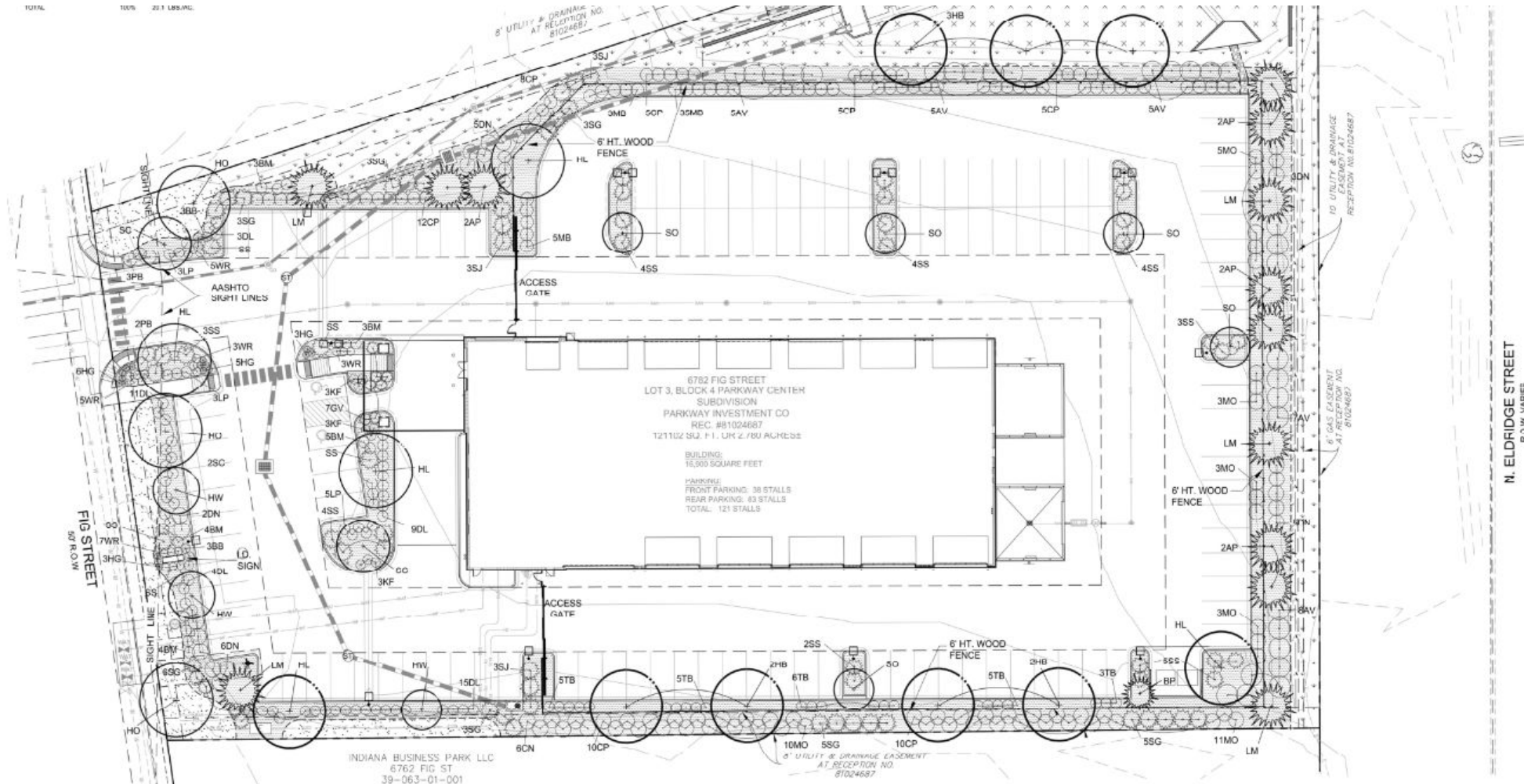
Exterior Storage of Vehicles

- 83 stalls proposed within fenced storage area.
- All work being performed on any vehicle will be within the enclosed building.
- Public parking is provided outside of the fenced area (33 required, 38 provided)
- Vehicles are brought in and out of the building as parts arrive.
- Storms, or other events cause temporary increases in volume.
- Insurance requires storage of vehicles within a gated area.
- Storage area surrounded by 6' wood fence, with enhanced landscaping.
- Landscaping exceeds requirements for number of trees, shrubs and percentage of evergreen trees.
- 20' landscape buffer is required on the east towards the residences.

Landscape Plan

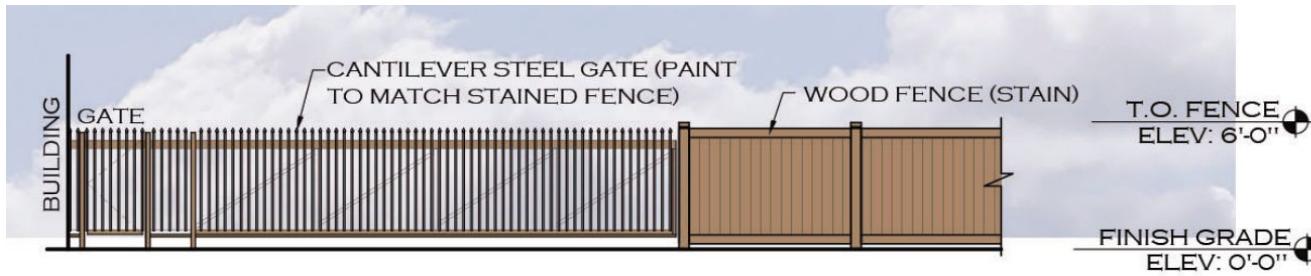
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60 Day Storage Limit

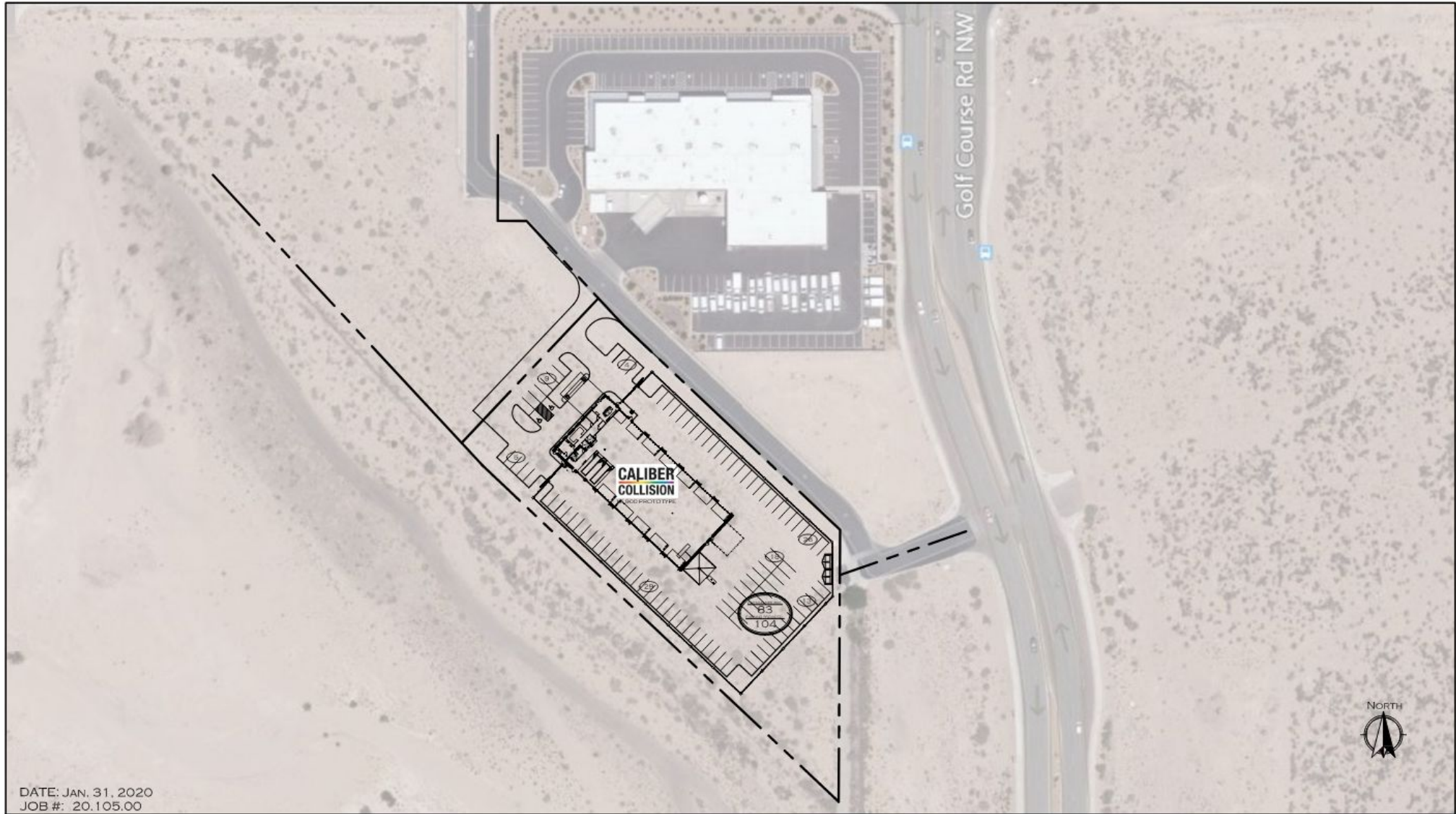
- It is in Caliber Collision's best interest to have vehicles repaired as quick as possible.
- International supply chains can cause delays.
- Scarcity of certain parts can lengthen delivery times.
- High customer demand can limit supply.
- Any increase in storage times will be temporary.



Caliber Collision



- Average Building Size – 16,900 SF for latest prototype
- Average Number of Parking Stalls in Fenced Yard – 100
- Average Lot Size – 2.5 acres



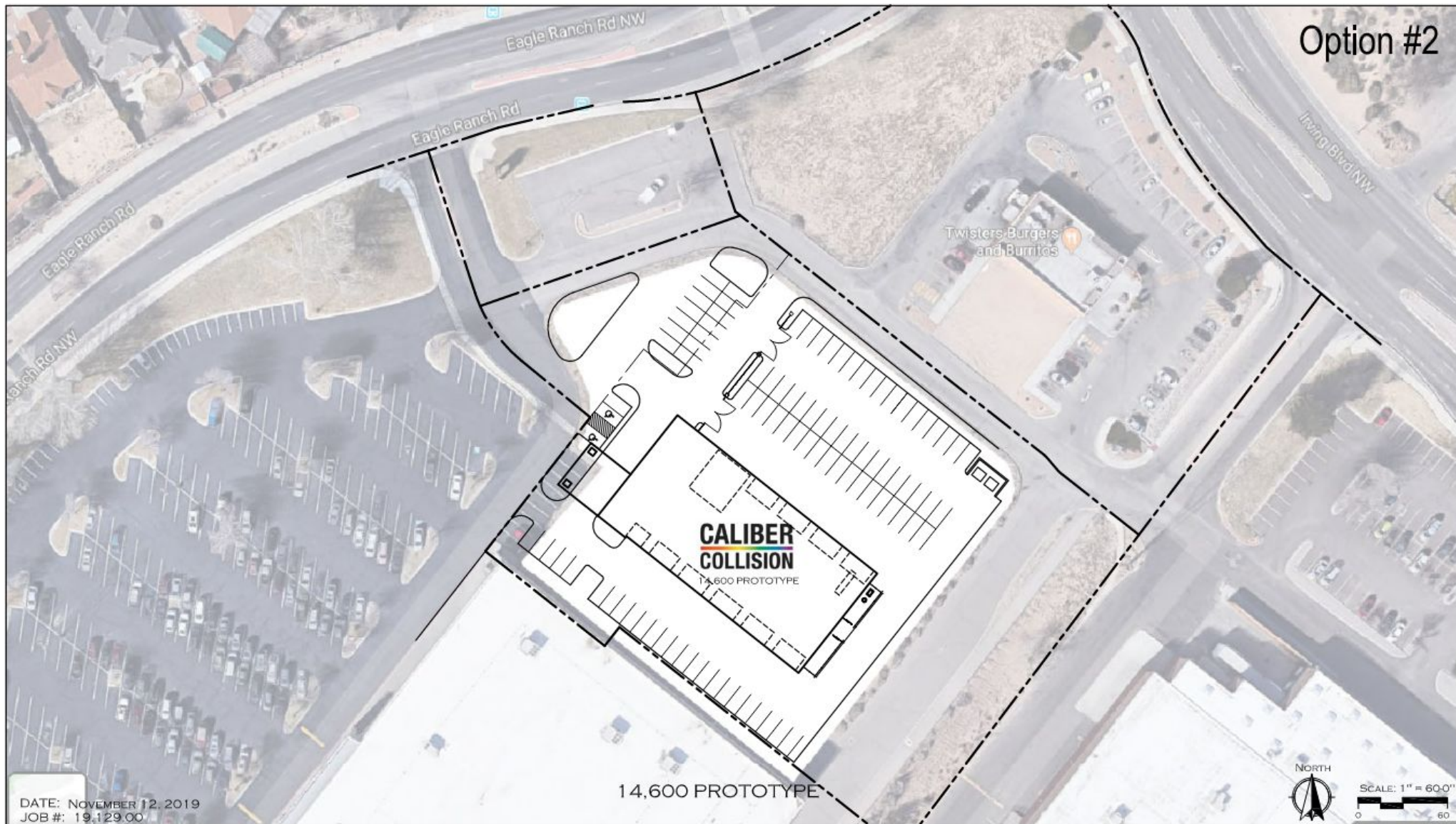
DATE: JAN. 31, 2020
JOB #: 20.105.00

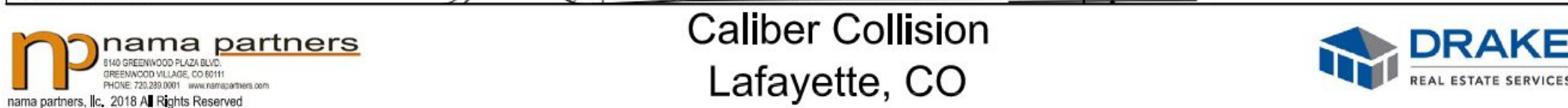
np nama partners
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SWQ GOLF COURSE RD. & WESTSIDE BLVD.
ALBUQUERQUE, NM



7/8/2021







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Caliber Collision Centers

Environmentally Sensitive Business Model:

- The design and construction of all new buildings reduces exterior noise levels
- All work completed indoors under controlled environment
- Service bay doors auto-close upon vehicle entry
- Refrigerant recovery & recycling ASE certified technicians
- Vacuum-assisted sanding collects over 90% of dust generated
- Caliber has switched from acrylic based paints to water-based paints in all stores
- Spray booth filter system is 99.84% efficient in collecting overspray particulates
- This facility will meet the National Emissions Standard for Hazardous Air Pollutants (NESHAP)
- This facility will meet the Standard for Exhaust Systems for Air Conveying of Materials (NFPA 91)

Operations:

- Over 80% of customers drive their cars in (less than 20% towed in)
- Hours are 7:30 am to 5:30 pm M-F (no evenings or weekends)
- Average mature store does \$3.8 - \$4.2 Million in annual sales
- Excellent employee benefits, training and compensation (\$80,000-\$180,000)

Premier Community Involvement:

- “Recycled Rides” provide badly needed transportation
- “Carry the Load” promotes true meaning of Memorial Day
- “Rhythm Restoration Food Drive” supports local food banks
- “Hire our Heroes” helps returning veterans find employment

Integrated Architectural Facility Design:

- Upgraded architecture with masonry or stone
- Universal earth tones color scheme to match each community
- Decorative or privacy fencing
- Generous indigenous landscaping and upgraded landscaping elements

Industry Leading Customer Satisfaction:

- Extensive customer satisfaction employee training
- Customer Service call center staffed 24/7
- Online estimates and appointment scheduling
- 24/7 towing services by approved partners
- Written Lifetime Warranty on all work
- Enterprise Rent-a-Car offices in many locations

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Corporate Overview



©2017 Caliber Collision

CALIBER COLLISION

OUR PURPOSE

is to restore our customers to
the rhythm of their lives

OUR VISION

is to be the company that improves the image
of the collision repair experience

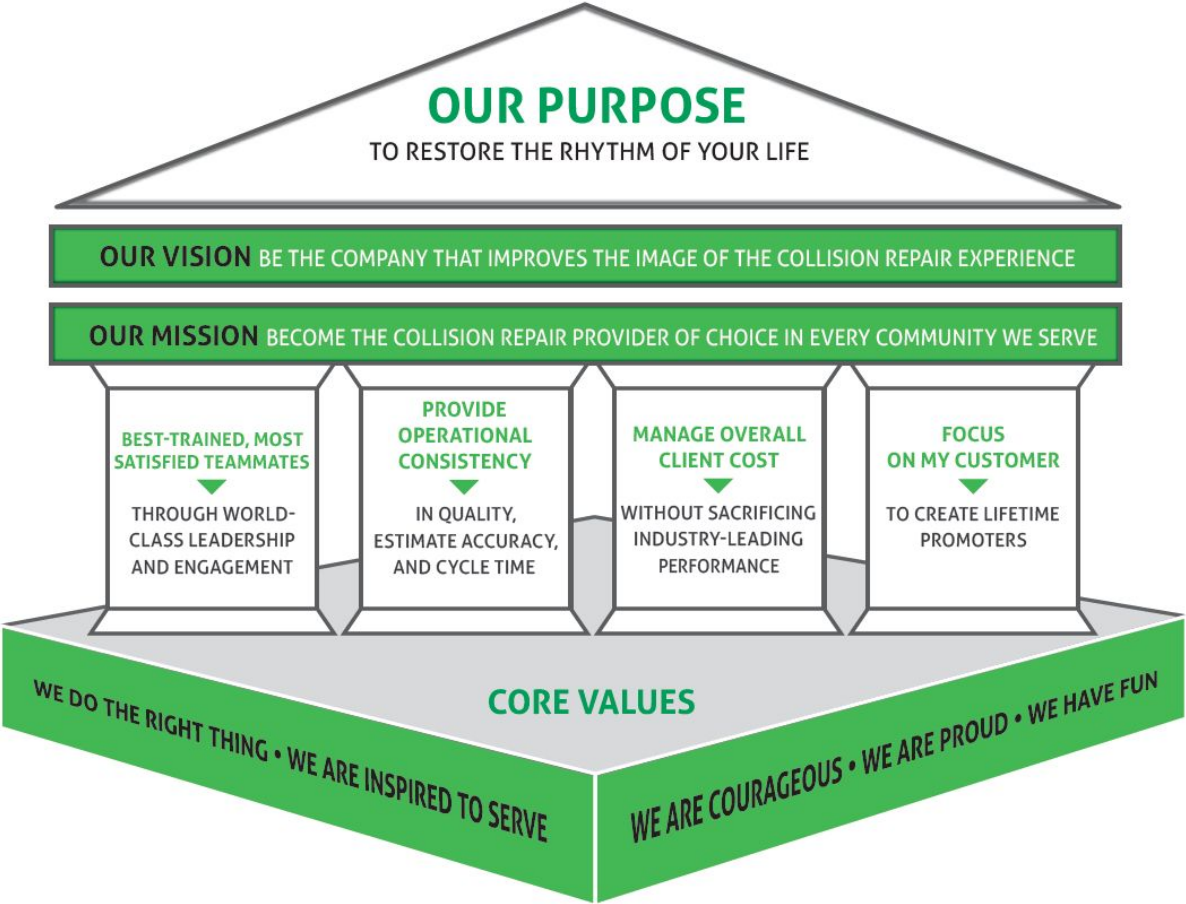
OUR MISSION

is to become the collision repair provider of choice
in every community we serve

1.888.CALIBER | CALIBERCOLLISION.COM

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OUR PURPOSE, DRIVEN BY OUR PEOPLE



Background

- Largest collision repair company in the U.S.
- 552 locations
 - 179 California locations
 - 121 Texas locations
 - 43 Florida locations
 - 41 Virginia locations
 - 35 Maryland locations
 - 27 Colorado locations
 - 26 North Carolina locations
 - 21 South Carolina locations
 - 16 Georgia locations
 - 10 Arizona locations
 - 10 Pennsylvania locations
 - 7 Nevada locations
 - 6 New Jersey locations
 - 4 Oklahoma locations
 - 2 Delaware locations
 - 2 New Mexico locations
 - 1 District of Columbia location
 - 1 West Virginia location
- \$1.4 billion in annual revenue



Background

- Located in 17 states
 - Arizona
 - California
 - Colorado
 - Delaware
 - Florida
 - Georgia
 - Maryland
 - Nevada
 - New Jersey
 - New Mexico
 - North Carolina
 - Oklahoma
 - Pennsylvania
 - South Carolina
 - Texas
 - Virginia
 - West Virginia
 - and
 - District of Columbia



Background



- More than 850,000 estimates written every year
- More than 10,800 teammates across the nation
- Opening 100+ locations per year

Industry Recognition



- 4-time winner of Supplier Excellence Award
– 2013-2016
- Serves as a model for other suppliers and enables USAA to operate with excellence by consistently providing best-in-class service delivery and performance

~ USAA

Industry Recognition

- 2-time winner of Farmers Insurance National Business Partnership Award – Multi Shop Organization
– 2011 & 2015
- In recognition and appreciation of outstanding commitment to service and excellence throughout business operations

~

Farmers



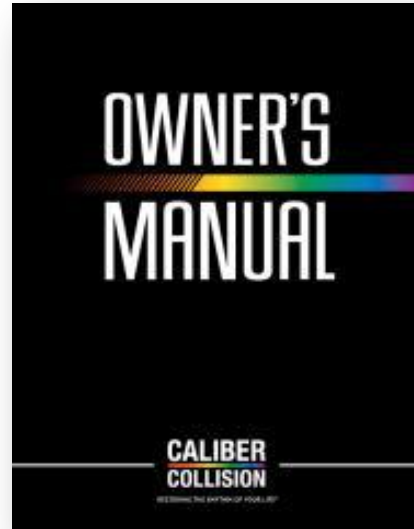
Our Reputation

Top 2016 U.S. Net Promoter Scores

- Costco = 79%
- USAA Insurance = 76%
- Nordstrom = 72%
- Amazon = 69%
- Netflix = 68%
- Jet Blue = 68%
- Apple = 65%

Caliber = 86%

Commitment To Our Customers



- Caliber Owner's Manual
- Award-Winning Web Site
- Best-In-Class Customer Care



Commitment To Our Associates

- More than \$12MM spent on training per year
 - Owner's Manual Intensive Training
 - Foundations of Leadership
 - Leadership In High Gear
- Bi-weekly Engagement Meetings
 - Monday: Engagement Meeting
 - Wednesday: Safety Topic of the Week
- Continuous advancement opportunities



Enhanced Commitment To A Quality Culture

- I-CAR Certification
 - All Center Managers, Regional Managers and Field Support staff I-Car Platinum certified
 - Certified instructors on staff with the ability to manage training schedule internally
 - All Center Managers and Technicians welding certified



Commitment To Our Communities



- Will gift 60 fully-refurbished vehicles to primarily, military families, through Caliber Recycled Rides program in 2017

- Have gifted more than 150 vehicles over the past five years



- Collected 3.2 million meals for kids in need of nutritious meals over the summer in 2017

- Collected more than 10 million meals over the past four years for kids in need

Commitment To Our Communities

- Actively support
 - American Heart Association
 - Carry The Load
 - Military and First Responders
 - Allies In Service
 - Heroes On The Water
 - Gold Star Mothers Organization
 - Operation Homefront
 - Military Order of the Purple Heart
 - Support The Enlisted Project
 - US Veterans Initiative



Summary

- Largest collision repair provider in the U.S.
- Committed to providing superior operational consistency
- Committed to complete customer satisfaction
- Committed to our teammates
- Committed to our local communities
- Committed to becoming the collision repair provider of choice in every community we serve



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REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.I.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: Major Modification from the Land Development Code Subsection 3-1-3-8 C.1.c for Caliber Collision, Generally Located at 6782 Fig Street

Report in Brief

Jon Hauser, Drake Collision Partners, Applicant is requesting approval of two major modifications from the Land Development Code (LDC) for motor vehicle repairs and service standards. The property is located on 6782 Fig Street, Lot 3 Block 4 of the Parkway Center Subdivision.

A 16,900 square foot Caliber Collision motor vehicle repair and service building is proposed on a vacant 2.78 acre lot. The property is zoned IL (Industrial Light) and allows the proposed land use. A Site Plan was submitted that requires two Major Modifications to the LDC. Access to the site is from Fig Street.

MAJOR MODIFICATIONS REQUESTED

The following Major Modification is requested by the applicant:

Subsection 3-1-3-8 C.1.c Storage of vehicles on the premises shall not exceed 15 days.

The applicant is requesting that number of days to store vehicles on site be increased from 15 to 30 days. It is Caliber Collision best practice to schedule vehicle service and complete work on time. However, there are times when certain parts are not available locally as well as delays of parts from the international supply chains. The additional 15 days will insure that the vehicles are stored within the secured storage area.

All vehicle repairs will be performed within the building's 11 service bays. Vehicles are repaired all day long. Depending on the type of repair required, the repair time may vary. Repair work may be completed on the same day while other vehicles may take longer. If certain vehicle parts are not available and need to be ordered, the repair will take longer to complete. Other scenarios that may delay the repair are hailstorm or major weather events. The increase in number days the vehicles are on the site will be temporary. The demand for service of vehicles requires an outdoor storage area. Insurance companies also require that vehicles be in a secure and safe environment. Otherwise, they will not pay to have the work done.

The Community and Economic Development team supports the Major Modifications to mitigate the impact of vehicles to be stored outside by enhancing the site with a six-foot privacy fence and a wider landscape buffer yard with evergreen trees and large shrubs to screen the vehicles from the adjacent neighborhood. Except for the residential neighborhood to the east, the primary land uses in this area are industrial, outdoor storage, offices and warehouses, which are compatible with this development.

The report to the Planning Commission, plan sets and other supporting documents are attached to agenda item 10.E.

The Arvada team recommends that the Major Modification from the Land Development Code subsection 3-1-3-8 C.1.c, which states that storage of vehicles on the premises shall not exceed 15 days to allow Caliber Collision, generally located at 6782 Fig Street, to store vehicles for 60 days, be approved.

Financial Impact

There is no direct financial impact associated with the proposed action.

Background

The subject property is located at 6782 Fig Street in the Parkway Center subdivision. The site is undeveloped with existing native grasses. The Parkway Center was annexed and zoned PUD-BP (Planned Unit Development –Business Professional) and PUD-I (Planned Unit Development Industrial) to the City of Arvada in February 1975. An (ODP) Outline Development Plan which included 70 acres for professional office use and 53 acres for light industrial park land uses was approved at the time. In 1977, Cobe Laboratories (now LivaNova) was the first development to be constructed. Since then, light industrial uses including Prescient, Easter Owen and Martinez Fire Protection were developed.

On May, 2020, the City updated the LDC and created new zoning districts and remapped the property from PUD-I to IL (Industrial, Light).

Discussion

It is the responsibility of the applicant to justify the requested land use application. The City Council should make a decision based on its findings regarding the approval criteria shown in the table below and upon testimony heard during the public hearing as it applied to the criteria.

The Community and Economic Development team performed an analysis of the proposal, based on the approval criteria listed in Section 8-3-11-4 D Major Modification, and presents the following findings:

Div. 8-3-11-4 D Major Modification Approval Criteria	Finding	Rationale
1. The requested modification is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district.	Complies	The modifications allow the project to be consistent with the Comprehensive Plan and the IL zoning district.
2. The requested modification addresses a unique situation or incorporates creative site design.	Complies	Additional enhancements for a wider landscape buffer which exceeds the required number of trees, shrubs and percent of evergreen trees as well as a privacy fence are incorporated with the site design.
3. The requested modification will not result in	Complies	The modification will not result in incompatible development with the enhanced landscape and privacy fence screening the storage area from the neighborhood to the east. The area is primarily light industrial, outdoor storage

incompatible development.		office and warehouse land uses that are compatible with the motor vehicle repairs.
4. The requested modification will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public.	Complies	The modifications will have no significant adverse impact on the health, safety or general welfare of the adjacent property owners or the general public.
5. Any adverse impacts resulting from the modification will be mitigated to the extent reasonably feasible.	Complies	The site plan mitigates any adverse impact by providing a 20 foot landscape buffer, a six foot privacy fence and security gates.

Public Contact

The required neighborhood meeting took place on February 3, 2021 and was a virtual meeting. A total of 24 people participated on a zoom call meeting including four members of the developer's team. The applicant provided a brief summary of the site and discussed the proposed major modifications to the LDC. The applicant fielded questions and discussed Caliber Collision's business and hours of operation, the number of paint booths and type of filtrations used and why an outdoor storage area was necessary. Other questions related to traffic, road improvements, type of stormwater and detention pond, and fencing along the east side of the property adjacent to the residential uses. In addition, the applicant received five emails with similar questions with the applicant responding to each email.

Written notice was sent 15 days prior to the meeting, a published notice was posted in the newspaper 15 days prior to the meeting, and a public hearing sign was posted 15 days prior to the meeting. In addition, the City Council agenda was posted.

Commission Recommendation

The Planning Commission amended staff's recommendation to increase the time from 30 days to 60 days and voted 7 to 0 to recommend approval to the City Council.

Strategic Alignment

This project aligns with the Community and Economic Development Priority Area of the City Council Strategic Plan. Specifically, the recommended action aligns with the following Principle:

Uses the Comprehensive Plan to guide planning, land use code decisions, development management, and information and resource services that are delivered to residents, businesses, the development community, decision-making bodies, and neighborhood partners to achieve a well-planned aligned sustainable, and livable community for current and future generations.

Alternative Courses of Action

N/A.

Recommendation for Action

The Arvada team recommends that the Major Modification from the Land Development Code subsection 3-1-3-8 C.1.c, which states that storage of vehicles on the premises shall not exceed 15 days to allow Caliber Collision, generally located at 6782 Fig Street, to store vehicles for 60 days, be approved.

Suggested Motion:

I move that the Major Modification from the Land Development Code subsection 3-1-3-8 C.1.c, which states that storage of vehicles on the premises shall not exceed 15 days to allow Caliber Collision, generally located at 6782 Fig Street, to store vehicles for 60 days., be (approved) (rejected).

Prepared by:

Stephanie Wallace, Administrative Specialist

Reviewed by:

Approved by:

Carol Ibanez, Senior Planner	6/29/2021
Josie Suk, Development Systems and Administrative Manager	6/30/2021
Robert Smetana, Manager of City Planning and Development	6/30/2021
Gail Walker, Legal Specialist-Contracts	7/1/2021
Emily Grogg, Senior Assistant City Attorney	7/1/2021
Rachel Morris, City Attorney	7/7/2021
Lorie Gillis, Deputy City Manager	7/7/2021
Mark Deven, City Manager	7/7/2021

Enclosure, exhibits & attachments required to support the report



REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.J.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: Conditional Use Application to Allow Light Industrial Uses Within a New Commercial Flex Building Located in a CG (Commercial, General) Zoning District for Center Land at Indiana Business Park, Generally Located at 14763 W. 65th Way and 6595 Holman Street

Report in Brief

Indiana Business Park, LLC. and Galloway & Company, Inc. are requesting approval of a Conditional Use in order to allow light industrial uses within a new commercial flex building located in a CG (Commercial, General) zoning district. The Conditional Use would allow the property owner to lease tenant spaces to businesses that would be defined as light industry in the Land development Code (LDC). The proposed building is approximately 35,227 square feet in size and would contain a total of twelve tenant spaces each with an overhead door.

The Arvada team recommends approval of a Conditional Use Application to allow light industrial uses within a new commercial flex building located in a CG (Commercial, General) zoning district for Center Land at Indiana Business Park, generally located at 14763 W. 65th Way and 6595 Holman Street

Financial Impact

There is no direct financial impact associated with the proposed action.

Background

The property currently consists of two separate lots. One lot at 14763 W. 65th Way contains a 4,077 square-foot single family home with various accessory buildings. The second lot located at 6595 Holman Street is currently undeveloped.

The property was annexed into the City in 1980 with the Roske Rose Alderfer Annexation. The existing single-family home at 14763 W. 65th Way was constructed in 1909 and the land is unplatted. The property at 6595 Holman Street otherwise known as Lot 2 of the Indiana Business Center Minor Subdivision was platted in 1997.

Discussion

The Community and Economic Development team performed an analysis of the proposal, based on the approval criteria listed in Section 3 of the Land Development Code, and presents the following findings:

Div. 8-3-5 Conditional Use Approval Criteria	Finding	Rationale
1. The application complies with the applicable standards of this LDC, other adopted City ordinances, resolutions and regulations including but not limited to any use-specific standards for the proposed conditional use in Division 3-1-3, any approved Master Development Plan that includes the property, and any	Complies	The application complies with all of the standards of the LDC and no modifications are being requested at this time.

SUBJECT: Conditional Use Application to Allow Light Industrial Uses Within a New Commercial Flex Building Located in a CG (Commercial, General) Zoning District for Center Land at Indiana Business Park, Generally Located at 14763 W. 65th Way and 6595 Holman Street

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ITEM: 10.J.

conditions specifically applied to development of the property by the Planning Commission or City Council in a prior decision affecting the property;		
2. The application is consistent with the Arvada Comprehensive Plan;	Complies	The application is consistent with the Arvada Comprehensive Plan.
3. The use is consistent with the purpose and intent of the zoning district in which it is located;	Complies	The use is consistent with the purpose and intent of the CG zoning district, as light industry is allowed as a Conditional Use.
4. The size, scale, height, density, multi-modal traffic impacts, hours of operation and other similar characteristics of the proposed use are comparable with existing and planned uses in the surrounding area and the zoning district regulations;	Complies	The size, scale, height, density, and traffic impacts are consistent with the planned uses in the surrounding area. The surrounding properties are identified as Neighborhood/Community Commercial, Mixed Use, and Industrial/Office in the Comprehensive Plan. Existing commercial and light industrial uses are located directly to the north, south and east. Staff finds that the proposed conditional use is comparable with existing and planned uses in the surrounding area.
5. Facilities and services including sewer, water, storm water, gas, electricity, police and fire protection, and roads and transportation will, prior to or as part of the development, be available to serve the subject property while maintaining adequate levels of service for existing development; and	Complies	All services are available for this site.
6. The application mitigates any adverse impacts on the surrounding area to the degree practicable.	Complies	The application mitigates adverse impacts to the surrounding area to the degree practicable.

Public Contact

The required neighborhood meeting for this project took place on April 22, 2021. Due to the COVID-19 pandemic, the required neighborhood meeting was held virtually. The applicant, staff and two neighbors were in attendance.

Written notice was sent 15 days prior to the meeting, a published notice was posted in the newspaper 15 days prior to the meeting, and a public hearing sign was posted 15 days prior to the meeting.

Commission Recommendation

SUBJECT: Conditional Use Application to Allow Light Industrial Uses Within a New Commercial Flex Building Located in a CG (Commercial, General) Zoning District for Center Land at Indiana Business Park, Generally Located at 14763 W. 65th Way and 6595 Holman Street

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The Planning Commission voted 7-0 in favor of approval by City Council.

Strategic Alignment

This project aligns with the Community and Economic Development strategic goals.

Alternative Courses of Action

NA

Recommendation for Action

The Arvada team recommends approval of a Conditional Use Application to allow light industrial uses within a new commercial flex building located in a CG (Commercial, General) zoning district for Center Land at Indiana Business Park, generally located at 14763 W. 65th Way and 6595 Holman Street

Suggested Motion:

I move that a Conditional Use Application to allow light industrial uses within a new commercial flex building located in a CG (Commercial, General) zoning district for Center Land at Indiana Business Park, generally located at 14763 W. 65th Way and 6595 Holman Street, be (approved)(rejected).

This motion is based on the findings of fact adopted by Planning Commission (if approved).

This motion is based on the following findings of fact for denial: (Recite approval criteria you believe the evidence fails to satisfy and your reasons).

Prepared by:
Stephanie Wallace, Administrative Specialist

Reviewed by:

Approved by:

Jeremiah Bebo, Planner II	6/30/2021
Josie Suk, Development Systems and Administrative Manager	6/30/2021
Robert Smetana, Manager of City Planning and Development	6/30/2021
Gail Walker, Legal Specialist-Contracts	7/1/2021
Emily Grogg, Senior Assistant City Attorney	7/1/2021
Rachel Morris, City Attorney	7/7/2021
Lorie Gillis, Deputy City Manager	7/7/2021
Mark Deven, City Manager	7/7/2021

SUBJECT: Conditional Use Application to Allow Light Industrial Uses Within a New Commercial Flex Building Located in a CG (Commercial, General) Zoning District for Center Land at Indiana Business Park, Generally Located at 14763 W. 65th Way and 6595 Holman Street

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Enclosure, exhibits & attachments required to support the report

City of Arvada
Community and Economic Development Department
PUBLIC HEARING STAFF REPORT

Center Land at Indiana Business Park
Conditional Use
DA2021-0045

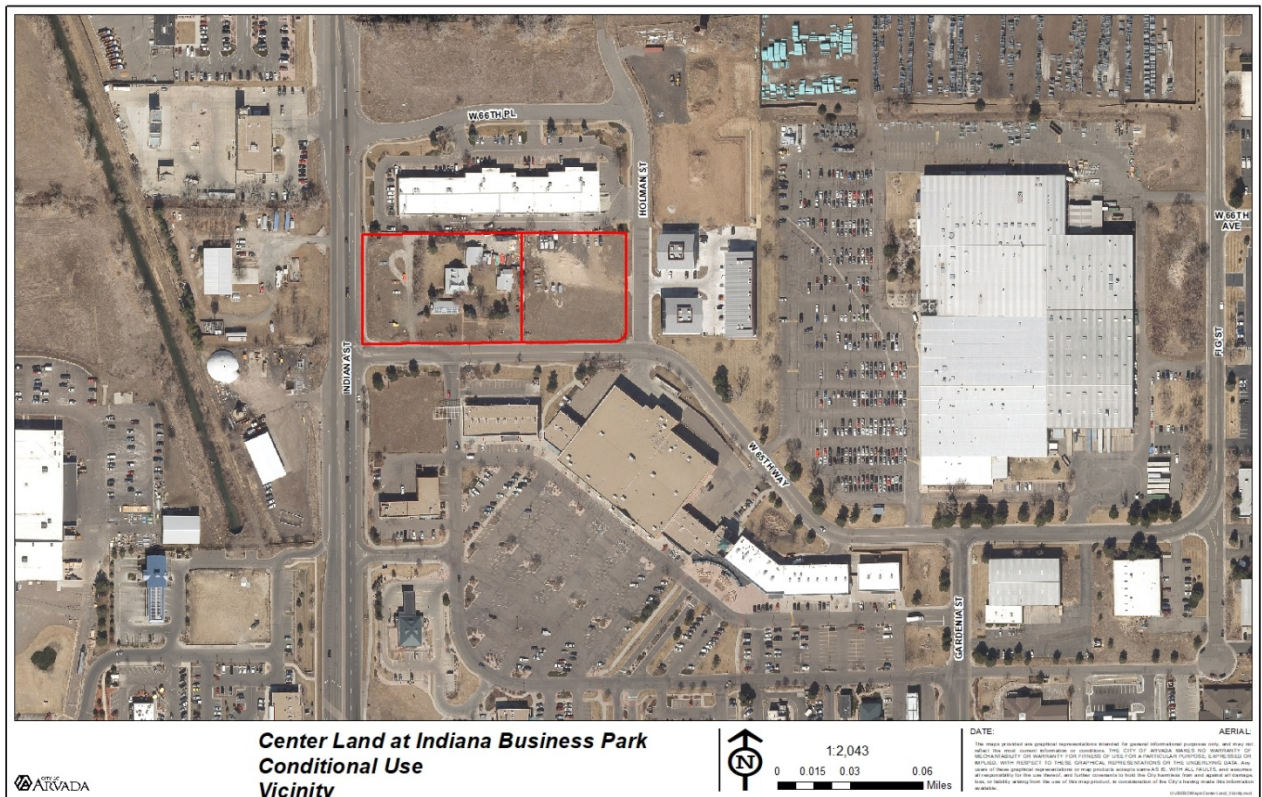
NATURE OF REQUEST

Indiana Business Park, LLC. and Galloway & Company, Inc. are requesting approval of a Conditional Use in order to allow light industrial uses within a new commercial flex building located in a CG (Commercial, General) zoning district. The Conditional Use would allow the property owner to lease tenant spaces to businesses that would be defined as light industry in the Land development Code (LDC). The proposed building is approximately 35,227 square feet in size and would contain a total of twelve tenant spaces each with an overhead door.

LOCATION AND HISTORY

The property currently consists of two separate lots. One lot at 14763 W. 65th Way contains a 4,077 square-foot single family home with various accessory buildings. The second lot located at 6595 Holman Street is currently undeveloped.

The property was annexed into the city in 1980 with the Roske Rose Alderfer Annexation. The existing single-family home at 14763 W. 65th Way was constructed in 1909 and the land is unplatted. The property at 6595 Holman Street otherwise known as Lot 2 of the Indiana Business Center Minor Subdivision was platted in 1997.



NEIGHBORHOOD MEETING

Division 8-2-2 of the Land Development Code requires that at least one neighborhood meeting be held for projects that require public hearings before the Planning Commission and City Council.

The required neighborhood meeting for this project took place on April 22, 2021. Due to the COVID-19 pandemic, the required neighborhood meeting was held virtually. The applicant, staff, and two neighbors were in attendance. In the meeting general questions concerning the types of tenants expected, delivery vehicles and trucks, timing of construction, and outdoor storage came up.

The applicant prepared a summary of the meeting, which is attached.

PUBLIC NOTIFICATION

Division 8-2-4 of the Land Development Code requires public notification for all public hearings as follows:

Written Notice: At least 15 days prior to all public hearings, written notice must be mailed to all property owners within 500 feet of the subject property and to all homeowners associations and neighborhood associations with a known interest in the subject property. The applicant will

provide an affidavit of mailing verifying this requirement has been met prior to the public hearing.

Posted Notice: At least 15 days prior to all public hearings, signs notifying the public of the hearing must be posted on the subject property. The applicant will provide a posting log verifying that this requirement has been met prior to the public hearing.

Published Notice: At least 15 days prior to all public hearings, notice of the hearing must be published in a newspaper of general circulation in the City. The required notice has been published.

SEVERED MINERAL RIGHTS

At least 30 days prior to the public hearing, written notice of the application must be mailed to any owner of mineral rights associated with the subject property. The applicant has provided the required Certification of Notice pursuant to Colorado Revised Statute 24-65.5-103.

DEVELOPMENT REVIEW TIMELINE

The application was accepted by the City for review on April 27, 2020. The standard review timeline allows for three reviews within a 20 week timeframe to reach a Planning Commission public hearing. This project required one review and will be presented to Planning Commission within nine weeks of acceptance of the application.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

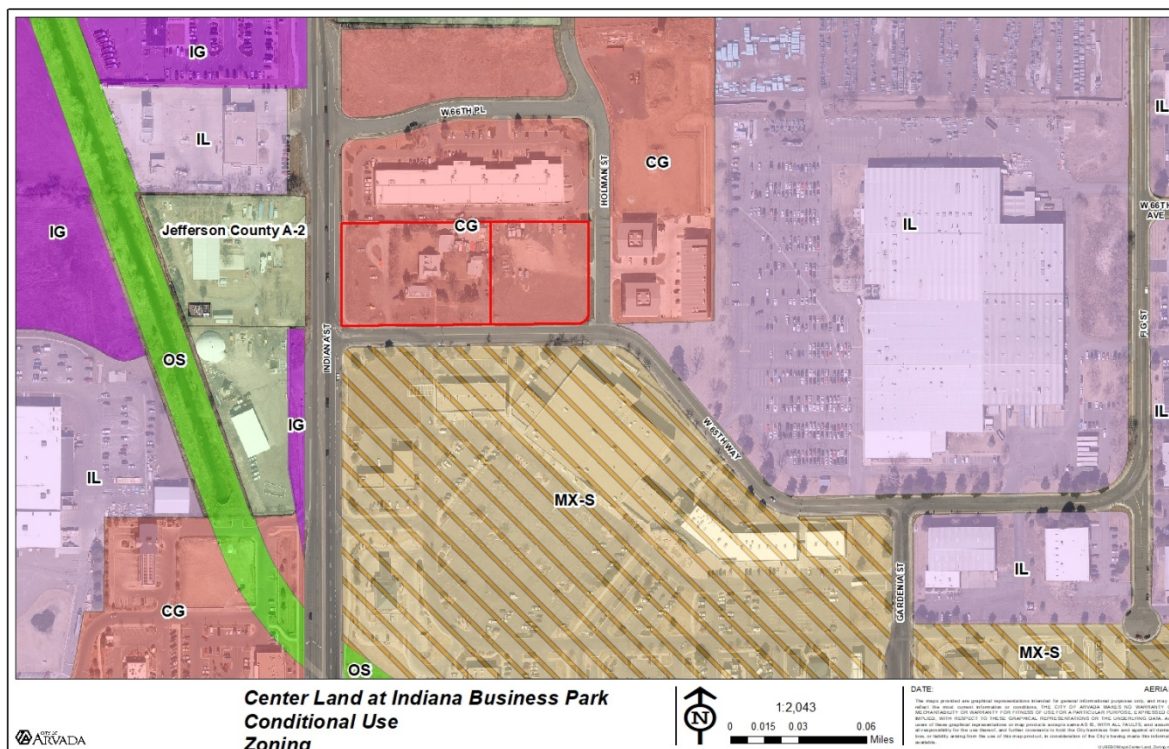
This project aligns with the Community and Economic Development strategic goals.

ZONING AND LAND USE

The subject property is currently zoned CG and is approximately 3.15 acres in size.

Surrounding properties are zoned and utilized as follows:

Direction	Zoning	Actual Use
North	CG	Commercial/Industrial Flex Building
South (across W. 65 th Way)	MX-S (Mixed Use – Suburban)	Commercial Shopping Center
East (across Holman St.)	CG	Micro-Spaces (commercial, restaurant, light industrial uses)
West (across Indiana St.)	Jefferson County A-2 (Agricultural)	Insulation Company



PROJECT ANALYSIS

Compliance with the Comprehensive Plan

The project site is designated as Neighborhood/Community Commercial on the 2014 Comprehensive Plan Future Land Use map. The proposed Conditional Use is consistent with the following Comprehensive Plan Goals & Policies:

Goal L-2: Plan for a balanced mix of commercial and residential land uses in Arvada.

Policy L-2.1: Complete Community

The City will provide for a balanced mix of land uses by promoting redevelopment and continuing to reserve lands for future commercial and industrial development as well as a variety of housing choices.

Goal L-5: Designate and promote redevelopment and infill to generate economic revitalization, improve physical conditions, and provide and appropriate mix of quality housing choices.

Goal ED-2: Plan for new employment centers that will provide primary jobs in Arvada.

Policy ED-2.1: Land for Employment Uses

The City will retain lands in strategic, transit supportive parts of the City for new employment centers to accommodate office, manufacturing, high tech, flexible space, and other primary employment uses. Targeted industries include medical,

manufacturing, research and development, biomedical, energy, enabling technology, and professional services. Future employment centers are located at:

- Parkway Business Center (Indiana and 64th Avenue);
- Indiana Street and 86th Parkway;
- Indiana Street and 66th Avenue (Parkway Business Center and environs);
- Olde Town;
- Ralston Creek (Triangle area);
- Ward Road and I-70; and
- Southeast Arvada and the 60th and Sheridan/Arvada Gold Strike TOD Station.

Goal ED-4: Redevelop and revitalize existing commercial and industrial areas.

Policy ED-4.1: Promote Redevelopment of Underutilized Commercial Areas

The City will promote through incentives and infrastructure investment, new development, and reinvestment in designated “redevelopment areas” to retain or attract businesses and repurpose areas for retail, office, and a diversity of housing types, as may be appropriate.

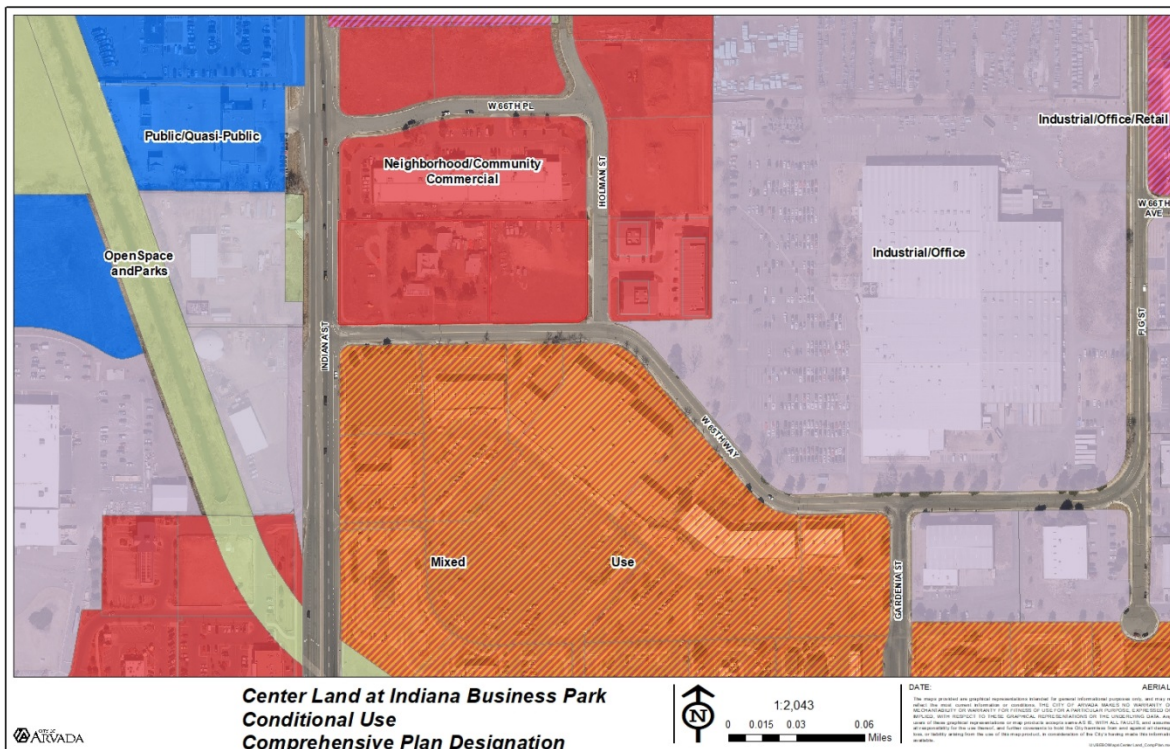
Goal ED-5: Improve the City’s economic base and its financial strength

Policy ED-5.1: Strengthen and Diversify the City’s Tax Base

In order to fund existing and future service commitments, the City will continue to monitor and support existing retail and employment uses, as well as promote opportunities to attract new retail uses, primary employers, tourism, and targeted entrepreneurial and technical industry clusters. The City will seek supplemental revenue sources in addition to sales tax, to allow city services to be less susceptible to retail market considerations.

The Conditional Use application complies with the above goals and policies from the Comprehensive Plan by allowing light industrial uses to locate and operate in a new commercial/industrial flex building in an area that already contains these uses. This area of the city is identified in the plan as an area to support various commercial, light industrial, and employment uses and opportunities to serve nearby residents.

Although end-users are not known at this time for the tenant spaces proposed in the building, potential light industrial uses could include: uses for research and development, assembly, remanufacturing, compounding, packaging, testing or treatment of products generally from previously prepared materials or components with limited outdoor storage and limited external impacts or risks. Examples include: assembly, testing or repair centers of products or machinery, general contractor offices or special subcontractors, food or beverage production, manufacturing of textiles or glass products, packaging of products or wholesaling for retailers.



Setbacks

The CG zone district requires that non-residential buildings be set back 20 feet from a front property line, ten feet from an internal side and 20 feet from a rear.

Setbacks will be reviewed as part of a Site Plan application. Currently the proposal exceeds these requirements.

Building Height

The maximum building height allowed in this CG zoning district is 45 feet. Building height will be reviewed as part of a Site Plan application. Currently the proposal shows a one-story building at 25 feet.

Open Space

The CG zoning district requires a minimum of 20 percent of the site be landscape surface area. Compliance with the landscaped surface area will be reviewed as part of a Site Plan. Currently the proposal shows a landscape surface area of 23.5 percent.

In the CG zone district only five percent of the site may be used for outdoor storage. At this time the applicant has proposed none.

Landscaping, Buffering and Fencing

Specific details of the landscape plan will be reviewed as part of any future Site Plan application. Currently the proposal includes 36 new deciduous trees, nine new ornamental trees, and six new evergreen trees, the majority of which are located along the three street frontages of the property.

Building Design

The final design of the building will be reviewed as part of a Site Plan application. Currently the proposal includes a one-story building containing a storefront design on the facades facing Indiana Street, W. 65th Way, and Holman Street. The north elevation facing the similarly designed building to the north contains 12 overhead garage doors for deliveries. The predominant material of the building is stucco textured tilt-up concrete panels, split-faced CMU and aluminum storefront with clear glazing. The intent of the design is to match and be compatible with the existing building to the north.



Circulation and Connectivity

One point of vehicular access to the site is proposed directly off of W. 66th way. Additional cross-access connections are provided between this site and the property to the north. No access is proposed off on Indiana Street.

A trip generation letter was required to demonstrate that the traffic anticipated to be generated by this project can be harmoniously integrated with the existing development. The report indicates that this project will generate an average of 191 average daily trips with 21 morning peak and 18 evening peak hour trips. The letter concluded the traffic impacts of the proposed project can be accommodated by the existing roadway network and no major improvements are needed. Light industrial uses are limited to 50 semi-truck trips per day. A truck trip being defined as one roundtrip to-and-from the site.

Grading and Drainage

Stormwater will be conveyed to an underground detention and water quality facility system. Further review of the details and design will take place as part of a Site Plan application.

Parking and Loading

Minimum parking requirements are as follows:

Retail Sales and Service Type 1 and 2	4 spaces per 1,000 GFA
Light Industry	1.75 spaces per 1,000 GFA

The current proposal shows a total of 147 spaces with five accessible spaces which exceeds the requirement. Parking will be reviewed in more detail with a Site Plan application.

Utility Services

Water and sanitary sewer service are provided by the City and are available.

Police and Fire Protection

Police and Fire protection are both provided for the site and Arvada Fire has reviewed the proposal.

LAND DEVELOPMENT CODE APPROVAL CRITERIA

It is the responsibility of the applicant to justify the requested land use application. The Planning Commission should make a recommendation to the City Council based on its findings regarding the approval criteria shown in the table(s) below and upon testimony heard during the public hearing as it applied to the criteria.

Staff performed an analysis of the proposal, based on the approval criteria listed in Section 3 of the Land Development Code, and presents the following findings:

Div. 8-3-5 Conditional Use Approval Criteria	Finding	Rationale
1. The application complies with the applicable standards of this LDC, other adopted City ordinances, resolutions and regulations including but not limited to any use-specific standards for the proposed conditional use in Division 3-1-3, any approved Master Development Plan that includes the property, and any conditions specifically applied to development of the property by the Planning Commission or City Council in a prior decision affecting the property;	Complies	The application complies with all of the standards of the LDC and no modifications are being requested at this time.
2. The application is consistent with the Arvada Comprehensive Plan;	Complies	The application is consistent with the Arvada Comprehensive Plan.
3. The use is consistent with the purpose and intent of the zoning district in which it is located;	Complies	The use is consistent with the purpose and intent of the CG zoning district, as light industry is allowed as

		a Conditional Use.
4. The size, scale, height, density, multi-modal traffic impacts, hours of operation and other similar characteristics of the proposed use are comparable with existing and planned uses in the surrounding area and the zoning district regulations;	Complies	The size, scale, height, density, and traffic impacts are consistent with the planned uses in the surrounding area. The surrounding properties are identified as Neighborhood/Community Commercial, Mixed Use, and Industrial/Office in the Comprehensive Plan. Existing commercial and light industrial uses are located directly to the north, south and east. Staff finds that the proposed conditional use is comparable with existing and planned uses in the surrounding area.
5. Facilities and services including sewer, water, storm water, gas, electricity, police and fire protection, and roads and transportation will, prior to or as part of the development, be available to serve the subject property while maintaining adequate levels of service for existing development; and	Complies	All services are available for this site.
6. The application mitigates any adverse impacts on the surrounding area to the degree practicable.	Complies	The application mitigates adverse impacts to the surrounding area to the degree practicable.

STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the project.

The Planning Commission may recommend denial of the request(s) if it cannot make affirmative findings of the approval criteria stated above.

Neighborhood Meeting Summary



6162 S. Willow Drive, Suite 320
Greenwood Village, CO 80111
303.770.8884 • GallowayUS.com

Meeting Agenda

Meeting Name: Neighborhood Meeting – Indiana Business Park
65th and Indiana
Location: Virtual – via zoom
Date: 4/22/2021 – 5pm

Attendees: ☒ Jeff Weeder-Consultant
☒ Kenny Lombard-Owner
☒ Jeremiah Bebo – City Staff
☒ Theresa Hovingh – Sundyne (Adjacent Owner Notification)
☒ Pam Benigno – Arvada Resident (City Posting on Next door)
☐

Notes: A brief presentation of the site plan, building elevations and an explanation of the purpose for the public process was given by the consultant followed by a brief description by the landowner about his family's history of residence and business with Arvada. After the presentations, the floor was opened for questions and discussion.

Theresa had a question about the timing of approvals and expected construction timing. Jeremiah responded with a general time frame of approvals around 30 weeks. Kenny responded that the goal was to start construction this time next year (2022).

Pam Begnino stated that she was happy to hear that truck delivery and Truck delivery traffic wasn't going to be running all night when residents were trying to sleep.

Meeting concluded with no further discussion or questions.



LOT 1, INDIANA BUSINESS CENTER MINOR SUBDIVISION FILING NO. 2
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3
SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF
ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

LOT 1, INDIANA BUSINESS CENTER MINOR SUBDIVISION FILING NO. 2
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3
SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF
ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

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7285 GILPIN WAY, SUITE 100
DENVER, CO 80229
TEL: (303) 288-3874
FAXI (303) 288-3878
CONTACT: KENNY LOMBARDI

ALEXANDER ASSOC. ARCHITECTS, L.L.C.
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LITTLETON, CO 80127
TEL: (303) 956-3630
CONTACT: CLARENCE HAVILAND, AIA

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CONTACT: JESSICA GREENOUGH, PR

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530 BROADWAY
DENVER, CO 80216
TEL: (720) 230-1931
FAX: (720) 230-5471
CONTACT: VINOD RAVINDRAN, P.E.

SHT - SHEET
Δ - DEFLECTION ANGLE
L - LENGTH
R - RADIUS
CB - CHORD BEARING
C - CHORD LENGTH
N - NORTH/NORTHING
W - WEST
E - EAST/EASTING
S - SOUTH
DET - DETAIL
EX - EXISTING
W/ - WITH
PC - POINT OF CURVATURE/PORTLAND CEMENT
WVF - WELDED WIRE FABRIC
VERT - VERTICAL
OC - ON CENTER
FDC - FIRE DEPARTMENT CONNECTION
CT - COURT
DR - DRIVE
TYP - TYPICAL
REC - RECEPTION NUMBER
Ø, DIA - DIAMETER
PT - POINT OF TANGENCY
MIN - MINIMUM
MAX - MAXIMUM
HOPE - HIGH DENSITY POLYETHYLENE
TC - TOP OF CURB ELEVATION
BC - BOTTOM BACK OF CURB ELEVATION
FL - FLOWLINE ELEVATION
FG - FINISHED GRADE
TOG - TOP OF GRATE
HP - HIGH POINT
LP - LOW POINT
TR - TOP OF RAMP
BR - BOTTOM OF RAMP
ME - MATCH EXISTING
CO - CURB OPENING

CITY OF ARVADA
8101 RALSTON ROAD
ARVADA, CO 80003
TEL: (720) 898-7438
CONTACT: JERIMIAH BEBO

CITY OF ARVADA
8101 RALSTON ROAD
ARVADA, CO 80005
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CONTACT: JAKE SAWAYA

CITY OF ARVADA
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ARVADA, CO 80003
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CONTACT: JAKE SAWAYA

ARVADA FIRE RESCUE DISTRICT
7903 ALLISON WAY
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CONTACT: SCOTT PLUMER

CITY OF ARVADA
8101 RALSTON ROAD
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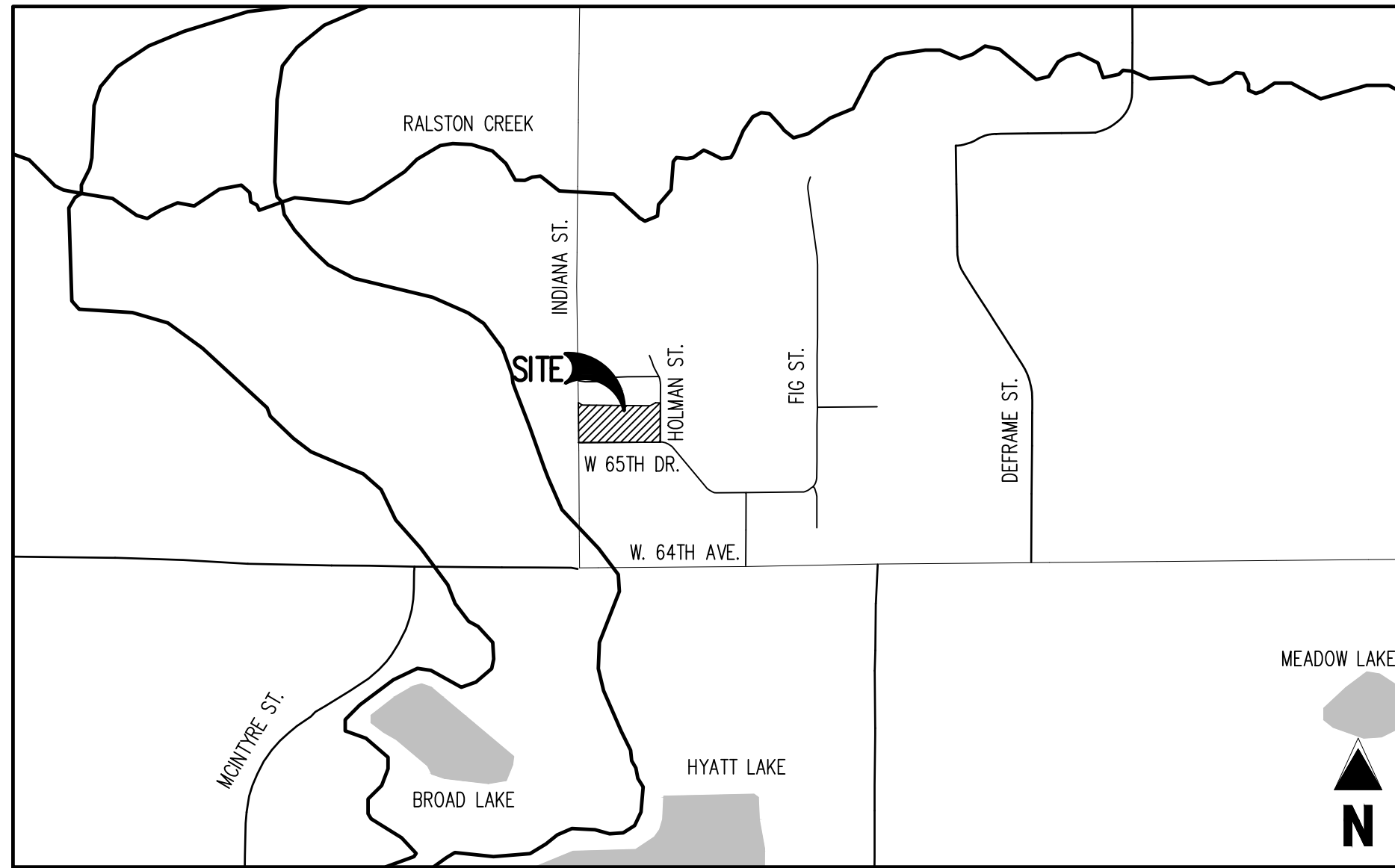
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XCEL ENERGY
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TEL: (303) 628-2708
CONTACT: TONY PIETRAS

CITY OF ARVADA
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ARVADA, CO 80003
TEL: (720) 898-7612
CONTACT: DON MCPHERSON

INDIANA BUSINESS PARK, LLC IS PROPOSING TO DEVELOP ONE (1) COMMERCIAL/INDUSTRIAL FLEX BUILDING ON LOT 1 OF INDIANA BUSINESS CENTER MINOR SUBDIVISION FILING NO. 2. THE PROPOSED COMMERCIAL/INDUSTRIAL FLEX BUILDING IS APPROXIMATELY 35,227 SQUARE FEET IN SIZE.

THE PROPOSED COMMERCIAL/INDUSTRIAL FLEX BUILDING ON LOT 1 IS THE SUBJECT OF THIS FDP WILL PROVIDE A TOTAL OF ONE HUNDRED FORTY-SEVEN (147) PARKING SPACES, INCLUDING ONE HUNDRED FORTY-TWO (142) STANDARD PARKING SPACES, FIVE (5) ADA SPACES, AND TWELVE (12) BICYCLE SPACES. OVERALL LANDSCAPING FOR LOT 1 IS 23.5% OPEN SPACE WITH AT LEAST 75% OF THAT BEING PLANTED MATERIALS. IN ADDITION TO THE ON-SITE LANDSCAPING, THERE WILL BE SITE LIGHTING AND PUBLIC INFRASTRUCTURE TO PROVIDE WATER AND SANITATION SERVICES.



VICINITY MAP
SCALE: 1"=1,000'

SHEET NUMBER	DESCRIPTION
C0.0	COVER SHEET
C1.1	SITE PLAN
L1.1	LANDSCAPE PLAN
L1.2	LANDSCAPE NOTES & DETAILS
A1.0	EXTERIOR COLOR ELEVATIONS

SITE DATA TABLE		
SITE DEVELOPMENT INFORMATION		
ZONE DISTRICT	CG – COMMERCIAL, GENERAL	
TOTAL PROJECT AREA	137,253 SF	
ROW DEDICATION	0	
DEVELOPMENT STANDARDS	SITE	STANDARD
LOT AREA (MIN)	137,253 SF	5,000 SF
LOT WIDTH (MIN)	573 FT	50 FT
LOT COVERAGE (MAX)	25.7%	35%
BUILDING AND PARKING SITING STANDARDS		
FRONT SETBACK (MIN)	95.00 FT	20 FT
FRONT PARKING SETBACK (MIN)	20.84 FT	20 FT
SIDE SETBACK, STREET, EAST (MIN)	106.48 FT	20 FT
SIDE SETBACK, STREET, WEST (MIN)	81.39 FT	20 FT
REAR SETBACK (MIN)	40.42 FT	20 FT
BUILDING STANDARDS		
HEIGHT (FT/STORIES)	25 FT	45 FT
SITE STANDARDS		
LANDSCAPE SURFACE AREA (MIN)	23.5%	20%
IMPERMEABLE SURFACE AREA (MAX)	76.5%	80%
PARKING STANDARDS		
STANDARD SPACES	142	141
ACCESSIBLE SPACES	5	5
TOTAL	147	146
BICYCLE SPACES	12	10
PROPOSED USE(S) WITH GROSS FLOOR AREA		
USE 1	COMMERCIAL/INDUSTRIAL FLEX	N/A
BUILDING GFA	35,227	N/A

1. ANY PROPOSED FENCES, WALLS, SIGNS, AND ACCESSORY STRUCTURES SHOWN ON THIS PLAN ARE ILLUSTRATIVE ONLY AND SUBJECT TO SEPARATE REVIEWS AND PERMITS.
2. FIRE APPARATUS ACCESS ROADS SHALL BE PROVIDED WITH AN APPROVED ALL-WEATHER SURFACE (CONCRETE OR ASPHALT) AND SHALL BE CAPABLE OF SUPPORTING AN IMPOSED LOAD OF 85,000 POUNDS.
3. THE APPROVED FIRE APPARATUS ACCESS ROADS SHALL BE PROVIDED DURING CONSTRUCTION UNLESS OTHERWISE APPROVED BY THE AFPD. THE FIRE APPARATUS ACCESS ROADS SHALL CONSIST OF THE FIRST LIFT OF ASPHALT OR CONCRETE AND SHALL BE PROVIDED PRIOR TO COMMENCING VERTICAL CONSTRUCTION. ALTERNATIVE TEMPORARY FIRE APPARATUS ACCESS ROAD MATERIALS AND/OR DESIGNS SHALL BE APPROVED AND PERMITTED BY THE AFPD. THE PRIVATE ROADS THROUGH THE SITE SHALL BE DEDICATED ON THE FINAL PLAT AS "FIRE APPARATUS ACCESS ROADS" OR OTHER SIMILAR LANGUAGE AS REQUIRED BY THE CITY OF ARVADA.
4. A 3'-0" CLEAR SPACE SHALL BE MAINTAINED AROUND ALL FIRE HYDRANTS AND NOT OBSTRUCTED.

CITY OF ARVADA BENCHMARK 858 BEING A 3-1/4" BRASS CAP IN CONCRETE
STAMPED "UDFCD RL-3 2002"
ELEVATION: 5538.67', NAVD88 DATUM

1. ALL UTILITY LOCATIONS SHOWN ARE BASED ON MAPS PROVIDED BY THE APPROPRIATE UTILITY COMPANY AND FIELD SURFACE EVIDENCE AT THE TIME OF SURVEY AND IS TO BE CONSIDERED AN APPROXIMATE LOCATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL UTILITIES, PUBLIC OR PRIVATE, WHETHER SHOWN ON THE PLANS OR NOT, PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.

2. WHERE A PROPOSED UTILITY CROSSES AN EXISTING UTILITY, IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF SUCH EXISTING UTILITY, EITHER THROUGH POT-HOLING OR ALTERNATIVE METHOD. REPORT INFORMATION TO THE ENGINEER PRIOR TO CONSTRUCTION.



PRELIMINARY
NOT FOR BIDDING
NOT FOR CONSTRUCTION



CENTER LAND - INDIANA BUSINESS PARK
CONDITIONAL USE
LOT 1, INDIANA BUSINESS CENTER MINOR
SUBDIVISION FILING NO.2

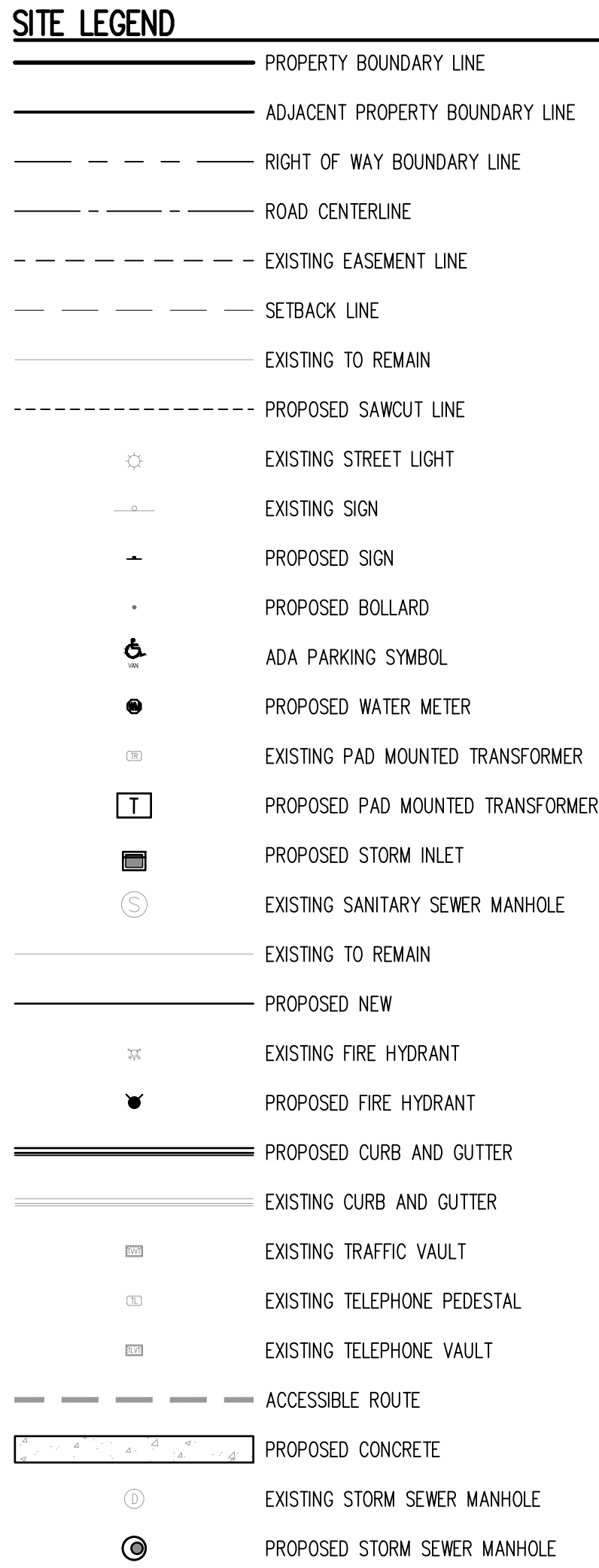
INDIANA STREET & W. 65TH DRIVE
ARVADA, COLORADO

[illegible]

COVER SHEET

C0.0

LOT 1, INDIANA BUSINESS CENTER MINOR SUBDIVISION FILING NO. 2
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3
SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF
ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO



3. FIRE APPARATUS ACCESS ROADS SHALL BE PROVIDED WITH AN APPROVED ALL-WEATHER SURFACE (CONCRETE OR ASPHALT). ACCESS ROADS SHALL BE CAPABLE OF SUPPORTING AN IMPOSED LOAD OF 85,000 LBS (2018 IFC SECTION 502.2.3). THE PROPOSED HEAVY-DUTY ASPHALT AND CONCRETE SHALL BE PROVIDED TO BE ABLE TO SUPPORT THE REQUIRED LOAD, PROVIDE THE GEOTECHNICAL ENGINEERS REPORT.
4. THE EVA SHALL PROVIDE A MINIMUM INSIDE TURNING RADIUS AND AN OUTSIDE TURNING RADIUS SUFFICIENT TO ALLOW NAVIGATION OF AFPD APPARATUS AND ALLOW EFFECTIVE FIRE SUPPRESSION OPERATIONS. A TURNING ANALYSIS OF THE SITE SHALL BE PROVIDED AND INDICATE THAT ACCESS THROUGHOUT THE SITE WILL ACCOMMODATE AFPD TOWER 56. THE TURNING ANALYSIS SHALL INCLUDE THE INTERIOR DRIVES OF THE PARKING LOT. THE DEVELOPER OR REPRESENTATIVE SHALL CONTACT THE AFPD COMMUNITY RISK REDUCTION DIVISION FOR APPARATUS DIMENSIONS FOR USE IN THE TURNING ANALYSIS.
5. THE MINIMUM WIDTH OF THE EVA SHALL BE CLEAR AND UNOBSTRUCTED 24 FEET FOR BUILDING HEIGHTS LESS THAN 30 FEET.
6. THE PRIVATE ROADS THROUGH THE SITE SHALL BE DEDICATED ON THE FINAL PLAT AS "EMERGENCY ACCESS LANES" OR OTHER SIMILAR LANGUAGE AS REQUIRED BY THE CITY OF ARVADA.
7. PROVIDE A SIGNAGE PLAN INDICATING THE LOCATION OF FIRE LANE SIGNAGE. THE FIRE LANE SIGNAGE SHALL COMPLY WITH THE CITY OF ARVADA ENGINEERING STANDARDS AND SHALL BE PROVIDED ON THE CURB LINE (2018 IFC SECTION 503.3).
8. FIRE HYDRANTS SHALL BE PROVIDED SO THAT ALL PORTIONS OF BUILDINGS ARE WITHIN 400'-FT OF FIRE HYDRANT. THE PROXIMITY SHALL BE MEASURED ALONG THE FIRE APPARATUS ACCESS ROUTE TO THE BUILDING AND VIA AN APPROVED ROUTE AROUND THE EXTERIOR OF THE BUILDING(S) AT GRADE LEVEL. THE PROXIMITY MAY BE INCREASED TO 600'-FT WITH INSTALLATION OF AN APPROVED FIRE SPRINKLER SYSTEM.
9. THE MINIMUM FIRE-FLOW AS DETERMINED BY ARVADA FIRE SHALL BE PROVIDED BY THE FIXED-WATER DISTRIBUTION SYSTEM. FIRE-FLOW IS CALCULATED USING THE TOTAL FLOOR AREA OF ALL FLOORS WITHIN THE EXTERIOR WALLS OF THE LARGEST BUILDING AND THE CONSTRUCTION TYPE. REDUCTION IN REQUIRED FIRE-FLOW IS ALLOWED WITH INSTALLATION OF AN APPROVED FIRE SPRINKLER SYSTEM AND AS APPROVED BY ARVADA FIRE. BASED UPON THE INFORMATION PROVIDED AND ASSUMING TYPE II-B CONSTRUCTION OF OVER 35,000 SQ FT FOR THE STRUCTURE, THE MINIMUM REQUIRED FIRE-FLOW IS DETERMINED AS FOLLOWS: 2,000 GPM
10. A 3-FOOT CLEAR SPACE SHALL BE MAINTAINED AROUND ALL FIRE HYDRANTS. THE CLEAR SPACE SHALL BE MEASURED FROM THE TOP CENTER OF THE HYDRANT AND THERE SHALL BE NO OBSTRUCTIONS DIRECTLY IN FRONT OF FIRE HYDRANTS (2018 IFC SECTION 507.5.5) ALL OF THE TREES WITHIN THIS DEVELOPMENT SHALL PROVIDE AN UNOBSTRUCTED VERTICAL CLEARANCE OF 13 FEET 6 INCHES FOR EMERGENCY VEHICLE ACCESS (2018 SECTION 503.2.1).
11. FIRE HYDRANTS SHALL BE INSTALLED AND/OR MADE OPERATIONAL TO PROVIDE THE MINIMUM REQUIRED FIRE-FLOW PRIOR TO COMMENCING CONSTRUCTION ABOVE GRADE. (2018 IFC SECTION 501.4).
12. APPROVED FIRE APPARATUS ACCESS SHALL BE PROVIDED DURING CONSTRUCTION. UNLESS OTHERWISE APPROVED, FIRE APPARATUS ACCESS CONSISTING OF THE FIRST-LIFT OF ASPHALT OR CONCRETE SHALL BE PROVIDED PRIOR TO COMMENCING CONSTRUCTION ABOVE GRADE. (2018 IFC SECTIONS 501.4 AND 502.2.3 AMENDED).
13. DURING CONSTRUCTION AND UPON COMPLETION THERE SHALL BE BUILDING CURBS PROVIDED, A MINIMUM OF 4-INCHES HIGH AND 0.5-INCH STROKE AND VISIBLE FROM THE STREET OR ROAD FRONTING THAT BUILDING (2018 IFC SECTION 505).
14. COMPLETE SPECIFICATIONS AND BUILDING CONSTRUCTION PLANS SHALL BE SUBMITTED DIRECTLY TO THE FIRE DISTRICT (AFPD) FOR REVIEW AND APPROVAL AT THE SAME TIME PLANS ARE SUBMITTED TO THE ARVADA BUILDING INSPECTION DIVISION AND PRIOR TO CONSTRUCTION OCCURRING. THE DEVELOPER IS ENCOURAGED TO CONTACT THE AFPD COMMUNITY RISK REDUCTION DIVISION TO VERIFY PLAN SUBMITTAL REQUIREMENTS AND FIRE DISTRICT PERMIT FEES PRIOR TO PLANS SUBMITTAL.

NOTES:

1. ALL DIMENSIONS ARE TO FLOWLINE UNLESS NOTED OTHERWISE.
2. ALL CURB SHALL BE 6" VERTICAL CURB WITH 12" GUTTER UNLESS NOTED OTHERWISE (SEE DETAIL SHEET C1.3).
3. REFER TO GEOTECHNICAL REPORT FOR PAVEMENT SECTION REQUIREMENTS.
4. SIGNS ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. ALL SIGNS MUST MEET THE ARVADA LAND DEVELOPMENT CODE. A SIGN PERMIT MUST BE OBTAINED FROM CITY OF ARVADA PRIOR TO INSTALLATION.

1. ALL DIMENSIONS ARE TO FLOWLINE UNLESS NOTED OTHERWISE.
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4. SIGNS ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. ALL SIGNS MUST MEET THE ARVADA LAND DEVELOPMENT CODE. A SIGN PERMIT MUST BE OBTAINED FROM CITY OF ARVADA PRIOR TO INSTALLATION.
5. THE DEVELOPER IS REQUIRED TO REPLACE ANY BROKEN, CRACKED, SETTLED, RAISED, OR DAMAGED CURB, GUTTER, AND SIDEWALK THAT FRONTS THE SITE (PUBLIC OR PRIVATE) PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

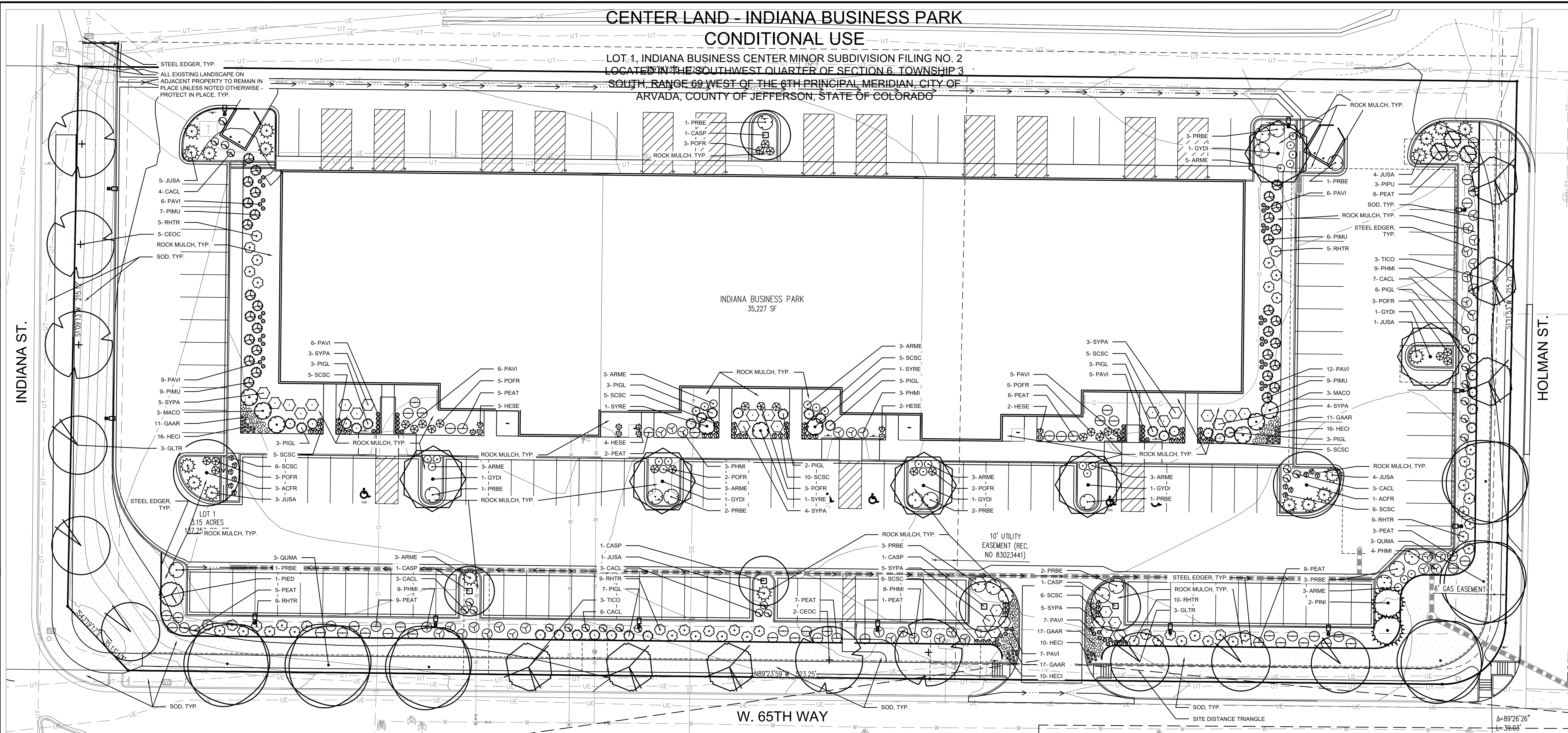
SURVEYOR TO OBTAIN AUTOCAD FILE FROM ENGINEER AND VERIFY ALL HORIZONTAL CONTROL DIMENSIONING PRIOR TO CONSTRUCTION STAKING. SURVEYOR MUST VERIFY ALL BENCHMARK, BASIS OF BEARING AND DATUM INFORMATION ENSURE IMPROVEMENTS WILL BE AT THE SAME HORIZONTAL AND VERTICAL LOCATIONS SHOWN ON THE DESIGN CONSTRUCTION DRAWINGS. PRIOR TO CONSTRUCTION STAKING ANY DISCREPANCY MUST BE REPORTED TO OWNER AND ENGINEER PRIOR TO CONTINUATION OF ANY FURTHER STAKING OR CONSTRUCTION WORK.

2. WHERE A PROPOSED UTILITY CROSSES AN EXISTING UTILITY, IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF SUCH EXISTING UTILITY, EITHER THROUGH POTHOLES OR ALTERNATIVE METHOD. REPORT INFORMATION TO THE ENGINEER PRIOR TO CONSTRUCTION.

C1.1

CONDITIONAL USE

LOT 1, INDIANA BUSINESS CENTER MINOR SUBDIVISION FILING NO. 2
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3
SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF
ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO



PLANTING LEGEND

LEGEND		PLANTING SIZE	MATURE	WATER USE	% of Total
QTY	ABBREV. BOTANIC NAME	(MINIMUM)	SIZE	(VL,L,M,H)	Trees

DECIDUOUS TREES

2	ACFP	ACER X FREEMANI 'JEFFERSRED'	AUTUMN BLAZE MAPLE	2" CAL. B&B	50X40	L/M	4%
5	CASP	CATALPA SPECIOSA	WESTERN CATALPA	2" CAL. B&B	50X30	L	10%
5	CEOC	CELTIS OCCIDENTALIS	COMMON HACKBERRY	2" CAL. B&B	60X40	L	10%
6	GLTR	GLEDITSIA TRIACANTHOS INERMIS 'SHADEMASTER'	SHADEMASTER HONEYLOCUST	2" CAL. B&B	50X35	L	12%
6	GVDI	GYMNOCALADUS DIOICUS 'ESPRESSO'	ESPRESSO COFFEETREE	2" CAL. B&B	50X35	L	12%
6	QUMA	QUERCUS MACROCARPA	BUR OAK	2" CAL. B&B	70X50	L	12%
6	TICO	TILIA CORDATA 'GREENSPIRE'	GREENSPIRE LINDEN	2" CAL. B&B	40X30	M	12%

EVERGREEN TREES

3	PIPU	PICEA PUNGENS 'FAT ALBERT'	FAT ALBERT BLUE SPRUCE	6' HEIGHT B&B	15'X10'	L/M	6%
1	PIED	PINUS EDULIS	PINYON PINE	6' HEIGHT B&B	25'X15'	L	2%
2	PINI	PINUS NIGRA	AUSTRIAN PINE	6' HEIGHT B&B	50'X20'	L	4%

ORNAMENTAL TREES

6	MACO	MALUS 'CORALBURST'	CORALBURST CRABAPPLE	1.5" CAL B&B	12X10'	L	12%
3	SYRE	SYRINGA RETICULATA	JAPANESE TREE LILAC	1.5" CAL B&B	15X12'	UM	6%

DECIDUOUS SHRUBS

	26	ARME	ARONIA MELANOCARPA 'IROQUOIS BEAUTY'	BLACK CHOKEBERRY	#5 CONT. 18-24"	3'3"	VL	N/A
	26	CACL	CARYOPTERIS X CLANDONENSIS	BLUE MIST SPIREA	#5 CONT. 18-24"	3'3"	VL	N/A
	53	PEAT	PEROVSKIA ATRIPLICIFOLIA	RUSSIAN SAGE	#5 CONT. 18-24"	4'X4'	VL	N/A
	36	PHMI	PHILADELPHUS MICROPHYLLUS	LITTLELEAF MOCKORANGE	#5 CONT. 18-24"	4'X4'	VL	N/A
	26	POFR	POTENTILLA FRUTICOSA 'TANGERINE'	TANGERINE POTENTILLA	#5 CONT. 18-24"	2'3"	L/M	N/A
	20	PRBE	PRUNUS BESSEYI 'PAWNEE BUTTES'	PAWNEE BUTTES SAND CHERRY	#5 CONT. 18-24"	18"X8"	VL	N/A
	47	RHTR	RHUS TRILOBATA	THREE LEAF SUMAC	#5 CONT. 18-24"	4'X4'	VL	N/A
	29	SYPA	SYRINGA PATULA 'MISS KIM'	MISS KIM LILAC	#5 CONT. 18-24"	5'X5'	VL	N/A

EVERGREEN SHRUBS

	19	JUSA	JUNIPERUS 'SABINA' 'BUFFALO'	BUFFALO JUNIPER	#5 CONT. 18-24"	12"X8"	VL	N/A
	33	PIGL	PICEA PUNGENS 'GLOBOSA'	GLOBE BLUE SPRUCE	#5 CONT. 18-24"	37K"	L/M	N/A
	31	PIMU	PINUS MUGO 'SLOWMOUND'	SLOWMOUND MUGO PINE	#5 CONT. 18-24"	37K"	L	N/A

ORNAMENTAL GRASSES

☼	11	HESE	HELIOTRICHON SEMPERVIRENS	BLUE AVENA	#1 CONT.	2.5'X2.5'	VL	N/A
☼	95	PAVI	PANICUM VIRGATUM 'HEAVY METAL'	HEAVY METAL SWITCH GRASS	#1 CONT.	4'X18"	L	N/A
☼	32	SCSC	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	#1 CONT.	3'X2'	VL	N/A

PERENNIALS

④	56	GAAR	GAILLARDIA ARISTATA	BLANKET FLOWER	#1 CONT.	24"X24"	VL	N/A
●	52	HECI	HEUCHERA 'CITRONELLA'	CITRONELLA CORAL BELLS	#1 CONT.	12"X12"	L/M	N/A

SOD

17,592 SF	FESCUE SOD	RTF (RHIZOMATOUS TALL FESCUE)	SOD	M	N/A
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MULCH

16,927 sf	ROCK COBBLE MULCH	2"-4" ROCK COBBLE MULCH WITH WOOD MULCH RING AROUND ALL PLANT MATERIAL. SEE PLANTING NOTES & DETAILS	MULCH	N/A	N/A
AS NEEDED	WOOD MULCH	DARK BROWN SHREDDED HARDWOOD MULCH	MULCH	N/A	

EDGING

725 LF		STEEL EDGING	BLACK STEEL EDGING, SEE LANDSCAPE NOTES	EDGING		N/A	N/A
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CAUTION. UTILITIES EXIST WITHIN CO
LIMITS. CONTRACTOR IS R
FOR IDENTIFYING THEIR
PRIOR TO CONSTR

UTILITY NOTES

1. THE LANDSCAPE CONTRACTOR IS REQUIRED TO CONTACT THE COUNTY PUBLIC WORKS DEPARTMENT, AND ANY OTHER PUBLIC OR PRIVATE AGENCY NECESSARY FOR UTILITY LOCATION PRIOR TO ANY CONSTRUCTION.
2. THIS DRAWING IS A PART OF A COMPLETE SET OF BID DOCUMENTS, SPECIFICATIONS, ADDITIONAL DRAWINGS, AND EXHIBITS. UNDER NO CIRCUMSTANCES SHOULD THESE PLANS BE USED FOR CONSTRUCTION PURPOSES WITHOUT EXAMINING ACTUAL LOCATIONS OF UTILITIES ON SITE, AND REVIEWING ALL RELATED DOCUMENTS.
3. THE LOCATION OF THE ALL UNDERGROUND UTILITIES ARE LOCATED ON THE ENGINEERING DRAWINGS FOR THIS PROJECT. THE MOST CURRENT REVISION IS HERE IN MADE PART OF THIS CONTRACT. UNDERGROUND UTILITIES EXIST THROUGHOUT THIS SITE AND MUST BE LOCATED PRIOR TO ANY CONSTRUCTION ACTIVITY. WHERE UNDERGROUND UTILITIES EXIST, FIELD ADJUSTMENT MAY BE NECESSARY AND MUST BE APPROVED BY A REPRESENTATIVE OF THE OWNER. NEITHER THE OWNER NOR THE LANDSCAPE ARCHITECT ASSUMES ANY RESPONSIBILITY WHATSOEVER, IN RESPECT TO THE CONTRACTORS ACCURACY IN LOCATING THE INDICATED PLANT MATERIAL, AND UNDER NO CIRCUMSTANCES SHOULD THESE PLANS BE USED WITHOUT REFERRING TO THE ABOVE MENTIONED DOCUMENTS.

[illegible]

Project No:	CLP000002
Drawn By:	AS
Checked By:	DTT
Date:	JUNE 2021

CLP02X_Landscape Plan - L1.1 LANDSCAPE

L1.1

- GENERAL
1. ALL WORK SHALL CONFORM TO ALL APPLICABLE STATE AND LOCAL CODES, STANDARDS, AND SPECIFICATIONS.
2. LANDSCAPE DESIGN IS DIAGRAMMATIC IN NATURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN TAKEOFFS AND QUANTITY CALCULATIONS. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE LANDSCAPE LEGEND, THE PLAN SHALL BE SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LANDSCAPE ARCHITECT OF THESE DISCREPANCIES. MINOR ADJUSTMENTS TO THE LANDSCAPE MATERIAL AND LOCATIONS MAY BE PROPOSED FOR CITY CONSIDERATION AT THE CONSTRUCTION DOCUMENT STAGE TO RESPOND TO MARKET AND FIELD CONDITIONS. HOWEVER, THERE SHALL BE NO REDUCTION IN THE NUMBER AND SIZE OF MATERIALS.
3. CONTRACTOR SHALL MAKE HIMSELF AWARE OF THE LOCATIONS OF EXISTING AND PROPOSED UTILITIES, AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE UTILITIES AND/OR ANY INJURY TO ANY PERSON. THIS DRAWING IS PART OF A COMPLETE SET OF CONTRACT DOCUMENTS. UNDER NO CIRCUMSTANCES SHALL THIS PLAN BE USED FOR CONSTRUCTION PURPOSES WITHOUT EXAMINING ACTUAL LOCATIONS OF UTILITIES ON SITE AND REVIEW ALL RELATED PLANS AND DOCUMENTS.
4. ALL UTILITY EASEMENTS SHALL REMAIN UNOBSTRUCTED AND FULLY ACCESSIBLE ALONG THEIR ENTIRE LENGTH FOR MAINTENANCE EQUIPMENT.
5. THE CONTRACTOR SHALL TAKE EXTREME CARE NOT TO DAMAGE ANY EXISTING PLANTS INDICATED AS "TO REMAIN". ANY SUCH PLANTS DAMAGED BY THE CONTRACTOR SHALL BE REPLACED WITH THE SAME SPECIES, SIZE, AND QUANTITY AT THE CONTRACTOR'S OWN EXPENSE, AND AS ACCEPTABLE TO THE OWNER. REFER TO THE TREE PROTECTION NOTES ON THE PLANS FOR APPLICABLE.
6. LANDSCAPE CONTRACTOR SHALL EXAMINE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED AND NOTIFY THE GENERAL CONTRACTOR IN WRITING OF UNSATISFACTORY CONDITIONS. IF SITE CONDITIONS OR PLANT AVAILABILITY REQUIRE CHANGES TO THE PLAN, THEN AN APPROVAL WILL BE OBTAINED FROM THE CITY. DO NOT PROCEED UNTIL CONDITIONS HAVE BEEN CORRECTED.
7. LANDSCAPE DEBRIS AND MATERIAL SHALL BE REMOVED AND CLEANED UP PRIOR TO INSTALLATION OF TOPSOIL, TREES, SHRUBS, AND TURF.
8. FOR ALL INFORMATION ON SURFACE MATERIAL OF WALKS, DRIVES, AND PARKING LOTS, SEE THE SITE PLAN. SEE PHOTOMETRIC PLAN FOR FREE STANDING LIGHTING INFORMATION.
9. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT ONE WEEK PRIOR TO BEGINNING CONSTRUCTION.
10. WINTER WATERING SHALL BE AT THE EXPENSE OF THE CONTRACTOR UNTIL SUCH TIME AS FINAL ACCEPTANCE IS RECEIVED.
11. ALL LANDSCAPE CONSTRUCTION PRACTICES, WORKMANSHIP, AND ETHICS SHALL BE IN ACCORDANCE WITH INDUSTRY STANDARDS SET FORTH IN THE CONTRACTORS HANDBOOK PUBLISHED BY THE COLORADO LANDSCAPE CONTRACTORS ASSOCIATION.
12. LANDSCAPE AND IRRIGATION WORK SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY.
- FINISH
1. CONTRACTOR SHALL CONSTRUCT AND MAINTAIN FINISH GRADES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL. SHOULD ANY CONFLICTS AND DISCREPANCIES ARISE BETWEEN THE GEOTECHNICAL REPORT, THE GRADING PLANS, THESE NOTES, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND OWNER.
2. AFTER FINISH GRADES HAVE BEEN ESTABLISHED, IT IS RECOMMENDED THAT THE CONTRACTOR SHALL HAVE SOIL SAMPLES TESTED BY AN ESTABLISHED SOIL TESTING LABORATORY FOR THE FOLLOWING: GENERAL SOIL FERTILITY, PH, ORGANIC MATTER CONTENT, SALT (CEC), LIME, SODIUM ADSORPTION RATIO (SAR) AND BORON CONTENT. EACH SAMPLE SUBMITTED MUST CONTAIN NO LESS THAN ONE QUART OF SOIL. CONTRACTOR SHALL ALSO SUBMIT THE PROJECTS PLANT LIST TO THE LABORATORY ALONG WITH THE SOIL SAMPLES. THE SOIL REPORT PRODUCED BY THE LABORATORY SHALL CONTAIN RECOMMENDATIONS FOR THE FOLLOWING (AS APPROPRIATE): GENERAL SOIL PREPARATION AND BACKFILL MIXES, PRE-PLANT SOIL APPLICATIONS, AND ANY OTHER SOIL RELATED ISSUES. THE REPORT SHALL ALSO PROVIDE A FERTILIZER PROGRAM FOR THE ESTABLISHMENT PERIOD AND FOR LONG-TERM MAINTENANCE.
3. THE CONTRACTOR SHALL RECOMMEND INSTALLATION OF SOIL AMENDMENTS AND FERTILIZERS PER THE SOILS REPORT FOR THE THE OWNER/OWNER'S REPRESENTATIVE CONSIDERATION.
4. AT A MINIMUM, ALL TOPSOIL SHALL BE AMENDED WITH NITROGEN STABILIZED ORGANIC AMENDMENT COMPOST AT A RATE OF 5.0 CUBIC YARDS AND AMMONIUM PHOSPHATE (16-20-0) AT A RATE OF 10 CUBIC YARDS PER THOUSAND SQUARE FEET OF LANDSCAPE AREA. COMPOST SHALL BE MECHANICALLY INTEGRATED INTO THE TOP 6" OF SOIL BY MEANS OF ROTILLAGE AFTER

1. PLANT SELECTION: ALL TREE, SHRUB, GROUNDCOVER, PERENNIAL, VINE, AND GRASS SELECTIONS SHALL COME FROM THE CITY'S RECOMMENDED LIST. SUBSTITUTIONS ARE ONLY ALLOWED IF APPROVED BY COMMUNITY DEVELOPMENT DIRECTOR UPON REVIEWING EVIDENCE AS TO THE WATER-CONSERVING QUALITIES OF PROPOSED SUBSTITUTIONS.
2. USE OF HIGH-WATER-DEMAND LANDSCAPES: HIGH-WATER-DEMAND LANDSCAPES (SUCH AS IRRIGATED COOL SEASON TURF GRASS) ARE LIMITED TO AREAS OF HIGH PEDESTRIAN ACTIVITY, TREE LAWNS, PRIMARY ENTRANCE FEATURES, CLUB-HOUSES, WETLAND PLANTINGS, OR IN SINGLE-FAMILY LOT FRONT YARDS. HIGH-WATER-DEMAND LANDSCAPES SHALL BE LIMITED TO THE EXTERIOR PERIMETER AND NOT EXCEED 10% OF THE TOTAL LANDSCAPE AREA IN RESIDENTIAL PROJECTS AND 35% IN COMMERCIAL, OFFICE OR INDUSTRIAL PROJECTS. HIGH-WATER-DEMAND TURF IS SPECIFICALLY PROHIBITED IN THE FOLLOWING (UNLESS APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR AFTER REVIEWING EVIDENCE OF A WATER-EFFICIENT IRRIGATION SYSTEM):
 - 2.1. PARKING LOT ISLANDS,
 - 2.2. SLOPES GREATER THAN 4:1,
 - 2.3. STREET MEDIANS,
 - 2.4. STORED-WATER IRRIGATION PONDS, UNLESS DESIGNED FOR ACTIVE RECREATION OR NEEDED AS PART OF REQUIRED WETLANDS;
 - 2.5. ANY SPACE LESS THAN 8 FEET WIDE.
3. GROUPING PLANTS ACCORDING TO WATER NEEDS: ALL PLANTINGS SHOULD BE GROUPED ACCORDING TO THEIR WATER NEEDS TO MINIMIZE WATER USE.
 - 3.1. SOIL AMENDMENTS: PRIOR TO PLANTING, ALL SITES FOR PLANTINGS SHALL INCORPORATE SOIL AMENDMENTS AT A RATE OF 3 CUBIC YARDS PER 1,000 SQUARE FEET TO A MINIMUM DEPTH OF 6". A LESSER AMOUNT SHALL BE ALLOWED IF A SOIL TEST SHOWS THAT 3 CUBIC YARDS PER 1,000 SQUARE FEET IS NOT NECESSARY FOR WATER RETENTION IN PLANT MATERIALS. IF THE SPECIFIED PLANT MATERIAL REQUIRES LESS FERTILE SOIL, THOSE AREAS MAY HAVE LESS SOIL AMENDMENTS INSTALLED IF APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR. THESE AREAS SHALL BE IDENTIFIED ON THE LANDSCAPE PLAN. EXISTING TOPSOIL SHALL BE SALVAGED AND STOCKPILED FOR USE AS SOIL AMENDMENTS OR TOPSOIL. NO TOPSOIL SHALL BE REMOVED FROM THE SITE UNLESS THE CITY ENGINEER OR THE TRAFFIC ENGINEER OR CITY ENGINEER MAKES A WRITTEN NOTE THAT IT IS BEING PLACED ON THE LANDSCAPE PLAN REFLECTING THE ABOVE REQUIREMENTS REGARDING SOIL AMENDMENTS AND TOPSOIL. EXAMPLES OF ACCEPTABLE SOIL AMENDMENTS INCLUDE COMPOST AND AGED MANURE, MOUNTAIN PEAT AND INORGANIC MATERIALS SUCH AS SAND, GYPSUM AND LIME. PROHIBITED SOIL AMENDMENTS: ALL SITES ARE SUBJECT TO INSPECTION BY THE CITY FOR COMPLIANCE WITH SOIL AMENDMENT REQUIREMENTS.
4. IRRIGATION: THE LANDSCAPE PLAN SHALL LABEL OR NOTE THE TYPE OF IRRIGATION TO BE APPLIED TO EACH PLANT HYDROZONE TO ENSURE THAT PLANTS RECEIVE ONLY THE NEEDED WATER. IN ADDITION, THE PLAN SHALL INCLUDE:
 - 4.1. A RAIN SENSOR WITH AUTOMATIC SHUT-OFF OF THE SYSTEM DURING PERIODS OF HIGH MOISTURE;
 - 4.2. A DRIP SUB-SURFACE, BUBBLER OR LOW VOLUME IRRIGATION SYSTEM FOR ALL PLANTING STRIPS LESS THAN 8' WIDE AND ALL PLANTING BEDS INVOLVING TREES, SHRUBS, PERENNIALS AND GROUNDCOVER; AND
 - 4.3. AN IRRIGATION CLOCK WHICH ALLOWS PROGRAMMING TO MEET THE DIFFERENTIAL NEEDS OF THE SPECIFIED PLANTING PLAN.
5. RESTRICTIVE COVENANTS REQUIRING 500+ ANY RESTRICTIVE COVENANT THAT BECOMES EFFECTIVE AFTER JULY 15, 2003 SHALL NOT PROHIBIT THE USE OF WATER-CONSERVING LANDSCAPES OR REQUIRE MORE THAN 50% HIGH-WATER-DEMAND TURF. THIS PROVISION SHALL NOT RESTRICT THE INDIVIDUAL AND VOLUNTARY USE OF A GREATER PERCENTAGE OF HIGH-WATER-DEMAND TURF.

CROSSING, GROUND COVER & PERENNIAL BED AREAS SHALL BE MAINTAINED AT A RATE OF 8 CUBIC FEET PER THOUSAND SQUARE FEET OF INTERGROWN STABILIZED ORGANIC AMENDMENT AND 10 LBS. OF 12-12-12 FERTILIZER PER 1,000 SQ. FT. TO A DEPTH OF 8". NO MANURE OR ANIMAL-BASED PRODUCTS SHALL BE USED FOR ORGANIC AMENDMENT.

CONDITION

PLANTING

17. ALL DECIDUOUS TREES SHALL HAVE FULL, WELL-SHAPED HEADS. **LOT 12, INDIANA BUSINESS CENTER**
GROUND, UNLESS OTHERWISE SPECIFIED, TREES WITH CENTRAL LEADERS WILL NOT BE ACCEPTED IF LEADERS ARE DAMAGED OR REMOVED. PRUNE ALL DAMAGED TWIGS AFTER PLANTING. **LOCATED IN THE SOUTHWEST QUARTER**

18. ALL PLANTS WITHIN A SPECIES SHALL HAVE SIMILAR SIZE, AND **SOUTH-RANGE 68 WEST OF THE 6**
DEEMED UNACCEPTABLE BY THE LANDSCAPE ARCHITECT SHALL BE IMMEDIATELY REMOVED AND REPLACED WITHIN THE SAME SPECIES. TREES DEEMED UNACCEPTABLE BY THE LANDSCAPE ARCHITECT SHALL BE REPLACED WITH AN ACCEPTABLE PLANT OF LIKE TYPE AND SIZE AT THE CONTRACTOR'S OWN RISK. **QUARTER**
APPEARING TO BE UNHEALTHY, EVEN IF IT IS DETERMINED TO STILL BE ALIVE, SHALL NOT BE ACCEPTED. THE LANDSCAPE ARCHITECT SHALL BE THE SOLE JUDGE AS TO THE ACCEPTABILITY OF PLANT MATERIAL.

19. ALL TREES SHALL BE GUYED AND WOOD STAKED AS PER DETAILS. NO T-STAKES SHALL BE USED FOR TREES.

20. ALL PLANT MATERIALS SHALL BE TRUE TO TYPE, SIZE, SPECIES, QUALITY, AND FREE OF INJURY, BROKEN ROOT BALLS, PESTS, AND DISEASES, AS WELL AS CONFORM TO THE MINIMUM REQUIREMENTS DESCRIBED IN THE "AMERICAN STANDARD FOR NURSERY STOCK". FOLLOW GREENTEC TREE PLANTING RECOMMENDATIONS FOR MINIMUM QUALITY REQUIREMENTS FOR TREES.

21. ALL TREE AND SHRUB BED LOCATIONS ARE TO BE DOUBLED OUT ON SITE FOR APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

22. ALL TREES PLANTED ADJACENT TO PUBLIC AND/OR PEDESTRIAN WALKWAYS SHALL BE PRUNED CLEAR OF ALL BRANCHES BETWEEN GROUND AND A HEIGHT OF EIGHT (8) FEET FOR THAT PORTION OF THE PLAN LOCATED OVER THE SIDEWALK AND/OR ROAD.

23. ALL PLANT MATERIAL SHALL NOT BE PLANTED PRIOR TO INSTALLATION OF TOPSOIL.

24. ALL PLANT BEDS SHALL BE CONTAINED WITH STEEL EDGER. STEEL EDGER IS NOT REQUIRED ALONG CURBS, WALKS OR BUILDING FOUNDATIONS. ALL EDGING SHALL OVERLAP AT JOINTS A MINIMUM OF 6-INCHES, AND SHALL BE FASTENED WITH A MINIMUM OF 4 PINS PER EACH 10 FOOT SECTION. THE TOP OF ALL EDGING MATERIAL SHALL BE A ROLLED TOP AND 1/2 INCH ABOVE THE FINISHED GRADE OF ADJACENT LAWN OR MULCH AREAS. COLOR: BLACK.

25. THE DEVELOPER, HIS SUCCESSOR, OR ASSIGNEE SHALL BE RESPONSIBLE FOR ESTABLISHING AND CONTINUING A REGULAR PROGRAM OF MAINTENANCE FOR ALL LANDSCAPED AREAS. SEE LANDSCAPE GUARANTEE AND MAINTENANCE NOTE.

26. A 3-FOOT CLEAR SPACE SHALL BE MAINTAINED AROUND THE CIRCUMFERENCE OF ALL FIRE HYDRANTS.

27. LANDSCAPE CONTRACTOR TO SUBMIT SAMPLES OF MISCELLANEOUS LANDSCAPING MATERIALS TO THE LANDSCAPE ARCHITECTS AND OWNER'S REPRESENTATIVE FOR APPROVAL PRIOR TO INSTALLATION, I.E.: MULCH, EDGER, LANDSCAPE FABRIC, ETC.

MULCHING

28. AFTER ALL PLANTING IS COMPLETE, THE CONTRACTOR SHALL INSTALL A MINIMUM 4" THICK LAYER OF MULCH AS SPECIFIED IN THE DETAILS. MULCH SHALL BE 1/4" THICK RING OF DOUBLE SHREDED CEDAR BARK MULCH AROUND ALL PLANT MATERIAL IN ROCK MULCH BEDS WHERE LANDSCAPING IS SHOWN ON THE PLANS. WOOD MULCH RING SIZE SHALL BE THE CONTAINER SIZE OF THE SHRUBS, PERENNIALS, AND ORNAMENTAL GRASSES. TREE RING SIZE SHALL BE GREEN INDUSTRIES OF COLORADO INDUSTRIAL STANDARD WIDTH.

29. ALL MULCH SHALL BE HARVESTED IN A SUSTAINABLE MANNER FROM A LOCAL SOURCE.

30. INSTALL DEWITT PRO-5 WEED BARRIER FABRIC UNDER ALL ROCK MULCH SHRUB BEDS SPECIFIED ON THE PLANS ONLY. NO LANDSCAPE FABRIC SHALL BE USED IN WOOD MULCH AREAS. NO PLASTIC WEED BARRIERS SHALL BE SPECIFIED.

31. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED.

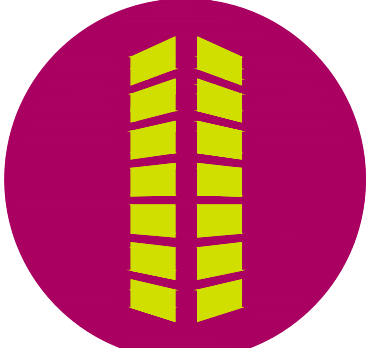
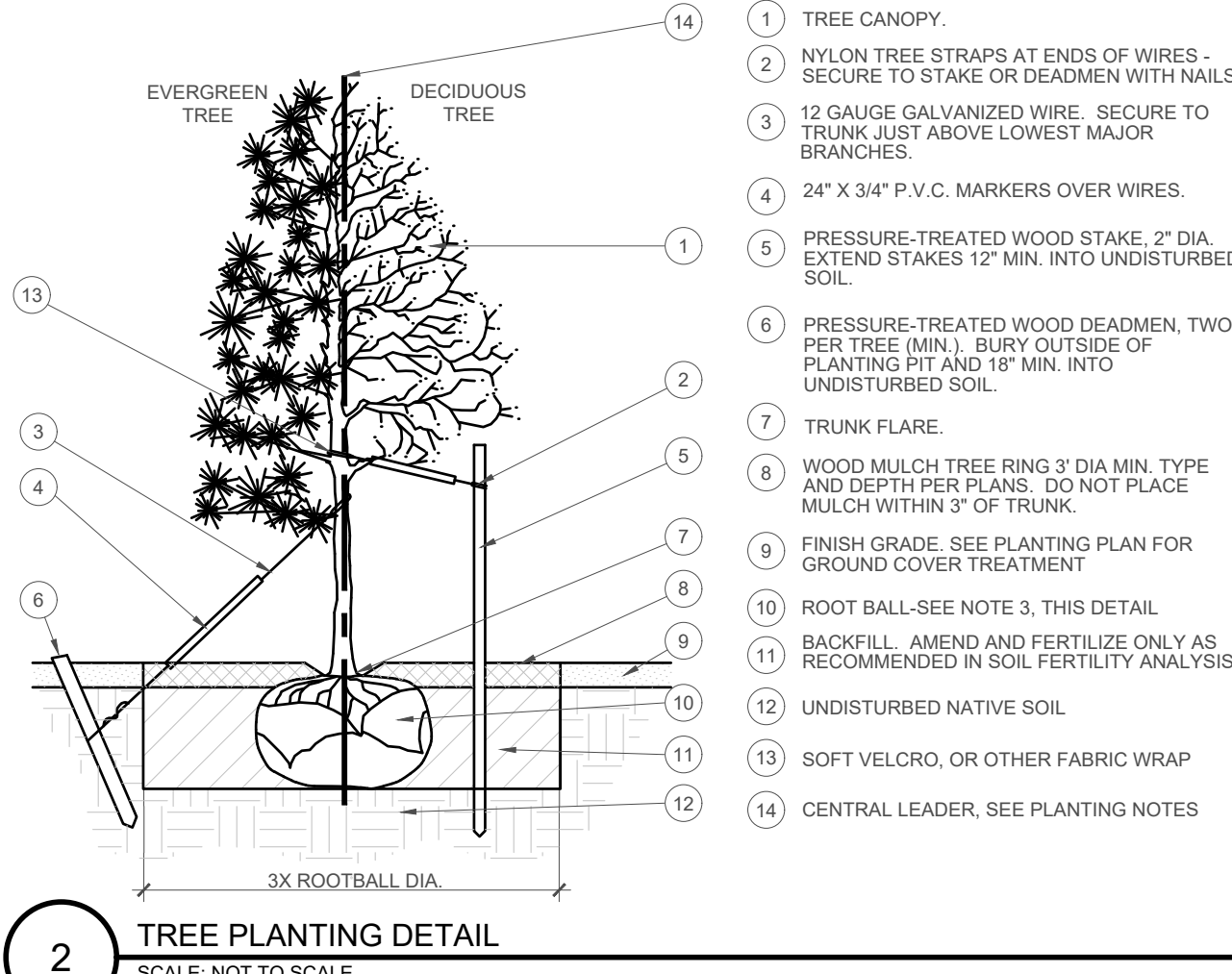
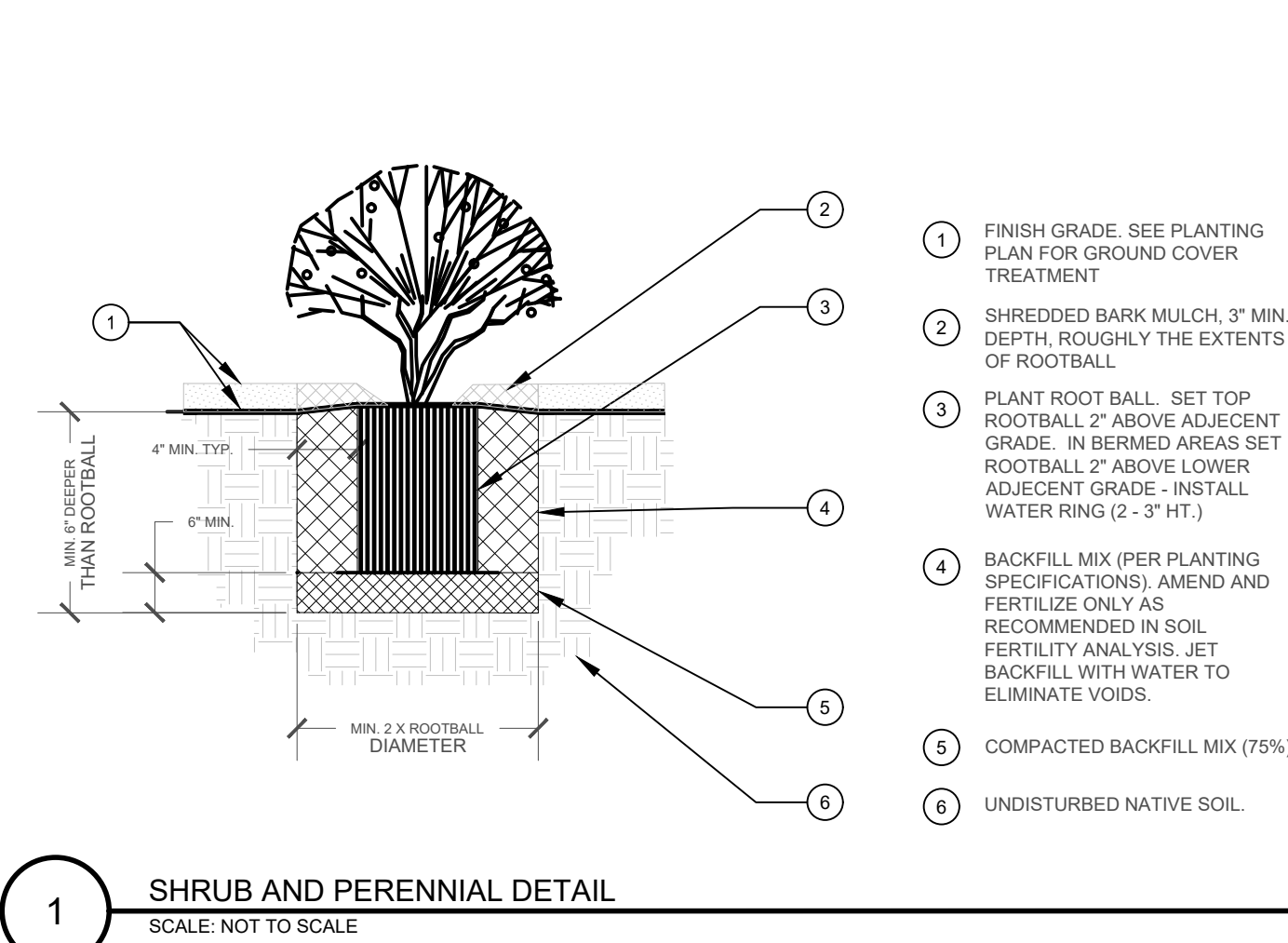
32. ALL PLANTING AREAS WITH LESS THAN A 4:1 GRADIENT SHALL RECEIVE A LAYER OF MULCH. TYPE AND DEPTH PER PLANS. SUBMIT 1 CUBIC FOOT SAMPLE OF MULCH (ONE SAMPLE PER TYPE) TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION. THE MULCH SHALL BE SPREAD EVENLY THROUGHOUT ALL PLANTING AREAS EXCEPT SLOPES 4:1 OR STEEPER, AND OTHERWISE SPECIFIED ON THE PLAN. ABSOLUTELY NO EXPOSED GROUND SHALL REMAIN IN AREAS TO RECEIVE MULCH AFTER MULCH HAS BEEN INSTALLED.

33. ALL PLANTING AREAS ON SLOPES OVER 4:1 SHALL RECEIVE COCONUT FIBER EROSION CONTROL NETTING FROM ROLLS. NETTING SHALL BE #C7-12 MANUFACTURED BY NORTH AMERICAN GRISS (OR EQUAL), 1" MALL STAKE PER MANUFACTURER'S SPECIFICATIONS. SEE ALSO THE CIVIL ENGINEER'S EROSION CONTROL PLAN.

1. ALL PLANTS SHALL BE MAINTAINED CONTINUALLY IN A HEALTHY CONDITION IN ACCORDANCE WITH GENERALLY ACCEPTED PROFESSIONAL HORTICULTURAL STANDARDS AND PRACTICES. PLANTS THAT DIE OR ARE UNHEALTHY SHALL BE REPLACED. REGULAR PRUNING AND TRIMMING SHALL APPLY TO MAINTAIN HEALTH AND AN ATTRACTIVE APPEARANCE AND TO PREVENT THE PLANTS TO ACHIEVE THEIR INTENDED FORM AND HEIGHT. LANDSCAPE DESIGN SHALL REMAIN FREE OF WEEDS, LITTER, JUNK, RUBBISH AND OTHER NUISANCES AND OBSTRUCTIONS. TO PREVENT WEED GROWTH, EROSION AND BLOWING DUST, AREAS NOT COVERED BY VEGETATION SHALL BE COVERED WITH MULCH, WOOD OR BARK CHIPS, OR DECORATIVE ROCKS OR COBBLE, OR SIMILAR NATURAL MATERIALS PROVIDING A CLEAN, UNIFORM APPEARANCE.

AREAS OF REQUIRED LANDSCAPING	AREA	FORMULA	TOTAL QUANTITY REQUIRED	TOTAL QUANTITY PROVIDED
TOTAL REQUIRED LANDSCAPE AREA	137,253 SF	20% OF TOTAL SITE AREA (137,253 SF TOTAL SITE)	27,451 SF REQUIRED	32,244 SF PROVIDED (23.5%)
REQUIRED GENERAL LANDSCAPE AREAS (PERMEABLE AREAS EXCLUDING AREAS ALREADY REQUIRED)	7,626 SF	1 CANOPY TREE PER 2,000 SF 1 SMALL TREE/EVERGREEN PER 1,500 SF, 75% LIVE COVERAGE	4 CANOPY TREES AND 5 EVERGREEN/SMALL TREES	4 CANOPY TREES AND 5 EVERGREEN/SMALL TREES
REQUIRED PARKING LOT TREES AND SHRUBS	3,920 SF	1 TREE AND 8 SHRUBS PER 300 SF OF REQUIRED PARKING LOT LANDSCAPING	13 TREES AND 104 SHRUBS	13 TREES AND 104 SHRUBS
FOUNDATION PLANTINGS	480 LF	1 SHRUB PER 5 LF OF BUILDING FACADE	96 SHRUBS	96 SHRUBS
STREET TREES	944 LF	1 TREE PER 40 LF	23 TREES	23 TREES

2. REMOVE EXCESS SOIL APPLIED ON TOP OF THE PLANTING THAT COULD COVER THE PLANTING. THE PLANTING HOLE DEPTH SHALL BE SUCH THAT THE ROOTBALL RESTS ON UNDISTURBED SOIL, AND THE PLANTING IS AT LEAST 5' FROM THE CURB.
3. CUT OFF BOTTOM 1/3 OF WIRE BASKET BEFORE PLACING TREE IN HOLE. CUT OFF AND REMOVE REMAINDER OF WIRE AFTER TREE IS PLACED IN HOLE.
4. REMOVE TWINE, TWINE, ROPE, AND OTHER PACKING MATERIAL. REMOVE ALL BURLAP FROM AROUND ROOTBALL.
5. TREE WRAP IS NOT TO BE USED ON ANY NEW PLANTINGS, EXCEPT IN LATE FALL ANY PLANTING SITUATIONS AND ONLY FOR PROTECTIVE SITUATION WITH THE LANDSCAPE ARCHITECT. WHEN WRAPPING TREE, WRAP FROM TRUNK FLARE TO LOWEST MAJOR BRANCH.
6. REMOVE ALL NURSERY STAKES AFTER PLANTING FOR TREES OVER 3" IN CALIBER. USE THREE STAKES OR LEAST AND AS APPROPRIATE, SPACED EVENLY AROUND TREE.
7. DO NOT ALLOW ANY ROCKS OR STONES TO FORM WHEN BACKFILLING.



CAUTION
UTILITIES EXIST WITHIN CONSTRUCTION
LIMITS. CONTRACTOR IS RESPONSIBLE
FOR IDENTIFYING THEIR LOCATION
PRIOR TO CONSTRUCTION.

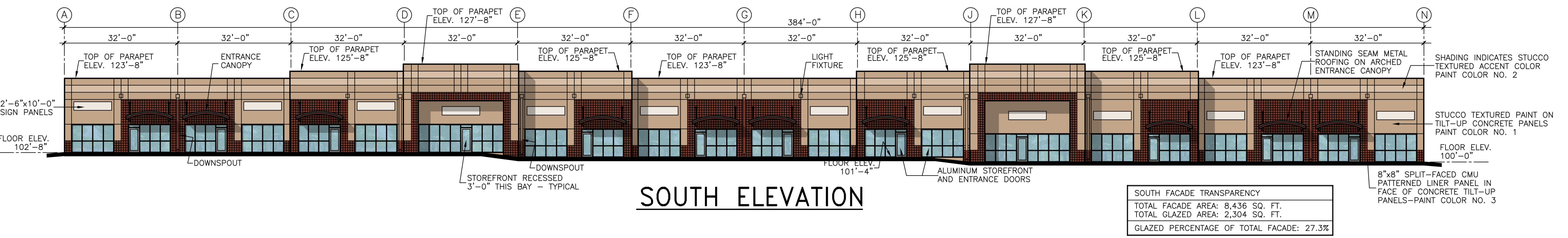
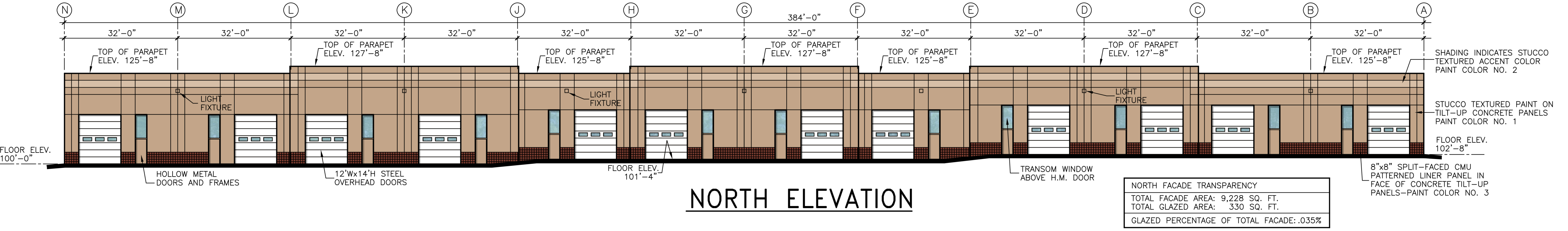
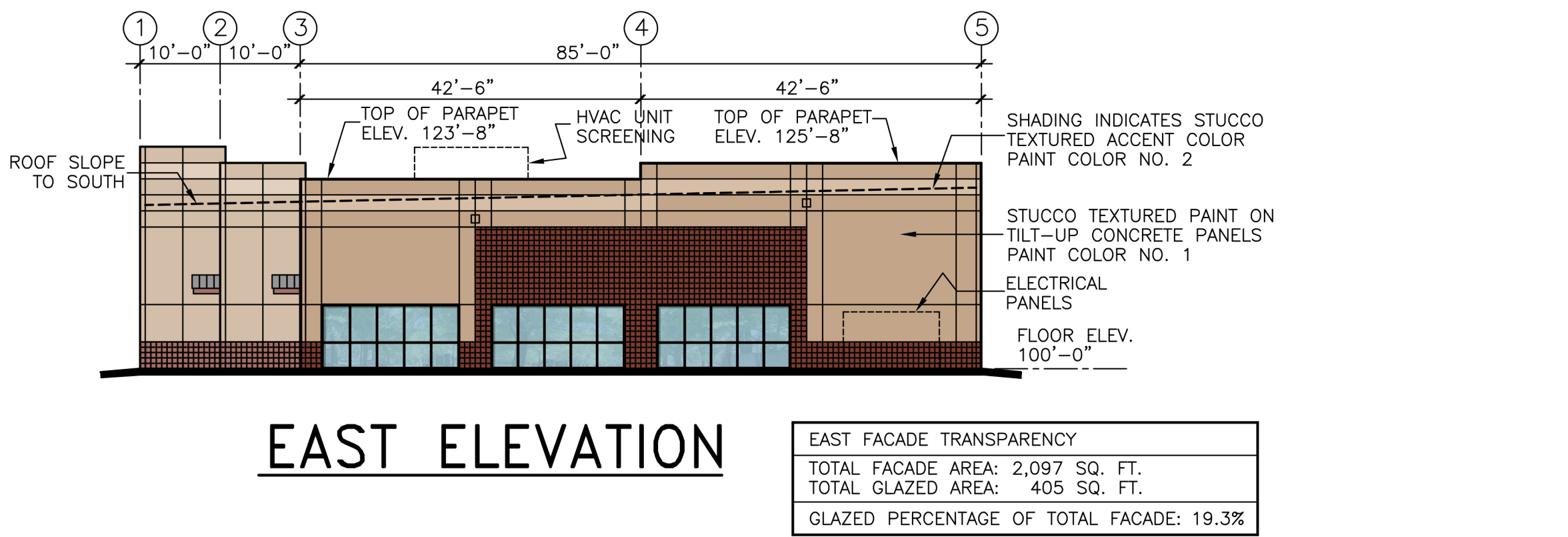
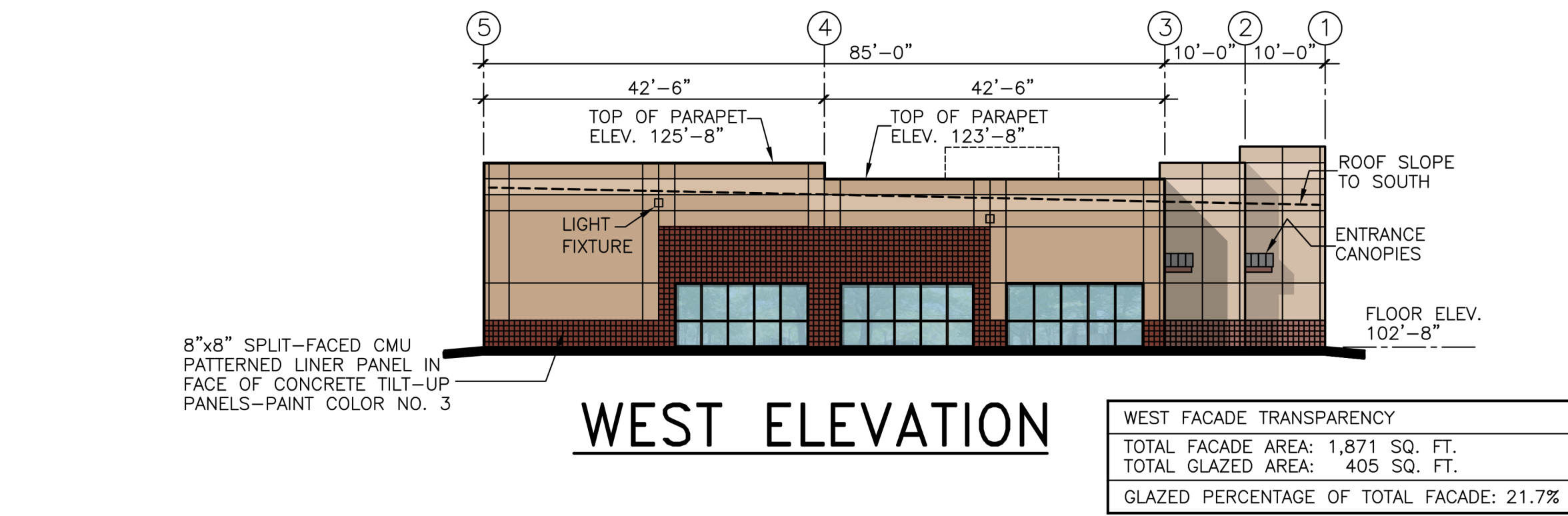
1. THE LANDSCAPE CONTRACTOR IS REQUIRED TO CONTACT THE COUNTY PUBLIC WORKS DEPARTMENT, AND ANY OTHER PUBLIC OR PRIVATE AGENCY NECESSARY FOR UTILITY LOCATION RECORDS AND RECORDS OF ANY OTHER AGENCIES.
2. THIS DRAWING IS A PART OF A COMPLETE SET OF BID DOCUMENTS, SPECIFICATIONS, ADDITIONAL DRAWINGS, AND EXHIBITS. UNDER NO CIRCUMSTANCES SHOULD THESE PLANS BE USED FOR CONSTRUCTION PURPOSES WITHOUT EXAMINING ACTUAL LOCATIONS OF UTILITIES ON SITE, AND REVIEWING ALL RELATED DOCUMENTS.

THE LOCATION OF THE ALL UNDERGROUND UTILITIES ARE LOCATED ON THE ENGINEERING DRAWINGS. THE LOCATION OF THE ALL UNDERGROUND UTILITIES IS HEREIN MADE PART OF THIS DOCUMENT. UNDERGROUND UTILITIES EXIST THROUGHOUT THIS SITE AND MUST BE LOCATED PRIOR TO ANY CONSTRUCTION ACTIVITY. WHERE UNDERGROUND UTILITIES EXIST, FIELD INVESTIGATION MAY BE REQUIRED TO DETERMINE THE EXACT LOCATION OF THE UTILITIES. THE OWNER, NEITHER THE OWNER NOR THE LANDSCAPE ARCHITECT ASSUMES ANY RESPONSIBILITY WHATSOEVER IN RESPECT TO THE CONTRACTORS ACCURACY IN LOCATING THE INDICATED UTILITIES. UNDER NO CIRCUMSTANCES SHOULD THESE PLANS BE USED WITHOUT REFERRING IN THE ABOVE MENTIONED DOCUMENTS.

[illegible]

CENTER LAND - INDIANA BUSINESS PARK
CONDITIONAL USE

LOT 1, INDIANA BUSINESS CENTER MINOR SUBDIVISION FILING NO. 2
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3
SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF
ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO



EXTERIOR ELEVATIONS

SCALE 1/16" = 1'-0"

ALEXANDER ASSOC. ARCHITECTS, L.L.C.

10262 W. IDA AVE. - UNIT 241
LITTLETON, COLORADO 80127
303-956-3630

OFFICE/WAREHOUSE PROJECT

14763 W. 65th DRIVE, ARVADA, COLORADO
CENTER LAND BUILDERS, LLC

DATE: 2/22/21
DRAWN: CH
CHK'D: FA
REV.:

FILE NO. 14763_ElevE

PROJECT NO. 21-04

DRAWING NUMBER

A1.0

SHEET 1 OF 1

Synopsis of Meeting Minutes from June 22, 2021 Planning Commission

**Conditional Use Application for Center Land at Indiana Business Park,
generally located at 14763 W. 65th Way and 6595 Holman Street**

Mr. Owens entered into the record the Staff Report dated June 22, 2021, affidavits of mailing and posting, and posting log. He asked if there are any additions or corrections to the staff report.

Mr. Bebo gave a brief overview of the project to allow light industrial uses within a new commercial/industrial flex building. Located in a CG zone district which is a commercial general zone district, the conditional use would allow the property owner to lease tenant spaces to businesses that would be defined as light industrial in the Land Development Code. The property consists of two separate lots representing approximately 3.15 acres. The proposed building is approximately 35,227 square feet and would contain a total of twelve tenant spaces, each with an overhead door. The architecture is designed to tie into the existing industrial, commercial flex building located immediately north of the site and would be designed to retain a commercial storefront character. Staff is recommending approval.

Jeff Weeder (representative with Galloway) gave an overview of the project and stated the Conditional Use will mimic the facility to the north. He explained the transparency and how they adjusted the customer entrances on both elevations. He stated they are trying to expand the use palette and explained this facility is not intended to operate without semi-truck deliveries. He stated this project is consistent with the comprehensive plan and the CG zoning district.

Mr. Owens opened the hearing for comments from the public.

PUBLIC COMMENT

IN FAVOR

None.

IN OPPOSITION

None.

APPLICANT REBUTTAL

None.

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Magee asked Mr. Bebo if this building could be built within a Commercial General zoning district even without a conditional use.

Mr. Bebo responded yes, it could meet the requirements for both the Commercial General and Industrial Light zone districts. He stated this application is strictly to allow them to market themselves towards light industrial tenants. He commented that this area, previously under the old Land Development Code, was zoned PUD-I, but these two lots in particular were split zoned. Half was PUD-BP for commercial and the eastern lot was PUD-I. He stated with the new update of the Land Development Code it was rezoned to CG, adding light industrial as a Conditional Use.

Mr. Magee commented that Mr. Weeder did a great job in explaining that they want to expand their palette of what they could offer with this building.

Mr. Gay asked if the height of the proposed building is the same as the existing building to the north.

Kenny Lombardi, the applicant, responded yes, the buildings are virtually similar in height, just a little more modern with some brick façade. He addressed Mr. Magee comment, on the type of tenants that will be here. He stated several of the tenants that are in the existing building fit into the light industrial use, three of which are high tech manufacturing. They are looking for more of the high tech type manufacturing tenants.

Mr. Owens asked if there were any further comments, no more comments were made. Mr. Owens asked for a motion.

MOTION:

It was moved by Mr. Magee, that a Conditional Use Application to allow light industrial uses within a new commercial flex building located in a CG (Commercial, General) zoning district for Center Land at Indiana Business Park, generally located at 14763 W. 65th Way and 6595 Holman Street, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 8 & 9 of the Staff Report.

DISCUSSION OF MOTION

None

The following votes were cast on the motion:

Those voting Yes: Owens, Griffith, Gay, Connell, Magee, Hannan, Knapp

Those voting No: None

Those absent: None

The motion carried 7-0.

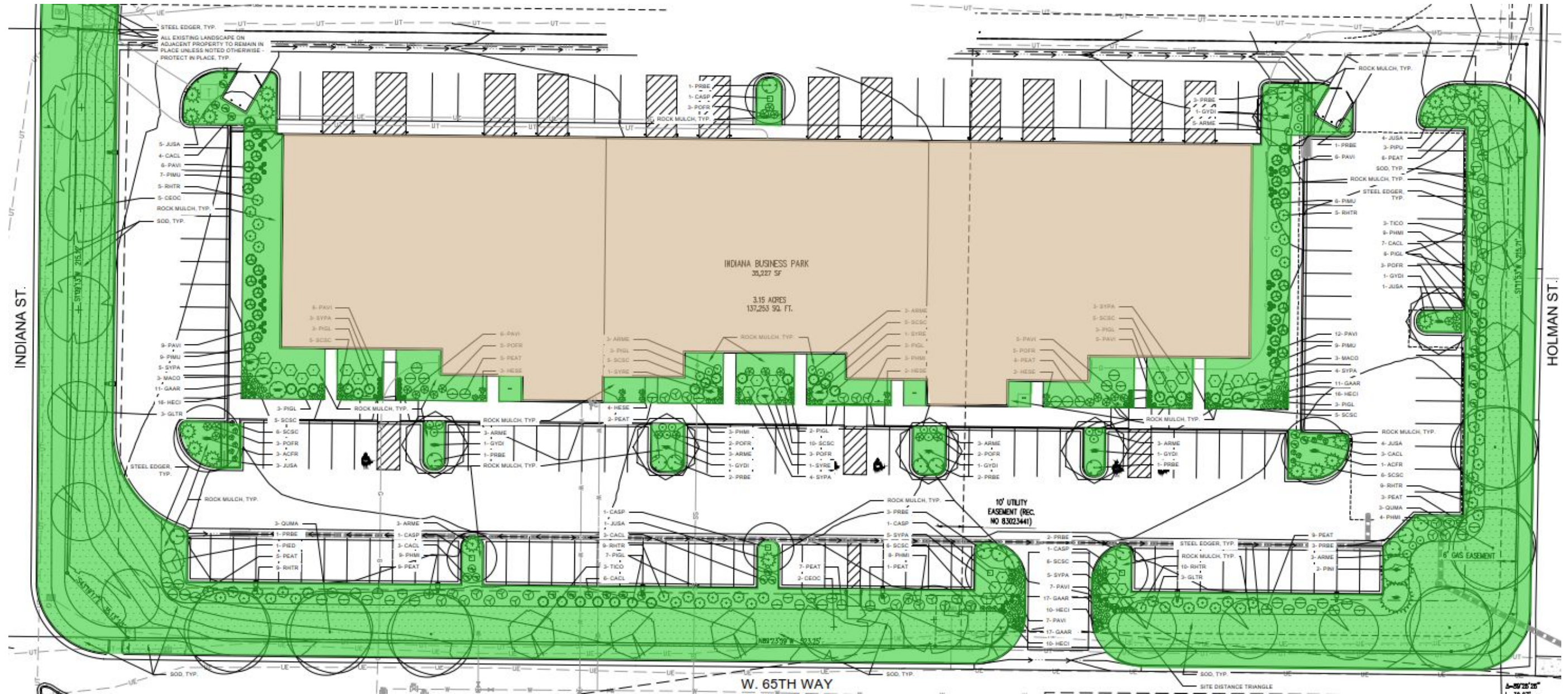
Mr. Owens explained that the motion carried.



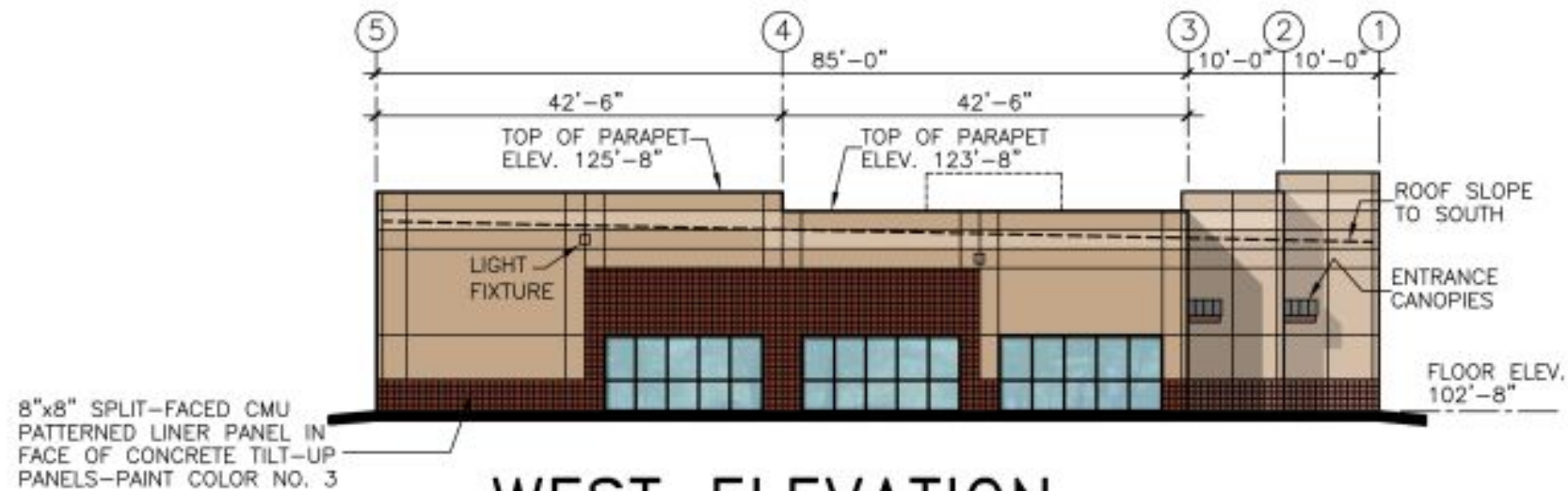
Center Land @ Indiana Business Park

Conditional Use

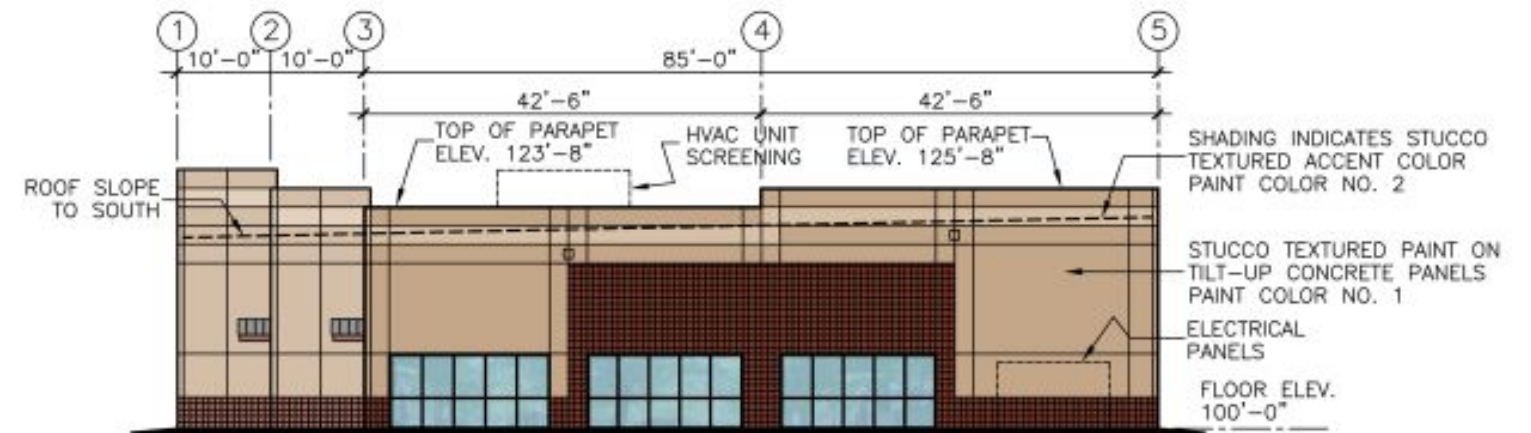
Proposed Site Layout



Representative Architecture

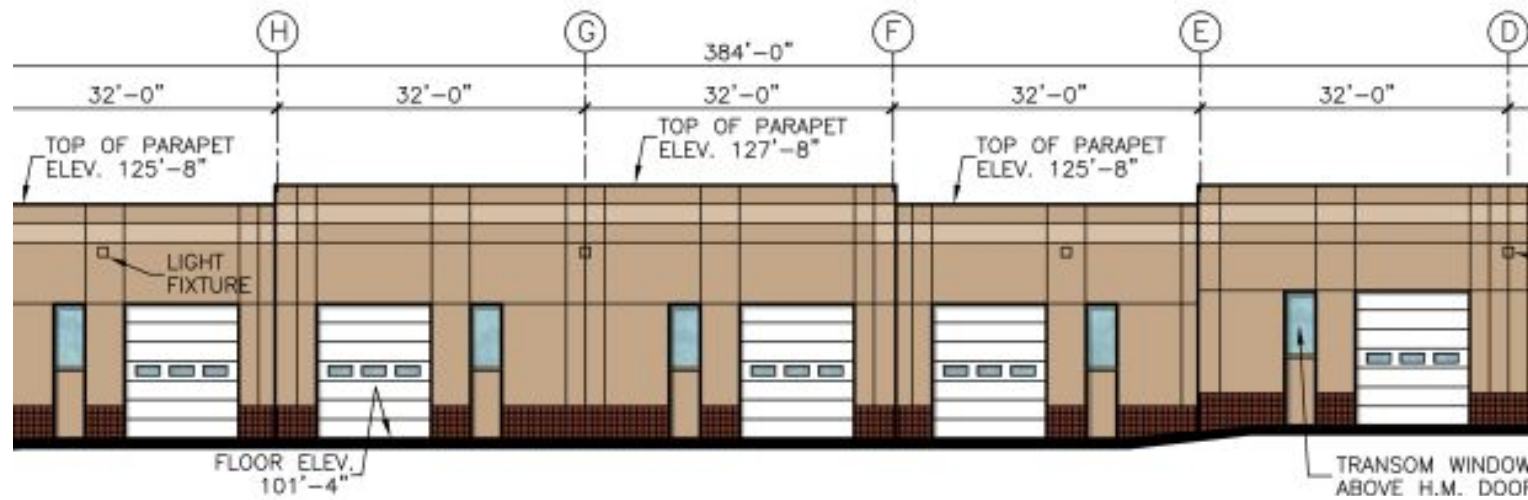


WEST ELEVATION
(Facing Indiana Street)



EAST ELEVATION
(Facing Holman Street)

Representative Architecture



NORTH ELEVATION
(Facing Back of Adjacent building)



SOUTH ELEVATION
(Facing 65th Way)

Example Uses

- **Uses per Industrial Light zoning**
 - **Assembly**
 - **Testing and Repair**
 - **Manufacturing**
 - **Packaging**
 - **Research and Development**
- **No outdoor storage proposed.**

Approval Criteria

- **Compliance with standards Of LDC.**
- **Consistency with Comprehensive Plan.**
- **Use consistency with current zone district.**
- **Comparable size, scale, density and impacts to infrastructure.**
- **Availability of infrastructure.**
- **Mitigation of adverse impacts.**



REPORT FROM CITY COUNCIL

AGENDA ITEM
12.A.

DATE: July 19, 2021

SUBJECT: Council Committee Reports

Report in Brief

City Council members are appointed to various committees and boards as set out on the attached listing. As meetings are held, individual council members will report back to the full City Council any relevant discussions and issues that occurred.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report

Council Member	Committee
Marc Williams	Arvada Urban Renewal Authority E-470 Authority (alternate) Jefferson Parkway Public Highway Authority Northwest Parkway Authority (Associate Member) (alternate) Urban Drainage and Flood Control District West Connect Coalition *Metro Mayors Caucus
Dot Miller	Adams County Economic Development Association Arvada Municipal Court/Judicial Committee CML Policy Committee Jefferson County Community Corrections Board (alternate) Smart City Advisory Committee
Bob Fifer	Apex Coordinating Committee Arvada Fire Protection District Coordinating Committee Arvada Transportation Committee Denver Regional Council of Governments Jefferson County R-1 Schools Coordinating Committee Jeffco Transportation Action & Advisory Group (JEFFTAAG) Smart City Advisory Committee
Nancy Ford	Arvada Center for the Arts and Humanities Arvada Sustainability Advisory Committee Arvada Visitors Center Committee (alternate) Rocky Flats Stewardship Council
David Jones	E-470 Authority (alternate) Jefferson County Community Corrections Board Jefferson County R-1 Schools Coordinating Committee Jefferson Economic Development Council (JEDC) Jefferson Parkway Public Highway Authority Northwest Parkway Authority (Associate Member) (alternate) West Connect Coalition (alternate)
John Marriott	Adams County Economic Development Association (alternate) Apex Coordinating Committee Arvada Audit Committee Arvada Economic Development Association Board Arvada Municipal Court/Judicial Committee CML Policy Committee Denver Regional Council of Governments (alternate) Jeffco Transportation Action & Advisory Group (JEFFTAAG) (alternate) Olde Town Business Improvement (BID) District Rocky Mountain Metropolitan Airport Community Noise Roundtable
Lauren Simpson	Arvada Audit Committee Arvada Fire Protection District Coordinating Committee Arvada Visitors Center Committee Smart City Advisory Committee

*Asterisked committees are not appointed by Council



REPORT TO CITY COUNCIL

AGENDA ITEM
13.A.

TO: THE HONORABLE CITY COUNCIL

DATE: July 19, 2021

SUBJECT: Review of Future Workshops and Presentations

Report in Brief

The City Manager's Office maintains a list of upcoming workshops and presentations to be scheduled for City Council meetings. During City Manager Reports, at the end of City Council business meetings, City Manager, Mark Deven, will review with City Council the tentative schedule and make any adjustments necessary.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Rachel Morris, City Attorney 7/7/2021

Lorie Gillis, Deputy City Manager 7/7/2021

Mark Deven, City Manager 7/7/2021

Enclosure, exhibits & attachments required to support the report

2021 CITY COUNCIL WORKSHOPS, PRESENTATIONS AND RETREATS (TENTATIVE)

WORKSHOPS	Date	Lead
Appointee Evaluations (rescheduled from June - Do not schedule any workshops)	July 12	
Traffic Calming Pilot Projects Update – 45-60 minutes (Keep this agenda light) The Mobility and Planning Innovations (MPI) Division of Public Works will be presenting an update on the Traffic Calming Pilot Projects for W 57th Ave and Grandview Ave near Olde Town, and provide City Council with next steps related to a citywide Traffic Calming Program that supports the Police Department and Public Works Department initiatives on traffic safety. The presentation will briefly recap public outreach results and how citizen input has been incorporated into the pilot projects.	July 26	PW
Proposed Ordinance and Rules and Regulations related to Micromobility (e-Scooters, e-Bikes)	July 26	PW
Housing and Homeless Program Update	Aug 9	VCN
10-year model	Aug 9	Fin
Bond Project Update	Aug 23	PW
CIP Update	Aug 23	
Budget Presentation	Sept 27	Fin
Pay Plan	Oct 11	Fin
Communications Update	Oct 25	CMO
Bond Project Update	Nov 22	PW
Master Plan Update on Storm and Wastewater	Nov 22	PW
	Dec 13	
Council Retreat Update	TBD	CMO
Pomona Parcel	TBD	CMO
Pocket Neighborhoods	TBD	
Meyers Pool	TBD	CMO
City Marketing Plan	TBD	CMO
Traffic Violation Fee	TBD	PW
Financial Scenarios for Street Maintenance Deficit/Options for Increasing Maintenance Funds Engage City Council in a discussion around the current street maintenance needs and how the City might fund them. This will include revenue enhancements, future allocations and expenditure realignments.	TBD	PW/Fin/ CMO
Fiber Master Plan The Fiber Master Plan which is also called Arvada Fiber Optic Network (AFON), was first presented to City Council 4/10/2017. City Councils had set a strategic goal to build a fiber network to enable high speed/real-time connectivity to city facilities and assets in order to enhance city operations. This workshop is intended to brief City Council as to the progress of the AFON build out. Updates are intended to cover conduit installation progress, fiber installation progress, current collocate opportunities, IGA member updates, and connections to current assets (city buildings, traffic, signals, utilities, radio, etc.).	TBD	PW
Community Survey Update The purpose of this item is to continue a discussion with Council about the Community Survey results and what the City team is doing to apply what is learned. Discussion will include an update on action plans targeting key drivers of the City's 5-star rating as well as how Worksystems are targeting specific measures.	TBD	CMO
Problem Properties	TBD	P.D.
Water Storage – Plan B (include with master plan presentation)	TBD	Utilities
Activation of Historical Assets	TBD	VCN

N.W. Arvada	TBD	CED
Body Worn Cameras	TBD	PD
Customer Service Philosophy	TBD	CMO
Ask Arvada Update	TBD	CMO
Diversity and Equity Committee	TBD	CMO
COUNCIL JOINT MEETINGS/DINNERS:		
Denver Water Board Apex Board AURA Board Arvada Center Board—Per Coop Agreement - Annually after October 1 of each year Jefferson Parkway Meeting with Jeffco and Broomfield Council Annual Retreat	May 14	