

City of Arvada

Planning Commission Agenda

NOVEMBER 16, 2021
CITY COUNCIL CHAMBERS
Regular Business

Commission Members:

T.O. Owens, Chairman
Michael P. Griffith, Vice Chairman
Patricia Connell, Secretary
Andrew Gay
Steve Hannan
Tim Knapp
Doug Magee

Staff Members Usually Present:

Ryan Stachelski, Dir. of Community and Economic Development
Emily Grogg, Senior Assistant City Attorney
Rob Smetana, Manager of City Planning and Development
Jenny Wolfschlag, Manager of Development Engineering
Josie Suk, Systems and Administrative Manager
Abigail Ogg, Administrative Specialist

Info: 720-898-7435

The meeting will include an open comment period where participants will have three minutes to provide comments to the Commission. Members of the public who wish to provide public comment on any agenda item or during general public comment should go to www.arvada.org/PLNCOMMISSION for information about how to participate. If any member of the public wishes to submit written comment regarding the item on the agenda, you may submit comments in writing via email to the Planning Department at cedboardsandcommission@arvada.org. Comments must be received no later than 5 p.m. the day before the meeting. All timely comments submitted will be presented to the Planning Commission. Please contact Josie Suk with any questions at 720-898-7627.

PLANNING COMMISSION MEETING – 6:15 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS
4. APPROVAL OF MINUTES
5. GENERAL BUSINESS
6. REPORTS
7. PETITIONS & COMMUNICATIONS
8. PUBLIC HEARINGS
 - A. Major Modification for 7400 Simms Residential Privacy Fence, generally located at 7400 Simms Street
9. OTHER ITEMS
10. ADJOURN



SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
OCTOBER 5, 2021

Planning Commission meeting minutes are not an exact transcript and represent key points and the basis of discussion.

1. **CALLED MEETING TO ORDER**– By T. O Owens at 6:15 P.M.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL OF MEMBERS**

Those present T.O Owens, Michael P. Griffith, Patricia Connell, Steve Hannan, Doug Magee, Tim Knapp

THOSE ABSENT

Andrew Gay

Mr. Owens moved to excuse Andrew Gay from the meeting.

The following votes were cast on the motion:

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

Those voting No: None

Those absent: Gay

The motion carried 6-0.

ALSO PRESENT: Ryan Stachelski, Director of Community and Economic Development; Rob Smetana, Manager of City Planning and Development; Emily Grogg, Sr. Ass't. City Attorney; Josie Suk, Systems and Administrative Manager; Abigail Ogg, Recording Secretary/Administrative Specialist; Jeremiah Bebo, City Planner; Patty McCartney, City Planner

4. **APPROVAL OF MINUTES**

Mr. Knapp had one correction on page 5, lines 12 and 13. He suggested to add "*if necessary*" to the end of each line.

September 7, 2021. The minutes stand approved as corrected.

5. **GENERAL BUSINESS**

None

6. **REPORTS**

None

7. **PUBLIC COMMENT**

There being no one wishing to speak. Public Comment was closed.

8. **PUBLIC HEARINGS**

Mr. Owens stated that Council has requested to cancel the Ordinance Amending the Land Development Code of the City of Arvada and all agenda items until further notice.

Rezoning from City of Arvada RA to City of Arvada PUD and a PUD Development Plan Animal Assisted Therapy Programs of Colorado, approximately located at 7275 Kipling St. Unit A and Unit B

Mr. Owens swore in three attendees for public comment and opened the public hearing.

Mr. Owens asked staff if there were any publication or posting requirements.

Mr. Bebo stated that three forms of notice are required. Staff published notice in the paper, the mailing affidavits and posting log are both in order. There were no additions or corrections added to staff report.

Mr. Owens entered into the record the staff report dated October 5, 2021, affidavit of mailing, and posting log.

Mr. Bebo gave a brief overview of the project. Staff recommended approval subject to the one condition for the PUD Development plan on page 9 of the staff report.

Mr. Owens asked for the applicant to present their project.

Linda Craddock, on behalf of Animal Assisted Therapy Programs of Colorado, applicant, gave an overview of the site, the business model, the animals on site, the surrounding area and the reason for the requests. She explained their future plans of adding more clientele, staff, animals, and parking.

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

PUBLIC COMMENT

IN FAVOR

Sarah Deering stated her relationship and how she became involved with the facility's board and expressed her support for the programs that they offer.

Sharon Roybal shared her experience with Animal Assisted Therapy and how they have had a positive impact in her day to day life, along with the things she has learned from these types of programs.

Alan Titone explained his relationship and how he became involved in the board. Titone stated that the team provides service animals at the clients' disposal without limits and expressed his support for this specific facility.

IN OPPOSITION

None

APPLICANT REBUTTAL

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Owens asked for explanation on the parking situation. He expressed his concern for the amount of parking compared to the amount of cars coming in.

Ms. Craddock is unsure and agreed on the parking issue. She explained that there will be a large building torn down to be able to add more parking spaces and the end number of parking spaces will be higher than what is shown currently.

Mr. Owens asked to hear from staff on this parking issue.

Mr. Bebo explained that staff asked the applicant how many parking spaces would be needed to meet the facility's demand since the use is unique. Three spaces per one thousand square feet of gross floor area is what staff would apply for a medical office use, however, they feel that is too low. He stated that this can be addressed with the Final Development Plan.

Mr. Owens stated that he believed the applicant would best manage the possible parking issue that best fits their culture.

Ms. Craddock explained that they do use the large pasture for overflow parking when needed.

Mr. Hannan asked why the need for rezoning from RA to PUD Development.

Mr. Bebo explained defining the use of this facility was very unique and while the use is non-conforming, the PUD zoning and PUD Development Plan would be the best to retain the residential and agriculture character while allowing for expansion of the commercial use. He stated that any future development to this property would have to come before commission and council again.

Mr. Knapp asked if the code allowed for a conditional use to be made for the RA zoning compared to rezoning to PUD.

Mr. Bebo explained that the code does not allow for a conditional use in this case. He stated that without being able to define the use per the use table in Chapter 3 of the Land Development Code, we would not have the ability to put them through a Conditional Use process.

Mr. Knapp asked if it was correct that the addition is also being requested along with the rezoning.

Mr. Bebo explained that the addition being requested is part of the PUD Development.

Mr. Knapp asked for clarification on the business expansion plans.

Mr. Bebo explained that the expansion would include additional staff, clientele, buildings and parking.

Mr. Knapp expressed his concerns on the differences between the staff report and the applicant's presentation such as, operating hours, number of employees and clients. He questioned what exactly the commission is being asked to approve and what conditions should be considered.

Mr. Bebo explained that the PUD Development Plan approval pertains to the building, design and site layout. He stated that the hours of operations on the plan set are incorrect and should be removed.

Mr. Knapp asked if the issues of parking, number of employees and animals along with the neighborhood meeting concerns would be addressed as part of the staff's conditions under the PUD.

Mr. Bebo answered yes and stated that there are other code provisions that will apply to the Final Development Plan review process. He explained that the community seemed to appreciate the use and enjoyed the animals.

Mr. Magee asked the applicant if one person lived in the manager's facility.

Ms. Craddock replied that they were approved for an ADU in 2019, specifically built for the caretaker to live in.

Mr. Magee asked if the size of the ADU would accommodate more people, such as a care taker family.

Ms. Craddock said that the possibility has been talked about but, would ultimately need to be addressed with the City.

Mr. Magee asked for explanation on how the well water is used on the property and if the animals used city water.

Ms. Craddock stated that the well water is used only for a small pasture area, plants on site, select smaller animals and they don't have plans to use more well water than they currently do.

Mr. Magee asked staff if the property is non-conforming to the current RA zoning.

Mr. Bebo explained that the use is non-conforming and the land always had a commercial use to it.

Mr. Magee asked staff if we would still allow enough flexibility on the number of animals on site with the rezoning.

Mr. Bebo stated that currently the RA zoning allows the most flexibility related to the number and type of animals allowed to kept on site. The PUD Development Plan would allow the same flexibility with the rezoning. He also stated that we wouldn't want to restrict the number of animals, however if there were building additions for more animals that we would go through another application process.

Mr. Griffith asked if the clients were local or if they travel to the state.

Ms. Craddock explained that the majority of their clients live in the Denver Metro Area and drive into Arvada.

Mr. Griffith asked if there was another business like this one in Arvada.

Ms. Craddock stated that they are the first of their kind.

Mr. Griffith asked if the animals leave the property for therapy sessions, such as hospital visits.

Ms. Craddock stated that most of the animals don't leave the site, however there is one goat that goes out to social events from time to time.

Mr. Griffith asked if this service is covered by insurance or if it is out of pocket costs.

Ms. Craddock stated that they do take insurance and most of the clients are low-income and services are based on income if there is no insurance available.

Mr. Griffith stated the importance of letting people know about the bus stop and public transit to the facility and suggested to use a permeable product for the gravel parking lot expansion.

Mr. Griffith asked how the animals get along.

Ms. Craddock stated that the animals get along really well and they do keep them separate. She stated that all animals are trained and vetted before they are allowed to work on the property.

MOTION:

It was moved by Mr. Magee, that zoning certain land in the City of Arvada for Animal Assisted Therapy Programs of Colorado from City of Arvada RA, Residential Agriculture, to City of Arvada PUD, Planned Unit Development and amending the official zoning maps of The City of Arvada, Colorado approximately located at 7275 Kipling St. Unit A and Unit B be recommended to City Council for approval. This motion is based on the findings of fact and approval criteria on Page 7-9 of the staff report.

DISCUSSION OF MOTION

Mr. Griffith stated that he really liked this project and will be supporting.

Ms. Connell expressed her support for this facility.

Mr. Knapp expressed his concerns for the traffic, but overall supported the motion.

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

Those voting No:

Those absent: Gay

The motion carried 6-0

MOTION:

It was moved by Mr. Magee, that the PUD Development Plan for Animal Assisted Therapy Programs of Colorado, approximately located at 7275 Kipling St. Unit A and Unit B be recommended to City Council for approval subject to the conditions stated in the staff report item 1 page 9. This motion is based on the finds of fact and approved criteria on Page 7-9 of the staff report.

DISCUSSION OF MOTION

Mr. Owens expressed his support of the motion.

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

Those voting No:

Those absent: Gay

The motion carried 6-0

SUBAREA PLANNING WORKSHOP

Mr. Owens asked the staff to present.

Ms. McCartney gave a brief explanation of the presentation and subarea locations. She stated the subarea plan will further implement the Comprehensive Plan and will help create long term visions for future developments in the City of Arvada. She also explained the public engagement that has been ongoing. Ms. McCartney introduced the Square Lake consultant Andrew Rutz.

Mr. Rutz, consultant, explained his connection with the subarea plan and gave a brief description of the Square Lake area, the environmental challenges that have been reviewed and how they would like to facilitate public transit connections in this area. Rutz explained the outreach they have done with local businesses in the area. He stated that this plan will allow more intuit access to the Gold Strike Station along with roadway and sidewalk improvements.

Mr. Magee commented that this was a very quick and robust process and would like to know more about this plan.

Mr. Griffith asked about the park and ride and if there was any direct response about the parking structure and cost.

Mr. Rutz explained that RTD was aware of the possible parking issue.

Mr. Griffith asked about the proposed pedestrian bridges.

Mr. Rutz explained that the bridge would be a massive investment, however to make the development truly transient oriented it would be needed.

Mr. Griffith asked about the proposed plan on 60th Avenue and how the bike lines are going to be affected.

Mr. Rutz explained that the plan would have an entry point to the facility but not an exit point to Sheridan Blvd.

Ms. Connell stated that she attended the public engagement meetings and that this was a good project.

Mr. Knapp asked why the area is ruled out to manufacturing and industrial and why the city would not continue to build on that.

Mr. Rutz explained that the area south of the railway would continue to be industrial and office use. The area north of the railway would have a few industrial use areas but, it doesn't emphasize them enough to be fully industrial.

Ms. McCartney gave a brief description of the New Town Sub-Area Plan including, the site and surrounding area, proposed plans, the purpose, public engagement and the desire to have better connectivity to open spaces and parks.

Mr. Griffith commented that staff should consider these place making opportunity zones and find a connection that would supplement and be an activator to surrounding amenities.

Ms. McCartney agreed and explained that staff is trying to identify where these zones could be activated through development and redevelopment for the best fit.

Ms. McCartney presented the Northwest Arvada Sub-Area Plan and gave a brief description on the two-phase plan, which areas are the primary study, the community engagement that was executed and the concerns for water, traffic and infrastructure with future developments.

Mr. Griffith asked if the open space request was for maintenance or for actual open space.

Ms. McCartney confirmed that the request was for more open space.

Mr. Griffith asked if it was maybe it was more programmed space.

Ms. McCartney agreed and stated that there was a strong desire for more open space in the area.

Ms. McCartney continued her presentation with the land-use and concept of place making and the overwhelming feedback for more local restaurants and public gathering spaces. She also explained the community responses on preferred land uses.

Mr. Magee asked if Jefferson County already has plans in place for the Phase 2 area and if they are a part of this subarea plan.

Ms. McCartney stated that Jefferson County does have a plan however; they are not currently included in the subarea planning but, will be included in any further recommendations and draft documents. She finished her presentation with the upcoming public engagement opportunities.

Mr. Magee asked if the Square Lake subarea plan is out for public comment currently.

Ms. McCartney stated that the final recommendations will be out in the next few weeks.

9. **OTHER ITEMS**

Mr. Owens moved to cancel the October 19, 2021; November 2, 2021 and December 21, 2021 Planning Commission meetings.

DISCUSSION OF MOTION

None.

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

Those voting No:

Those absent: Gay

The motion carried 6-0

Ryan Stachelski asked for the Commission's input on combining the Board of Adjustments and Planning Commission into one entity. He explained that the possible merge is a result of the changes in the Land Development Code, adopted in May 2020. Many projects can be reviewed administratively with Minor Modifications or at the Planning Commission/City Council level with Major Modifications, resulting in less frequency of meetings. The Board has only reviewed one case in the last 18 months. Mr. Stachelski explained that this decision has been really challenging to make, but would like to respect the time of the Board, the Commission and its volunteers while also serving the community in the best and most efficient way. He stated that only two members of the Planning Commission can be on the Board of Adjustment, per the current municipal code language, and if this was supported, the Council would need to amend the language.

Mr. Magee asked for an example of a Board of Adjustment issue.

Mr. Stachelski explained that it is a specific need to meet the criteria related to a lay of the land issue.

Mr. Griffith asked if it would still be a small number of Board of Adjustment cases after the combining.

Mr. Stachelski explained that due to the additional flexibility of the Land Development Code there isn't much anticipation of many cases.

Mr. Hannan asked if the last review of the Land Development Code addressed this combination.

Mr. Stachelski explained the timeline of this discussion over the last year.

Mr. Knapp asked what would happen if there was an influx of cases.

Mr. Stachelski stated that we would be able separate the two into separate entities again, if needed.

Mr. Magee expressed his support of the combining of the Board of Adjustment and Planning Commission.

Ms. Connell asked for clarification on any training that may be needed to be a part of the Board of Adjustment.

Mr. Stachelski stated that the training would take place after May 1, 2022, should the two be combined.

10. **ADJOURNED** at 8:19 P.M.

T.O. Owens, Chair

Patricia Connell, Secretary

Abigail Ogg, Recording Secretary



REPORT TO PLANNING COMMISSION

AGENDA ITEM
8.A.

TO: PLANNING COMMISSION

DATE: November 16, 2021

SUBJECT: Major Modification for 7400 Simms Residential Privacy Fence, generally located at 7400 Simms Street

Report in Brief

MOTION:

MOVED BY: _____

That a Major Modification for 7400 Simms Residential Privacy Fence, generally located at 7400 Simms Street, be recommended to City Council for (approval subject to the condition stated on page 7 of the Staff Report) (denial).

This motion is based on the findings of fact and approval criteria on Page 7 of the Staff Report.

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).

YES _____ NO _____ ABSENT _____

Prepared by:

Abigail Ogg, Administrative Specialist

Reviewed by:

Approved by:

Jonathan Moore, Planner I

11/4/2021

Josie Suk, Development Systems and Administrative Manager

11/8/2021

Robert Smetana, Manager of City Planning and Development

11/8/2021

Ryan Stachelski, Director of Community and Economic Development

11/9/2021

Emily Grogg, Senior Assistant City Attorney

11/9/2021

Enclosure, exhibits & attachments required to support the report

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

7400 Simms Residential Privacy Fence
Major Modification
DA2021-0120

NATURE OF REQUEST

Chris and Samantha Clopper are requesting approval of a major modification to increase the maximum height allowed for a solid fence in the front setback.

The subject property is located in the RN-12.5 (Residential Neighborhood 12,500) zone district and contains 19,783 square feet or 0.454 acres. The existing single-family residence was constructed in 1972 and a significant addition was constructed in 2007. The residence today contains approximately 3,200 square feet. There is an existing four-foot tall chain link fence in the location of the proposed six-foot solid fence. The residence is situated toward the rear of the lot and much of the southern side of the lot contains the access driveway, which results in the only yard space being in the front of the property. If the Major Modification request is approved, a fence permit will be required, which would be reviewed administratively.

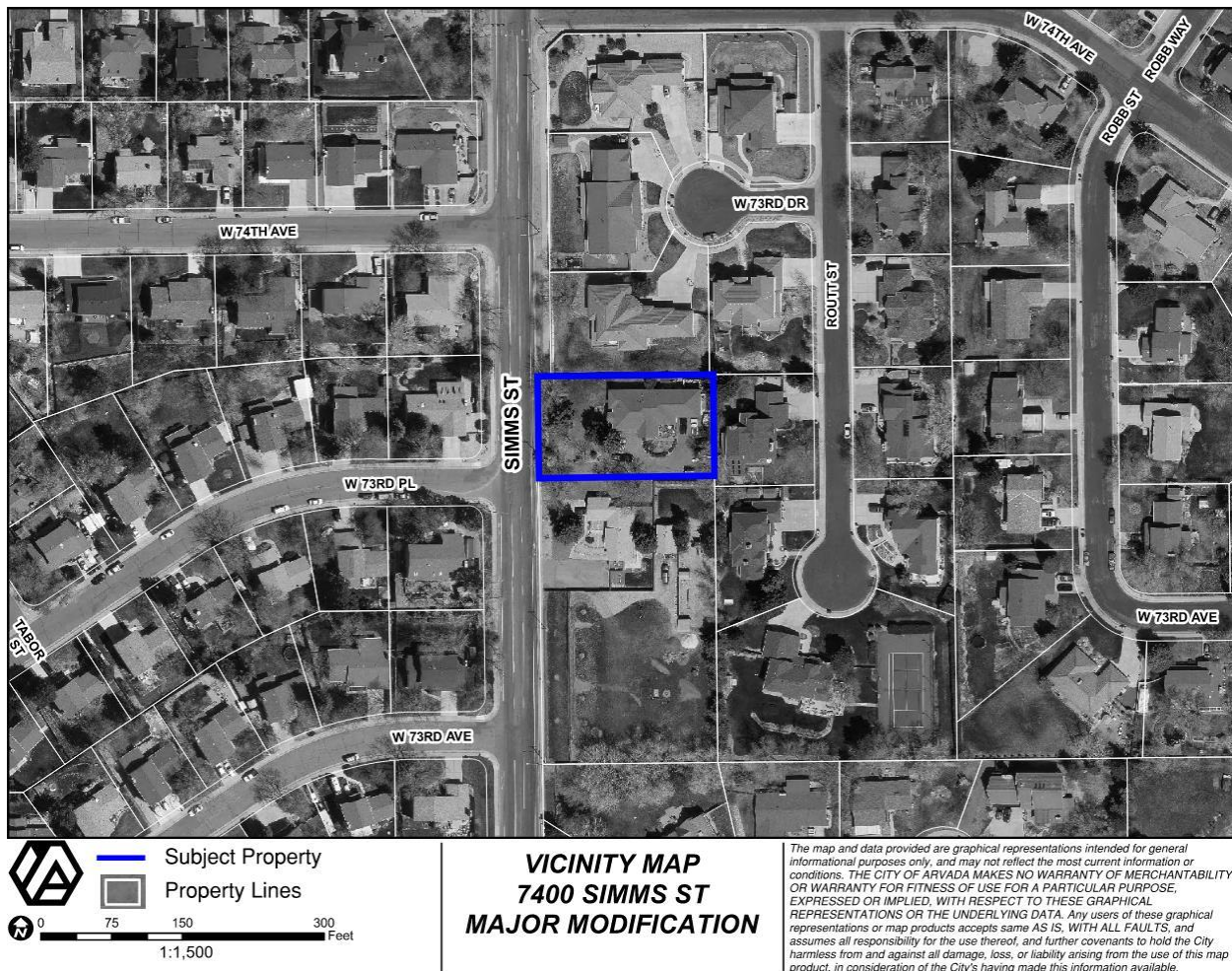
MAJOR MODIFICATIONS REQUESTED

The applicants are requesting a modifications to the Arvada Land Development Code (LDC) standards as part of this project. That modification is:

1. To increase the maximum height allowed for a solid fence in the front setback to six feet when LDC Division 4-7-2 restricts the height of solid fences in the front yard to three feet.

LOCATION AND HISTORY

The subject property address is 7400 Simms St. and is located approximately at the intersection of Simms St. and W 73rd Pl. The property takes access directly from Simms St, which is designated as a major collector. The subject property and the adjacent property to the south, 7350 Simms St., are the only two single-family residential properties in this section of Simms St. that take access from Simms St. and therefore have front yards facing Simms St. The next closest single-family residential properties within the City that take access from Simms St. are located 0.5 miles to the north and 0.75 miles to the south. All other single-family residential properties along this section of Simms St. either have rear or side yards facing Simms St. and are therefore allowed to have six-foot solid fences either on the rear property line or six-feet back from the street side property line. The current owners and applicants have owned the property since July 26, 2021.



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 virtually on virtually on October 14, 2021. The applicant, staff, and two neighbors were in attendance.

The applicant presented their proposal and the neighbors asked questions about the process and what the fence would look like. Both neighbors were very supportive of the proposal. 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

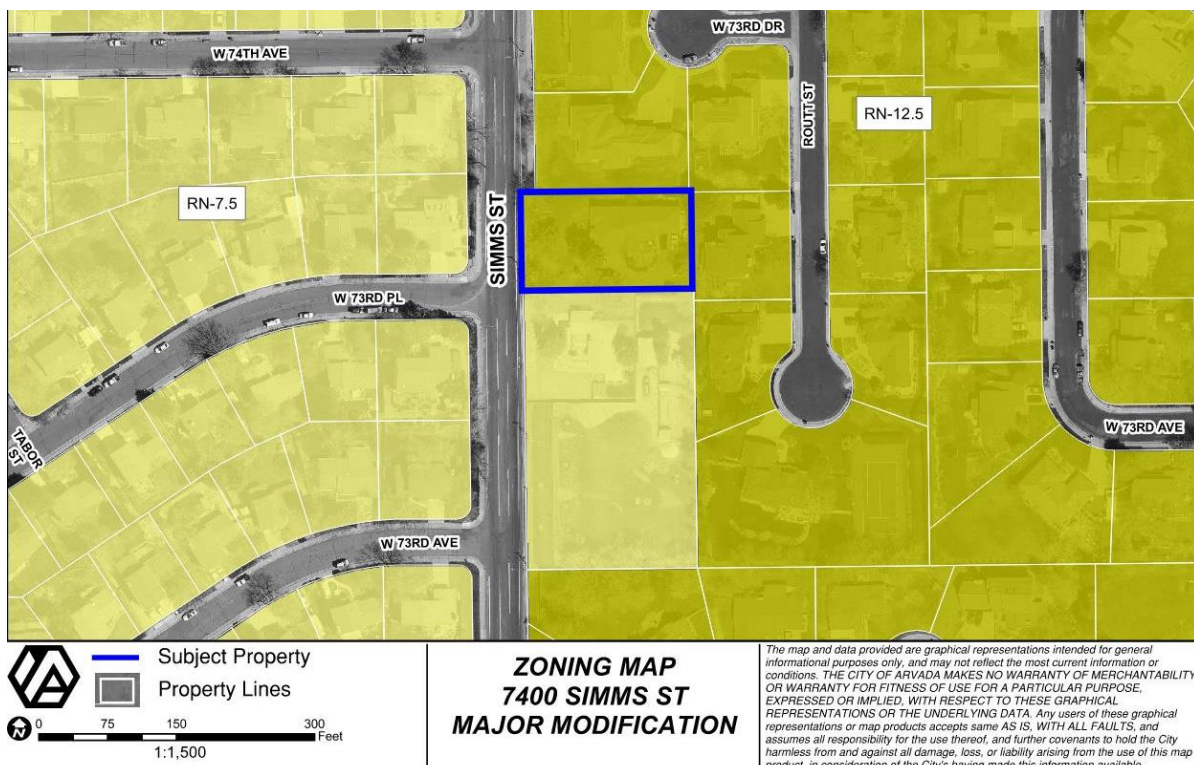
The development was placed on the public hearing review timeline, which typically requires three rounds of staff review. The first review took three weeks, after which staff determined that the plans included sufficient detail for the Planning Commission and City Council to review.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

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

ZONING AND LAND USE

The subject property is currently zoned RN-12.5 (Residential Neighborhood 12,500).



Surrounding properties are zoned and utilized as follows:

Direction	Zoning	Actual Use
North	RN-12.5 (Residential Neighborhood 12,500)	Single-Family Residence
South	RN-7.5 (Residential Neighborhood 7,500)	Single-Family Residence
East	RN-12.5 (Residential Neighborhood 12,500)	Single-Family Residence
West (across Simms St)	RN-7.5 (Residential Neighborhood 7,500)	Single-Family Residence

PROJECT ANALYSIS

Compliance with the Comprehensive Plan

The subject property has a Comprehensive Plan Future Land Use Designation of Suburban Residential, which is intended for single-family residences, duplexes, and attached residences. The proposal generally complies with the Comprehensive Plan.

Setbacks

The existing building is set back 72.4 feet from the front property line and meets all setback requirements of the RN-12.5 zone district.

Landscaping

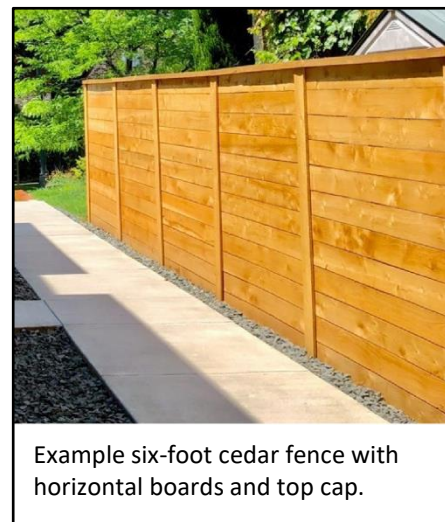
The property has more than the typical amount of landscaping in the front yard along Simms St., including four mature trees and approximately 12 evergreen shrubs.

Fencing

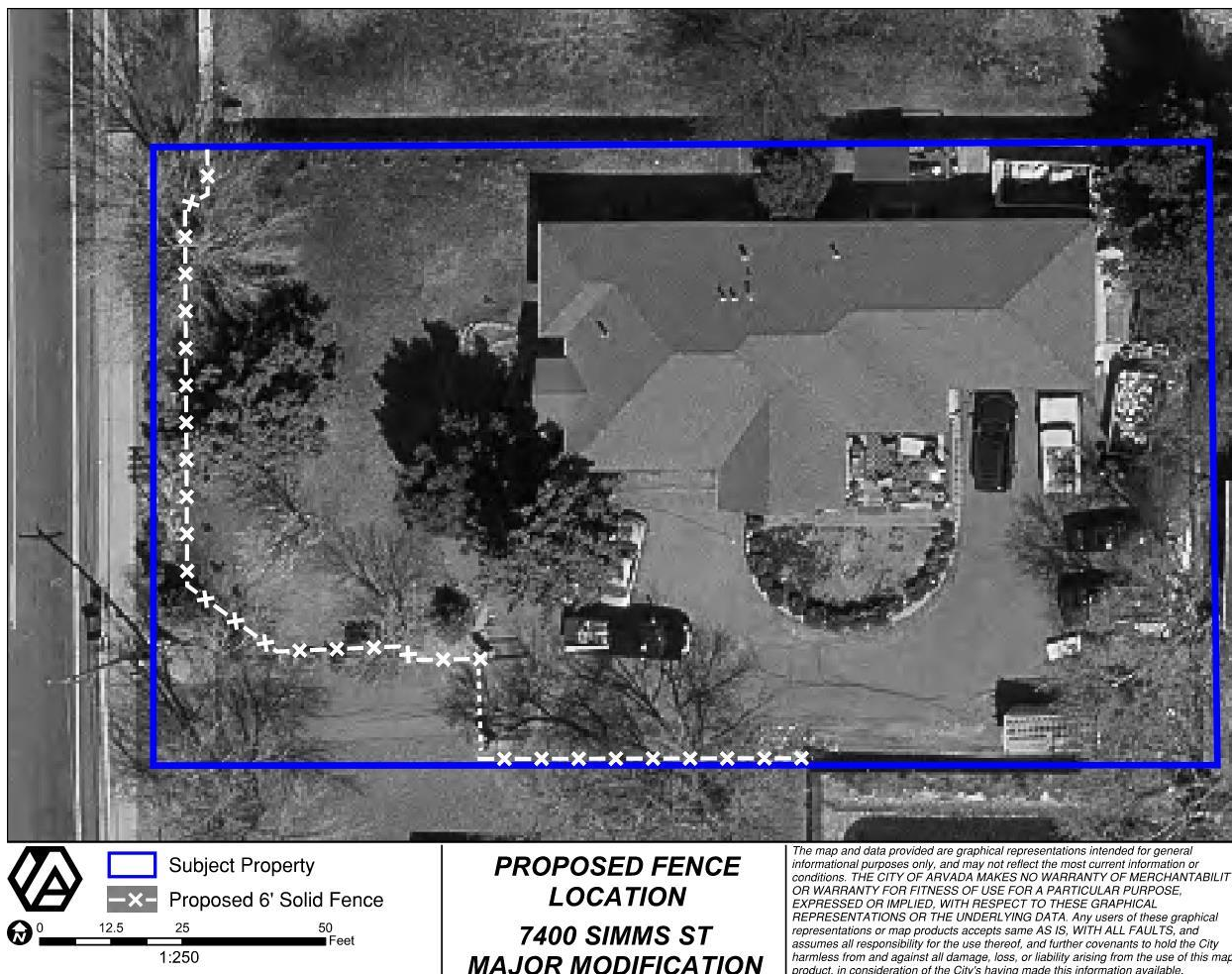
LDC Division 4-7-2 restricts the height of solid fences in the front yard to three feet. In this case, the front yard is the area between the façade of the building and Simms St, which is approximately 8,000 square feet or 40 percent of the total lot area.

The proposed location of the six-foot solid fence is approximately six-feet closer to Simms St. than the adjacent six-foot solid fence to the north. This is due to that fact that there is an existing 24-inch caliper mature tree and an irrigation line that prohibit locating the subject property fence from aligning with the adjacent fence to the north. The fence would be located nine feet back from the existing five-foot-wide attached sidewalk along Simms St.

The proposed fence design is a six-foot cedar fence with horizontal boards and top cap detail. The fence would encompass approximately 135 linear feet along Simms St., along the north side of the driveway, and along the south side of the driveway. There is an existing gate across the driveway approximately 60 feet back from Simms St.



Example six-foot cedar fence with horizontal boards and top cap.



Building Design

The proposal would not alter the existing building design.

Connectivity

The proposal would not alter the existing connectivity along Simms St. However, the subject property extends approximately 11 feet into the anticipated future right-of-way of Simms St. The long term vision of Simms St. is for a minimum right-of-way width of 76 feet, which would allow for a bike lane and detached sidewalk. When the adjacent subdivision to the north, Stonefield Estates Filing No. 2, was developed in 2004, land was dedicated along Simms St. to meet those standards.

The proposed fence location is within the area that is anticipated to be necessary for right-of-way in the future. However, there are no plans in the near future for the City to acquire right-of-way along this section of Simms St. Due to this circumstance, staff is recommending a condition of approval that the applicants execute a development agreement with the City stating that at the time Simms St. is improved to the full right-of-way width, the property owner will dedicate the necessary land in fee simple to the City for right-of-way purposes. The property owner will also be solely responsible for the expense of relocating the six-foot solid fence at that time.

Police and Fire Protection

There will not be an impact to police or fire protection services.

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 Chapter 8 of the Land Development Code, and presents the following findings:

Div. 8-3-11 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 modification is consistent with the Comprehensive Plan Future Land Use Designation of Suburban Residential and the RN-12.5 zone district, which is intended to maintain the character of mature, established neighborhoods in locations where residents expect that the character be relatively stable. The proposed fence style and location would generally be in character with the established neighborhood.
2. The requested modification addresses a unique situation or incorporates creative site design.	Complies	The subject property is one of two single-family residential lots within approximately 1.25 miles that has a front yard facing Simms St. Further, the subject property is the only lot where the front yard is the vast majority of the useable yard area making the situation unique. The proposal also incorporates creative site design with a higher quality fence design than is typical.
3. The requested modification will not result in incompatible development.	Complies	The requested modification is consistent with existing fences along Simms St.
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 proposed fence location retains clear lines of sight for vehicles on Simms St. to see a vehicle exiting the subject property and for a vehicle on the subject property to see traffic on Simms St. The modification would not have an adverse impact on the health, safety or general welfare of surrounding property owners or the general public.
5. Any adverse impacts resulting from the modification will be mitigated to the extent reasonably feasible.	Complies	There are no adverse impacts that would result from the modification. In addition, the proposed condition of approval would mitigate a possible future adverse impact to the City.

STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the request. The general intent of prohibiting six-foot-tall solid fences in front yards is so sidewalks retain a sense of openness for the community to enjoy walking through neighborhoods. In this circumstance, that sense of openness is anticipated to be achieved through the standard design of a major collector street. Additionally, it is typical in this neighborhood for a six-foot-tall privacy fence to be located on or near the property line abutting Simms St.

If the Planning Commission finds that the Major Modification request meets the approval criteria, then staff recommends that the following condition be made part of the approval:

- The applicants shall execute a development agreement with the City stating that at the time Simms St. is improved to the full right-of-way width, the property owner will dedicate the necessary land in fee simple to the City for right-of-way purposes. The agreement shall also state that the property owner will be solely responsible for the expense of relocating the six-foot solid fence at that time. The agreement shall be recorded prior to issuance of a fence permit.

The Planning Commission may recommend denial of the request if it cannot make affirmative findings of the approval criteria stated above.



Planning Commission Hearing

November 16, 2021

7400 Simms Fence Major Modification Project No. DA2021-0120

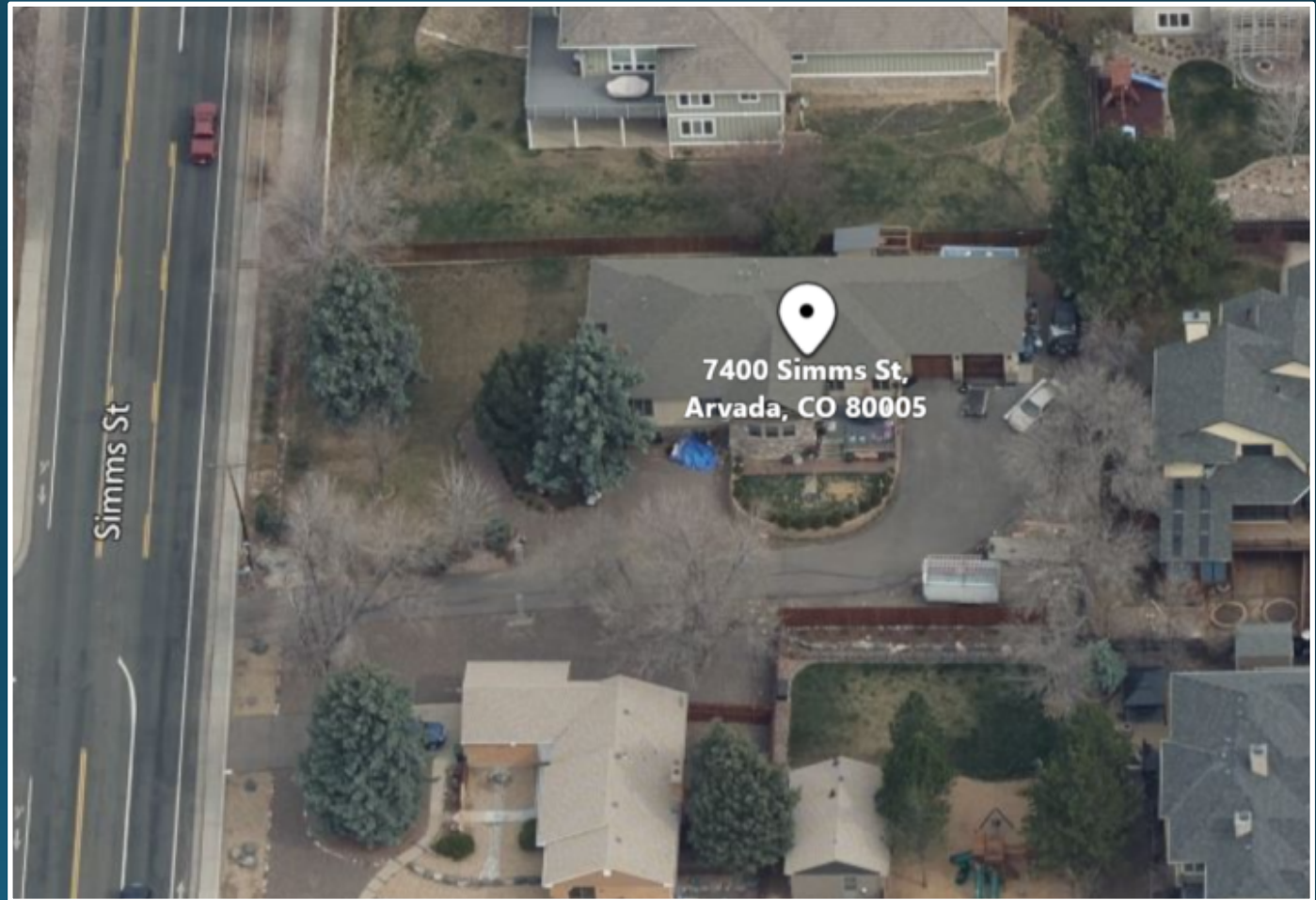
Project Location



7400 Simms Fence Major Modification
Project No. DA2021-0120

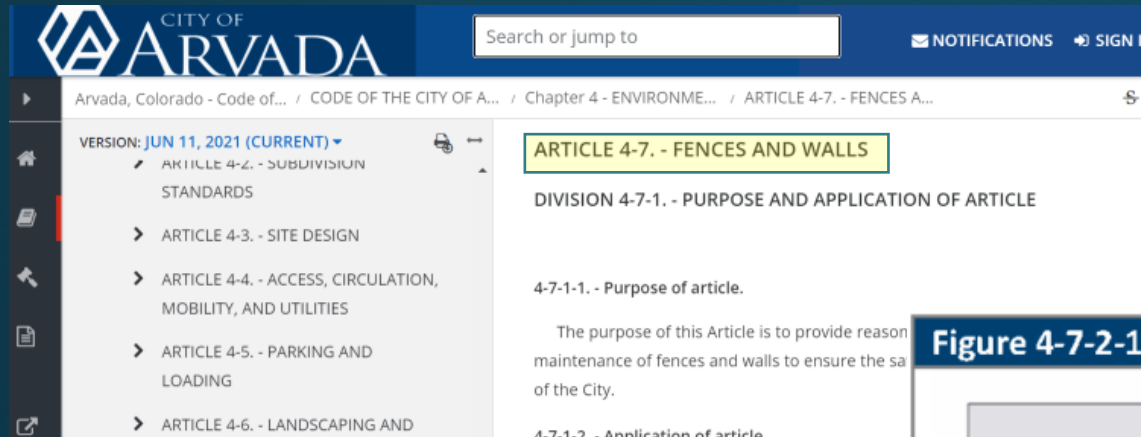
Project Fact Sheet

- Single Family Home with off-street parking only
- Acres: 0.45 (19,783 sq. ft.)
- Zone: Residential Neighborhood (RN) 12.5
- Subdivision: None
- Comp Plan Designation: SUBR
- Pre-App Proj. Number: PA2021-0167



7400 Simms Fence Major Modification
Project No. DA2021-0120

City of Arvada Fence Requirements



- 6-ft privacy fence is greater than 20% deviation from code, requiring Major Modification.

Figure 4-7-2-1B: General Fence Location

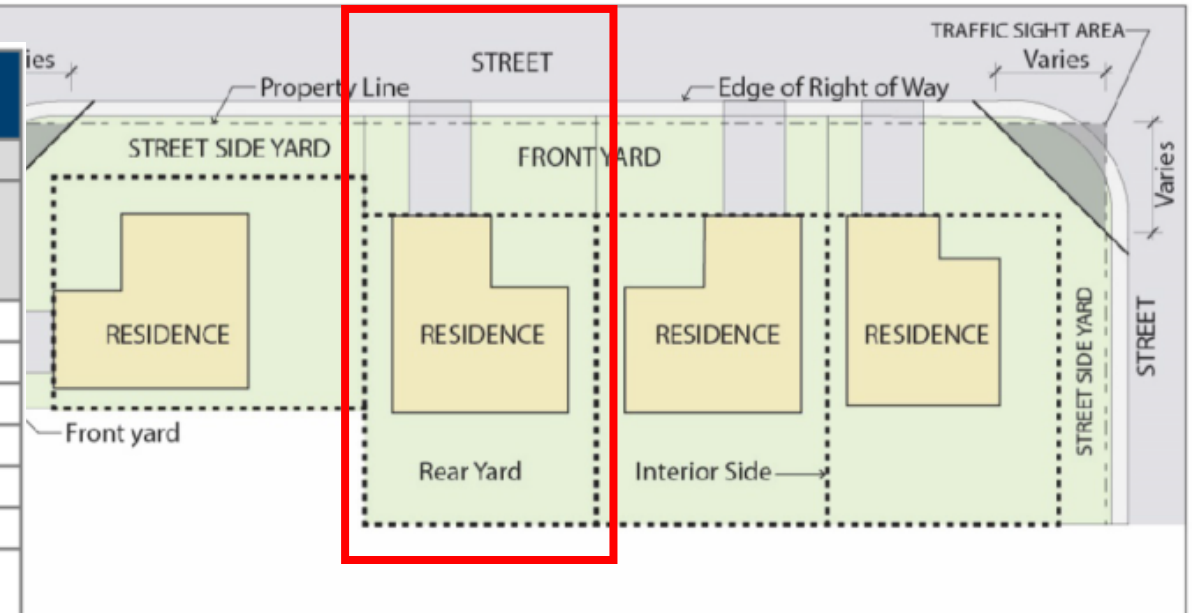


Table 4-7-2-1 : Maximum Height of Fences and Divisional Walls Within Required Setback Areas

Zoning District	Setback		
	Area 1 Front	Area 2 Street Side	Area 3 Rear & Interior Side
OS, RA, RN, R6, R13, R24, MX-N	3 ft. ²	3 ft. ^{2,3,4}	6 ft. ^{4,9}
MX-S, CG	3 ft. ²	3 ft. ^{2,5}	6 ft.
MX-U, MX-T	3 ft. ²	3 ft. ^{2,5}	6 ft.
OT Zoning Districts	3 ft. ^{5,6,7,8}	3 ft. ^{5,6,7,8}	3 ft. ⁸
IL	6 ft.	6 ft.	6 ft.
IG	6 ft.	8 ft.	8 ft.

TABLE NOTES:

¹ See Figure 4-7-2-1, Fence and Divisional Wall Location Diagram.

² Height may be increased to 4 ft. if the fence is at least 50 percent transparent when viewed at a perpendicular angle.

³ Height may be increased to 6 ft. (regardless of opacity) if the fence is set back at least 6 ft. from the property line or 6 ft. from the back of adjacent sidewalk, whichever is greater.

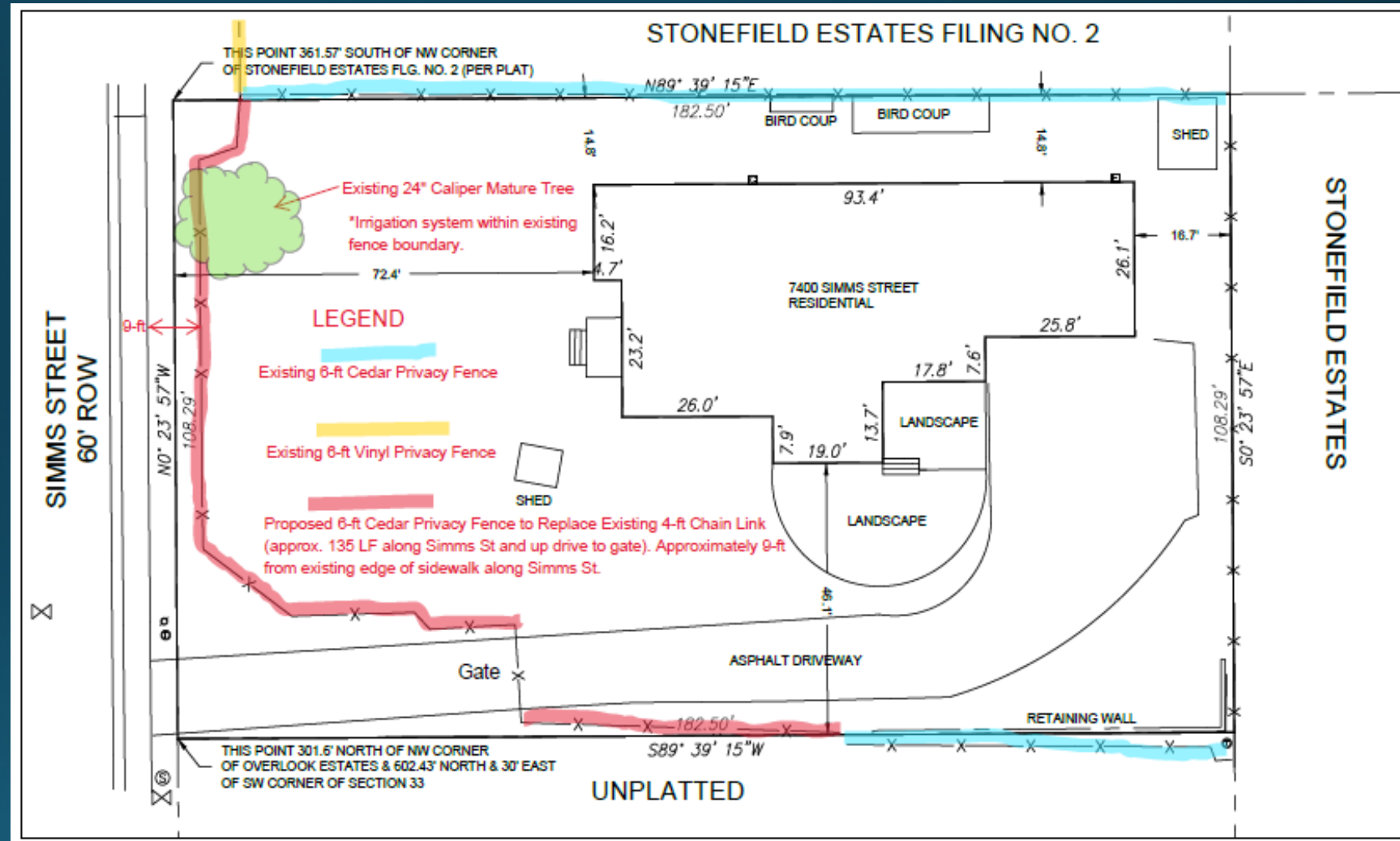
⁴ Height may be increased to 8 ft. for divisional walls that face arterial streets.

⁵ Height may be increased to 6 ft. if a minimum of 50% open for school yards.

7400 Simms Fence Major Modification
Project No. DA2021-0120

Project Overview & Goals

- Replace 135 ft of 4-ft tall chain link fence with 6-ft tall cedar privacy fence along Simms St and up driveway
 - Target install date late November 2021, pending City approval
- Maintain the look and feel of adjacent 6-ft privacy fences
- Improve privacy and safety for family.
- Reduce noise and light pollution from Simms St.
- Add value to property



7400 Simms Fence Major Modification
Project No. DA2021-0120

Proposed Fence Type

- Horizontal Cedar Fence with Top Cap
 - 6-inch Wide Boards
 - Vertical posts every 6-ft
 - 6-ft tall privacy
- Professionally installed



7400 Simms Fence Major Modification
Project No. DA2021-0120

Project Justification

- Unique property layout has vast majority (~80%) of usable yard space is within the designated Front Yard
- Will ensure immediate neighbors have input into the final design



7400 Simms Fence Major Modification
Project No. DA2021-0120

Project Justification

- Proposal will integrate into existing neighborhood design and maintain compatibility with existing feel:
 - Proposing to add approximately 100 linear feet of 6-ft privacy fence along Simms St which from 72nd north to RR tracks, would **only add 5% additional** 6-ft privacy fence



7400 Simms Fence Major Modification
Project No. DA2021-0120

A wide-angle photograph of a residential property. In the center, a tall, dark evergreen tree stands prominently. To its left, a cluster of deciduous trees with green and yellowing leaves is visible. In the foreground, a wooden gazebo with a peaked roof sits on a lawn. To the right, a utility pole with several power lines runs vertically. The sky is a vibrant blue with wispy white clouds. The overall scene is bright and clear.

Questions?

7400 Simms Fence Major Modification
Project No. DA2021-0120

Chris and Samantha Clopper
7400 Simms St, Arvada, CO 80005
970-231-4477

City of Arvada
Community and Economic Development
8101 Ralston Rd, Arvada, CO 80001
720-898-7435

RE: 7400 Simms Fence Major Modification; Project Number DA2021-0120

To Whom it May Concern:

This letter shall serve as the official Major Modification Project Overview letter regarding the proposed privacy fence along Simms St at the property of 7400 Simms St., Arvada, CO 80005. The zone district for the subject property is RN 12.5 with a comprehensive plan designation of SUBR, with a total lot size of 0.454 acres. The vast majority of the usable yard space at our new property is between the home and Simms St, but since the access to the property is directly from Simms St, this is officially considered as Area 1 Front yard. According to Table 4-7-2-1 in Chapter 4 of the Arvada City Code, this means that the fence may only be a 3-ft tall privacy fence, or 4-ft tall if greater than 50% is see through. Due to the location of the home and primary yard space along Simms St, we are requesting that a major modification be granted to improve safety for our young daughter and two dogs, privacy, and light/noise pollution reduction from Simms St.

We purchased our new home in July 2021 and are enjoying living in Arvada. The home was purchased with a 4-ft tall chain link fence set back approximately 9-ft from the existing sidewalk along the east side of Simms St. The requested privacy fence shall be constructed in the same alignment as the current chain link fence and will include approximately 135 linear feet (LF) of 6-ft tall cedar privacy fence along Simms St and perpendicular to Simms St along our driveway to a point aligning with the structure of our home (see site plan).

The proposed privacy fence is to be constructed of 6-inch-wide cedar planks with vertical posts approximately every 6-ft (see Figure 1 for example). We are proposing to maintain a consistent 6-ft tall fence height to match the adjacent property to the north, as to maintain the feel of the neighborhood along Simms St. A gate will be constructed at the location of the existing front gate, with access to the mail box. The current alignment of the chain link fence, and proposed alignment of the new privacy fence, are aligned in a way to go around an existing approximate 24-inch caliper mature tree in the yard, and to maintain existing sprinkler irrigation. This alignment maintains an approximate 9-ft offset from the current sidewalk.

Lastly, while we fully understand the need for City codes and ordinances, we believe that the unique layout of our property and the integration of the proposed fence to the existing 6-ft tall privacy fence along the adjacent property to the north warrants the approval of a major modification for a privacy fence. We truly believe our family will gain substantial health, safety, and general welfare from the proposed project and are prepared to spend upwards of \$10,000 on top of the purchase price of the home to achieve this. We have been in coordination with Denver Fence Guys and Denco Fence Co. for cost estimates and plan to move forward with construction as soon as realistically possible, pending approval of this request.

Please contact me at 970-231-4477 with any additional questions regarding this Major Modification application and request.

Best regards,



Chris and Samantha Clopper

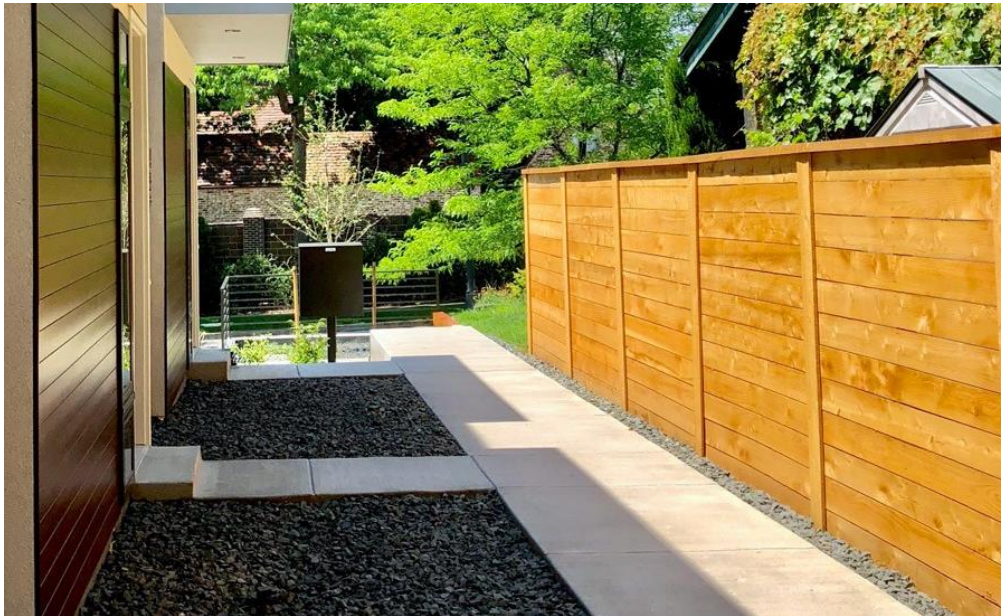


Figure 1. Example 6-ft tall cedar privacy fence with horizontal planks.

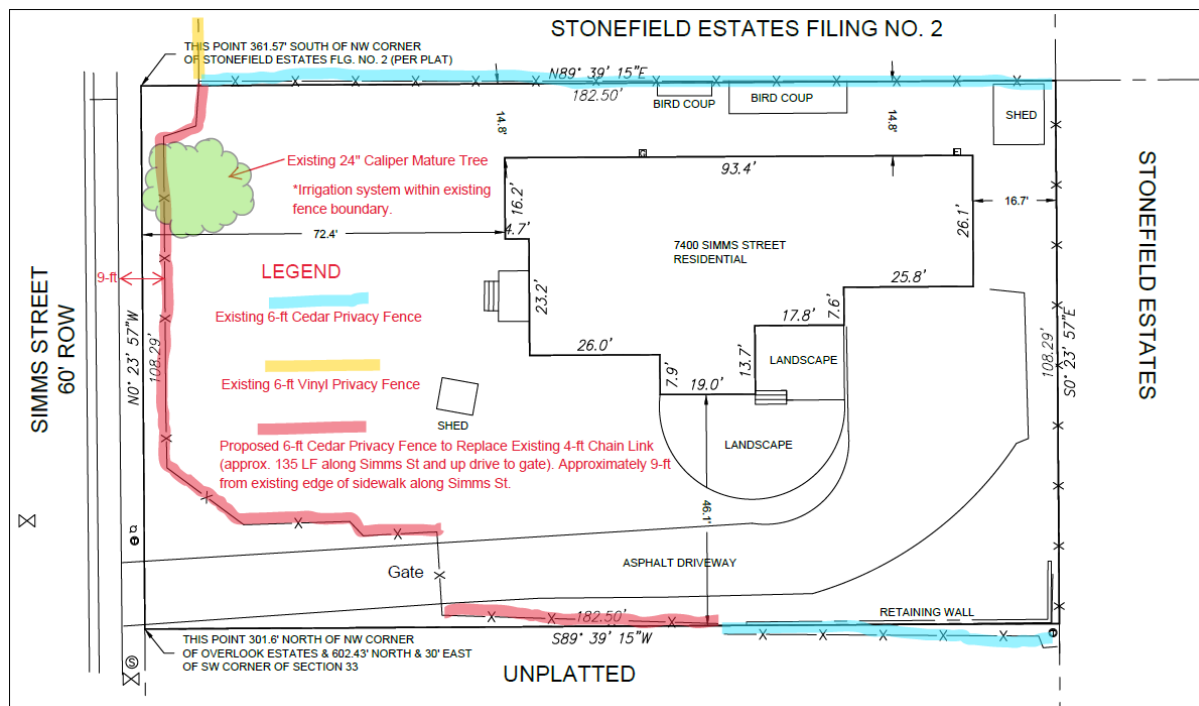


Figure 2. Proposed project site plan (full size plan submitted separately).

Chris and Samantha Clopper
7400 Simms St, Arvada, CO 80005
970-231-4477

City of Arvada
Community and Economic Development
8101 Ralston Rd, Arvada, CO 80001
720-898-7435

RE: 7400 Simms Fence Major Modification; Project Number DA2021-0120

To Whom it May Concern:

This letter shall serve as the official Major Modification Justification Letter regarding the proposed privacy fence along Simms St at the property of 7400 Simms St., Arvada, CO 80005.

We, the new homeowners, are requesting the City's approval for the construction of a 6-ft tall cedar privacy fence along Simms St which is considered the front yard of our property, which exceeds 20 percent of the allowable height for a solid privacy fence in Area 1 Front yard of a property in Arvada as stated in Chapter 4 of the City Code (Table 4-7-2-1).

We believe that the proposed privacy fence adheres to the intent of the City Code and will not adversely change the feel or function of the neighborhood and will address the unique situation in which most of the usable yard space at the property is between the structure of the home and Simms St. Since the adjacent property to the north currently has a 6-ft tall privacy fence along Simms St, the proposed privacy fence will not result in incompatible development. We believe that the requested modification will not have any adverse impact on the health, safety, or general welfare of surrounding property owners or the public and will only increase the general health, safety, and welfare of our family.

The approval of this requested allowance for a 6-ft tall privacy fence will provide our family with added security for our young daughter and two dogs, increased privacy, and substantial noise/light pollution reduction from busy Simms St. Additionally, as part of this process, we are working with our immediate neighbors to make sure that any concerns are addressed as part of the fence layout.

Please contact me at 970-231-4477 with any additional questions regarding this Major Modification application and request.

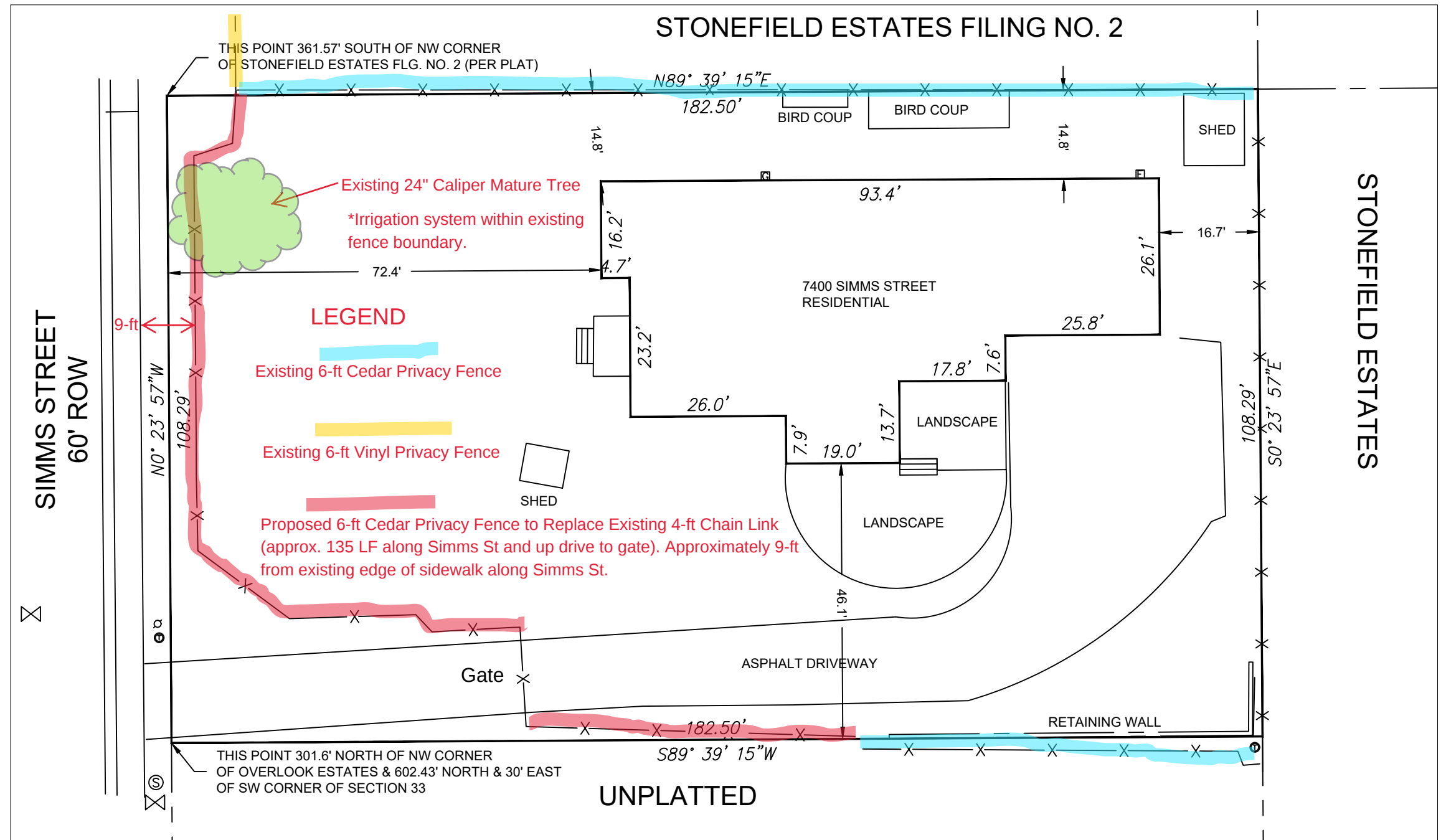
Best regards,



Chris and Samantha Clopper

STONEFIELD ESTATES FILING NO. 2

Serving the Southwest & Rocky Mountains



Proposed Fence Example:



6 ft Cedar Privacy With Horizontal Boards and Top Cap Detail

Fig. 1



Looking south towards neighbors 6 ft cedar privacy fence along Simms St from 7400 Simms St driveway

Fig. 3



Looking east towards neighbors 6 ft vinyl (white) and end post (stone) at tie-in from Simms St. Existing 4 ft chain link fence visible.

Alternative Fence Example:



5 ft Cedar Privacy With Horizontal Boards with 1 ft 50% open Top Section

Fig. 2



Looking north towards neighbors 6 ft vinyl (white) privacy fence along Simms St and sidewalk. Existing 4 ft chain link visible.

Fig. 4



Looking west towards neighbors 6 ft cedar interior fence and 6 ft vinyl fence along Simms St. Existing 4 ft chain link fence visible.

Neighborhood Meeting Summary

7400 Simms Residential Privacy Fence
Major Modification

Chris and Samantha Clopper
7400 Simms St, Arvada, CO 80005
970-231-4477

Jonathan Moore, Planning Department
City of Arvada
8101 Ralston Rd, Arvada, CO 80002
720-898-7435

RE: 7400 Simms Fence Major Modification; Project Number DA2021-0120 Neighborhood Meeting Summary

Meeting was virtually held on October 14, 2021 at 5:30pm via Zoom format.

Attendance was by: Jonathan Moore, City of Arvada Planning
Chris Clopper, Homeowner
John Hahn, 7244 Routt Drive
Sherrie Dembrowski, 7254 Routt Drive

Not in attendance: Donna Lantgen, 11700 West 73rd Avenue

A total of two RSVPs were received prior to the virtual meeting and both people were in attendance (see above). One person was not able to attend but provided comment to Mr. Moore over the phone and via email.

Jonathan Moore opened the meeting by introducing himself, representing the City of Arvada planning department, and Chris Clopper, the homeowner. The two neighbors in attendance introduced themselves after which Mr. Moore turned over the presentation to Mr. Clopper to give an overview presentation of the proposed fence project and Major Modification process for the 7400 Simms Fence Major Modification project.



Figure 1. Excerpt from neighborhood meeting overview presentation.

The two neighbors present at the meeting were overwhelmingly supportive of the proposed fence project and offered no concerns or objections following the overview presentation.

- Mr. Hahn indicated that living along Simms St is challenging enough, and that he had no objections to the proposed project as presented in the meeting.
- Ms. Dembrowski asked the question as to how this fence project is different than the recent fence project along Simms St on the adjacent property to the south. Mr. Moore responded by saying that the current proposed fence project is falling under updated code requirements as of May 2020, and accordingly will not be subject to the same requirements as the previously completed fence project. Ms. Dembrowski also did not have any objections to the proposed project as presented in the meeting.

The one neighbor not in attendance for the neighborhood meeting, Ms. Lantgen, did provide objection to the proposed project as follows:

- “I am opposed to the height of the fence because I feel it will deteriorate the neighborhood, decrease home values, safety, and being an eye sore.”
RESPONSE: The objections were provided without any context of the actual proposed project as Ms. Lantgen was not in attendance nor able to view the project overview presentation. As outlined in the overview presentation, the proposed fence will maintain the look and feel of the neighborhood along Simms St as it will add 100 linear feet of 6-ft privacy fence (replacing the existing 4-ft-tall chain link fence) to the existing 2,000 linear feet of 6-ft privacy fence (both cedar and white vinyl) on the east side of Simms St. from the intersection of 72nd north to the railroad tracks – an increase of only 5%. The proposed fence is expected to increase the home value, thereby increasing comparable home prices for the immediate neighborhood. Safety is expected to improve for both the homeowner’s family and the public due to the high volume of traffic along Simms St. Lastly, the homeowners are proposing to have a upgraded style horizontal cedar fence with top cap be installed by a qualified fencing contractor, which will add to the sidewalk appeal of the property.

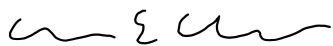
In addition to the support received for the proposed fence project from the two neighbors present at the meeting, the homeowners have received support up to the time of the neighborhood meeting from two additional neighbors:

Don Gilman, 7528 Queen Circle
Tim Knutson, 7345 Routt St

Summary:

The homeowner has addressed the sole neighbor’s concerns and any concerns not addressed will be worked through during the design and construction process, expected to occur this winter.

Best regards,



Chris and Samantha Clopper