



City of Arvada

City Council Agenda

JUNE 5, 2023

CITY COUNCIL CHAMBERS

Regular Business

Councilmembers:

Marc Williams, Mayor
David Jones, Mayor Pro-Tem
Bob Fifer, At large
John Marriott, District 3
Randy Moorman, District 1
Lauren Simpson, District 2
Lisa Smith, At large

Staff Members Usually Present:

Lorie Gillis, City Manager
Linda Haley, Deputy City Manager
Don Wick, Deputy City Manager
Rachel Morris, City Attorney
Jacqueline Rhoades, Director of Public Works
Sharon Israel, Director of Utilities
Rob Smetana, Acting Dir. of Community & Econ. Dev.
Bryan Archer, Director of Finance
Gabriella Bommer, Director of Human Resources
Rachael Kuroiwa, Director of Communications & Engagement
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 Tri Point Homes Development in Candelas
Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to the Land Development Code Section 8-2-3-11(J)

Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to Timing of System Development Charges under Ordinance 4819

CITY COUNCIL MEETING – CITY COUNCIL CHAMBERS

6:00 PM

1. Call to Order - 6:00 PM
2. Moment of Reflection and Pledge of Allegiance - Councilmember Smith
3. Roll Call of Councilmembers
4. Approval of Minutes
 - A. May 15, 2023 City Council Meeting
5. Recognitions and Communications
 - A. Recognition of Alan Parker - Arvada Urban Renewal Authority - Presented by Mayor Williams
 - B. Proclamation for National Park and Recreation Month - Presented by Councilmember Marriott
 - C. Proclamation for National Gun Violence Awareness Day - Presented by Councilmember Moorman
 - D. Proclamation for Pride Month - Presented by Councilmember Moorman

E. Proclamation for Juneteenth - Presented by Councilmember Simpson

6. Presentations - None

7. Public Comment on Issues not Scheduled on Agenda - Three Minute Limit

8. New Business

A. Consent Agenda

1. R23-047, A Resolution Approving an Agreement By and Between the City of Arvada and Jason and Christieve Gillis for the Grant of a Revocable Encroachment License to Accommodate Retaining Walls for a Driveway to Serve 4403 W 68th Avenue Within Public Right of Way
2. R23-048, A Resolution Approving an Agreement by and between the City of Arvada, D & T Properties, LLC, and Stone Cellar Bistro for the Grant of a Revocable Encroachment License to Install an Outdoor Patio Area in the Grandview Avenue Right-of-Way
3. R23-049, A Resolution Approving a First Amendment to the Subdivider's Agreement concerning Arvada House and Approving a Partial Subordination of that Subdivider's Agreement for the Benefit of the Colorado Housing and Finance Authority ("CHFA")
4. R23-050, A Resolution Authorizing a Lease Agreement and Repair and Maintenance Agreement By and Between the City of Arvada and Miki Romero for the Property Located at 12605 West 72nd Avenue, Arvada, Colorado Also Known as Moore Farm
5. R23-051, A Resolution Amending and Restating Plan Documents and Authorizing an Adoption Agreement for the Executive Defined Contribution Retirement Plan

B. Resolutions

1. R23-052, A Resolution Authorizing an Agreement Regarding Funding of Major Drainageway Planning for Hidden Lake Drainageway and Bates Lake Drainageway (Presenter: Melanie Walter, Floodplain Administrator)
2. R23-053, A Resolution Authorizing a First Amendment to Intergovernmental Agreement for Prisoner Transport Services (Presenter: Aaron Jacks, Sr. Asst City Attorney)
3. R23-054, A Resolution Directing City Staff Not to Collect System Development Charges Under the Fee Schedule Set Forth in Ordinance No. 4819, and Instead Continue Collecting System Development Charges Under the Current Fee Schedule Until September 30, 2023 (Presenter: Sharon Israel, Director of Utilities)

C. Ordinances (First Reading)

1. CB23-014, An Ordinance Repealing And Reenacting Section 62-39, Criminal Mischief, And Adding Sections 62-79, Criminal Tampering-Service, 62-80, Criminal Tampering-Property, 62-81 Criminal Liability of Business Entities, and 62-82, Criminal Liability of an Individual for Corporate Conduct, of Article II Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)
2. CB23-015, An Ordinance Amending Various Sections of the Arvada City Code to Reflect the Change in Name from North Jeffco Park and Recreation to Apex Park and Recreation District (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)
3. CB23-016, An Ordinance Amending Subsection (i)(1)(vii), Sentencing Authority, Sentencing Options, Of Section 58-1, Jurisdiction and Powers of the Municipal Court, of Article I - In General, of Chapter 58, Municipal Court, of the Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)
4. CB23-017, An Ordinance Repealing and Reenacting Section 2-211, Leasing of City-Owned Property, of Article VI, City Property, of Chapter 2, Administration, of The Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)
5. CB23-018, An Ordinance Amending Certain Provisions Within the Land Development Code, of the Arvada City Code to Add the Zoning District, Commercial, Neighborhood (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

9. Other
 - A. CP2023-0001, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan to Incorporate the New Town Sub-Area Plan
 - B. CP2023-0002, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan to Incorporate the Northwest Arvada Sub-Area Plan
 - C. Appointments to the Olde Town Business Improvement District (BID) Board
 - D. Consideration of Motion to Call Up an Administratively Approved Application: In-N-Out Burger
10. Public Hearings - 6:15 PM
 - A. CB23-011, An Ordinance Repealing and Reenacting Section 62-43, Fireworks, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code (Ordinance No. 4844) (Presenter: Aaron Jacks, Sr. Asst. City Attorney)
 - B. CB23-012, An Ordinance Authorizing an Intergovernmental Agreement by and Between The City of Arvada and The Jefferson County School District Related to Campbell Elementary School and Oak Park (Ordinance No. 4845) (Presenter: Enessa Janes, Director of Vibrant Community and Neighborhoods)
 - C. CB23-013, An Ordinance Rezoning Certain Land Within the City of Arvada, Candelas Point Infrastructure and Kiddie Academy, from City of Arvada PUD (Planned Unit Development) to City of Arvada CG (Commercial, General), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 9265 Yucca Lane (Ordinance No. 4846) (Presenter: Rob Smetana, Acting Director of Community and Economic Development)
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 OF THE MEETING OF THE ARVADA CITY COUNCIL HELD MAY 15, 2023

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

This Arvada City Council meeting was a hybrid meeting using webinar technology. Councilmember Fifer, Councilmember Marriott, Councilmember Moorman, Councilmember Simpson and Councilmember Smith were all present in chambers.

Members of the public were given notice with instructions on how to participate with public comment.

2. Roll Call of Councilmembers

Those Present: Councilmember Bob Fifer, Councilmember John Marriott, Councilmember Randy Moorman, Councilmember Lauren Simpson and Councilmember Lisa Smith.

Those Absent: Mayor Marc Williams and Mayor Pro Tem David Jones

Kristen Rush, City Clerk, said that since five members of City Council are present, we have a quorum. However, given the absence of both the Mayor and Mayor Pro Tem, the City Council Rules of Procedure require that the Council elect, by a majority of those present, a presiding officer for this meeting. It is my understanding that Councilmember Simpson is the only Councilmember who has expressed an interest in serving as the presiding officer. Motions to appoint a presiding officer are now in order.

Councilmember Moorman moved to appoint Councilmember Simpson as the presiding officer for the May 15, 2023 City Council Business Meeting.

Kristen Rush, City Clerk, said that all votes are cast. The motion passes 5-0 with Mayor Williams and Mayor Pro Tem Jones being absent. Councilmember Simpson is the presiding officer for tonight's City Council Business Meeting.

Councilmember Fifer moved to excuse Mayor Williams and Mayor Pro Tem Jones from the meeting.

The following votes were cast on the Motion:

Those voting Yes: Fifer, Marriott, Moorman, Simpson, Smith

Those Absent: Williams, Jones

The Motion was Approved

Also Present: Lorie Gillis, City Manager, Rachel Morris, City Attorney; Linda Haley, Deputy City Manager; Don Wick, Deputy City Manager; Bryan Archer, Director of Finance; Ryan Stachelski, Director of Community and Economic Development; Rachael Kuroiwa, Director of Communications and Engagement and Kristen Rush, City Clerk.

3. Moment of Reflection and Pledge of Allegiance

4. Approval of Minutes – May 1, 2023

The minutes stand approved.

5. Recognition and Communication –

A. Recognition of Dan Cupit - Building Code Advisory Board - Presented by Councilmember Fifer

Councilmember Fifer said that City Council recognizes Dan Cupit for his eleven years of service on the Building Code Advisory Board. While this Board does not meet very often, it serves a vital purpose to the City and Dan's service over these many years is very much appreciated. Dan Cupit was present to accept the recognition.

B. Recognition of Dave Rhodes - Building Code Advisory Board - Presented by Councilmember Marriott

Councilmember Marriott said that City Council recognizes Dave Rhodes for his twelve years of service on the Building Code Advisory Board. While this Board does not meet very often, it serves a vital purpose to the City and Dave's service over these many years is very much appreciated. Dave Rhodes was present to accept the recognition.

C. Proclamation for United States Marine Corps Memorial Day - Presented by Councilmember Moorman

Councilmember Moorman read the proclamation and said that City Council designates April 29, 2023 as United States Marine Corps Memorial Day.

6. Presentations – none

7. Public Comment –

A. Alma Carrillo, Assistant to Congresswoman Brittany Pettersen, addressed council regarding Federal Agency issues and encouraged anyone to contact their offices if they need any assistance.

8. New Business

A. Consent Agenda –

1. R23-044 A Resolution Authorizing Contract Amendment #1 to a State of Colorado Department of Human Services Contract #23 IBEH 174364 (f/k/a #23 IHJA 174364) by and between the City of Arvada and the State of Colorado to Provide Grant Funding to the City for the Arvada Police Department Co-Responder Program
2. R23-045 A Resolution Designating the Director of Community and Economic Development as the Certifying Officer and Environmental Officer for the

City of Arvada for the Purposes of Certifying Compliance with
Environmental Requirements of the United States Department of
Housing and Urban Development ("HUD")

Councilmember Marriott moved that R23-044, A Resolution Authorizing Contract Amendment #1 to a State of Colorado Department of Human Services Contract #23 IBEH 174364 (f/k/a #23 IHJA 174364) by and between the City of Arvada and the State of Colorado to Provide Grant Funding to the City for the Arvada Police Department Co-Responder Program; R23-045, A Resolution Designating the Director of Community and Economic Development as the Certifying Officer and Environmental Officer for the City of Arvada for the Purposes of Certifying Compliance with Environmental Requirements of the United States Department of Housing and Urban Development ("HUD"), be approved.

The following votes were cast on the Motion:

Those voting Yes: Fifer, Marriott, Moorman, Simpson, Smith

Those Absent: Williams, Jones

The Motion was Approved

B. Resolutions –

1. R23-046 A Resolution Authorizing an Intergovernmental Agreement for Equipment Transfer and Release of Liability Between the City of Arvada and the Town of Lakeside (Presenter: Aaron Jacks, Sr. Asst. Attorney)

Aaron Jacks, Senior Assistant City Attorney, reviewed this resolution with council.

Councilmember Marriott moved that R23-046, A Resolution Authorizing an Intergovernmental Agreement for Equipment Transfer and Release of Liability Between the City of Arvada and the Town of Lakeside, be approved.

The following votes were cast on the Motion:

Those voting Yes: Fifer, Marriott, Moorman, Simpson, Smith

Those Absent: Williams, Jones

The Motion was Approved

C. Ordinances (First Reading) –

1. CB23-011 An Ordinance Repealing and Reenacting Section 62-43, Fireworks, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code (Public Hearing to be set for June 5, 2023 at 6:15 p.m.)
2. CB23-012 An Ordinance Authorizing an Intergovernmental Agreement by and Between The City of Arvada and The Jefferson County School District Related to Campbell Elementary School and Oak Park (Public Hearing to be set for June 5, 2023 at 6:15 p.m.)
3. CB23-013 An Ordinance Rezoning Certain Land Within the City of Arvada, Candelas Point Infrastructure and Kiddie Academy, from City of Arvada PUD (Planned Unit Development) to City of Arvada CG (Commercial, General), and Amending the Official Zoning Maps of the

City of Arvada, Colorado, 9265 Yucca Lane (Public Hearing to be set for June 5, 2023 at 6:15 p.m.)

Councilmember Fifer moved that CB23-011, An Ordinance Repealing and Reenacting Section 62-43, Fireworks, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code; CB23-012, An Ordinance Authorizing an Intergovernmental Agreement by and Between The City of Arvada and The Jefferson County School District Related to Campbell Elementary School and Oak Park; CB23-013, An Ordinance Rezoning Certain Land Within the City of Arvada, Candelas Point Infrastructure and Kiddie Academy, from City of Arvada PUD (Planned Unit Development) to City of Arvada CG (Commercial, General), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 9265 Yucca, be approved on first reading, ordered published in full, and a public hearing date be set for June 5, 2023 at 6:15 p.m.

The following votes were cast on the Motion:

Those voting Yes: Marriott, Moorman, Simpson, Smith

Those Absent: Williams, Jones

The Motion was Approved

9. Other - none

10. Public Hearings –

- A. CB23-010 An Ordinance Repealing and Reenacting Article XIII, National Electric Code, Section 18-570, Adopted, of Chapter 18, Buildings and Building Regulations, of the Arvada City Code Through the Adoption, by Reference, of the 2023 National Electrical Code, and the Adoption of Penalties for Violations Thereof (Ordinance No. 4843) (Presenter: Ryan Stachelski, Director of Community & Economic Development)

Presiding Officer Simpson opened the public hearing for CB23-010.

Ryan Stachelski, Director of Community and Economic Development, reviewed this ordinance with council.

No one wishing to speak for or against, the public hearing was closed.

Councilmember Moorman moved that CB23-010, An Ordinance Repealing and Reenacting Article XIII, National Electric Code, Section 18-570, Adopted, of Chapter 18, Buildings and Building Regulations, of the Arvada City Code Through the Adoption, by Reference, of the 2023 National Electrical Code, and the Adoption of Penalties for Violations Thereof, be approved on final reading, numbered 4843 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Fifer, Marriott, Moorman, Simpson, Smith

Those Absent: Williams, Jones

The Motion was Approved

11. Public Comment - Five Minute Limit – none

12. City Council Reports –
 - A. Councilmember Marriott addressed comments from Ms. Carrillo from Congresswoman Pettersen's office and encouraged Ms. Pettersen to take action regarding the Railroad delays on the West 72nd Avenue project.
 - B. Councilmember Moorman echoed Councilmember Marriott's comments regarding the 72nd Avenue project.
 - C. Councilmember Moorman invited everyone to his monthly Coffee Chat on Friday, May 19 from 2-4 p.m., at Sweet Bloom at 77th and Wadsworth.
13. City Manager Reports –
 - A. Lorie Gillis, City Manager, reviewed the upcoming Workshop schedule.
14. City Attorney Reports – none
15. Adjournment at 6:30 p.m.

Lauren Simpson, Presiding Officer

SEAL:

Kristen R. Rush, City Clerk



REPORT TO CITY COUNCIL

AGENDA ITEM
5.A.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: Recognition of Alan Parker - Arvada Urban Renewal Authority - Presented by Mayor Williams

Report in Brief

Alan Parker has been on the Arvada Urban Renewal Authority for ten years, serving the Arvada community from 2013-2023. He has served as both Board Commissioner and Chairperson. Alan has been an integral part of the revitalization of Southeastern Arvada and has worked on many AURA projects, as listed below. Some of these are complete, others are under construction and some are ready to break ground this summer - but all of them have Alan's finger prints on them.

Park Place Olde Town
Residence Inn by Marriott
Solana Olde Town Station
Stocke-Walter Park
The Russell
The Shops at Olde Town Station
Yukon Alley Utility Undergrounding
Garrison Garden Paseo
Hilton Garden Inn
Paseo Place Apartments
Ralston Commons at Ralston Creek
Ralston Creek Townhomes
Ralston Gardens
Super Walmart
The Caroline
The Shops at Ralston Creek
.04 Trolley Park
AURA's Office

We are deeply grateful for his dedicated years of service.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Maureen Phair, Executive Director 5/22/2023
Bryan Archer, Director of Finance 5/22/2023
Rachel Morris, City Attorney 5/22/2023

SUBJECT: Recognition of Alan Parker - Arvada Urban Renewal Authority - Presented by
Mayor Williams

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ITEM: 5.A.

Lorie Gillis, City Manager

5/24/2023

Enclosure, exhibits & attachments required to support the report



REPORT TO CITY COUNCIL

AGENDA ITEM
5.B.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: Proclamation for National Park and Recreation Month - Presented by Councilmember Marriott

Report in Brief

City Council will designate July 2023 as National Park and Recreation Month. Enessa Janes, Director of Vibrant Community and Neighborhoods and Jeff Glenn, Executive Director of Apex Park and Recreation District, will be present to accept the Proclamation.

Prepared by:

Enessa Janes, Director of Vibrant Community and Neighborhoods

Reviewed by:

Approved by:

Enessa Janes, Director of Vibrant Community and Neighborhoods	5/9/2023
Bryan Archer, Director of Finance	5/9/2023
Gail Walker, Legal Specialist-Contracts	5/10/2023
Kylie Justus, Assistant City Attorney	5/10/2023
Don Wick, Deputy City Manager	5/10/2023
Rachel Morris, City Attorney	5/19/2023
Linda Haley, Deputy City Manager	5/19/2023
Lorie Gillis, City Manager	5/24/2023
Mark Deven, City Manager	5/24/2023

Enclosure, exhibits & attachments required to support the report

WHEREAS, parks and recreation is an integral part of communities throughout this country, including the State of Colorado and the City of Arvada, and parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks and promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer’s; and

WHEREAS, parks and recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and is a leading provider of healthy meals, nutrition services and education; and

WHEREAS, park and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and parks and recreation increases a community’s economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation is fundamental to the environmental well-being of our community and is an essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and City Council of the City of Arvada, Colorado, that the City recognizes the benefits derived from parks and recreation resources and proclaims that the month of July 2023 be designated as Parks and Recreation Month.

Dated this 5th day of June, 2023.

Marc Williams, Mayor

David Jones, Mayor Pro Tem

Bob Fifer, Councilmember

John Marriott, Councilmember

Randy Moorman, Councilmember

Lauren Simpson, Councilmember

Lisa Smith, Councilmember



REPORT TO CITY COUNCIL

AGENDA ITEM
5.C.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: Proclamation for National Gun Violence Awareness Day - Presented by Councilmember Moorman

Report in Brief

City Council will proclaim June 2, 2023 as National Gun Violence Awareness Day.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Rachel Morris, City Attorney 5/31/2023

Linda Haley, Deputy City Manager 5/31/2023

Lorie Gillis, City Manager 5/31/2023

Enclosure, exhibits & attachments required to support the report

WHEREAS, every day, more than 110 Americans are killed by gun violence, alongside more than 200 who are shot and wounded, and on average there are nearly 16,000 gun homicides every year; and

WHEREAS, Americans are 26 times more likely to die by gun homicide than people in other high-income countries; and

WHEREAS, in January 2013, Hadiya Pendleton, a teenager who marched in the presidential inaugural parade and was tragically shot and killed just weeks later, should be now celebrating her 26th birthday, so to help honor Hadiya – and the more than 110 Americans whose lives are cut short every day and the survivors who are injured by shootings every day – a national coalition of organizations has designated June 2, 2023, the first Friday in June, as the 10th National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya’s friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

WHEREAS, by wearing orange on June 2, 2023 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors such as those from the December 2007 Youth With a Mission shooting in Arvada; and

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and City Council of the City of Arvada, Colorado, that the first Friday in June, June 2, 2023 be designated National Gun Violence Awareness Day and we encourage all to support local efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Dated this 5th day of June, 2023.

Marc Williams, Mayor

David Jones, Mayor Pro Tem

Bob Fifer, Councilmember

Lauren Simpson, Councilmember

John Marriott, Councilmember

Lisa Smith, Councilmember

Randy Moorman, Councilmember



REPORT TO CITY COUNCIL

AGENDA ITEM
5.D.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: Proclamation for Pride Month - Presented by Councilmember Moorman

Report in Brief

City Council will designate June 2023 as Pride Month.

Prepared by:
Kristen Rush, City Clerk

Reviewed by:

Approved by:

Linda Haley, Deputy City Manager 6/5/2023

Lorie Gillis, City Manager 6/5/2023

Enclosure, exhibits & attachments required to support the report

Proclamation



CITY OF ARVADA

WHEREAS, the Arvada City Council recognizes and proclaims the month of June 2023 as Pride Month throughout the City of Arvada; and

WHEREAS, the City of Arvada values and promotes diversity, inclusivity, and equality for all its residents, regardless of their sexual orientation or gender identity; and

WHEREAS, Pride Month is an internationally recognized celebration that honors the LGBTQ+ community, their rich history, and their ongoing efforts for equality and acceptance; and

WHEREAS, Pride Month provides an opportunity for individuals, organizations, and communities to come together in support of LGBTQ+ rights and to raise awareness about the challenges faced by this community; and

WHEREAS, the City of Arvada acknowledges and appreciates the contributions and positive impact of the LGBTQ+ community on our city's cultural, social, and economic fabric; and

WHEREAS, Pride Month serves as a reminder of the ongoing work needed to achieve full equality and to create a society where all individuals can live free from discrimination and prejudice; and

WHEREAS, the City of Arvada remains committed to furthering diversity, equity, and inclusion (DEI) through our internal DEI committee and the current engagement with a DEI consultant to improve our services.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Members of City Council do hereby proclaim the month of June 2023 as Pride Month in the City of Arvada, Colorado in support of the LGBTQ+ community the City and will illuminate the Olde Town Arvada Water Tower on June 23 to raise awareness of the celebration.

Dated this 5th day of June, 2023.



Marc Williams, Mayor

David Jones, Mayor Pro Tem

Bob Fifer, Councilmember

Lauren Simpson, Councilmember

John Marriott, Councilmember

Lisa Smith, Councilmember

Randy Moorman, Councilmember



REPORT TO CITY COUNCIL

AGENDA ITEM
5.E.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: Proclamation for Juneteenth - Presented by Councilmember Simpson

Report in Brief

City Council will designate June 19, 2023, as Juneteenth Independence Day.

Prepared by:
Kristen Rush, City Clerk

Reviewed by:

Approved by:

Linda Haley, Deputy City Manager 6/5/2023

Lorie Gillis, City Manager 6/5/2023

Enclosure, exhibits & attachments required to support the report

Proclamation



CITY OF ARVADA

WHEREAS, Juneteenth is a significant and historic commemoration in American history, honoring the emancipation of enslaved African Americans; and

WHEREAS, Juneteenth marks the date of June 19, 1865, when Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news in accordance with the Emancipation Proclamation, which had been issued more than two years prior, that the Civil War had ended and that the enslaved were free; and

WHEREAS, Juneteenth represents a momentous milestone in the journey towards equality and justice, symbolizing the end of one of the darkest periods in our nation's history and the triumph of freedom and resilience; and

WHEREAS, the Arvada City Council acknowledges the historical significance of Juneteenth Independence Day to the United States; and

WHEREAS, residents of Arvada are encouraged to join the continued nationwide celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the United States; and

WHEREAS, the City of Arvada recognizes that the observance of the end of slavery is a part of the history and heritage of the United States; and

WHEREAS, the City will illuminate the Olde Town Arvada Water Tower to raise awareness of the celebration

Now therefore, be it resolved that the Mayor and Members of City Council of the Arvada, Colorado, that June 19, 2023, is recognized as Juneteenth Independence Day and encourages all residents to join in celebration and solidarity and urges all residents to actively raise their own awareness of the significance of this celebration in African American History and in the heritage of our nation and City.

Dated this 5th day of June, 2023.



Marc Williams, Mayor

David Jones, Mayor Pro Tem

Bob Fifer, Councilmember

Lauren Simpson, Councilmember

John Marriott, Councilmember

Lisa Smith, Councilmember

Randy Moorman, Councilmember



REPORT TO CITY COUNCIL

AGENDA ITEM
8.A.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: Consent Agenda

Report in Brief

1. R23-047, A Resolution Approving an Agreement By and Between the City of Arvada and Jason and Christieve Gillis for the Grant of a Revocable Encroachment License to Accommodate Retaining Walls for a Driveway to Serve 4403 W 68th Avenue Within Public Right of Way
2. R23-048, A Resolution Approving an Agreement by and between the City of Arvada, D & T Properties, LLC, and Stone Cellar Bistro for the Grant of a Revocable Encroachment License to Install an Outdoor Patio Area in the Grandview Avenue Right-of-Way
3. R23-049, A Resolution Approving a First Amendment to the Subdivider's Agreement concerning Arvada House and Approving a Partial Subordination of that Subdivider's Agreement for the Benefit of the Colorado Housing and Finance Authority ("CHFA")
4. R23-050, A Resolution Authorizing a Lease Agreement and Repair and Maintenance Agreement By and Between the City of Arvada and Miki Romero for the Property Located at 12605 West 72nd Avenue, Arvada, Colorado Also Known as Moore Farm
5. R23-051, A Resolution Amending and Restating Plan Documents and Authorizing an Adoption Agreement for the Executive Defined Contribution Retirement Plan

Suggested Motion: Moved by: _____ I move that the Consent Item(s),
Number(s) _____
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: June 5, 2023

SUBJECT: R23-047, A Resolution Approving an Agreement By and Between the City of Arvada and Jason and Christieve Gillis for the Grant of a Revocable Encroachment License to Accommodate Retaining Walls for a Driveway to Serve 4403 W 68th Avenue Within Public Right of Way

Report in Brief

Jason and Christieve Gillis are requesting approval of a revocable license to construct retaining walls in the City right-of-way on the east side of the street bulb where W 68th Avenue turns in to Tennyson Street. This request has been made to construct retaining walls that will better facilitate driveway access for a proposed home at 4403 W 68th Avenue.

The Arvada team recommends that City Council approve R23-047, A Resolution Approving an Agreement by and between the City of Arvada and Jason and Christieve Gillis for the Grant of a Revocable Encroachment License to construct retaining walls in the City right-of-way on the east side of the street bulb where W 68th Avenue turns in to Tennyson Street.

Financial Impact

There is no financial impact.

Background

Jason and Christieve Gillis own the property at 4403 W 68th Avenue. They are proposing to demolish the existing home and construct a new two-story walkout home on the property. The garage is proposed to be located on the east side of the home on the walkout level. The retaining walls are necessary to accommodate driveway access at an acceptable slope.

Discussion

It is the responsibility of the applicant to justify the requested land use application. The City Council should make a determination regarding the granting of the license based on its findings regarding the approval criteria shown in the table(s) below. The City team has evaluated the request and determined that the license will not impact City infrastructure and is acceptable.

Community and Economic Development team members 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. 8-3-5-8B Revocable Right-of-Way License Agreement	Finding	Rationale
1. The applicant agrees to the terms of a Revocable Right-of-Way License Agreement in a form approved by the City Attorney, including any insurance provision and provision that indemnify and hold the City harmless from future damages or liability claims.	Complies	The applicant has signed the Revocable Right-of-Way License Agreement.
2. The proposed sign, structure, or use complies with all applicable use, development, and design standards set forth in this LDC and the City of Arvada Municipal Code that have not	Complies	The proposed retaining walls will comply with all applicable standards and serves a detached single-family home which is a permitted land use on the property at 4403 W 68th Avenue.

SUBJECT: R23-047, A Resolution Approving an Agreement By and Between the City of Arvada and Jason and Christieve Gillis for the Grant of a Revocable Encroachment License to Accommodate Retaining Walls for a Driveway to Serve 4403 W 68th Avenue Within Public Right of Way

PAGE: 2
ITEM: 8.A.1.

otherwise been modified or waived.

3. The proposed sign, structure, or use shall not interfere with street intersection visibility, materially impede access to utilities or other facilities, or in any other way adversely affect the public health, safety, or welfare.

Complies

The proposed retaining walls will not interfere with street intersection visibility and will not affect any utility infrastructure or adversely affect public health, safety, or welfare.

Public Contact

Posting of the City Council agenda

Commission Recommendation

A Planning Commission public hearing is not required by the Land Development Code for this type of application.

Strategic Alignment

The recommended action 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 City Council approve R23-047, A Resolution Approving an Agreement By and Between the City of Arvada and Jason and Christieve Gillis for the Grant of a Revocable Encroachment License to Accommodate Retaining Walls for a Driveway to Serve 4403 W 68th Avenue Within Public Right of Way.

Suggested Motion:

I move that R23-047, A Resolution Approving an Agreement By and Between the City of Arvada and Jason and Christieve Gillis for the Grant of a Revocable Encroachment License to Accommodate Retaining Walls for a Driveway to Serve 4403 W 68th Avenue Within Public Right of Way, be (approved) (rejected).

Prepared by:

Heidi Van Gieson, Administrative Specialist

Reviewed by:

Approved by:

Jacob Nitchals, Senior Planner

5/16/2023

Josie Suk, Development Systems and Administrative Manager

5/16/2023

Rob Smetana, Acting Director of Community and Economic Development

5/16/2023

Ryan Stachelski, Director of Community and Economic Development

5/17/2023

SUBJECT: R23-047, A Resolution Approving an Agreement By and Between the City of Arvada and Jason and Christieve Gillis for the Grant of a Revocable Encroachment License to Accommodate Retaining Walls for a Driveway to Serve 4403 W 68th Avenue Within Public Right of Way

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Gail Walker, Legal Specialist-Contracts	5/17/2023
Emily Grogg, Senior Assistant City Attorney	5/18/2023
Rachel Morris, City Attorney	5/22/2023
Linda Haley, Deputy City Manager	5/22/2023
Lorie Gillis, City Manager	5/24/2023

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R23-047

A RESOLUTION APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF ARVADA AND JASON AND CHRISTIEVE GILLIS FOR THE GRANT OF A REVOCABLE ENCROACHMENT LICENSE TO ACCOMMODATE RETAINING WALLS FOR A DRIVEWAY TO SERVE 4403 WEST 68TH AVENUE WITHIN PUBLIC RIGHT OF WAY

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, a revocable encroachment license agreement, which is in substantially the same form as that attached hereto, by and between the City of Arvada and Jason and Christieve Gillis.

Section 2. The City of Arvada hereby accepts a revocable encroachment license to accommodate retaining walls for a driveway within public right of way at 4403 West 68th Avenue.

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

APPROVED AND ADOPTED this 5th day of June, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

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

By: _____

**AN AGREEMENT BY AND BETWEEN THE CITY OF ARVADA
AND JASON AND CHRISTIEVE GILLIS FOR THE GRANT OF A
REVOCABLE ENCROACHMENT LICENSE TO ACCOMMODATE
RETAINING WALLS FOR A DRIVEWAY TO SERVE 4403 WEST 68TH
AVENUE WITHIN PUBLIC RIGHT OF WAY**

1.0 **PARTIES.** The parties to this Agreement are the City of Arvada, a Colorado municipal corporation ("Arvada") at 8101 Ralston Road, Arvada, Colorado 80002 and Jason and Christieve Gillis, owners of the adjacent property ("Licensee") at 4403 West 68th Avenue, Westminster, Colorado 80030.

2.0 **RECITALS AND PURPOSE.**

2.1 Licensee is the owner of property addressed as 4403 West 68th Avenue in the City of Arvada, although the mailing address is listed as Westminster; more particularly described as Lot 40, Block 2, The Yacht Club Reception No. B475235 ("Licensee's Property").

2.2 Arvada is the owner of properties, or has some interest in properties, located adjacent to Licensee's Property at the intersection of West 68th Avenue and Tennyson Street, as more particularly described in Exhibit A, attached and incorporated herein ("Arvada's Property").

2.3 The Licensee has expressed a desire for Arvada to recognize, accommodate, and permit certain minor encroachments upon a specific and limited portion of Arvada's Property; to wit, retaining walls along the driveway proposed upon the Arvada's Property described in Exhibit B.

2.4 Arvada is willing to grant an encroachment license to the Licensee under the terms and conditions as hereinafter specified in this Agreement.

3.0 **TERMS AND CONDITIONS.** In consideration of Arvada's agreement to permit the Licensee to encroach upon Arvada's Property, and in consideration of the mutual promises and covenants contained herein, the sufficiency and adequacy of consideration being acknowledged by the parties, Arvada and Licensee agree as follows:

3.1 Arvada hereby grants to the Licensee a License for the encroachments as described above, with such limitations as are set forth herein, including, but not limited to:

3.1.1 Any improvements allowed by this Agreement to be kept upon Arvada's Property shall be so kept at Licensee's sole expense and Licensee agrees to maintain any such improvement in good repair during the period of this License.

3.1.2 Licensee understands and agrees that Arvada shall not be liable or responsible for any costs related to any damage, maintenance, repair, or removal of any structures kept upon Arvada's Property pursuant to this Agreement.

3.2 The license as granted in paragraph 3.1 above shall continue from the date of this Agreement to the time that this Agreement is terminated. Arvada may terminate this License at any time by giving written notice to the Licensee ten (10) days in advance of the effective date of termination and specifying the date of termination therein and, in the event this License is terminated as to such encroachments, Licensee expressly agrees to remove such from Arvada's Property and to return Arvada's Property to as close to its original condition as reasonably possible, within 30 days of said date of termination.

3.3 Licensee expressly agrees to indemnify and hold harmless Arvada and any of its officers or employees from any and all claims, damages, liability, or court awards, including costs and attorney's fees that are or may be awarded as a result of any loss, injury or damage sustained or claimed to have been sustained by anyone, including, but not limited to, any person, firm, partnership, or corporation, in connection with, arising out of, or related to the issuance of this License or any omission or act of commission by Licensee or any of its employees, agents, representatives, or contractors in encroaching upon Arvada's Property.

3.4 Licensee agrees that it will never institute any action or suit at law or in equity against Arvada or any of its officers or employees, nor institute, prosecute, or in any way aid in the institution or prosecution of any claim, demand, or compensation for or on account of any damages, loss, or injury either to person or property, or both, known or unknown, past, present, or future, arising from the license granted to Licensee herein.

3.5 Licensee agrees to provide, secure, and maintain at all times during the term of this License commercial general liability insurance of at least \$1,000,000 per occurrence, with an annual aggregate limit of \$2,000,000, naming Arvada as an additional insured on the policy. Failure to maintain sufficient insurance shall not terminate, modify, preclude or limit the obligations of Licensee under this License or limit in any way Licensee's liability to or indemnification of Arvada for any reason. Arvada does not waive, nor shall anything herein be construed as a waiver of, any of the rights, privileges, or immunities granted to it under the Colorado Governmental Immunity Act, Section 24-10-101 *et seq.*, C.R.S., as amended.

3.6 Licensee agrees to repair and reconstruct any damage to Arvada's Property prior to or immediately upon termination of this Agreement for any reason and return Arvada's Property to its original condition at the expense of Licensee and at no expense to Arvada.

4.0 **ASSIGNMENT.** Except as may be the legal consequence, pursuant to paragraph 10 hereof, of a conveyance of Licensee's Property, this Agreement shall not be assigned by Licensee without the prior written consent of Arvada which may withhold its consent for any reason.

5.0 **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 personally served or if sent by facsimile transmission or by U.S. 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 have been previously furnished in writing, to the other party and parties. Notice shall be deemed to have been given when deposited in the United States mail.

6.0 **EXHIBITS.** All exhibits, if any, referred to in this Agreement are, by reference, incorporated herein for all purposes.

7.0 **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 this 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.

8.0 **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.

9.0 **WAIVER OF BREACH.** A waiver by any party of 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 of either party.

10.0 **BINDING EFFECT.** This Agreement shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs, and assigns and shall constitute covenants running with Licensee's Property. Either party may record this Agreement with the Clerk and Recorder's Office of Jefferson County, Colorado.

11.0 **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 Arvada and the Licensee, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of Arvada and the Licensee that any person other than Arvada or the Licensee receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

DATED this _____ day of _____, 2023.

CITY OF ARVADA, a Colorado municipal corporation

Marc Williams, Mayor
8101 Ralston Road
Arvada, CO 80002

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____

LICENSEE:

Jason Gillis

LICENSEE:

Christieve Gillis

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Jason and Christieve Gillis, in their capacity as owners of the property at 4403 West 68th Avenue.

Witness my hand and official seal.

Notary Public

My commission expires: _____

EXHIBIT A
AN AGREEMENT BY AND BETWEEN THE CITY OF ARVADA
AND JASON AND CHRISTIEVE GILLIS FOR THE GRANT OF A
REVOCABLE ENCROACHMENT LICENSE TO ACCOMMODATE
RETAINING WALLS FOR A DRIVEWAY TO SERVE 4403 WEST 68TH
AVENUE WITHIN PUBLIC RIGHT OF WAY



ENGINEERING
PLANNING
SURVEYING

☐ P 303.682.1131
☐ F 303.682.1149

☐ info@civilarts.us
☐ www.civilarts.us

☐ 1500 Kansas Avenue, Suite 2-E
☐ Longmont, CO 80501

EXHIBIT "A"

February 17, 2023

Description of the portion of the right-of-way of West 68th Avenue subject to a revocable license agreement within The Yacht Club, located in the SW1/4 of Section 6, T3S, R68W of the 6th P.M., City of Arvada County of Adams, State of Colorado.

LEGAL DESCRIPTION

A portion of the right-of-way of West 68th Avenue, located in The Yacht Club, a subdivision located in the SW1/4 of Section 6, T3S, R68W of the 6th P.M., City of Arvada, County of Adams, State of Colorado, described as follows:

COMMENCING at the Northeast Corner of Lot 40, Block 2 of said The Yacht Club, from which the Southeast Corner of said Lot 40 bears S00°39'30"W, 183.84 feet (Basis of Bearing), thence S00°39'30"W, 183.84 feet along the Easterly Line of said Lot 40 to the Southeast Corner thereof and the POINT OF BEGINNING.

Thence continuing S00°39'30"W, 18.20 feet along the Easterly Line of said The Yacht Club;

Thence N89°20'30"W, 18.71 feet, parallel with the Southerly Line of said Lot 40, to a point of non-tangent curve;

Thence Northwesterly, 22.00 feet along the arc of said curve, concave to the southwest, to the Southerly Line of said Lot 40, said arc having a radius of 50.00 feet, a central angle of 25°12'51", and being subtended by a chord that bears N32°50'15"W, 21.83 feet;

Thence S89°20'30"E, 30.76 feet along the Southerly Line of said Lot 40 to the POINT OF BEGINNING.

Area = 433 square feet, more or less.

NOTICE: According to Colorado law you **must** commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.


Frank N. Drexel
Colorado Professional Land
Surveyor No. 24305
1500 Kansas Ave #2-E, Longmont, CO 80501

Date: 02-17-23

File: 16400-e-lgl-rev lic.doc

Project: 1640-0

EXHIBIT "A"

SHEET 2 OF 2

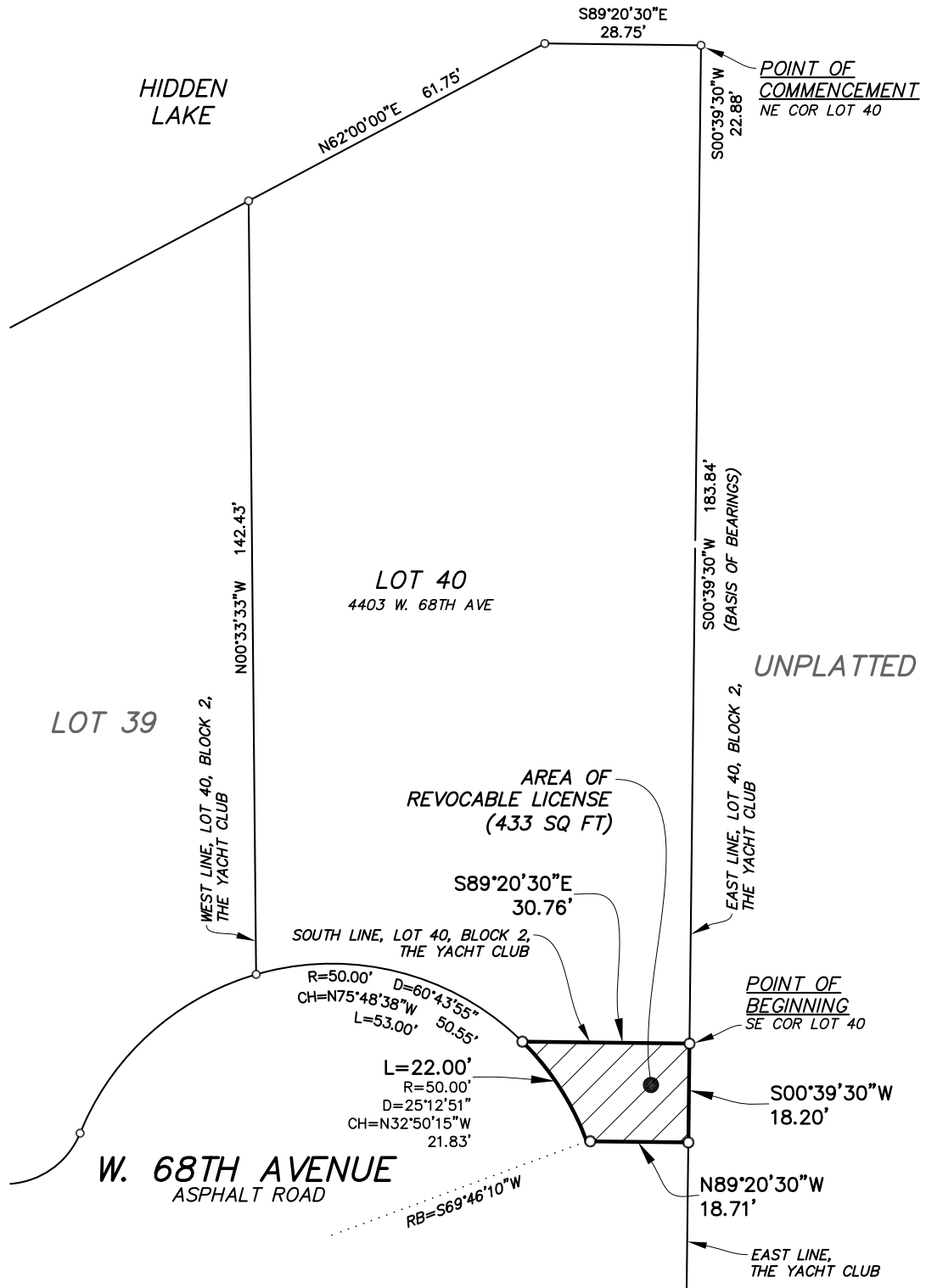


EXHIBIT MAP

SCALE: 1"=30'
DATE: 02-17-23
DWG: 16400-E.DWG

NOTE

THIS EXHIBIT MAP IS INTENDED ONLY AS AN AID TO FOLLOW THE ATTACHED LEGAL DESCRIPTION AND DOES NOT REPRESENT A LAND SURVEY PLAT ACCORDING TO COLORADO STATUTES.



ENGINEERING
PLANNING
SURVEYING
1500 Kansas Ave., Suite 2-E
Longmont, CO 80501
P 303.682.1131
F 303.682.1149

EXHIBIT B
AN AGREEMENT BY AND BETWEEN THE CITY OF ARVADA
AND JASON AND CHRISTIEVE GILLIS FOR THE GRANT OF A
REVOCABLE ENCROACHMENT LICENSE TO ACCOMMODATE
RETAINING WALLS FOR A DRIVEWAY TO SERVE 4403 WEST 68TH
AVENUE WITHIN PUBLIC RIGHT OF WAY

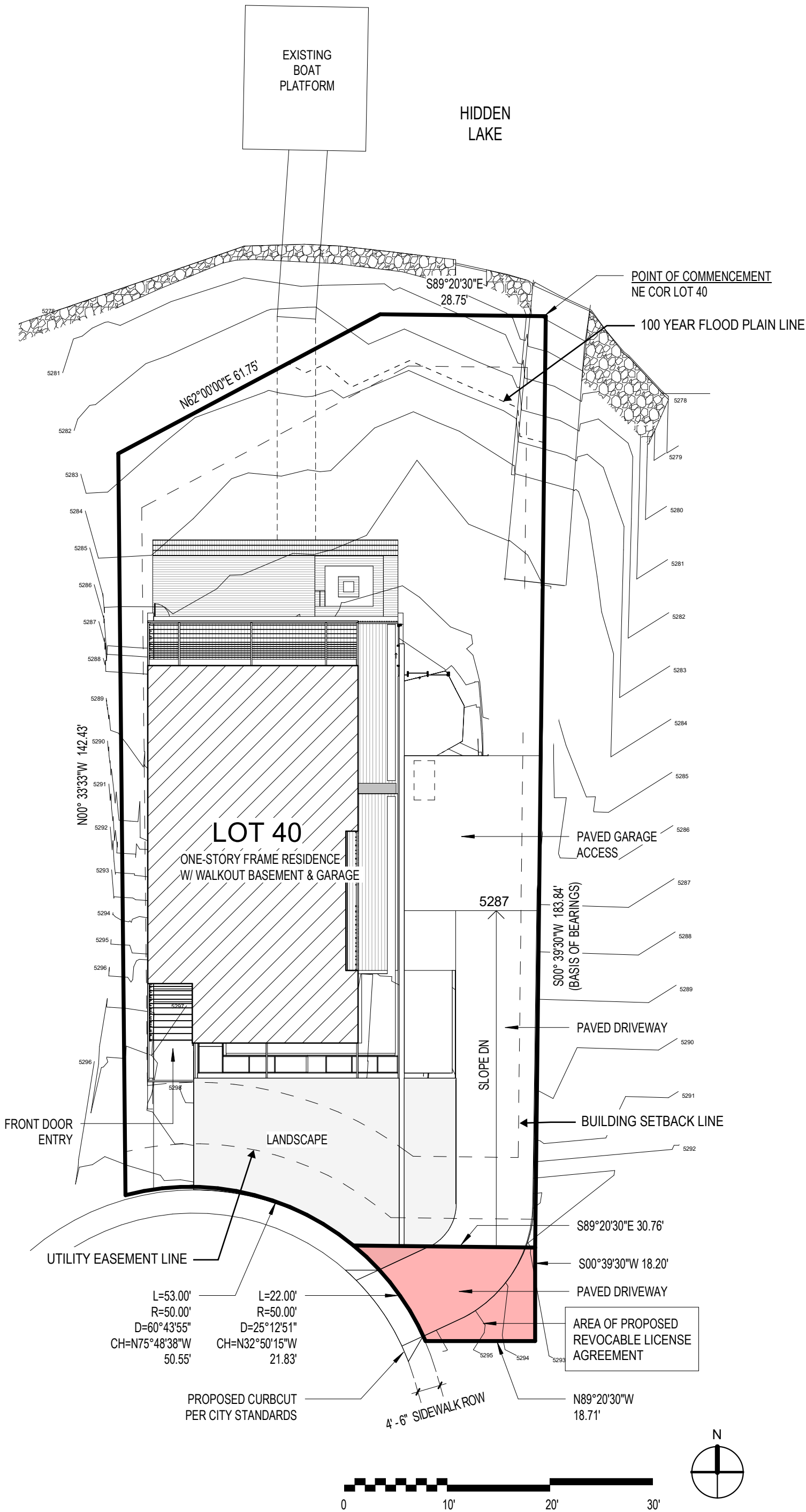
4403 W68th AVE - PROPOSED

SW1/4 OF SECTION 6, T3S, R68W OF THE 6TH P.M., CITY
OF ARVADA COUNTY OF ADAMS, STATE OF COLORADO

Arch
11

3100 CARBON PL #100 BOULDER, CO 80301
1200 BANNOCK ST DENVER, CO
80204

303.546.6868 arch11.com





REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.A.2.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: R23-048, A Resolution Approving an Agreement by and between the City of Arvada, D & T Properties, LLC, and Stone Cellar Bistro for the Grant of a Revocable Encroachment License to Install an Outdoor Patio Area in the Grandview Avenue Right-of-Way

Report in Brief

The Stone Cellar Bistro Restaurant, the applicant and D&T Properties LLC, the owner of 7605 Grandview Avenue, are requesting a revocable license to install an outdoor patio area for customers to enjoy. The outdoor patio area will be located in front of the restaurant approximately five feet into the sidewalk, leaving an additional five foot pedestrian walk that meets the requirement for ADA access.

The Arvada team recommends that the City Council approve R23-048, A Resolution Approving an Agreement By and Between the City of Arvada, D&T Properties LLC. and Stone Cellar Bistro for the Grant of a Revocable Encroachment License to Accommodate an Outdoor Patio Area in front of the Restaurant and the public sidewalk right-of-way at 7605 Grandview Avenue.

Financial Impact

There is no financial impact associated with this request.

Background

Stone Cellar Bistro restaurant is requesting to install an outdoor patio and seating for its customers to enjoy their food and drinks outdoors. The restaurant is located at 7605 Grandview Avenue and is zoned OT-OW (Olde Town-Old Wadsworth) zone district. A revocable license agreement is required to encroach into the City's right of way and a development application was submitted for review.

The patio will be located in front of the restaurant, within 10 feet from the outside of the building to the edge of the curb. A six-foot steel patio rail with gates will encroach approximately five feet from the building into the right-of-way with an additional five foot pedestrian sidewalk clearance required for ADA access.

Discussion

Staff has reviewed the proposed plans and finds that the applicant met the requirements for an out-door patio encroaching into the right of way as well as a design similar to existing outdoor seatings in Olde-Town.

Public Contact

No notification is required except the posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

SUBJECT: R23-048, A Resolution Approving an Agreement by and between the City of Arvada, D & T Properties, LLC, and Stone Cellar Bistro for the Grant of a Revocable Encroachment License to Install an Outdoor Patio Area in the Grandview Avenue Right-of-Way

PAGE: 2
ITEM: 8.A.2.

The project aligns with the Community and Economic Development strategic goals and the Olde Town Design Guidelines to allow outdoor seating for customers to enjoy.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve R23-048, A Resolution Approving an Agreement By and Between the City of Arvada, D&T Properties LLC. and Stone Cellar Bistro For the Grant of a Revocable Encroachment License to Accommodate an Outdoor Patio Area in front of the Restaurant and within the public sidewalk right-of-way at 7605 Grandview Avenue.

Suggested Motion:

I move that R23-048, A Resolution Approving an Agreement By and Between the City of Arvada, D&T Properties LLC. and Stone Cellar Bistro For the Grant of a Revocable Encroachment License to Accommodate an Outdoor Patio Area in front of the Restaurant and within the public sidewalk right-of-way at 7605 Grandview Avenue, be (approved) (rejected).

Prepared by:

Heidi Van Gieson, Administrative Specialist

Reviewed by:

Approved by:

Carol Ibanez, Senior Planner	5/9/2023
Josie Suk, Development Systems and Administrative Manager	5/9/2023
Rob Smetana, Acting Director of Community and Economic Development	5/9/2023
Ryan Stachelski, Director of Community and Economic Development	5/10/2023
Gail Walker, Legal Specialist-Contracts	5/10/2023
Emily Grogg, Senior Assistant City Attorney	5/10/2023
Rachel Morris, City Attorney	5/22/2023
Linda Haley, Deputy City Manager	5/22/2023
Lorie Gillis, City Manager	5/24/2023

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R23-048

A RESOLUTION APPROVING AN AGREEMENT BY AND BETWEEN THE
CITY OF ARVADA, D&T PROPERTIES, LLC., AND STONE CELLAR
BISTRO FOR THE GRANT OF A REVOCABLE ENCROACHMENT
LICENSE TO INSTALL AN OUTDOOR PATIO AREA IN THE GRANDVIEW
AVENUE RIGHT-OF-WAY

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, a License Agreement, which is in substantially the same form as that attached hereto, by and between the City of Arvada, D&T Properties, LLC., and Stone Cellar Bistro.

Section 2. The City of Arvada hereby accepts a revocable encroachment license to install an outdoor patio area at 7605 Grandview Avenue.

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

APPROVED AND ADOPTED this 5th day of June, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

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

By: _____

**A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF
ARVADA, D&T PROPERTIES, LLC, AND STONE CELLAR BISTRO
FOR THE GRANT OF A REVOCABLE ENCROACHMENT LICENSE TO
INSTALL AN OUTDOOR PATIO AREA IN THE GRANDVIEW AVENUE
RIGHT-OF-WAY**

1.0 **PARTIES.** The parties to this license ("License") are the City of Arvada, a Colorado municipal corporation ("Arvada") at 8101 Ralston Road, Arvada, Colorado 80002, D&T Properties, LLC, owner of the property adjacent to the encroachment area ("Licensee") and Stone Cellar Bistro, the business currently occupying the property ("Applicant").

2.0 **RECITALS AND PURPOSE.**

2.1 D&T Properties, LLC is the owner of the real property at 7605 Grandview Avenue in the City of Arvada, Colorado ("Owner's Property"). Arvada is the owner of real property, or has some interest in the real property, located adjacent to Owner's property and commonly known as the Grandview Avenue right of way.

2.2 The Stone Cellar Bistro, the business currently occupying Owner's Property and the Licensee have expressed a desire to encroach upon a specific and limited portion of Arvada's property for the purpose of installing an outdoor patio area as more fully depicted in Exhibit A (collectively the "Permitted Encroachments")

2.3 Arvada is willing to grant a revocable license to the Licensee under the terms and conditions as hereinafter specified in this License.

3.0 **TERMS AND CONDITIONS.** In consideration of Arvada's agreement to permit the Licensee to encroach upon Arvada's property, and in consideration of the mutual promises and covenants contained herein, the sufficiency and adequacy of consideration being acknowledged by the parties, Arvada and Licensee agree as follows:

3.1 Arvada hereby grants to the Licensee a revocable license for the encroachment as described above, with such limitations as are set forth herein, including, but not limited to:

3.1.1 Any improvements allowed by this Agreement to be kept upon Arvada's Property shall be so kept at Licensee's sole expense and Licensee agrees to maintain any such improvement in good repair during the period of this License.

3.1.2 Licensee understands and agrees that Arvada shall not be liable or responsible for any costs related to any damage, maintenance, repair, or removal of any structures kept upon Arvada's Property pursuant to this License.

3.2 The License as granted in paragraph 3.1 above shall continue from the date of this License to the time that this License is terminated. Arvada may terminate this License at any time by giving written notice to the Licensee 14 days in advance of the effective date of termination and specifying the date of termination therein and, in the event Arvada exercises said right to terminate, Licensee expressly agrees to remove any encroachments from Arvada's property by the effective date of termination and return such property to its original condition as promptly thereafter as is reasonably possible.

3.3 Licensee expressly agrees to indemnify and hold harmless Arvada and any of its officers or employees from any and all claims, damages, liability, or court awards, including costs and attorney's fees that are or may be awarded as a result of any loss, injury or damage sustained or claimed to have been sustained by anyone, including, but not limited to, any person, firm, partnership, or corporation, in connection with, arising out of, or related to the issuance of this license or any omission or act of commission by Licensee or any of its employees, agents, representatives, or contractors in encroaching upon Arvada's property.

3.4 Licensee agrees that it will never institute any action or suit at law or in equity against Arvada or any of its officers or employees, nor institute, prosecute, or in any way aid in the institution or prosecution of any claim, demand, or compensation for or on account of any damages, loss, or injury either to person or property, or both, known or unknown, past, present, or future, arising from the revocable license granted to Licensee herein.

3.5 Licensee agrees to provide, secure, and maintain at all times during the term of this License commercial general liability insurance of at least \$1,000,000 per occurrence, with an annual aggregate limit of \$2,000,000, naming Arvada as an additional insured on the policy. Failure to maintain sufficient insurance shall not terminate, modify, preclude or limit the obligations of Licensee under this License or limit in any way Licensee's liability to or indemnification of Arvada for any reason. Arvada does not waive, nor shall anything herein be construed as a waiver of, any of the rights, privileges, or immunities granted to it under the Colorado Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., as amended.

3.6 Licensee agrees to repair and reconstruct any damage to Arvada's property prior to or immediately upon termination of this License for any reason and return such property to its original condition at the expense of Licensee and at no expense to Arvada.

4.0 **ASSIGNMENT.** Except as may be the legal consequence, pursuant to paragraph 10 hereof, of a conveyance of Licensee's Property, this Agreement shall not be assigned by Licensee without the prior written consent of Arvada which may withhold its consent for any reason.

5.0 **NOTICES.** Any notice required or permitted by this License shall be in writing and shall be deemed to have been sufficiently given for all purposes if personally served or if sent by facsimile transmission or by U.S. 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 have been previously furnished in writing, to the other party and parties.

Notice shall be deemed to have been given when deposited in the United States mail.

6.0 EXHIBITS. All exhibits referred to in this License are, by reference, incorporated herein for all purposes.

7.0 INTEGRATION AND AMENDMENT. This License represents the entire License 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 this 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.

8.0 GOVERNING LAW AND VENUE. This License shall be governed by the laws of the State of Colorado without reference to its conflicts of laws principles. Venue for any action arising under this License or for the enforcement of this License shall be in the appropriate court for Jefferson County, Colorado.

9.0 WAIVER OF BREACH. A waiver by any party of this License of the breach of any term or provision of this License shall not operate or be construed as a waiver of any subsequent breach of either party.

10.0 BINDING EFFECT. This License shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs, and assigns and shall constitute covenants running with Licensee's property and utilizing the Permitted Encroachments for any purpose. The License shall be recorded with the Clerk and Recorder's Office of Jefferson County, Colorado.

11.0 NO THIRD PARTY BENEFICIARIES. It is expressly understood and agreed that enforcement of the terms and conditions of this License, and all rights of action relating to such enforcement, shall be strictly reserved to the City and the Licensee, and nothing contained in this License shall give or allow any such claim or right of action by any other third party on such License. It is the express intention of the City and the Licensee that any person other than the City or the Licensee receiving services or benefits under this License shall be deemed to be an incidental beneficiary only.

DATED this _____ day of _____, 2023.

CITY OF ARVADA, a Colorado municipal
corporation

Marc Williams, Mayor
8101 Ralston Road
Arvada, CO 80002

ATTEST:

City Clerk

APPROVED AS TO FORM:

For Rachel A. Morris, City Attorney

LICENSEE:

By: D&T Properties, LLC
Owner
10335 W 35th Avenue
Wheat Ridge CO 80033

STATE OF COLORADO)
COUNTY OF _____) ss.
_____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by _____ in _____ capacity as Owner of D&T Properties, LLC

Witness my hand and official seal.

(SEAL)

Notary Public

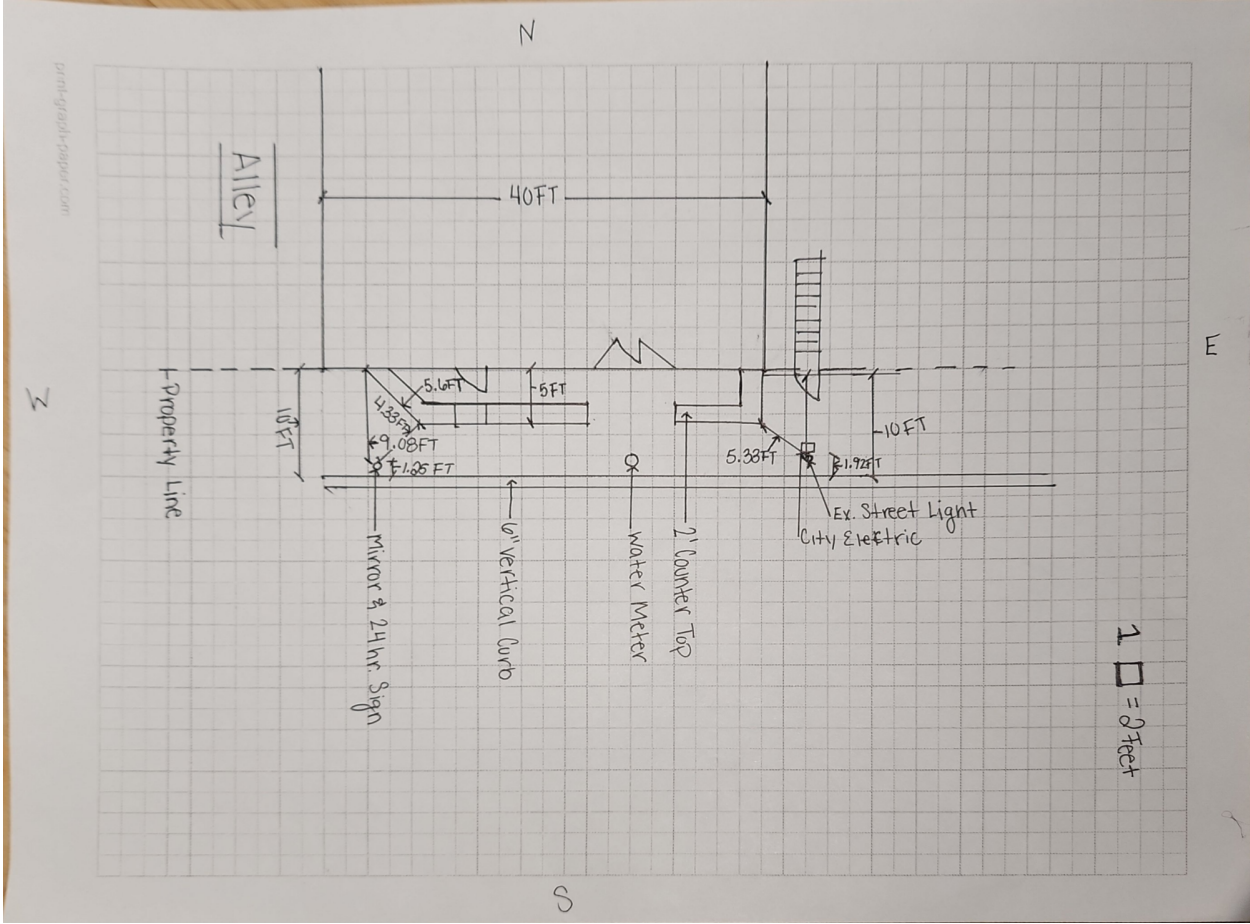
My commission expires: _____

APPLICANT

Jordan Alley
Stone Cellar Bistro
8461 Circle Drive
Westminster, CO 80031

EXHIBIT A
A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF
ARVADA, D&T PROPERTIES, LLC, AND STONE CELLAR BISTRO
FOR THE GRANT OF A REVOCABLE ENCROACHMENT LICENSE TO
INSTALL AN OUTDOOR PATIO AREA IN THE GRANDVIEW AVENUE
RIGHT-OF-WAY

Exhibit A
7605 Grandview Ave.

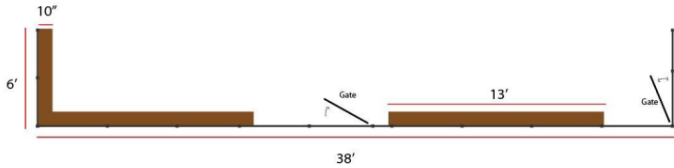
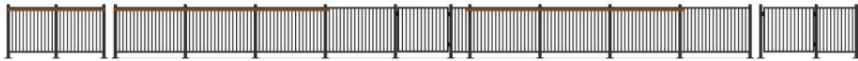




BLACK HOUND DESIGN

Stone Cellar Bistro Rail
Budgetary Pricing Estimate
February 23, 2023

ITEM NUMBER	QUANTITY	ITEM DESCRIPTION	Latch	Hinge	EACH	TOTAL
Exterior Steel Rail	1	6' D x 38' L x 36" T Steel patio rail with integrated 1-3/4" thick sapele wood drink rails (2) 36" W gates with self closing spring hinges and non-lockable Y-latches Railing Dimensions: - 2" x 2" x 11g steel tube vertical posts - 1" square steel tube horizontal supports - 3/4" square steel tube verticals. <u>Black powdercoat finish:</u> <u>Attached to pavement/concrete with stainless steel concrete anchors.</u> Sapele Drink rail dimensions: - (1) 1" Shaped rail at 6' L x 13' L x 10" D in corner - (1) 13' L x 10" D * Pricing subject to change on final design, materials and dimensions *			\$25,823.42	\$25,823.42





REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.A.3.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: R23-049, A Resolution Approving a First Amendment to the Subdivider's Agreement concerning Arvada House and Approving a Partial Subordination of that Subdivider's Agreement for the Benefit of the Colorado Housing and Finance Authority ("CHFA")

Report in Brief

PRESENTER: Kylie Justus

The Arvada Housing Authority has agreed to support the renovation of Arvada House, an 88 unit senior housing affordable development located at 10175 W 58th Pl. When Arvada House was first constructed, the City of Arvada and the original developer entered into a Subdivider's Agreement. The Subdivider's Agreement restricted the property to seniors only and requires council's approval to change this restrictive covenant. The Successor-Owner, Arvada Senior Housing, LP ("Arvada Senior Housing"), purchased the real property and improvements, with the intention of renovating Arvada House and ensuring that it remains an affordable property in Arvada for at least the next fifteen years. The United States Department of Housing and Urban Development has changed many aspects of affordable housing over the years, including discouraging Owners from denying tenants with disabilities federally funded and available housing. The proposed amendment allows Arvada Senior Housing to offer affordable housing at Arvada House to both seniors and people with disabilities.

Additionally, Arvada Senior Housing's financial feasibility of the rehabilitation of Arvada House at affordable rates relies in part on a loan from CHFA which requires subordination of the occupancy covenants described above.

The Arvada team recommends that the City Council approve R23-049, A Resolution Approving a First Amendment to the Subdivider's Agreement concerning Arvada House and Approving a Partial Subordination of that Subdivider's Agreement for the Benefit of the Colorado Housing and Finance Authority ("CHFA").

Financial Impact

There is no financial impact.

Background

The Arvada Housing Authority has agreed to support the renovation of Arvada House, an 88 unit senior housing affordable development located at 10175 W 58th Pl, through its admission as a special limited partner and its allocation of private activity bonds to the project. In 1976, when Arvada House was first constructed, the City of Arvada and the original developer entered into a Subdivider's Agreement. The Subdivider's Agreement restricted the property to seniors only and requires council's approval to change this restrictive covenant.

The Successor-Owner, Arvada Senior Housing, LP ("Arvada Senior Housing"), purchased the real property and improvements, on April 13, 2023, following a series of successive transactions from the original developers, Don O'Riley and Dick McCoy, with the intention of renovating Arvada House and ensuring that it remains an affordable property in Arvada for at least the next fifteen years. The Housing Authority is a special limited partner of Arvada Senior Housing.

Since 1976, the United States Department of Housing and Urban Development has changed many aspects of affordable housing, including discouraging owners from denying tenants with disabilities federally funded and available housing. The

proposed amendment allows Arvada Senior Housing to offer affordable housing at Arvada House to both seniors and people with disabilities.

Additionally, Arvada Senior Housing's financial feasibility of the rehabilitation of Arvada House at affordable rates relies in part on a loan from CHFA which requires subordination of the occupancy covenants described above.

The amendment and the subordination agreements further Arvada's interest in maintaining affordable housing in the community.

Discussion

Staff recommends approval of the amendment to the Subdivider's Agreement because doing so allows the Arvada House to serve both seniors and tenants with disabilities. Additionally, staff recommends subordination of the restrictive covenants to CHFA because doing so allows the project to be financially feasible and CHFA is a reliable partner which aims to increase affordable housing.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

Strategic Alignment

The amendment and the subordination agreements further Arvada's interest in maintaining affordable housing in the community.

Alternative Courses of Action

1. Approve
2. Approve with amendments
3. Deny

Recommendation for Action

The Arvada team recommends that the City Council approve R23-049, A Resolution Approving a First Amendment to the Subdivider's Agreement concerning Arvada House and Approving a Partial Subordination of that Subdivider's Agreement for the Benefit of the Colorado Housing and Finance Authority ("CHFA").

Suggested Motion:

I move that R23-049, A Resolution Approving a First Amendment to the Subdivider's Agreement concerning Arvada House and Approving a Partial Subordination of that Subdivider's Agreement for the Benefit of the Colorado Housing and Finance Authority ("CHFA"), be (approved) (rejected).

Prepared by:
Kylie Justus, Assistant City Attorney

Reviewed by:

SUBJECT: R23-049, A Resolution Approving a First Amendment to the Subdivider's Agreement concerning Arvada House and Approving a Partial Subordination of that Subdivider's Agreement for the Benefit of the Colorado Housing and Finance Authority ("CHFA")

PAGE: 3
ITEM: 8.A.3.

Approved by:

Carrie Espinosa, Manager of Housing Preservation and Resources	5/12/2023
Ryan Stachelski, Director of Community and Economic Development	5/15/2023
Gail Walker, Legal Specialist-Contracts	5/15/2023
Rachel Morris, City Attorney	5/22/2023
Linda Haley, Deputy City Manager	5/22/2023
Lorie Gillis, City Manager	5/24/2023

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R 23-049

A RESOLUTION APPROVING A FIRST AMENDMENT TO THE SUBDIVIDER'S AGREEMENT CONCERNING ARVADA HOUSE AND APPROVING A PARTIAL SUBORDINATION OF THAT SUBDIVIDER'S AGREEMENT FOR THE BENEFIT OF THE COLORADO HOUSING AND FINANCE AUTHORITY ("CHFA")

WHEREAS, Arvada and the original developer entered into a *Subdivider's Agreement* concerning the Arvada House, an 88 unit senior housing affordable development, located at 10175 W 58th Pl, Arvada, CO 80004 on May 18, 1976, recorded in Jefferson County, Colorado on October 19, 1976, and reception number 824748, book 2916, p. 359-361 ("Subdivider's Agreement"); and

WHEREAS, the Successor-Owner, Arvada Senior Housing, LP ("Arvada Senior Housing"), purchased the real property and improvements, on April 13, 2023, following a series of successive transactions from the original developers, Don O'Riley and Dick McCoy, with the intention of renovating Arvada House and ensuring that it remains an affordable property in Arvada for at least the next fifteen years; and

WHEREAS, the United States Department of Housing and Urban Development discourages denying tenants with disabilities federally funded and available housing; and

WHEREAS, the proposed amendment allows Arvada Senior Housing to offer affordable housing at Arvada House to both seniors and people with disabilities; and

WHEREAS, Arvada Senior Housing's financial feasibility of the rehabilitation of Arvada House at affordable rates relies in part on a loan from CHFA which requires subordination of the occupancy covenants described above; and

WHEREAS, the amendment and the subordination agreements further Arvada's interest in maintaining affordable housing in the community.

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, the First Agreement and Partial Subordination Agreement, which are 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 5th day of June, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

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

BY: _____

**FIRST AMENDMENT TO THE SUBDIVIDER'S AGREEMENT
CONCERNING ARVADA HOUSE**

1.0 PARTIES. The parties to this First Amendment the City of Arvada, a Colorado home rule municipal corporation, 8101 Ralston Road, Arvada, CO 80002 ("Arvada"), and successor of Developer, the current owner, Arvada Senior Housing, LP, a Colorado Limited Partnership, having an address at 30 Hudson Yards, 72nd Floor, New York, NY 10001. ("Owner" or "Successor-Owner"), referred to individually as a "Party" and collectively referred to as "Parties." The Parties agree as follows.

2.0 PURPOSE AND RECITALS.

2.1 Arvada and Developer entered into a *Subdivider's Agreement* on May 18, 1976, recorded in Jefferson County, Colorado on October 19, 1976, and reception number 824748, book 2916, p. 359-361 ("Subdivider's Agreement").

2.2 The Successor-Owner purchased the real property and improvements, on April 13, 2023, following a series of successive transactions from Developer, Don O'Riley and Dick McCoy.

2.3 Section 6 of the Subdivider's Agreement created a restrictive covenant on the Arvada House property that limits its occupants to "elderly persons (62 years or older)".

2.4 The Parties now wish to amend the Subdivider's Agreement to allow both elderly and disabled persons, as those terms are defined by the United States Department of Housing and Urban Development.

3.0 TERMS AND CONDITIONS

3.1 The Parties hereby amend **Section 6.0**, of the Subdivider's Agreement to state as follows:

"6. The Developer agrees that the building in this development shall be occupied exclusively by *seniors* and *persons with disabilities* (as those terms are defined by the United States Department of Housing and Urban Development), excluding management personnel, unless this condition is terminated by mutual written agreement between the Developer and City Council."

4.0 DOCUMENTS OTHERWISE UNCHANGED. Except as specifically provided in this First Amendment, the Subdivider's Agreement remains unchanged and in full force and effect in accordance with its terms.

5.0 SEVERABILITY. If any other provision of this First Amendment is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this First Amendment shall continue in full force and effect.

6.0 BINDING AUTHORITY. The Parties represent and affirm that the signature page hereof accurately states their full legal name, contains all requisite signature(s) on behalf of the Parties, and in all other respects are effective to bind the Parties, in accordance with all applicable statutes, regulations, resolutions, rules, bylaws, agreements, or similar sources of authority or limitation. This First Amendment may be executed in counterpart(s), each of which shall be deemed to be an original, and all of which, taken together, shall constitute one instrument.

DATED this ____ day of _____, 2023

.

CITY OF ARVADA, a Colorado home rule
municipal corporation

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____

ARVADA SENIOR HOUSING, LP, a Colorado
limited partnership

By: Arvada Senior Housing GP, LLC, a New York
limited liability company, its General Partner

By: _____
Name: Matthew Finkle
Title: Vice President

ATTEST:

Name, Title

After Recording Return To:
Ann Metzger, Loan Closer
Colorado Housing and Finance Authority
1981 Blake Street
Denver, Colorado 80202-1272

PARTIAL SUBORDINATION OF SUBDIVIDER'S AGREEMENT

This PARTIAL SUBORDINATION OF SUBDIVIDER'S AGREEMENT (this "**Subordination Agreement**") dated as of April 13, 2023, is by and among the CITY OF ARVADA, a Colorado municipal corporation (the "**City**"), and ARVADA SENIOR HOUSING, LP, a Colorado limited partnership ("**Owner**"), and COLORADO HOUSING AND FINANCE AUTHORITY, a body corporate and political subdivision of the State of Colorado, in its capacity as a lender under Loan Documents described herein (the "**Senior Lender**").

RECITALS:

A. Owner owns that certain real property and improvements located in Jefferson County, Colorado, legally described on **Exhibit A** attached to this Subordination Agreement and incorporated herein (the "**Property**") and intends to rehabilitate the 88-unit building complex thereon for a senior housing project known as Arvada House (the "**Project**").

B. The Property is subject to that certain Subdivider's Agreement between Owner, as successor in interest to Don O'Riley, and the City, dated May 18, 1976, and recorded on October 19, 1976, at Reception No. 824749 in the real property records of Jefferson County, Colorado (the "**Records**"), as amended by that First Amendment to the Subdivider's Agreement Concerning Arvada House, dated _____, 2023, and recorded on _____, 2023, at Reception No. _____ in the Records (collectively, the "**Subdivider's Agreement**"). The Subdivider's Agreement contains an occupancy covenant, as set forth in Section 6 of the Subdivider's Agreement (the "**Occupancy Covenant**").

C. Owner has received a permanent loan from Senior Lender for the financing of the Project, in the original amount of \$15,400,000 (the "**Senior Loan**"), evidenced by a promissory note (the "**Senior Note**") and secured by a Deed of Trust, Security Agreement, Financing Statement, Fixture Filing, and Assignment of Rents and Leases, executed by Owner, encumbering the Owner's interest in the Project and recorded in the Records on April 13, 2023 at Reception No. 2023021154 (the "**Senior Deed of Trust**"). All documents related to the Senior Loan and executed by Owner, including that certain Regulatory Agreement of even date herewith between the Senior Lender and Owner (the "**Regulatory Agreement**") are referred to herein as the "**Senior Loan Documents**."

D. It is a condition precedent to obtaining the Senior Loan, that the Senior Deed of Trust and Regulatory Agreement shall unconditionally be and remain at all times a lien or charge upon the Property prior and superior to the lien or charge of any other lien or encumbrance.

E. The parties desire to partially subordinate the Occupancy Covenant of the Subdivider's Agreement and the City's rights thereunder to the Senior Loan Documents, on the terms and conditions of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in order to induce the Senior Lender to make the Senior Loan to Owner, it is hereby declared, understood and agreed as follows:

1. **Subordination.** The City hereby represents to Senior Lender that it is party to the Subdivider's Agreement and does hereby agree that the Occupancy Covenant, as amended, and all of the City's rights in connection therewith, shall be in all respects subordinate, secondary, inferior and junior to the liens, terms, covenants, conditions, operations, and effects of the Senior Deed of Trust, Senior Regulatory Agreement, and all extensions, renewals or modifications thereof, all as executed and delivered by Borrower to the Senior Lender as security for the Senior Note.

2. **Owner Representation.** Nothing herein limits the City's ability to enforce the remaining terms of the Subdivider's Agreement (other than the Occupancy Covenant set forth in Section 6 of the Subdivider's Agreement). Owner represents and warrants that, except for the Occupancy Covenant, to the best of Owner's knowledge the Subdivider's Agreement imposes no terms or requirements that conflict with the Senior Deed of Trust, or the other Senior Loan Documents.

3. **Termination.** This Subordination Agreement shall remain effective until payment in full of the principal, interest and all other indebtedness evidenced by the Senior Loan Documents and the release of the Senior Deed of Trust or until otherwise terminated in writing by Senior Lender.

4. **Indemnification.** Owner hereby agrees to indemnify and hold the City harmless from all loss, cost, damage and expense arising from any claim or proceeding instituted against City relating to the Subordination Agreement, other than any loss, cost, damage or expense arising out of the gross negligence or willful misconduct of the City.

5. **Attorney-in-Fact.** The parties hereby appoint the Senior Lender, or any person or entity acting upon the directions of the Senior Lender, as its attorney-in-fact for the sole and limited purpose of inserting information in this Subordination Agreement regarding the date and recording of the Senior Deed of Trust.

6. **Severability.** If any provision of this Subordination Agreement shall be invalid or unenforceable to any extent, the remainder of this Subordination Agreement shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

7. **Inurement; No Third-Party Beneficiaries.** This Subordination Agreement shall be binding upon the parties hereto and their respective successors and assigns. This Subordination Agreement is solely for the benefit of the City and Senior Lender and not for the benefit of Owner or any other party.

8. **Governing Law.** This Subordination Agreement is made and executed under, and in all respects will be governed and construed by, the laws of the State of Colorado.

9. **Remedies.** Each party to this Subordination Agreement acknowledges that if any party fails to comply with its obligations under this Subordination Agreement, the other parties will have all rights available at law and in equity, including the right to obtain specific performance of the obligations of such defaulting party and injunctive relief.

10. **Counterparts.** This Subordination Agreement may be executed in several counterparts and all counterparts so executed shall constitute one agreement binding on all parties hereto, notwithstanding that all parties have not signed the original and same counterpart.

- SIGNATURE PAGES TO FOLLOW -

IN WITNESS WHEREOF, the parties hereto have caused this Subordination Agreement to be executed on the date first written above.

CITY:

CITY OF ARVADA,
a Colorado municipal corporation

By: _____
Name: Marc Williams
Title: Mayor

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Marc Williams as Mayor of the City of Arvada, a Colorado municipal corporation.

Witness my hand and official seal.

(S E A L)

Notary Public

My commission expires: _____

OWNER:

ARVADA SENIOR HOUSING, LP,
a Colorado limited partnership

By: Arvada Senior Housing GP, LLC,
a New York limited liability company,
Its Sole General Partner

By: _____
Matthew Finkle, Vice President

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Matthew Finkle, as Vice President of Arvada Senior Housing GP, LLC, a New York limited liability company, as Sole General Partner of Arvada Senior Housing, LP, a Colorado limited partnership.

Witness my hand and official seal.

My Commission expires: _____

[SEAL]

Notary Public

SENIOR LENDER:

COLORADO HOUSING AND FINANCE
AUTHORITY, a body corporate and political
subdivision of the State of Colorado

By: _____
Steve Johnson, Director, Community Development

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Steve Johnson, Director, Community Development of Colorado Housing and Finance Authority, a body corporate and political subdivision of the State of Colorado.

Witness my hand and official seal.

(S E A L)

Notary Public

My commission expires: _____

EXHIBIT A

LEGAL DESCRIPTION

The South 1/2 of Lot 10,
RALSTON VALLEY GARDENS NO. 3, the plat of which is recorded in Plat Book 20 at Page
31,
EXCEPT that portion contained in Rule and Order recorded July 13, 1989 at Reception No.
89059788,
County of Jefferson,
State of Colorado.



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.A.4.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: R23-050, A Resolution Authorizing a Lease Agreement and Repair and Maintenance Agreement By and Between the City of Arvada and Miki Romero for the Property Located at 12605 West 72nd Avenue, Arvada, Colorado Also Known as Moore Farm

Report in Brief

PRESENTER: Laura Hemler.

Arvada owns residential and agricultural property at 12605 West 72nd Avenue known as Moore Farm. Arvada has historically leased the residential portion of the Moore Farm property to a current employee. The last tenant of the residential property vacated the property several months ago. The purpose of this resolution is to approve a lease of the residential property to a new tenant, Miki Romero, who is a current City employee.

The Arvada team recommends that the City Council approve R23-050, A Resolution Authorizing a Lease Agreement and Repair and Maintenance Agreement By and Between the City of Arvada and Miki Romero for the Property Located at 12605 West 72nd Avenue, Arvada, Colorado Also Known as Moore Farm.

Financial Impact

Net payments to the City will be \$5,700 from July to December 2023.

Background

Arvada owns several properties throughout the City that are leased to current Arvada employees, including Moore Farm located at 12605 West 72nd Avenue. The Moore Farm property is a unique property in that it consists of a residential parcel of land surrounded by agricultural land. Arvada has historically leased the residential portion of Moore Farm to a current City employee. The last tenant of the residential portion vacated the property some time ago and has been vacant for several months. The agricultural property surrounding the residential parcel is actively used by a third party for grazing and agricultural purposes.

Arvada wishes to continue leasing the residential parcel of the Moore Farm property to a current City employee. In accordance with City Policy No. 4100.12 - Residential Employee Leasing Policy for City-Owned Property, City staff recently completed the process of seeking current employee applicants to rent the residential parcel of Moore Farms. Applicants were required to be a full-time, good-standing employee and were required to submit a letter of recommendation from their manager or director stating why the employee would be an appropriate tenant for the property in addition to a personal letter of qualification. The application materials were then reviewed by a Selection Committee made up of City staff. The Selection Committee evaluated whether a particular applicant was an appropriate tenant for a specific property based on: (1) the applicant's letter of recommendation and personal letter of qualifications, (2) the applicant's eligibility and employment status, and (3) the applicant's plan for performing or ensuring the performance of the caretaking duties and responsibilities of the property. Following this application process, the Selection Committee selected Miki Romero to be the next tenant of the residential portion of Moore Farms. Ms. Romero is currently a building maintenance worker in the Public Works Department. The Selection Committee found Ms. Romero satisfied all other requirements of City Policy No. 4100.12.

Discussion

Arvada wishes to lease the residential portion of Moore Farm to Miki Romero for a one-year initial period. Upon expiration of the initial one-year period, the lease will automatically renew for four additional one-year periods for a total lease term of five years. Either party may terminate the lease with 90 days' notice to the other party. The lease also terminates if Ms. Romero is no longer an Arvada employee or is no longer considered by Arvada to be in good standing.

The Moore Farm property is uniquely situated in that it features a residential parcel surrounded by agricultural property. This unique setup means that the property requires specific caretaking duties that would not ordinarily be present in an average residential lease. Such duties include: maintaining and operating propane heating for the property, maintaining the sprinkler system, performing general interior maintenance within the residential structure, and maintaining the grounds and driveway to the residence. Upon approval of this lease, Ms. Romero agrees to perform these caretaking duties in exchange for a reduced rental rate. As the caretaking duties are more extensive than those contained in the average lease, the duties were memorialized in a separate Repair and Maintenance agreement.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

This action aligns with the City Council 2020-2025 Infrastructure Priority Area and the guiding principle that states:

Invests in and maintains safe, resilient, accessible and environmentally efficient City facilities.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve R23-050, A Resolution Authorizing a Lease Agreement and Repair and Maintenance Agreement By and Between the City of Arvada and Miki Romero for the Property Located at 12605 West 72nd Avenue, Arvada, Colorado Also Known as Moore Farm.

Suggested Motion:

I move that R23-050, A Resolution Authorizing a Lease Agreement and Repair and Maintenance Agreement By and Between the City of Arvada and Miki Romero for the Property Located at 12605 West 72nd Avenue, Arvada, Colorado Also Known as Moore Farm, be (approved) (rejected).

Prepared by:
Laura Hemler, Assistant City Attorney

Reviewed by:

Approved by:

Kim Vagher, Manager of City Facilities

5/16/2023

SUBJECT: R23-050, A Resolution Authorizing a Lease Agreement and Repair and Maintenance Agreement By and Between the City of Arvada and Miki Romero for the Property Located at 12605 West 72nd Avenue, Arvada, Colorado Also Known as Moore Farm

PAGE: 3
ITEM: 8.A.4.

Tammy Hedlund, Legal Specialist	5/17/2023
Laura Hemler, Assistant City Attorney	5/18/2023
Jacqueline Rhoades, Public Works Director	5/19/2023
Bryan Archer, Director of Finance	5/19/2023
Rachel Morris, City Attorney	5/22/2023
Don Wick, Deputy City Manager	5/22/2023
Lorie Gillis, City Manager	5/24/2023

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R23-050

A RESOLUTION AUTHORIZING A LEASE AGREEMENT AND REPAIR AND
MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF ARVADA AND MIKI
ROMERO FOR THE PROPERTY LOCATED AT 12605 WEST 72ND AVENUE, ARVADA,
COLORADO ALSO KNOWN AS MOORE FARM

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, a lease agreement and related repair and maintenance 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 5th day of June, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

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

By: _____

LEASE AGREEMENT BY AND BETWEEN THE CITY OF ARVADA AND MIKI ROMERO FOR THE PROPERTY LOCATED AT 12605 WEST 72ND AVENUE, ARVADA, COLORADO 80005 ALSO KNOWN AS MOORE FARM

1. **PARTIES.** The parties to this Lease Agreement (“Lease” or “Agreement”) are the City of Arvada, a Colorado home rule municipal corporation, 8101 Ralston Road, Arvada, Colorado 80002 (“Arvada” or “Lessor”), and Miki Romero (“Lessee”) and collectively referred to as “the Parties.” This Agreement shall be effective upon its mutual approval and execution by the Parties.
2. **RECITALS AND PURPOSE.**
 - 2.1 Arvada owns the Moore Farm property located at 12605 West 72nd Avenue, Arvada, Colorado 80005 (the “Property” and shown in **Exhibit E**). The Property is comprised of four farm parcels (collectively the “Farm Parcel” and shown in **Exhibit D**) and a single residential parcel containing a single-family, residential structure with attached garage (the “House”), a dog kennel, circular asphalt driveway, backyard area, and propane tank (collectively the “Home Parcel” and shown in **Exhibit C**). Both the Farm Parcel and Home Parcel are accessed by a single driveway connecting Ward Road to the circular asphalt driveway as described in the Contract Documents.
 - 2.2 The Farm Parcel contains several agricultural structures, including barns, sheds, a silo, chicken coop, pump station, scale, converted boxcar shed, fencing, and pond. Lease of the Farm Parcel is not contemplated by this Lease and is leased separately to a third party for agricultural, grazing, and ranching purposes. Lessee acknowledges that they have no right to, and are prohibited from, accessing the Farm Parcel except to the extent access is needed to maintain or repair the propane tank, travel through the circular driveway to access the main driveway, access the chicken coop, or access the main driveway to enter and exit the Home Parcel. The access easements are shown in **Exhibits A and B**.
 - 2.3 Arvada wishes to lease the Home Parcel portion of the Property depicted in **Exhibit C** to Lessee.
 - 2.4 Lessee is in compliance with Arvada Policy No. 4100.12 – Residential Employee Leasing Policy for City-Owned Property (attached as **Exhibit F**) and is eligible to lease the Property.
 - 2.5 The Parties desire to enter into this Lease to define all rights, duties, and liabilities of the Parties during the term described herein. The Parties further desire to enter into a separate agreement entitled “Repair and Maintenance Agreement By and Between the City of Arvada and Miki Romero For the Property Located at 12605 West 72nd Avenue, Arvada, Colorado 80005 also known as Moore Farm” (hereinafter the “Repair and Maintenance Agreement”) to define all rights, duties,

and liabilities of the Parties relating to repairs and maintenance of the Home Parcel.

3. CONTRACT DOCUMENTS AND EXHIBITS. The Contract Documents shall consist of this Lease together with the following:

- Exhibit A:** Access Easement to the Property with Map and Legal Description;
- Exhibit B:** Access Easement to the Home Parcel with Map and Legal Description;
- Exhibit C:** Home Parcel with Map and Legal Description;
- Exhibit D:** Farm Parcel with Map and Legal Description;
- Exhibit E:** Historical Improvement Survey Plat depiction of the Property;
- Exhibit F:** Arvada Policy No. 4011.12 – Residential Employee Leasing Policy for City-Owned Property.

All exhibits referred to in this Agreement are attached hereto and are, by reference, incorporated herein for all purposes.

4. RENT. Lessee agrees to pay rent in the amount of \$900.00 to Arvada on the 1st day of each month. If Arvada does not receive rent by the 5th day of the month, rent is considered late. If rent is late, a \$25.00 dollar fee per day shall be assessed in addition to the rent owed.

4.1 Security Deposit. Upon execution of this Lease, Lessee shall deposit with Lessor \$900.00 in addition to the first month's rent under this Section 4 as a security deposit. This security deposit is acknowledged by Arvada as security for the faithful performance by Lessee of the terms of this Lease. After the termination of this Lease, this security deposit will be refunded, without interest, in compliance with the provisions of C.R.S. §38-12-103, as may be amended from time to time.

5. TERM.

5.1 Arvada leases to Lessee the Home Parcel beginning June 5, 2023 and ending on June 5, 2024. This Lease will be automatically renewed for four additional one-year periods unless either Party provides notice of their intent to terminate in accordance with the terms and conditions contained in this Lease.

- 5.2 Upon the expiration of this Lease as stated in Section 5.1, the Lease term may be extended by written Amendment between Arvada and Lessee subject to Arvada Policy No. 4100.12 or any other policy or terms in effect at the time the extension is considered. However, no such extension is guaranteed and Arvada, in its discretion, may require the Lessee to undergo the application process in Arvada Policy No. 4100.12 or satisfy any other necessary requirements before agreeing to such extension.
- 5.3 Holdover. Should Lessee remain in possession of the Property with the consent of Arvada after the natural expiration of this Lease, a new tenancy from month-to-month shall be created between Arvada and Lessee which shall be subject to all the terms and conditions of this Lease, provided however, such tenancy shall be terminable by either party upon 30 calendar days written notice served by either Arvada or Lessee. **It is expressly understood and agreed that the rent for any holdover under this paragraph shall be at the rate set by Section 4.**

6. ARVADA'S RESPONSIBILITIES.

- 6.1 Arvada agrees to provide the Property as is. Lessee stipulates they have examined the Home Parcel, including the grounds, buildings, and improvements, and that they are, at the time of this Lease, in good order and repair, and in a safe, clean and tenantable condition.
- 6.2 Arvada shall provide and perform all repair and maintenance duties as stated in the Repair and Maintenance Agreement.
- 6.3 Provided Lessee is in compliance with the terms of this Lease, Arvada covenants and agrees that Lessee shall and may, at all times, peaceably and quietly have, hold, and enjoy the Home Parcel during the term of the Lease subject to any applicable law, ordinance, rule, or regulation.
- 6.4 Arvada shall provide Lessee with information regarding the Farm Parcel. Such information may include, but is not limited to, the contact information of the lessee for the Farm Parcel and the approved purposes for which such lessee may use the Farm Parcel.
- 6.5 If the premises of the Home Parcel, or any part thereof, shall be partially damaged by fire or other casualty not due to Lessee's negligence or willful act or that of their employee, family, agent, contractor, or visitor, the Home Parcel shall be promptly repaired by Arvada and there shall be an abatement of rent corresponding with the time during which, and the extent to which, the Home Parcel may have been untenable; but, if the Home Parcel should be damaged other than by Lessee's negligence or willful act or that of his employee, family, agent, contractor, or visitor, to the extent that Arvada shall decide not to rebuild or repair, the term of this Lease shall end and the rent shall be prorated up to the time of the damage.

- 6.5.1 Arvada shall not be responsible for any loss, damage, or injury sustained by Lessee, their family members, or their invitees as a result of any fire, theft, flood, animal bite, earthquake, or any other like cause.

7. **LESSEE'S RESPONSIBILITIES.** Lessee, in consideration of the leasing of said Home Parcel, hereby covenants and agrees to the following:

- 7.1 Acceptable Condition. Lessee stipulates that they have examined the Home Parcel, including the premises, the House, the grounds, and any other improvements, and that they are, at the time of this Lease, in good order and repair, and in a safe, clean, and tenable condition.
- 7.2 Manner of occupancy. Lessee shall at all times occupy, manage, and maintain the Home Parcel in a manner consistent with Arvada's image, values, and purposes as a public agency entrusted with the well-being and safety of the public. In accordance with this Section, Lessee shall:
- 7.2.1 Manage and operate the Home Parcel according to Arvada's standards and guidance;
- 7.2.2 Not modify, move, or remove any structures, fences, or site elements on the Home Parcel without prior written approval by Arvada;
- 7.2.3 Not sublease any portion of the Home Parcel, including but not limited to, the residential structure, for occupancy or any other purposes;
- 7.2.4 Obtain the written consent of Arvada prior to posting any signage on the Property;
- 7.2.5 Be responsible for and ensure the good conduct of all guests, visitors, contractors, or other invitees of Lessee. Upon reasonable request of Arvada, Lessee shall promptly identify all persons residing upon the Home Parcel;
- 7.2.6 Not keep, allow or have on the Home Parcel any article or thing of a dangerous, inflammable, or explosive character that might unreasonably increase the danger of fire on the Property or that might be considered hazardous or extra hazardous by any responsible insurance company. Lessee shall not use the Home Parcel for hunting, nor permit hunting be allowed on the Home Parcel. Lessee shall report any hunting activities observed on the Property. Lessee shall not discharge firearms anywhere on the Home Parcel;
- 7.2.7 Shall only access the Home Parcel via the access easements shown in **Exhibits A and B**;
- 7.2.8 Keep watch and be observant of the Home Parcel and surrounding areas, including the Farm Parcel. Lessee shall report any unusual or emergency circumstances to Arvada by either reporting to the lease managers listed in

Section 11 or by reporting to Arvada's emergency services (e.g. 911), as appropriate to the circumstances; and

- 7.2.9 Maintain a friendly and equitable relationship with the tenant of the Farm Parcel in accordance with Section 7.11.
- 7.3 Payment of rent required. Lessee must pay the Rent described in Section 4 on time every month.
- 7.4 Utilities. Lessee shall timely pay all utility charges for heat, electric, water, propane/gas, sewer, waste pick-up services (unless otherwise provided by Arvada), and any other assessments levied against the Home Parcel.
- 7.5 Residential use only. Lessee shall use the Home Parcel and House solely as a private single-family residence and for no other purpose.
 - 7.5.1 Lessee agrees that the Home Parcel shall be occupied by no more than five persons, consisting of two adults and three children aged eighteen or under unless otherwise permitted by Arvada in writing.
 - 7.5.2 Lessee shall promptly identify all persons residing upon the Home Parcel.
- 7.6 Repair and Maintenance. Lessee shall provide and perform all repair and maintenance duties as stated in the Repair and Maintenance Agreement.
 - 7.6.1 Lessee shall promptly notify Arvada in writing of any condition necessitating repair or attention in accordance with the Repair and Maintenance Agreement.
- 7.7 Alterations and Improvements. Lessee agrees that all alterations, changes, and improvements built, constructed, or placed on the Home Parcel by Lessee, with the exception of fixtures removable without damage to the Home Parcel and movable personal property, must first be approved by Arvada in writing, and shall be the property of Arvada and remain on the Home Parcel at the expiration or sooner termination of this Lease.
 - 7.7.1 Lessee shall obtain Arvada's written approval prior to painting any interior portions of the residential structure on the Home Parcel.
- 7.8 Personal Property. Lessee acknowledges that all personal property of any kind kept in or on the Home Parcel is at the sole risk of the Lessee, and Arvada is not liable for any damage or loss of such personal property. Lessee is responsible for securing their own insurance to ensure against loss or damage to their persons, persons of their family or invitees, and loss or damage to their property.
- 7.9 Caretaking and use. Lessee will use and care for the Home Parcel in a reasonably clean and safe manner by:
 - 7.9.1 Complying with all applicable laws, codes, or other regulations;
 - 7.9.2 Keeping the Home Parcel reasonably clean, safe, and sanitary as permitted by the conditions of the Home Parcel;

- 7.9.3 Disposing of ashes, garbage, rubbish, and other waste in a clean, safe, sanitary, and legally compliant manner;
 - 7.9.4 Using in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances on the Home Parcel;
 - 7.9.5 Conducting themselves and requiring other persons on the premises of the Home Parcel within the Lessee's control to conduct themselves in a manner that does not disturb their neighbors' peaceful enjoyment of the neighbors' property; and
 - 7.9.6 Promptly notifying Lessor if the residential premises of the Home Parcel become uninhabitable as defined in C.R.S. §38-12-505 as may be amended from time to time or if there is a condition that could result in the residential premises of the Home Parcel becoming uninhabitable if not remediated.
- 7.10 Animals and pets. With the exception of chickens, Lessee is permitted to have one domestic animal (a dog or a cat), but no other domestic animals or other animals on about the Home Parcel without the prior written consent of Arvada. Lessee may keep a lawful number of chickens in the chicken coop adjacent to the Home and located on the Farm Parcel upon agreement and coordination with the tenant of the Farm Parcel or any other person or organization using the chicken coop with Arvada's or the Farm Parcel's tenant's permission.
- 7.11 Responsibilities related to the Farm Parcel.
- 7.11.1 Lessee, nor anyone associated with the Lessee, shall not enter, access, use, or disturb the Farm Parcel or any of the structures or improvements located on or within the Farm Parcel for any purpose other than expressly permitted herein. For clarity, Lessee or their associates shall not access any of the structures past the backyard of the Home, nor may Lessee or their associates access any barn, shed, silo, or any other structure on the Farm Parcel. Lessee or their associates shall also not access or disturb any equipment on the Farm Parcel, regardless of whether it is being actively used by the Farm Parcel tenant.
 - 7.11.1.1 Notwithstanding the above, Lessee or their associates may access the Farm Parcel to repair or maintain the propane tank, use the circular drive to access the main driveway, access the dog kennel, access the chicken coop upon coordination with the Farm Parcel tenant, and may use the main driveway to access the Home Parcel.
 - 7.11.2 Lessee acknowledges the Home Parcel is situated in such a manner that it is surrounded by the Farm Parcel, which is used for agricultural, grazing, and ranching purposes. Lessee is aware that certain smells, noises, and sights are inherent in such purposes and Lessee agrees that such smells, noises, and sights do not disturb Lessee's quiet enjoyment of the Home Parcel.

- 7.11.3 Lessee shall maintain equitable relationship with the Farm Parcel tenant and their invitees. Lessee shall not prohibit or interfere with any of the Farm Parcel tenant's or their invitee's duties or activities on the Farm Parcel. Lessee shall not block or otherwise interfere with the main driveway or circular driveway in such a manner that the Farm Parcel tenant and their invitees cannot easily access the Farm Parcel.
- 7.11.4 Lessee shall not approach, feed, or otherwise interact with any animals kept on the Farm Parcel.
- 7.11.5 Lessee shall immediately notify Arvada and the owner of the Farm Parcel if any animal being kept on the Farm Parcel appears sick or deceased or if an animal is no longer contained within the Property.
- 7.12 Any breach of the responsibilities stated in this Section 7 shall be deemed a material breach of this Lease. Breach of a material term or terms by Lessee shall subject Lessee to immediate termination of this Lease, and eviction upon three calendar days' notice from Arvada.

8. CONDITION OF EMPLOYMENT. Lessee acknowledges that a material consideration of Arvada in renting the Home Parcel to Lessee is that Lessee shall at all times remain in good standing as an employee of Arvada. In the event Lessee shall, for any reason, no longer be an employee of Arvada or no longer be considered by Arvada to be in good standing, Lessee shall promptly, but in any event, no later than three calendar days after separation of employment from Arvada, vacate the Home Parcel unless otherwise directed by Arvada in its sole discretion. Thereafter, this Lease shall be deemed mutually terminated.

9. ARVADA'S ACCESS TO THE PROPERTY.

- 9.1 Arvada shall have the right, at all reasonable times during the term of this Lease and any renewal thereof, to access all parts of the Home Parcel, in such a manner as will minimize disruption to events or activities to the extent reasonably practicable, for the purposes of:
 - 9.1.1 Performing, administering, or enforcing this Lease;
 - 9.1.2 Examining, inspecting, evaluating, planning, making any agreed upon repairs or maintenance, designing, showing, or otherwise administering the building or grounds; or
 - 9.1.3 Performing Arvada's regulatory, law enforcement, and other governmental duties.
- 9.2 Arvada reserves the right to conduct health/safety inspections of the Home Parcel.
- 9.3 At a minimum, Arvada shall enter upon, and inspect, the Home Parcel two times per year. At this time, Arvada shall also meet with Lessee to discuss Lessee's performance of Lessee's obligations under this Lease. Arvada shall work with

Lessee to determine a mutually agreeable time for which these routine inspections shall occur.

10. TERMINATION AND EXPIRATION.

- 10.1 Either party may terminate this Lease, at any time, for convenience upon 90 calendar days written notice to the other party.
- 10.2 In the event the Property is rendered untenable by fire or other casualty, Arvada shall have the right to terminate this Lease on the date of such occurrence.
- 10.3 If the Lessee is in default in any of the covenants or agreements herein to be performed by such Lessee, which default remains uncorrected for a period of 14 calendar days after Arvada has provided the Lessee with written notice thereof, Arvada shall have the option, without liability for trespass or for damages, to enter onto the Property and declare the term of the Lease terminated, repossess the Property, and expel the Lessee, all without prejudice to any other remedies available to Arvada for breach of covenant. Arvada may also sue monthly to recover all rent, damages, litigation costs, and attorney's fees.
- 10.4 At the expiration or termination of this Lease, Lessee will promptly surrender and deliver up the Home Parcel in good order and condition to Arvada.

11. LEASE MANAGER. Arvada designates Kim Vagher (kvagher@arvada.org) and Patty Carrico (pcarrico@arvada.org), as the managers for this lease. The address for Mr. Vagher and Ms. Carrico is 8101 Ralston Road, Arvada, CO, 80002.

- 11.1 Emergency contact. In the event of an emergency, Lessee shall first attempt to contact Kim Vagher at 720-390-1428 or Patty Carrico at 720-745-1551. If Lessee is unable to reach Mr. Vagher or Ms. Carrico, Lessee may contact the Facilities after-hours number at 720-786-2155. For the purposes of this section, an emergency is a situation requiring immediate intervention or resolution by Arvada in order to protect the health, safety, and welfare of Lessee, the Home Parcel, the Property, or the public. An emergency includes emergency repairs as defined in the Repair and Maintenance Agreement.
- 11.2 Non-emergency contact. For any issues relating to this Lease that are not an emergency as defined in Section 11.1, Lessee may contact Arvada by emailing facilitiesrequest@arvada.org or calling 720-898-7680.

12. INDEMNIFICATION. To the fullest extent permitted by law, Lessee will defend, indemnify and hold Arvada, its employees, agents and assignees ("Indemnified Parties") harmless from and against all costs, expenses, claims, damages, liabilities, court awards, losses and other amounts (including attorneys' fees and related costs) ("Claims") arising out of or relating (directly or indirectly) to: (i) the conduct or management of the Home Parcel or of any activity thereon, or any work or thing whatsoever done, or any condition

creating in or about the Home Parcel during the term; (ii) any act, omission, breach of any provision of this Lease, or negligence of Lessee or any of Lessee's licensees or the partners, directors, officers, agents, employees, associates, invitees or contractors of Lessee, or of Lessee's sublessees or licensees; and (iii) any accident, injury or damage whatsoever occurring in or at the Home Parcel. Lessee hereby expressly indemnifies Arvada, unless the Claim is caused by the sole negligence of Arvada.

13. **ABANDONMENT.** If at any time during the term of this Lease, Lessee abandons the Home Parcel or any part thereof, Arvada may, at its option, enter the Home Parcel by any means without being liable for any prosecution therefore, and without becoming liable to Lessee for damages or for any payment of any kind whatsoever, and may, at its discretion, relet the Home Parcel, or any part therefor, for the whole or any part of the then unexpired term, and may receive and collect all rent payable by virtue of such reletting, and, at Arvada's option, hold Lessee liable for any difference between the rent that would have been payable under this Lease during the balance of the unexpired term, if this Lease had continued in force, and the net rent for such period realized by Arvada by means of such reletting. If Arvada's right of re-entry is exercised following abandonment of the Home Parcel by Lessee, then Arvada may consider any personal property belonging to Lessee and left on the premises to also have been abandoned, in which case Arvada may dispose of all such property in any manner Arvada shall deem proper and is hereby relieved of all liability of doing so.

14. **INSURANCE.**

- 14.1 **Insurance Required.** Unless higher limits or additional coverages are required by Arvada, Lessee shall secure, purchase and maintain, at its own expense, the following types of insurance coverage and limits of liability throughout the duration of the Lease or any authorized extension:

14.1.1 **Property Insurance.** Lessee shall provide and maintain insurance covering the entire Home Parcel premises (including, without limitation, the residential structure and inventory, trade fixtures, furniture, and other property removable by Lessee under the provisions of this Lease) as if Lessee were the owner of the Home Parcel. Insurance coverage should include coverage for damage resulting from casualties, such as floods, wind, theft, earthquakes or fires. Arvada shall not be responsible for any loss, damage, or injury sustained by Lessee as a result of fire, theft, flood, wind, or earthquake or occasioned by any other cause. Lessee is responsible for securing their own insurance to ensure against loss or damage to their person or property.

- 14.2 **Policy Requirements.** All policies required under this section must:

14.2.1 Be written through a company duly entered and authorized to transact that class of insurance in the State of Colorado. All policies written through

private carriers are to be written with insurance carriers with an A.M. Best rating of "A-VII" or better;

14.2.2 Be primary to any insurance of, or available to, Arvada;

14.2.3 Provide a waiver of subrogation in favor of Arvada; and

14.2.4 Be endorsed to provide Arvada with a 30 day Notice of Cancellation for reasons other than nonpayment of premium, and a 10 day Notice of Cancellation for the reason of nonpayment of premium. Such endorsements shall be attached to the Certificate of Insurance. If any insurer does not make available such endorsement(s), as an alternative, Lessee or Lessee's insurance agent or broker shall provide a written statement that the responsible party will endeavor to provide the required Notices of Cancellation. Acceptance of such alternative notice is subject to the sole discretion of the Arvada.

14.3 Approval, disapproval, or failure to act by Arvada or Arvada's agents regarding any insurance required of the Lessee shall not relieve Lessee of full responsibility for its obligations under this Lease, and the bankruptcy, insolvency or denial of coverage by the insurance company shall not exonerate the Lessee from liability. In the event any Insurer issues a reservation of rights for Arvada as an Additional Insured, Arvada shall be entitled to employ independent counsel at Lessee's expense.

14.4 Vendors, Subcontractors, or Other Parties Hired by Lessee. All parties hired by Lessee shall provide evidence of, and maintain General Liability coverage, Automobile Liability coverage, Workers' Compensation and Employer's Liability coverage, and other coverages as deemed necessary by Arvada. Coverage shall include, in favor of Lessee and Arvada, but shall not be limited to include, Additional Insured Status, Primary and Non-Contributory coverage, and Waiver of Subrogation. All parties hired by Lessee shall include an indemnification obligation as evidenced in Section 12 of this Agreement, including Lessee, Arvada, and other indemnified parties as indemnitees.

15. COMPLIANCE WITH ALL LAWS. Lessee shall comply with all applicable federal, Colorado, and Arvada laws, codes, rules, regulations, policies and procedures in effect or hereinafter established applicable to Lessee under this Lease.

16. ASSIGNMENT & SUBLEASE. This Lease shall not be assigned by Lessee without the prior written consent of Arvada, nor shall Lessee sublease the Home Parcel, or any portion thereof (except as otherwise provided for herein), or otherwise allow the utilization thereof by any other party without the express written consent of Arvada. Any assignment, subletting, concession, or license without the prior written consent of Arvada, or an assignment or subletting by operation of law, shall be void and shall, at Arvada's option, terminate this Lease.

17. **LEGAL NOTICES.** Any notice relating to the legal terms of this Lease 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.
18. **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 Lease.
19. **ADDITIONAL DOCUMENTS OR ACTION.** The parties agree to execute any additional documents or take any additional action that is necessary to carry out this Lease.
20. **INTEGRATION AND AMENDMENT.** This Lease represents the entire agreement between the parties and there are no oral or collateral agreements or understandings. This Lease may be amended only by an instrument in writing signed by the parties. If any other provision of this Lease is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Lease shall continue in full force and effect.
21. **WAIVER OF BREACH.** A waiver by any party to this Lease of the breach of any term or provision of this Lease shall not operate or be construed as a waiver of any subsequent breach by either party.
22. **BINDING EFFECT.** This Lease shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs, and assigns; provided, however, that nothing in this paragraph shall be construed to permit the assignment of this Lease except as otherwise expressly authorized herein.
23. **NO THIRD PARTY BENEFICIARIES.** It is expressly understood and agreed that enforcement of the terms and conditions of this Lease, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties hereto, and nothing contained in this Lease shall give or allow any such claim or right of action by any other third party on such Lease. It is the express intention of the Parties that any person or entity other than the Parties receiving services or benefits under this Lease shall be deemed to be an incidental beneficiary only.
24. **CORA.** Notwithstanding any provision in the response to solicitation or proposed contract, Lease, escrow Lease, or any other type of Lease to the contrary, Arvada is obligated to comply with the Colorado Open Records Act (C.R.S. §§24-72-101 *et seq.*)(“CORA”), which may require Arvada to disclose all or a portion of communications relating to the Lease, or terms of the same, or of any transaction under

the Lease, and other related matters. Lessee has been advised to familiarize itself with CORA. Therefore, any confidentiality provisions in the contract, Lease, escrow Lease, or any other type of Lease are subject to the provisions of CORA.

25. **NO WAIVER OF GOVERNMENTAL IMMUNITY.** Nothing contained in this or any of the exhibits attached thereto shall be construed as a waiver of any of the immunities, limitations, privileges, rights, procedures, or requirements contained in the Colorado Governmental Immunity Act, C.R.S. §§24-10-101 *et seq.*
26. **GOVERNING LAW AND VENUE.** Notwithstanding any provision in the response to a solicitation or proposed contract, lease, escrow Lease, or any other type of Lease to the contrary, the Lease shall be governed by the laws of the State of Colorado. Venue for any action arising under the Lease or for the enforcement of the Lease shall be in the appropriate court for Jefferson County, Colorado.
27. **ATTORNEYS' FEES.** If Arvada bring suit against Lessee for an unlawful detainer of the Home Parcel, for the recovery of any rent due under the provisions of this Lease, or for any obligation of Lessee arising under this Lease or by law, then Lessee hereby agrees to pay Lessor all the costs in connection therewith, including, but not limited to, reasonable attorneys' fees, whether or not the action or actions proceed to judgment.
28. **FORCE MAJEURE.** Any delays in or failure of performance by any party of his or its obligations under the Lease shall be excused if such delays or failure are a result of acts of God, fires, floods, strikes, labor disputes, accidents, pandemics, 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.
29. **BINDING AUTHORITY.** Lessee represents and affirms that the signature page hereof accurately states the full legal name of Lessee (whether as a corporation, partnership, limited liability company, sole proprietorship, or other), contains all requisite signature(s) on behalf of Lessee, has been properly acknowledged and in all other respects is effective to bind Lessee, in accordance with all applicable statutes, regulations, resolutions, rules, bylaws, Leases, or similar sources of authority or limitation.

[Remainder of page intentionally left blank.]

DATED THIS _____ day of _____, 2023.

CITY OF ARVADA

Marc Williams, Mayor
8101 Ralston Road
Arvada, CO 80002

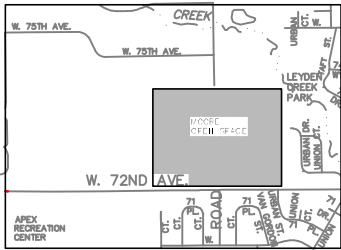
ATTEST:

City Clerk

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

MIKI ROMERO, LESSEE

5260 West 67th Avenue #97J
Arvada, CO 80003
mromero@arvada.org
720-609-0270



Vicinity Map

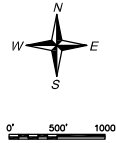
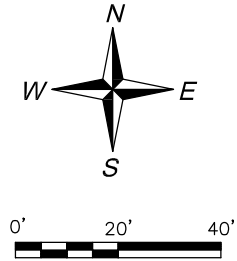


Exhibit "A"

Page 3 of 3

Access Easement



Notes:

- 1) This Access Easement Map does not represent a field survey. It is not a monumented land survey or a land survey plat. It is intended only to depict the Access Easement.
- 2) All Books, Pages, and Reception Numbers refer to Jefferson County Records.
- 3) All distances are ground distances in U.S. Survey Feet.
- 4) This Access Easement was prepared for and on behalf of the City of Arvada.

C $\frac{1}{4}$ Corner, Section 32, Township 2 South, Range 69 West, 6th P.M.
Found $\frac{3}{4}$ " brass cap in range box stamped: PLS 13155, 1998

Proposed Home Lease parcel

Proposed Access Easement within Home Lease Parcel

Access Easement Line Table

Line	Length	Bearing
L1	30.62'	N 11°00'13" E
L2	450.19'	N 01°34'45" W
L3	4.79'	N 88°29'51" E
L5	12.00'	S 88°29'51" W
L7	7.21'	N 88°29'51" E

City of Arvada
12605 W. 72nd Avenue
Rec. No. F1483087

Existing 'Home Parcel' per General Warranty Deed Reception No. F1483087

Point of Beginning

Existing '15 foot wide Access and Utility Easement' per General Warranty Deed Reception No. F1483087

Point of Commencement

S $\frac{1}{4}$ Corner, Section 32, Township 2 South, Range 69 West, 6th P.M.
Found 2" brass cap in range box, LS 4528

W. 72nd Ave

Ward Rd.

EXHIBIT "A"

Page 2 of 3

ACCESS EASEMENT

Legal Description

A twelve (12) foot wide access easement located in the South half of Section 32, Township 2 North, Range 69 West of the Sixth Principal Meridian, City of Arvada, County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the South Quarter corner of said Section 32 as monumented by a found 2" brass cap in range box stamped: LS 4528, 1997; Thence North $11^{\circ}00'13''$ East, a distance of 30.62 feet to the centerline of a 15' Access and Utility Easement described in the records of Jefferson County at Reception No. F1483087; Thence North along said centerline of a 15' Access and Utility Easement as described in the records of Jefferson County at Reception No. F1483087 North $01^{\circ}34'45''$ West, a distance of 450.19 feet to the **Point of Beginning**:

1. Thence North $88^{\circ}29'51''$ East, a distance of 4.79 feet;
2. Thence North $01^{\circ}59'40''$ West, a distance of 120.83 feet;
3. Thence South $88^{\circ}29'51''$ West, a distance of 12.00 feet;
4. Thence South $01^{\circ}59'40''$ East, a distance of 120.83 feet;
5. Thence North $88^{\circ}29'51''$ East, a distance of 7.21 feet to the **Point of Beginning**.

The above described Access Easement contains 1450 square feet (or 0.033 acres), more or less.

BASIS OF BEARINGS

The West line of the Southeast Quarter Section 32, Township 2 South, Range 69 West of the 6th Principal Meridian, North $01^{\circ}08'12''$ West as

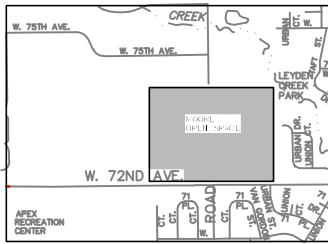
EXHIBIT “A”

Page 3 of 3

ACCESS EASEMENT

monumented at the South Quarter of Section 32 a 2” brass cap in range box stamped: LS 4528, 1997 and as monumented at the Center Quarter of Section 32 a 31/4” aluminum cap flush with ground stamped: PLS 13155, 1998.

City of Arvada
8101 Ralston Road
Arvada, CO 80002



Vicinity Map



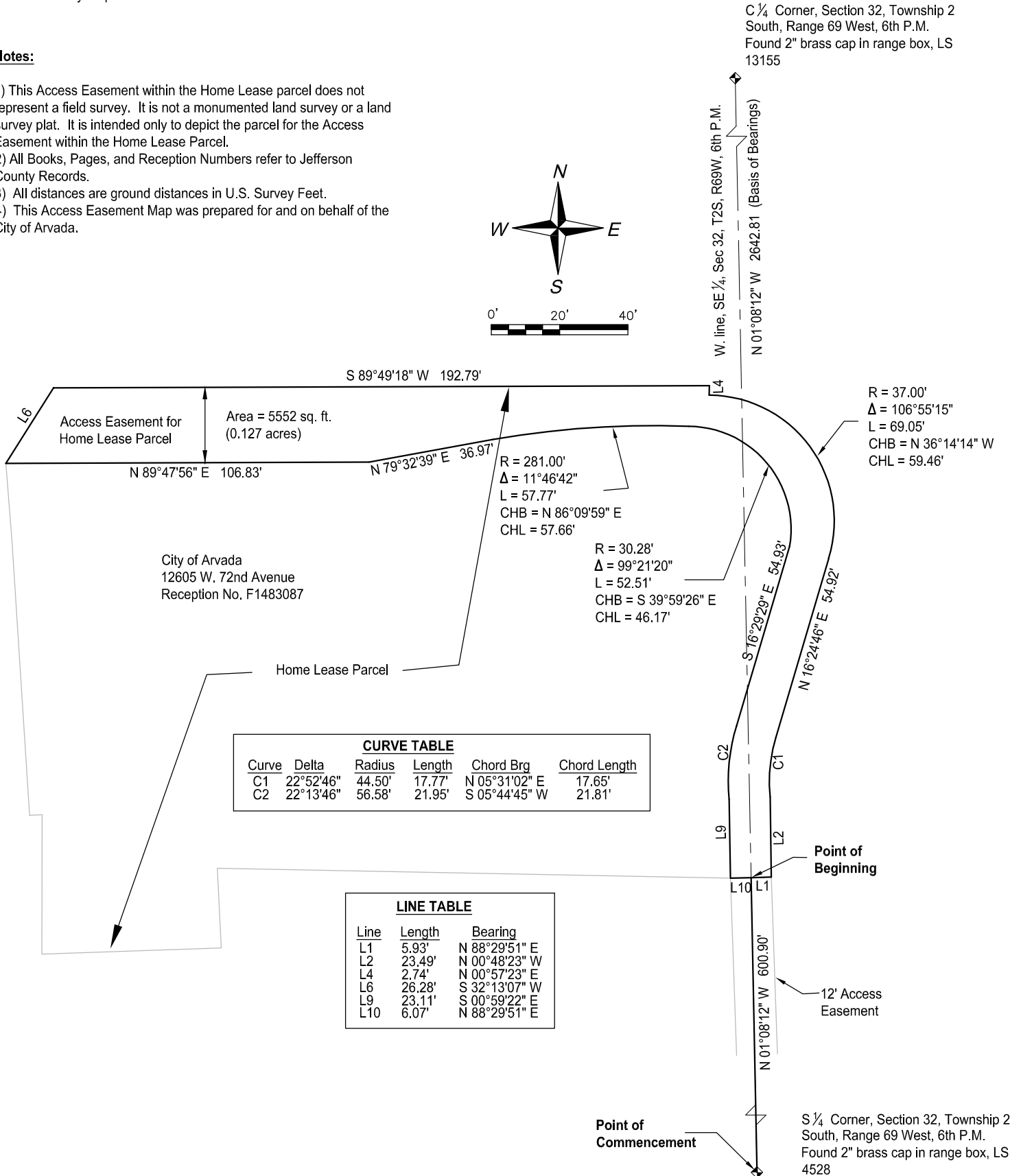
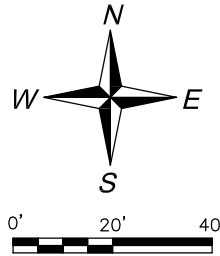
Exhibit "B"

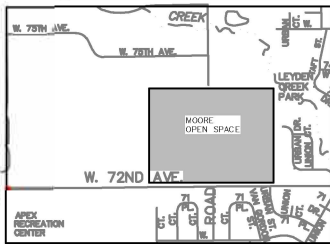
Page 4 of 4

Access Easement for Home Lease Parcel

Notes:

- 1) This Access Easement within the Home Lease parcel does not represent a field survey. It is not a monumented land survey or a land survey plat. It is intended only to depict the parcel for the Access Easement within the Home Lease Parcel.
- 2) All Books, Pages, and Reception Numbers refer to Jefferson County Records.
- 3) All distances are ground distances in U.S. Survey Feet.
- 4) This Access Easement Map was prepared for and on behalf of the City of Arvada.





Vicinity Map

Exhibit "C"

Page 1 of 3

Home Lease Parcel

Notes:

- 1) This Home Lease Map does not represent a field survey. It is not a monumented land survey or a land survey plat. It is intended only to depict the parcel being leased as shown hereon.
- 2) All Books, Pages, and Reception Numbers refer to Jefferson County Records.
- 3) All distances are ground distances in U.S. Survey Feet.
- 4) This Home Lease Map was prepared for and on behalf of the City of Arvada for the sole purpose of leasing a portion of the Moore Open Space property.

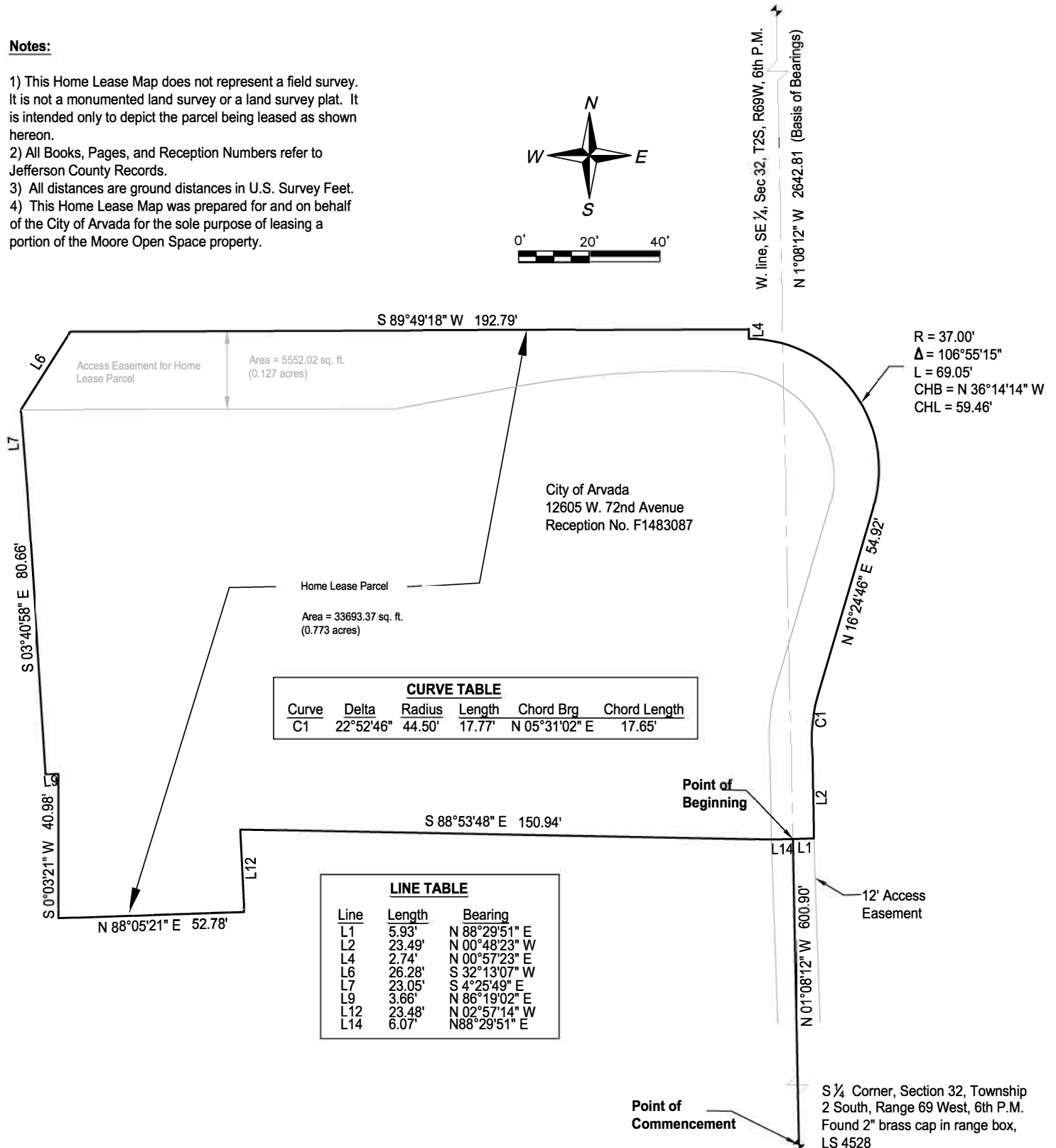
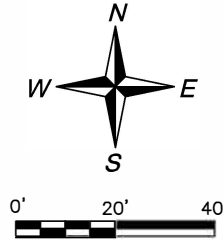


EXHIBIT "C"

Page 2 of 3

HOME LEASE PARCEL

Legal Description – Home Lease Parcel

A parcel of land located in the South half of Section 32, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Arvada, County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the South Quarter corner of said Section 32 as monumented by a found 2" brass cap in range box stamped: LS 4528, 1997, thence along the West line of the Southeast Quarter of said Section 32, North $01^{\circ}08'12''$ West, a distance of 600.90 feet to the **Point of Beginning**:

1. Thence North $88^{\circ}29'51''$ East, a distance of 5.93 feet;
2. Thence North $00^{\circ}48'23''$ West, a distance of 23.49 feet to a non-tangent curve to the right;
3. Thence along said non-tangent curve to the right having a Radius of 44.50 feet, a Central Angle of $22^{\circ}52'46''$, an Arc Length of 17.77 feet, and a Chord that bears North $05^{\circ}31'02''$ East a distance of 17.65 feet;
4. Thence North $16^{\circ}24'46''$ East, a distance of 54.92 feet to a non-tangent curve to the left;
5. Thence along said non-tangent curve to the left having a Radius of 37.00 feet, a Central Angle of $106^{\circ}55'15''$, an Arc Length of 69.05 feet, and a Chord that bears North $36^{\circ}14'14''$ West a distance of 59.46 feet;
6. Thence North $00^{\circ}57'23''$ East, a distance of 2.74 feet;
7. Thence South $89^{\circ}49'18''$ West, a distance of 192.79 feet;
8. Thence South $32^{\circ}13'07''$ West, a distance of 26.28 feet;
9. Thence South $04^{\circ}25'49''$ East, a distance of 23.05 feet;
10. Thence South $03^{\circ}40'58''$ East, a distance of 80.66 feet;
11. Thence North $86^{\circ}19'02''$ East, a distance of 3.66 feet;
12. Thence South $00^{\circ}03'21''$ West, a distance of 40.98 feet;
13. Thence North $88^{\circ}05'21''$ East, a distance of 52.78 feet;

EXHIBIT "C"

Page 3 of 3

HOME LEASE PARCEL

14. Thence North 02°57'14" West, a distance of 23.48 feet;
15. Thence South 88°53'48" East, a distance of 150.94 feet;
16. Thence North 88°29'51" East, a distance of 6.07 feet to the **Point of Beginning**.

The above described Home Lease Parcel contains 33693 square feet (or 0.773 acres), more or less.

Basis of Bearings

The West line of the Southeast Quarter Section 32, Township 2 South, Range 69 West of the 6th Principal Meridian, North 01°08'12" West as monumented at the South Quarter of Section 32 a 2" brass cap in range box stamped: LS 4528, 1997 and as monumented at the Center Quarter of Section 32 a 3 1/4" aluminum cap flush with ground stamped: PLS 13155, 1998.

City of Arvada
8101 Ralston Road
Arvada, CO 80002

Page 1 of 5

Farm Lease Parcel

Farm Lease Parcel



- 1) This Farm Lease Map does not represent a field survey. It is not a monumented land survey or a land survey plat. It is intended only to depict the parcel being leased as shown hereon.
- 2) All Books, Pages, and Reception Numbers refer to Jefferson County Records.
- 3) All distances are ground distances in U.S. Survey Feet.
- 4) This Farm Lease Map was prepared for and on behalf of the City of Arvada for the sole purpose of leasing a portion of the Moore Open Space property.

C ¼ Corner, Section 32, Township 2
South, Range 69 West, 6th P.M.
Found ¾" aluminum cap flush with
ground, LS 13155, 1998

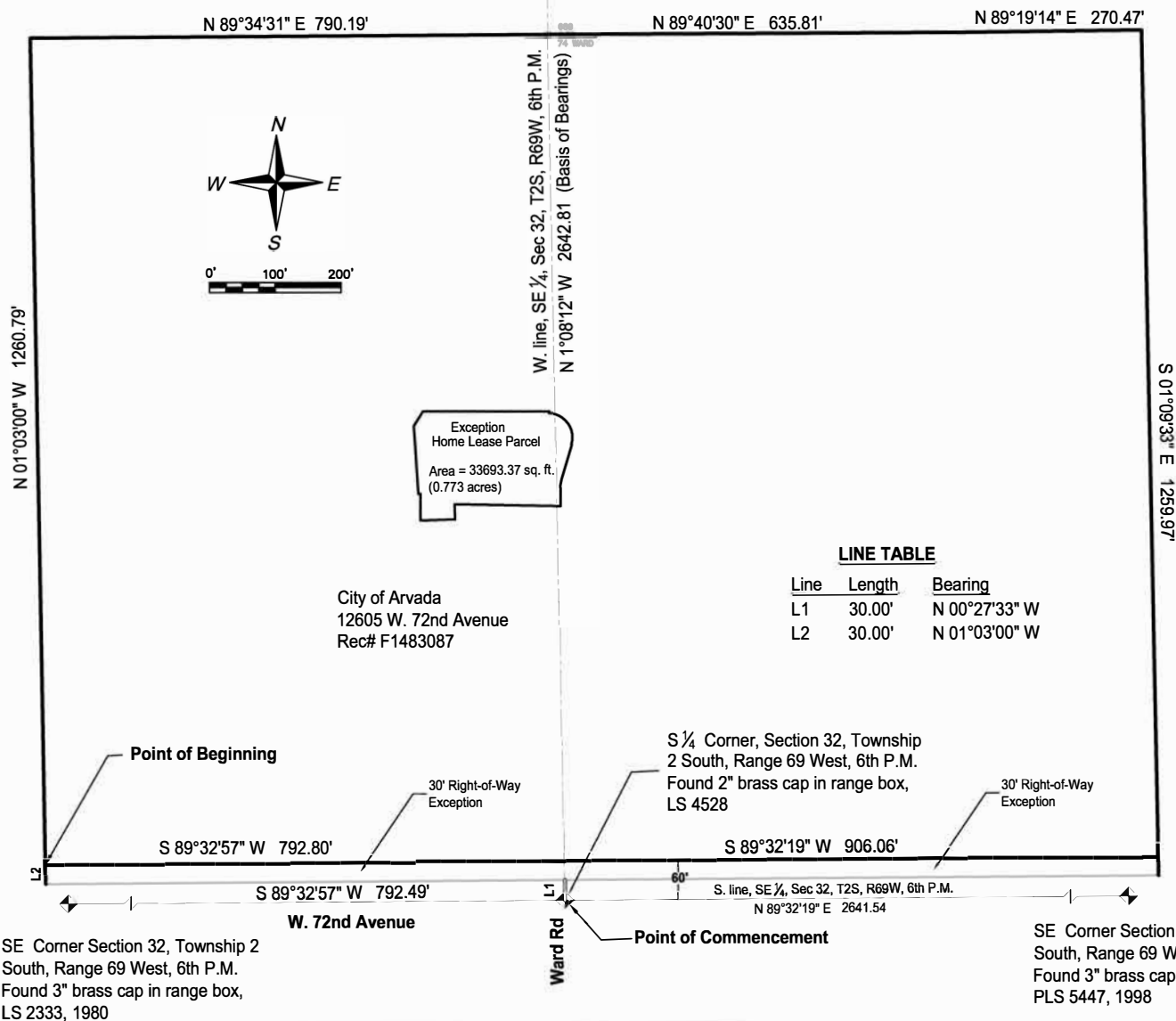


EXHIBIT "D"

Page 2 of 5

FARM LEASE PARCEL

Legal Description

A parcel of land located in the South half of Section 32, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Arvada, County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the South Quarter corner of said Section 32 as monumented by a found 2" brass cap in range box stamped: LS 4528, 1997, Thence along the West line of the Southeast Quarter of said Section 32, North $00^{\circ}27'33''$ West, a distance of 30.00 feet to the South boundary of a parcel described in the records of Jefferson County at Reception No. F1483087, being also the South boundary of a Right-of-Way exception for W 72nd Avenue as described in the records of Jefferson County at said Reception No. F1483087; Thence parallel with the South line of the Southwest Quarter of said Section 32, South $89^{\circ}32'57''$ West, a distance of 792.49 feet to the West boundary of said parcel described in the records of Jefferson County at Reception No. F1483087; Thence along the West boundary of said parcel described in the records of Jefferson County at Reception No. F1483087, North $01^{\circ}03'00''$ West, a distance of 30.00 feet to the North Right-of-Way exception of W 72nd Avenue as described in the records of Jefferson County at said Reception No. F1483087, being also the **Point of Beginning**:

Thence along the boundary of said parcel described in the records of Jefferson County at Reception No. F1483087 – Farm Parcel, the following five (5) courses:

1. Thence North $01^{\circ}03'00''$ West, a distance of 1260.79 feet;
2. Thence North $89^{\circ}34'31''$ East, a distance of 790.19 feet;
3. Thence North $89^{\circ}40'30''$ East, a distance of 635.81 feet;
4. Thence North $89^{\circ}19'14''$ East, a distance of 270.47 feet;

EXHIBIT "D"

Page 3 of 5

FARM LEASE PARCEL

5. Thence South 01°09'33" East, a distance of 1259.97 feet to the North Right-of-Way exception of W 72nd Avenue as described in the records of Jefferson County at said Reception No. F1483087;

Thence parallel with the South line of the Southeast Quarter of said Section 32, South 89°32'19" West, a distance of 906.06 feet;

Thence parallel with the South line of the Southwest Quarter of said Section 32, South 89°32'57" West, a distance of 792.80 feet to the **Point of Beginning**.

The above described Farm Lease Parcel contains 2,139,056 square feet (or 49.106 acres), more or less.

Basis of Bearings:

The West line of the Southeast Quarter Section 32, Township 2 South, Range 69 West of the Sixth Principal Meridian, North 01°08'12" West as monumented at the South Quarter of Section 32 a 2" brass cap in range box stamped: LS 4528, 1997 and as monumented at the Center Quarter of Section 32 a 3 1/4" aluminum cap flush with ground stamped: PLS 13155, 1998.

Excepting therefrom the following parcel:

Legal Description – Home Lease Parcel

A parcel of land located in the South half of Section 32, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Arvada, County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the South Quarter corner of said Section 32 as monumented by a found 2" brass cap in range box stamped: LS 4528, 1997, thence along the West line of the Southeast Quarter of said Section

EXHIBIT "D"

Page 4 of 5

FARM LEASE PARCEL

32, North 01°08'12" West, a distance of 600.90 feet to the **Point of Beginning**:

1. Thence North 88°29'51" East, a distance of 5.93 feet;
2. Thence North 00°48'23" West, a distance of 23.49 feet to a non-tangent curve to the right:
3. Thence along said curve to the right with a radius of 44.50 feet, a central angle of 22°52'46" and a length of 17.77 feet, which chord bears North 05°31'02" East a distance of 17.65 feet.
4. Thence North 16°24'46" East, a distance of 54.92 feet to a non-tangent curve to the left;
5. Thence along said curve to the left with a radius of 37.00 feet, a central angle of 106°55'15" and a length of 69.05 feet, which chord bears North 36°14'14" West a distance of 59.46 feet;
6. Thence North 00°57'23" East, a distance of 2.74 feet;
7. Thence South 89°49'18" West, a distance of 192.79 feet;
8. Thence South 32°13'07" West, a distance of 26.28 feet;
9. Thence South 04°25'49" East, a distance of 23.05 feet;
10. Thence South 03°40'58" East, a distance of 80.66 feet;
11. Thence North 86°19'02" East, a distance of 3.66 feet;
12. Thence South 00°03'21" West, a distance of 40.98 feet;
13. Thence North 88°05'21" East, a distance of 52.78 feet;
14. Thence North 02°57'14" West, a distance of 23.48 feet;
15. Thence South 88°53'48" East, a distance of 150.94 feet;
16. Thence North 88°29'51" East, a distance of 6.07 feet to the **Point of Beginning**.

The above described Home Lease Parcel contains 33693 square feet (or 0.773 acres), more or less.

EXHIBIT “D”

Page 5 of 5

FARM LEASE PARCEL

Basis of Bearings

The West line of the Southeast Quarter Section 32, Township 2 South, Range 69 West of the 6th Principal Meridian, North 01°08'12" West as monumented at the South Quarter of Section 32 a 2" brass cap in range box stamped: LS 4528, 1997 and as monumented at the Center Quarter of Section 32 a 3 1/4" aluminum cap flush with ground stamped: PLS 13155, 1998.

City of Arvada
8101 Ralston Road
Arvada, CO, 80002

IMPROVEMENT SURVEY PLAT

CA MED ESTATES - UNIT 2
BOOK 25 PAGE 20, REC. NO. 007025

REC. NO. F1034192

BOOK 2392
PAGE 992

LONG TABLE		
LINE	LENGTH	BURNING
1	18.68	N33.58.33" W
2	35.45	N88°12.75'E
3	23.85	N65°30.37'E
4	106.33	N30°44.97'E
5	91.74	N30°44.40'E
6	13.58	S68°32.53' W
7	1.47	S68°32.74' W
8	30.00	N00°76.31' W

- ① - SET 75 REBAR WITH 1/2" ALUMINUM CAP ENK PLS 12405
- - SET 75 REBAR WITH 1/2" ALUMINUM CAP ENK PLS 12405 FOR POINT ON LINE
- - FOUND EXISTING WORKMAN AS DESCRIBED
- ◊ - ALCOHOL CORNER AS DESCRIBED
- POB - POINT OF BEGINNING
- DSOE - DRAINAGE, SLOPE AND UTILITY ELEMENT

GRAPHIC SCALE



EMK CONSULTANTS, INC.
ENGINEERS • SURVEYORS
7006 SOUTH ALTON WAY, BAYVIEW F
CENTREDALE, COLORADO 80112-2006
DAN 974-1234
MYSTED 03-01-1001 J08



4100.12 - Residential Employee Leasing Policy For City-Owned Property

TITLE: Residential Employee Leasing Policy for City-Owned Property

PURPOSE: To provide a fair and equitable process for Arvada employees who would like to lease residential properties owned by the City of Arvada for a fixed term.

POLICY: It is the policy of the City to leverage City-owned residential property for the purpose of assisting eligible employees in obtaining affordable housing for a fixed term normally not to exceed 5 years.

PROCEDURE:

The City owns several residential properties available for leasing to City employees at a reasonable lease rate. Leasing City-owned residential properties is not a permanent housing solution, and the lease will be for a fixed term normally not to exceed five (5) years. In return for the reasonable lease rate, the employee tenant must act as the caretaker of the property and, in some occasions, the land surrounding the property as well. Each location has specific caretaker responsibilities, which will be identified and enumerated in the lease agreement. Lease rates shall be determined by the Facilities Department. Lease rates will vary depending upon the size and type of the rental property along with any caretaking responsibilities. The lease rate shall be stated in the lease agreement between the leasing employee and the city. In addition, the leasing employee will be responsible for providing caretaking duties on a regular basis and will be responsible for reporting completion of those duties to Facilities Management as outlined in the lease agreement. The leasing employee will be responsible for all utility payments. Employee leasing of City-owned property is subject to approval by the Selection Committee. Any employee approved to lease City-owned property may not lease such property longer than the period of the lease or any subsequent renewals or extensions. An employee is not guaranteed a renewal or extension.

1. Eligibility: An employee is eligible to lease a City-owned residential property if:

a. the employee is a full-time equivalent employee in good standing per A.C.C. §70-37(b); and

(1) "Good standing" means that the employee has an overall positive performance appraisal from the prior year and has no record of disciplinary actions in their official personnel file, and no disciplinary actions that are pending or begin during the application process or occur during the term of the lease.

b. the employee has completed their initial new hire probationary period.

2. Application Process:

At a minimum, the Director of Public Works, or their designee, will notify all City employees of an available City-owned residential property via an "everyone" email and by posting in the Weekly Briefs or other similar avenues. The notification shall include the location of the property, the required caretaking responsibilities, and any other tenant requirements. The notification shall also include an application deadline and submission requirements. To apply for tenancy in a City-owned residential property, an eligible employee must do and submit the following:

a. Submit a letter of recommendation from the employee's Manager and/or Director stating why the employee would be an appropriate tenant for the particular property to the Chair of the Selection Committee (detailed below) via email.

b. Submit a personal letter of qualification stating the employee's interest in leasing the particular property to the Chair of the Selection Committee and explaining why the employee would be an appropriate tenant for the particular property. The letter must discuss any applicable quality of life challenges, the employee's understanding of caretaking duties, and how the employee anticipates fulfilling these duties or seeing that such duties are performed, and the employee's past rental history.

c. Failure to satisfy any of the conditions stated in Section (a) or (b) will render the employee ineligible to rent the applied-for City-owned property.

3. Selection Committee:

a. The Director of Public Works is responsible for establishing the Selection Committee.

b. The Selection Committee shall be composed of no fewer than five (5) members selected by the Director of Public Works. The Public Works Director may select more than five (5) members; however five (5) is the minimum. The minimum number of 5 members will be selected from the various City departments ensuring a diverse selection panel.

c. The Selection Committee shall review each applicant's submission materials to determine whether an employee is an appropriate tenant for a particular property. In evaluating whether an employee is an appropriate tenant for a specific property, the Selection Committee's review shall consider the following factors:

(1) the applicant's supporting letter of recommendation and the applicant's personal letter of qualifications;

(2) the applicant's eligibility and employment status; and

(3) the applicant's plan for performing or ensuring the performance of the caretaking duties and responsibilities of the property.

d. Upon review of the applicant's materials, the Selection Committee may, at their discretion, interview eligible applicants to obtain further information to help the Selection Committee arrive at a decision.

e. Documentation. Each member of the Selection Committee shall document their evaluation of an employee's application in writing on a form acceptable to the Public Works and Human Resources Department. Such documentation shall be maintained in the employee's personnel file by Human Resources.

f. The Selection Committee shall decide which employee shall be the tenant of the applied-for property by consensus. In the event consensus cannot be achieved, the final decision as to which employee shall be the tenant of the applied-for property shall be decided by the Director of Public Works.

g. Once the Selection Committee reaches a decision, the Facilities Manager will notify all applicants of such decision.

h. Equal Employment Opportunity has been, and will continue to be, a fundamental principle at the City of Arvada. In determining whether an employee is an appropriate tenant for a specific property, no member of the Selection Committee shall consider the employee's race, ethnicity, national origin, religion, sex, marital status, sexual orientation, familial status, disability, citizenship status, pregnancy, age, medical condition, handicap, gender identity, or any other protected characteristic as established by law.

4. Requirements:

a. Each City-owned residential property has unique needs and may require the tenant to perform certain functions associated with the property. Other than providing a reasonable rental rate, the City will not provide the tenant with any additional compensation for performing these functions associated with the property. Below are some examples of what may be required of the tenant. This is for exemplary purposes only and is not all inclusive. The lease for each specific property will state in detail the specific and inclusive requirements for that specific property.

(1) General caretaking duties of the home, including but not limited to sweeping, mopping, vacuuming, dusting floors, walls, and closets; maintaining interior paint; inspecting, cleaning, replacing HVAC filters and vents; replacing batteries in smoke and carbon monoxide detectors; cleaning kitchen appliances, inspection and repair of faucet leaks, maintaining caulking and weather stripping for windows and doors; monitoring electrical, plumbing, heating, cooling system functions.

(2) General caretaking of the surrounding property as applicable to the specific property.

(3) Basic maintenance responsibilities, including but not limited to mowing, weeding, and other lawn and property care, snow removal, and other similar maintenance.

(4) The tenant shall perform, or arrange for the performance of, all caretaking responsibilities pursuant to section 4 on a regular basis. The tenant will be required to report the status of all caretaking work performed to the Facilities Manager at the interval stated in the lease agreement.

(5) The tenant shall report any major maintenance issues to the facility manager as soon as is practicable. The facilities manager will be responsible for determining if this is considered basic maintenance or major maintenance and what expenses will be reimbursed, if applicable. For any immediate or emergency needs, the tenant shall call the facilities manager or designee. The contact information will be provided to the tenant upon lease of the property.

b. Term of Lease. The lease between the City and the employee will define all the terms and conditions including all caretaking responsibilities. The length of the term shall not exceed five (5) years except upon approval of the City Manager in writing. An extension of the lease is not guaranteed and is subject to approval by the City Manager.

c. Current Leases. Current or former City employees who currently lease City-owned residential properties as of the Effective Date of this Policy will have 12 months from the Effective Date of this Policy to either apply for an extension of their current lease or will be required to locate other housing unless existing lease terms state otherwise.

HISTORY

Adopted by Policy: [4100.12_2022](#) on 12/16/2022

**REPAIR AND MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF
ARVADA AND MIKI ROMERO FOR THE PROPERTY LOCATED AT 12605 WEST
72ND AVENUE, ARVADA, COLORADO 80005 ALSO KNOWN AS MOORE FARM**

1. **PARTIES.** The parties to this Repair and Maintenance Agreement (“Agreement”) are the City of Arvada, a Colorado home rule municipal corporation, 8101 Ralston Road, Arvada, Colorado 80002 (“Arvada” or “Lessor”), and Miki Romero (“Lessee”) and collectively referred to as “the Parties.” This Agreement shall be effective upon its mutual approval and execution by the Parties.
2. **RECITALS AND PURPOSE.**
 - 2.1 Arvada owns the Moore Farm property located at 12605 West 72nd Avenue, Arvada, Colorado 80005 (the “Property”).
 - 2.2 Lessee and Arvada entered into the Lease Agreement By and Between the City of Arvada and Miki Romero for the Property Located at 12605 West 72nd Avenue, Arvada, Colorado 80005 also known as Moore Farm on June 5, 2023 (the “Lease”). Under the Lease, Arvada agrees to lease the Home Parcel to Lessee.
 - 2.3 The Property contains the Farm Parcel, House, and Home Parcel, as defined in the Lease.
 - 2.4 The Parties agree they are entering into this Agreement, which is separate from the Lease, in good faith. The parties further agree this Agreement is supported by adequate consideration in the form of Lessee’s performance of the repair and maintenance duties set forth herein in exchange for a significantly reduced rental rate as stated in the Lease.
 - 2.5 Lessee agrees they have the requisite skill to perform all repair and maintenance duties set forth herein. Lessee also agrees that any work performed in accordance with such duties is for the primary benefit of the Property.
 - 2.6 The Parties desire to enter into this Lease to define all rights, duties, and liabilities of the Parties during the term described herein.
3. **DEFINITIONS.** The following terms shall have the following meanings:
 - 3.1 “Emergency repair” means a repair requiring an immediate resolution in order to prevent potential injury, preserve the health and safety of Lessee, the public, or the Property, preserve the habitability of the House, or to prevent significant damage to the Property. Examples of emergency repairs include, but are not limited to, the following: frozen pipes, flooding, fire, gas leaks, sewer back-ups, roof and window leaks, clogged toilets that Lessee is unable to resolved on their own, an inoperable fire or carbon monoxide alarm, and intruder break-ins.
 - 3.2 “Major repair” means a repair necessary to ensure the continued habitability of

the House. Major repairs include, but are not limited to, the following repairs: a repair to the hot water heater necessary to ensure the residential structure has reasonable amounts of hot water, replacement of the dishwasher heating element, replacement of shingles to repair a leak, repairs to the swamp cooler, and repairs needed to remediate mold in the residential structure.

3.3 “Minor repair” means a repair that can be performed or provided by Lessee without significant hardship or expense to Lessee. Minor repairs include but are not limited to the following repairs: unclogging drains and toilets, repairing small faucet or showerhead leaks, replacing light bulbs and filters, replacing broken panes of glass, and clearing debris from gutters.

3.4 “Non-emergency repair” means a repair that does not require prompt and immediate resolution in order to preserve the habitability of the House, the good working order of any of the items stated in Section 5.1, or preserve the good condition of the Home Parcel. Conditions constituting non-emergency repairs include, but are not limited to, the following: minor peeling of exterior paint, cosmetic repairs, and minor wall, door, and cabinet repairs due to normal wear and tear.

4. TERM.

4.1 The term of this Agreement shall be the same as Section 5 of the Lease. The term of this Agreement shall be extended if the term of the Lease is extended and shall terminate upon the termination of the Lease.

5. APPLIANCES, SYSTEMS, AND FIXTURES.

5.1 Arvada has made available to Lessee the following appliances, systems, and fixtures on the Home Parcel:

5.1.1 Hot water heater,

5.1.2 Dishwasher,

5.1.3 Stove,

5.1.4 Refrigerator,

5.1.5 Microwave,

5.1.6 Electrical system (including panel),

5.1.7 Propane heating system,

5.1.8 Outdoor sprinkler system,

5.1.9 Fire alarms,

5.1.10 Carbon monoxide alarms,

5.1.11 Gate across the driveway leading to the residential structure,

5.1.12 Swamp cooler,

- 5.1.13 Garage door, and
- 5.1.14 Plumbing system.
- 5.2 The Parties agree that they have inspected all appliances, systems, and fixtures stated in Section 5.1 and that they are in good working order as of the execution of the Lease and this Agreement.

6. LESSEE'S REPAIR AND MAINTENANCE DUTIES.

6.1 Repairs.

- 6.1.1 Lessee shall provide and pay for all minor repairs to the items stated in Section 5.1 that are necessary to keep the items in good working order.
- 6.1.2 In addition to the above, Lessee shall perform all minor repairs to any carpentry within the residential structure. Such repairs include, but are not limited to, repairing broken hinges, small painting jobs, and replacing small areas of missing or broken trim.

6.2 Maintenance.

- 6.2.1 Lessee shall provide or pay for all general interior maintenance of the residential structure as well as maintain the items stated in Section 5.1.
- 6.2.2 Propane Heating System. Lessee acknowledges that propane is the primary heating source for the residential structure on the Home Parcel. Lessee agrees that they have the requisite knowledge and skills to maintain the propane heating system. Lessee agrees that is Lessee's sole responsibility to ensure the propane heating system is maintained in safe and good working order. Such maintenance duties include, but are not limited to:
 - 6.2.2.1 Ordering and coordinating the delivery of propane at Lessee's expense,
 - 6.2.2.2 Ensuring the propane tank has the requisite amount of propane to heat the House in a safe and efficient manner, and
 - 6.2.2.3 Entering into any agreements necessary to ensure propane is delivered and the propane tanks and system is maintained in a safe and code-compliant manner.
- 6.2.3 Lessee shall maintain and operate the sprinkler system on the Home Parcel to ensure the grounds are sufficiently watered.
- 6.2.4 Lessee shall maintain and test all fire alarms and carbon monoxide alarms installed on the Home Parcel on a regular basis.
- 6.2.5 Lessee shall keep the premises, grounds, fences, and any other appurtenances on the Home Parcel in good condition and repair.
- 6.2.6 Lessee shall mow the grass, remove snow, remove and control noxious weeds, and otherwise maintain the Home Parcel in accordance with the

Arvada City Code. Lessee shall ensure the gardening and landscaping on the Home Parcel maintains the “welcoming feel” of the Home Parcel.

- 6.2.7 Lessee shall maintain the extended driveway leading to the residential structure on the Home Parcel to ensure the Property is accessible. Lessee shall ensure the gate across the driveway remains secure at all times but remains accessible to the tenant of the Home Parcel and Arvada. Lessee may consider dual locks to effectuate this purpose.
- 6.2.8 Lessee shall use reasonable efforts to keep the residential structure on the Home Parcel free from all rodents, insects, and vermin. Lessee shall notify Arvada in accordance with Section 8 in the event Lessee’s reasonable efforts are unsuccessful.
- 6.3 Performance of Duties and Contractors. Lessee may perform any of these duties stated in this Section 6 themselves or hire a contractor, at Lessee’s expense, to perform the duties. If Lessee elects to hire a contractor, Lessee shall provide Arvada with the contractor’s name, contact information, and statement of the work to be completed no later than three calendar days prior to the contractor performing the work. Lessee shall send the information to Arvada in accordance with Section 8.1. Lessee shall also maintain a list of all contractors and the work they perform on the Home Parcel for the duration of the Lease. Any contractor hired by Lessee to perform work under this Agreement shall be considered a third-party allowed on the Home Parcel by consent of Lessee.
- 6.4 Recordkeeping. Lessee shall maintain, and provide to Arvada at regular intervals or upon Arvada’s request, a written log of all repairs (major or minor) that Lessee or a contractor has completed on the Home Parcel.

7. ARVADA’S REPAIR AND MAINTENANCE DUTIES.

- 7.1 Upon prompt notice as stated in Section 8, Arvada shall be responsible for any major repairs to any of the items stated in Section 5.1 that are caused by normal wear and tear.
- 7.2 Arvada shall be responsible for maintaining the exterior of any structure located on the Home Parcel caused by normal wear and tear. Lessee shall notify Arvada pursuant to Section 8 should the exterior of any structure require repair.
- 7.3 Repair to damage caused by Lessee. Arvada shall not be responsible for any major or minor repairs needed due to damage caused by Lessee or a third-party allowed on the Home Parcel by consent of Lessee. In the event Arvada makes any repair due to damage by Lessee or a third party permitted on the Home Parcel by Lessee, Arvada shall charge the cost of the repairs to Lessee as additional rent.
- 7.4 Upon prompt notice by Lessee, Arvada shall replace any inoperable fire alarm or carbon monoxide alarm.

8. REPAIR REQUESTS.

- 8.1 Non-emergency repairs. Lessee shall notify Arvada of a need for any non-emergency repair by emailing facilitiesrequest@arvada.org or calling 720-898-7680 within seven calendar days of noticing a condition necessitating a repair.
- 8.2 Emergency repairs. Lessee shall immediately notify Arvada of a need for an emergency repair by first attempting to contact Kim Vagher at 720-390-1428 or Patty Carrico at 720-745-1551. If Lessee is unable to reach Mr. Vagher or Ms. Carrico, Lessee may then contact the Facilities after-hours number at 720-786-2155.
9. **AGREEMENT MANAGER.** Arvada designates Kim Vagher (kvagher@arvada.org) and Patty Carrico (pcarrico@arvada.org), as the managers for this Agreement. The address for Mr. Vagher and Ms. Carrico is 8101 Ralston Road, Arvada, CO, 80002.
10. **INDEMNIFICATION.** To the fullest extent permitted by law, Lessee will defend, indemnify, and hold Arvada, its employees, agents and assignees (“Indemnified Parties”) harmless from and against all costs, expenses, claims, damages, liabilities, court awards, losses and other amounts (including attorneys’ fees and related costs) (“Claims”) arising out of or relating (directly or indirectly) to: (i) the conduct or management of the Property or of any business therein, or any work or thing whatsoever done, or any condition creating in or about the Property during the term; (ii) any act, omission, breach of any provision of this Lease, or negligence of Lessee or any of Lessee's licensees or the partners, directors, officers, agents, associates, employees, invitees or contractors of Lessee, or of Lessee's sublessees or licensees; and (iii) any accident, injury or damage whatsoever occurring in or at the Property. Lessee hereby expressly indemnifies Arvada, unless the Claim is caused by the sole negligence of Arvada.
11. **INSURANCE.** Lessee shall maintain insurance in accordance with the Lease.
12. **COMPLIANCE WITH ALL LAWS.** Lessee shall comply with all applicable federal, Colorado, and Arvada laws, rules, regulations, policies and procedures in effect or hereinafter established as they related to this Agreement.
13. **ASSIGNMENT.** This Agreement shall not be assigned by Lessee without the prior written consent of Arvada. Lessee may use contractors to perform duties under this Agreement in accordance with Section 6.3.
14. **NON-REPAIR RELATED NOTICES.** Any notice required or permitted by this Agreement that is not related to a repair request 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.

15. **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.
16. **ADDITIONAL DOCUMENTS OR ACTION.** The parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement.
17. **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 this 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.
18. **WAIVER OF BREACH.** A waiver by any party to this Lease of the breach of any term or provision of this Lease shall not operate or be construed as a waiver of any subsequent breach by either party.
19. **BINDING EFFECT.** This Agreement shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, 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.
20. **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 Parties hereto, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the Parties that any person or entity other than the Parties receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.
21. **CORA.** Arvada is obligated to comply with the Colorado Open Records Act (C.R.S. §§24-72-101 *et seq.*) (“CORA”), which may require Arvada to disclose all or a portion of communications relating to this Agreement, or terms of the same, or of any transaction under the Agreement, and other related matters. Lessee has been advised to familiarize themselves with CORA. Therefore, any confidentiality provisions in the contract, Agreement, escrow Agreement, or any other type of agreement relating to the Property are subject to the provisions of CORA.
22. **NO WAIVER OF GOVERNMENTAL IMMUNITY.** Nothing contained in this or any of the exhibits attached thereto shall be construed as a waiver of any of Arvada’s immunities, limitations, privileges, rights, procedures, or requirements contained in the Colorado Governmental Immunity Act, C.R.S. §§24-10-101 *et seq.*

23. **GOVERNING LAW AND VENUE.** This Agreement shall be governed by the laws of the State of Colorado. Venue for any action arising under the Agreement or for the enforcement of the Agreement shall be in the appropriate court for Jefferson County, Colorado.
24. **ATTORNEYS' FEES.** If Arvada bring suit against Lessee for breach or enforcement of any obligation of Lessee arising under this Agreement or by law, then Lessee hereby agrees to pay Lessor all the costs in connection therewith, including, but not limited to, reasonable attorneys' fees, whether or not the action or actions proceed to judgment.
25. **FORCE MAJEURE.** Any delays in or failure of performance by any party of his or its obligations under the Lease shall be excused if such delays or failure are a result of acts of God, fires, floods, strikes, labor disputes, accidents, pandemics, 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.
26. **BINDING AUTHORITY.** Lessee represents and affirms that the signature page hereof accurately states the full legal name of Lessee (whether as a corporation, partnership, limited liability company, sole proprietorship, or other), contains all requisite signature(s) on behalf of Lessee, has been properly acknowledged and in all other respects is effective to bind Lessee, in accordance with all applicable statutes, regulations, resolutions, rules, bylaws, Leases, or similar sources of authority or limitation.

Remainder of page intentionally left blank.

DATED THIS _____ day of _____, 20__.

CITY OF ARVADA

Marc Williams, Mayor
8101 Ralston Road
Arvada, CO 80002

ATTEST:

City Clerk

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

MIKI ROMERO, LESSEE

5260 West 67th Avenue #97J
Arvada, CO 80003
mromero@arvada.org
720-609-0270



REPORT TO CITY COUNCIL RESOLUTION

**AGENDA ITEM
8.A.5.**

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: R23-051, A Resolution Amending and Restating Plan Documents and Authorizing an Adoption Agreement for the Executive Defined Contribution Retirement Plan

Report in Brief

The executive retirement board is requesting the City Council approve the proposed plan documents in order to update which employee positions are eligible for the Executive Defined Contribution Plan. This update removes the Assistant to the City Manager position from the list of eligible employees. This update is necessary because the position of Assistant to the City Manager is eligible for the City of Arvada Retirement Plan ("CARP") and an employee serving as the Assistant to the City Manager cannot participate in both plans. This is the only change made to the plan pursuant to this resolution.

The Arvada team recommends that the City Council approve R23-051, A Resolution Amending and Restating Plan Documents and Authorizing an Adoption Agreement for the Executive Defined Contribution Retirement Plan.

Financial Impact

There is no financial impact.

Background

The board of the Executive Defined Contribution Plan (the "plan") recently reviewed the plan documents and noticed that the position of Assistant to the City Manager was one of the positions stated as employees that are eligible to participate in the plan. Upon further review, the board discovered that the Assistant to the City Manager position is already eligible to participate in CARP and therefore the inclusion of the position in the plan is redundant because the Assistant to the City Manager cannot participate in both plans. The board then determined that action should be taken to clarify this matter.

Discussion

On May 11, 2023, at its quarterly board meeting, the board of the Executive Defined Contribution Plan voted to remove the position of Assistant to the City Manager from the list of employees eligible to participate in the plan. There was no opposition to the vote and the motion to make the change carried. The proposed plan attached to this resolution therefore removes the Assistant to the City Manager position from the list of employees eligible to participate in the plan. No other terms of the plan are changed by this resolution. The change will be retroactive to January 1, 2023.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

This resolution supports the following Principle within the Organizational and Service Effectiveness Priority Area of the City Council Strategic Plan:

Provides legal services to the City Council, Boards and Commissions, and all work systems, so they can enforce the law, avoid, or mitigate risks associated with City operations and protect the legal interests of the City.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve R23-051, A Resolution Amending and Restating Plan Documents and Authorizing an Adoption Agreement for the Executive Defined Contribution Retirement Plan.

Suggested Motion:

I move that R23-051, A Resolution Amending and Restating Plan Documents and Authorizing an Adoption Agreement for the Executive Defined Contribution Retirement Plan, be (approved) (rejected).

Prepared by:

Laura Hemler, Assistant City Attorney

Reviewed by:

Approved by:

Jenna Belec, Executive Assistant	5/12/2023
Bryan Archer, Director of Finance	5/12/2023
Gail Walker, Legal Specialist-Contracts	5/12/2023
Kylie Justus, Assistant City Attorney	5/15/2023
Laura Hemler, Assistant City Attorney	5/15/2023
Rachel Morris, City Attorney	5/22/2023
Linda Haley, Deputy City Manager	5/22/2023
Lorie Gillis, City Manager	5/24/2023

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. 23-051

A RESOLUTION AMENDING AND RESTATING PLAN DOCUMENTS AND
AUTHORIZING AN ADOPTION AGREEMENT FOR THE EXECUTIVE DEFINED
CONTRIBUTION RETIREMENT PLAN

WHEREAS, on April 20, 2009, City Council established the City of Arvada Executive Defined Contribution Retirement Plan (the “Executive Plan”) pursuant to Council Bill 09-011, Ordinance 4162;

WHEREAS, the Executive Plan is a qualified governmental retirement plan under the applicable rules and regulations of the Internal Revenue Code and Treasury Regulations; and

WHEREAS, on December 6, 2021, City Council amended and restated the Executive Plan in order to make substantive changes in order to comply with the Pension Protection Act of 2006 and other legislative and regulatory changes; and

WHEREAS, on July 18, 2022, City Council amended and restated the Executive Plan as required by IRS regulations as part of the Cycle 3 Restatement; and

WHEREAS, City Council now desires to amend the Executive Plan to remove the Assistant to the City Manager position from the list of eligible employees because the Assistant to the City Manager position is eligible for, and may participate in, the City of Arvada Retirement Plan; and

WHEREAS, City Council acknowledges the amended and restated Executive Plan makes no changes to the Executive Plan other than removing the Assistant to the City Manager position from the definition of Eligible Employee.

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

Section 1. The Executive Plan, which is in substantially the same form as that attached hereto, is hereby amended and restated.

Section 2. The Executive Plan and corresponding Adoption Agreement set forth herein shall be retroactively effective from January 1, 2023.

Section 3. The Mayor or Mayor Pro Tem is hereby authorized to sign and the City Clerk to attest, in a form approved by the City Attorney, the Adoption Agreement for Non-Standardized Governmental 401(a) Pre-Approved Plan for the City of Arvada Executive Defined Contribution Retirement Plan.

Section 4. This Resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 5th day of June, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

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

By: _____

ADOPTION AGREEMENT FOR
NON-STANDARDIZED
GOVERNMENTAL 401(a) PRE-APPROVED PLAN

CAUTION: Failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

EMPLOYER INFORMATION

(An amendment to the Adoption Agreement is not needed solely to reflect a change in this Employer Information Section.)

1. EMPLOYER'S NAME, ADDRESS, TELEPHONE NUMBER, TIN AND FISCAL YEAR

Name: City of Arvada, Colorado

Address: 8101 Ralston Road Street

Arvada City Colorado State 80001-8101 Zip

Telephone: 720-898-7565

Taxpayer Identification Number (TIN): 84-6000633

Employer's Fiscal Year ends: December 31

2. TYPE OF GOVERNMENTAL ENTITY. This Plan may only be adopted a state or local governmental entity, or agency thereof, including an Indian tribal government and may not be adopted by any other entity, including a federal government and any agency or instrumentality thereof.

- a. ☐ State government or state agency
- b. ☐ County or county agency
- c. ☒ Municipality or municipal agency
- d. ☐ Indian tribal government (see Note below)

NOTE: An Indian tribal government may only adopt this Plan if such entity is defined under Code §7701(a)(40), is a subdivision of an Indian tribal government as determined in accordance with Code §7871(d), or is an agency or instrumentality of either, and all of the Participants under this Plan employed by such entity substantially perform services as an Employee in essential governmental functions and not in the performance of commercial activities (whether or not an essential government function).

3. PARTICIPATING EMPLOYERS (Plan Section 1.39). Will any other Employers adopt this Plan as Participating Employers?

- a. ☒ No
- b. ☐ Yes

MULTIPLE EMPLOYER PLAN (Plan Article XI). Will any Employers who are not Affiliated Employers adopt this Plan as part of a multiple employer plan (MEP) arrangement?

- c. ☒ No
- d. ☐ Yes (Complete a Participation Agreement for each Participating Employer.)

PLAN INFORMATION

(An amendment to the Adoption Agreement is not needed solely to reflect a change in the information in Question 9.)

4. PLAN NAME:

City of Arvada Executive Defined Contribution Retirement Plan

5. PLAN STATUS

- a. ☐ New Plan
- b. ☒ Amendment and restatement of existing Plan
(leave blank if not applicable)
 - 1. ☒ This is an amendment to remove the Assistant to the City Manager position from the list of Eligible Employees in the Plan under Section 12(b)(7) of this Adoption Agreement.

6. EFFECTIVE DATE (Plan Section 1.16) (complete a. if new plan; complete a. AND b. if an amendment and restatement)
Initial Effective Date of Plan (except for restatements, cannot be earlier than the first day of the current Plan Year)

- a. May 1, 1984 (enter month day, year) (hereinafter called the "Effective Date" unless 6.b. is entered below)

Restatement Effective Date. If this is an amendment and restatement, the effective date of the restatement (hereinafter called the "Effective Date") is:

- b. January 1, 2023 (enter month day, year; NOTE: The restatement date may not be prior to the first day of the current Plan Year. Plan contains appropriate retroactive effective dates with respect to provisions for appropriate laws.)

7. PLAN YEAR (Plan Section 1.43) means, except as otherwise provided in d. below:

- a. ☒ the calendar year
b. ☐ the twelve-month period ending on _____ (e.g., June 30th)

SHORT PLAN YEAR (Plan Section 1.47). This is a Short Plan Year (if the effective date of participation is based on a Plan Year, then coordinate with Question 14):

- c. ☒ N/A
d. ☐ beginning on _____ (enter month day, year; e.g., July 1, 2020)
and ending on _____ (enter month day, year).

8. VALUATION DATE (Plan Section 1.53) means:

- a. ☒ every day that the Trustee (or Insurer), any transfer agent appointed by the Trustee (or Insurer) or the Employer, and any stock exchange used by such agent are open for business (daily valuation)
b. ☐ the last day of each Plan Year
c. ☐ the last day of each Plan Year quarter
d. ☐ other (specify day or days): _____ (must be at least once each Plan Year)

NOTE: The Plan always permits interim valuations.

9. ADMINISTRATOR'S NAME, ADDRESS AND TELEPHONE NUMBER

(If none is named, the Employer will be the Administrator (Plan Section 1.2).)

- a. ☐ Employer (use Employer address and telephone number)
b. ☐ The Committee appointed by the Employer (use Employer address and telephone number)
c. ☒ Other:

Name: City of Arvada Executive Defined Contribution Plan Board of Trustees

Address: 8101 Ralston Road
Street

Arvada Colorado 80001-8101
City State Zip

Telephone: 720-898-7565

10. TYPE OF PLAN (select one)

- a. ☐ Profit Sharing Plan.
b. ☒ Money Purchase Pension Plan.

11. CONTRIBUTION TYPES

The selections made below must correspond with the selections made under the Contributions and Allocations Section of this Adoption Agreement.

FROZEN PLAN OR CONTRIBUTIONS HAVE BEEN SUSPENDED (Plan Section 4.1(c)) (optional)

- a. ☐ This is a frozen Plan (i.e., all contributions cease) (if this is a temporary suspension, select a.2):
1. ☐ All contributions ceased as of, or prior to, the effective date of this amendment and restatement and the prior Plan provisions are not reflected in this Adoption Agreement (may enter effective date at 3. below and/or select prior contributions at g. - j. (optional), skip questions 12-18 and 22-30)
2. ☐ All contributions ceased or were suspended and the prior Plan provisions are reflected in this Adoption Agreement (must enter effective date at 3. below and select contributions at b. - f.)

Effective date

3. ☐ as of _____ (effective date is optional unless a.2. has been selected above or this is the amendment or restatement to freeze the Plan).

CURRENT CONTRIBUTIONS

The Plan permits the following contributions (select one or more):

- b. ☒ **Employer contributions other than matching** (Questions 24-25)
1. ☐ This Plan qualifies as a Social Security Replacement Plan (Question 24.e. must be selected)
c. ☐ **Employer matching contributions** (Questions 26-28)
d. ☒ **Mandatory Employee contributions** (Question 30)

- e. ☒ **After-tax voluntary Employee contributions**
 f. ☒ **Rollover contributions** (Question 36)

PRIOR CONTRIBUTIONS

The Plan used to permit, but no longer does, the following contributions (choose all that apply, if any):

- g. ☐ **Employer matching contributions**
 h. ☐ **Employer contributions other than matching contributions**
 i. ☐ **Rollover contributions**
 j. ☐ **After-tax voluntary Employee contributions**

ELIGIBILITY REQUIREMENTS

12. **ELIGIBLE EMPLOYEES** (Plan Section 1.17) means all Employees (including Leased Employees) EXCEPT those Employees who are excluded below or elsewhere in the Plan: (select a. or b.)
- a. ☐ **No excluded Employees.** There are no additional excluded Employees under the Plan (skip to Question 13).
- b. ☒ **Exclusions.** The following Employees are not Eligible Employees for Plan purposes (select one or more):
1. ☐ Union Employees (as defined in Plan Section 1.17)
 2. ☐ Nonresident aliens (as defined in Plan Section 1.17)
 3. ☐ Leased Employees (Plan Section 1.29)
 4. ☐ Part-time Employees. A part-time Employee is an Employee whose regularly scheduled service is less than _ Hours of Service in the relevant eligibility computation period (as defined in Plan Section 1.55).
 5. ☐ Temporary Employees. A temporary Employee is an Employee who is categorized as a temporary Employee on the Employer's payroll records.
 6. ☐ Seasonal Employees. A seasonal Employee is an Employee who is categorized as a seasonal Employee on the Employer's payroll records.
 7. ☒ Other: Eligible employees include only Department Directors not including the Chief of Police; the Deputy City Manager, and the Secretary and Executive Director of Arvada Urban Renewal Authority (must be definitely determinable under Regulation §1.401-1(b). Exclusions may be employment title specific but may not be by individual name)

NOTE: If option 4. - 6. (part-time, temporary and/or seasonal exclusions) is selected, when any such excluded Employee actually completes 1 Year of Service, then such Employee will no longer be part of this excluded class. For this purpose, the Hours of Service method will be used for the 1 Year of Service override regardless of any contrary selection at Question 16.

13. **CONDITIONS OF ELIGIBILITY** (Plan Section 3.1)
- a. ☒ **No age and service required.** No age and service required for all Contribution Types (skip to Question 14).
- b. ☐ **Eligibility.** An Eligible Employee will be eligible to participate in the Plan upon satisfaction of the following (complete c. and d., select e. and f. if applicable):

Eligibility Requirements

- c. ☐ **Age Requirement**
1. ☐ No age requirement
 2. ☐ Age 20 1/2
 3. ☐ Age 21
 4. ☐ Age _____ (may not exceed 26)
- d. ☐ **Service Requirement**
1. ☐ No service requirement
 2. ☐ _____ (not to exceed 60) months of service (elapsed time)
 3. ☐ 1 Year of Service
 4. ☐ _____ (not to exceed 5) Years of Service
 5. ☐ _____ consecutive month period from the Eligible Employee's employment commencement date and during which at least _____ Hours of Service are completed.
 6. ☐ _____ consecutive months of employment.
 7. ☐ Other: _____ (e.g., date on which 1,000 Hours of Service is completed within the computation period) (must satisfy the Notes below)

NOTE: If c.4. or d.7. is selected, the condition must be an age or service requirement that is definitely determinable and may not exceed age 26 and may not exceed 5 Years of Service.

NOTE: Year of Service means Period of Service if the elapsed time method is chosen.

Waiver of conditions. The service and/or age requirements specified above will be waived in accordance with the following (leave blank if there are no waivers of conditions):

- e. ☐ If employed on _____ the following requirements, and the entry date requirement, will be waived. The waiver applies to any Eligible Employee unless 3. selected below. Such Employees will enter the Plan as of such date (select 1. and/or 2. AND 3. if applicable):
1. ☐ service requirement (may let part-time Eligible Employees into the Plan)

2. ☐ age requirement
 3. ☐ waiver is for: _____

Amendment or restatement to change eligibility requirements

- f. ☐ This amendment or restatement (or a prior amendment and restatement) modified the eligibility requirements and the prior eligibility conditions continue to apply to the Eligible Employees specified below. If this option is NOT selected, then all Eligible Employees must satisfy the eligibility conditions set forth above.
1. ☐ The eligibility conditions above only apply to Eligible Employees who were not Participants as of the effective date of the modification.
2. ☐ The eligibility conditions above only apply to individuals who were hired on or after the effective date of the modification.

14. **EFFECTIVE DATE OF PARTICIPATION (ENTRY DATE) (Plan Section 3.2)**

An Eligible Employee who has satisfied the eligibility requirements will become a Participant in the Plan as of the:

- a. ☐ date such requirements are met
 b. ☐ first day of the month coinciding with or next following the date on which such requirements are met
 c. ☐ first day of the Plan Year quarter coinciding with or next following the date on which such requirements are met
 d. ☐ earlier of the first day of the Plan Year or the first day of the seventh month of the Plan Year coinciding with or next following the date on which such requirements are met
 e. ☐ first day of the Plan Year coinciding with or next following the date on which such requirements are met
 f. ☐ first day of the Plan Year in which such requirements are met
 g. ☐ first day of the Plan Year in which such requirements are met, if such requirements are met in the first 6 months of the Plan Year, or as of the first day of the next succeeding Plan Year if such requirements are met in the last 6 months of the Plan Year.
 h. ☒ other: the day the individual becomes an Employee of the Employer (must be definitely determinable)

SERVICE15. **RECOGNITION OF SERVICE WITH OTHER EMPLOYERS (Plan Sections 1.40 and 1.55)**

- a. ☒ No service with other employers is recognized except as otherwise required by law (e.g., the Plan already provides for the recognition of service with Employers who have adopted this Plan as well as service with Affiliated Employers and predecessor Employers who maintained this Plan; skip to Question 16).
- b. ☐ Service with the designated employers is recognized as follows (select c. – e. and one or more of columns 1. - 3.; chose other options as applicable) (if more than 3 employers, attach an addendum to the Adoption Agreement or complete option h. under Section B of Appendix A):

	1.	2.	3.
Other Employer	Eligibility	Vesting	Contribution Allocation
c. ☐ Employer name: _____	☐	☐	☐
d. ☐ Employer name: _____	☐	☐	☐
e. ☐ Employer name: _____	☐	☐	☐

Limitations

- f. ☐ The following provisions or limitations apply with respect to the recognition of prior service: _____
 (e.g., credit service with X only on/following 1/1/19)
- g. ☐ The following provisions or limitations apply with respect to the recognition of service with other employers: _____
 (e.g., credit service with X only on/following 1/1/19 or credit all service with entities the Employer acquires after 12/31/18)

NOTE: If the other Employer(s) maintained this qualified Plan, then Years (and/or Periods) of Service with such Employer(s) must be recognized pursuant to Plan Sections 1.40 and 1.55 regardless of any selections above.

16. **SERVICE CREDITING METHOD (Plan Sections 1.40 and 1.55)**

NOTE: If any Plan provision is based on a Year of Service, then the provisions set forth in the definition of Year of Service in Plan Section 1.55 will apply, including the following defaults, except as otherwise elected below:

1. A Year of Service means completion of at least 1,000 Hours of Service during the applicable computation period.
2. Hours of Service (Plan Section 1.24) will be based on actual Hours of Service except that for Employees for whom records of actual Hours of Service are not maintained or available (e.g., salaried Employees), the monthly equivalency will be used.

3. For eligibility purposes, the computation period will be as defined in Plan Section 1.55 (i.e., shift to the Plan Year if the eligibility condition is one (1) Year of Service or less).
 4. For vesting, allocation, and distribution purposes, the computation period will be the Plan Year.
 5. Upon an Employee's rehire, all prior service with the Employer is taken into account for all purposes.
- a. ☐ **Elapsed time method.** (Period of Service applies instead of Year of Service) Instead of Hours of Service, elapsed time will be used for:
1. ☐ all purposes (skip to Question 17)
 2. ☐ the following purposes (select one or more):
 - a. ☐ eligibility to participate
 - b. ☐ vesting
 - c. ☐ allocations, distributions and contributions
- b. ☐ **Alternative definitions for the Hours of Service method.** Instead of the defaults, the following alternatives will apply for the Hours of Service method (select one or more):
1. ☐ **Eligibility computation period.** Instead of shifting to the Plan Year, the eligibility computation period after the initial eligibility computation period will be based on each anniversary of the date the Employee first completes an Hour of Service
 2. ☐ **Vesting computation period.** Instead of the Plan Year, the vesting computation period will be the date an Employee first performs an Hour of Service and each anniversary thereof.
 3. ☐ **Equivalency method.** Instead of using actual Hours of Service, an equivalency method will be used to determine Hours of Service for:
 - a. ☐ all purposes
 - b. ☐ the following purposes (select one or more):
 1. ☐ eligibility to participate
 2. ☐ vesting
 3. ☐ allocations, distribution and contributions

Such method will apply to:

 - c. ☐ all Employees
 - d. ☐ Employees for whom records of actual Hours of Service are not maintained or available (e.g., salaried Employees)
 - e. ☐ other: _____ (e.g., per-diem Employees only)

Hours of Service will be determined on the basis of:

 - f. ☐ days worked (10 hours per day)
 - g. ☐ weeks worked (45 hours per week)
 - h. ☐ semi-monthly payroll periods worked (95 hours per semi-monthly pay period)
 - i. ☐ months worked (190 hours per month)
 - j. ☐ bi-weekly payroll periods worked (90 hours per bi-weekly pay period)
 - k. ☐ other: _____ (e.g., option f. is used for per-diem Employees and option g. is used for on-call Employees).
 4. ☐ **Number of Hours of Service required.** Instead of 1,000 Hours of Service, Year of Service means the applicable computation period during which an Employee has completed at least _____ (not to exceed 1,000) Hours of Service for:
 - a. ☐ all purposes
 - b. ☐ the following purposes (select one or more):
 1. ☐ eligibility to participate
 2. ☐ vesting
 3. ☐ allocations, distributions and contributions
- c. ☐ **Alternative for counting all prior service.** Instead of the default which recognizes all prior service for rehired Employees, the Plan will not recognize prior service and rehired Employee are treated as new hires for the following purposes: (select one)
1. ☐ all purposes
 2. ☐ the following purposes (select one or more):
 - a. ☐ eligibility to participate
 - b. ☐ vesting
 - c. ☐ sharing in allocations or contributions

- d. ☐ **Other service crediting provisions:** _____ (must be definitely determinable; e.g., for vesting a Year of Service is based on 1,000 Hours of Service but for eligibility a Year of Service is based on 900 Hours of Service.)

NOTE: Must not list more than 1,000 hours in this Section. This servicing credit provision will be used for:

1. ☐ All purposes
2. ☐ The following purposes (select one or more):
 - a. ☐ eligibility to participate
 - b. ☐ vesting
 - c. ☐ allocations, distributions and contributions

VESTING

17. VESTING OF PARTICIPANT'S INTEREST – EMPLOYER CONTRIBUTIONS (Plan Section 6.4(b))

- a. ☐ N/A (no Employer contributions; skip to Question 19)
- b. ☒ The vesting provisions selected below apply. Section B of Appendix A can be used to specify any exceptions to the provisions below.

NOTE: The Plan provides that contributions for converted sick leave and/or vacation leave are fully Vested.

Vesting for Employer contributions other than matching contributions

- c. ☐ N/A (no Employer contributions (other than matching contributions); skip to f.)
- d. ☒ 100% vesting. Participants are 100% Vested in Employer contributions (other than matching contributions) upon entering Plan.
- e. ☐ The following vesting schedule, based on a Participant's Years of Service (or Periods of Service if the elapsed time method is selected), applies to Employer contributions (other than matching contributions):
 1. ☐ 6 Year Graded: 0-1 year-0%; 2 years-20%; 3 years-40%; 4 years-60%; 5 years-80%; 6 years-100%
 2. ☐ 4 Year Graded: 1 year-25%; 2 years-50%; 3 years-75%; 4 years-100%
 3. ☐ 5 Year Graded: 1 year-20%; 2 years-40%; 3 years-60%; 4 years-80%; 5 years-100%
 4. ☐ Cliff: 100% vesting after _____ (not to exceed 15) years
 5. ☐ Other graded vesting schedule (must provide for full vesting no later than 15 years of service; add additional lines as necessary)

Years (or Periods) of Service	Percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

Vesting for Employer matching contributions

- f. ☒ N/A (no Employer matching contributions)
- g. ☐ The schedule above will also apply to Employer matching contributions.
- h. ☐ 100% vesting. Participants are 100% Vested in Employer matching contributions upon entering Plan.
- i. ☐ The following vesting schedule, based on a Participant's Years of Service (or Periods of Service if the elapsed time method is selected), applies to Employer matching contributions:
 1. ☐ 6 Year Graded: 0-1 year-0%; 2 years-20%; 3 years-40%; 4 years-60%; 5 years-80%; 6 years-100%
 2. ☐ 4 Year Graded: 1 year-25%; 2 years-50%; 3 years-75%; 4 years-100%
 3. ☐ 5 Year Graded: 1 year-20%; 2 years-40%; 3 years-60%; 4 years-80%; 5 years-100%
 4. ☐ Cliff: 100% vesting after _____ (not to exceed 15) years
 5. ☐ Other graded vesting schedule (must provide for full vesting no later than 15 years of service; add additional lines as necessary)

Years (or Periods) of Service	Percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

NOTE: If any Part-time/Seasonal/Temporary Employees who are not covered under Social Security are participating in this Plan as a Social Security Replacement Plan, any contributions used to satisfy the minimum contribution requirements of Question 24.e. will be 100% vested.

18. VESTING OPTIONS

Excluded vesting service. The following Years of Service will be disregarded for vesting purposes (select all that apply; leave blank if none apply):

- a. ☐ Service prior to the initial Effective Date of the Plan or a predecessor plan (as defined in Regulations §1.411(a)-5(b)(3))
- b. ☐ Service prior to the computation period in which an Employee has attained age _____.
- c. ☐ Service during a period for which an Employee did not make mandatory Employee contributions.

Vesting for death, Total And Permanent Disability and Early/Normal Retirement. Regardless of the vesting schedule, a Participant will become fully Vested upon (select all that apply; leave blank if none apply):

- d. ☐ Death
- e. ☐ Total and Permanent Disability
- f. ☐ Early Retirement Date
- g. ☐ Normal Retirement Age

RETIREMENT AGES

19. NORMAL RETIREMENT AGE ("NRA") (Plan Section 1.33) means:

This Question 19 and Question 20 may be skipped if the Plan does not base any benefits, distributions or other features on Normal Retirement Age.

- a. ☒ **Specific age.** The date a Participant attains age 55
- b. ☐ **Age/participation.** The later of the date a Participant attains age _____ or the _____ anniversary of the first day of the Plan Year in which participation in the Plan commenced
- c. ☐ **Other:** _____ (must be definitely determinable)

NOTE: If this is a Money Purchase Pension Plan and in-service distributions at Normal Retirement Age are permitted, then the Normal Retirement Age cannot be less than age 62, or age 50 if substantially all Participants are qualified public safety employees (as defined in Code §72(t)(1)). The "substantially all" requirement for qualified public safety employees will no longer be a requirement as of the effective date of the final regulations once they are issued & effective. If an age less than 62 is inserted (unless the age 50 safe harbor is applicable for a qualified public safety employee), no reliance will be afforded on the Opinion Letter issued to the Plan that such age is reasonably representative of the typical retirement age for the industry in which the Participants works. Effective for Employees hired during Plan Years beginning on or after the later of (1) January 1, 2015, or (2) the close of the first legislative session of the legislative body with the authority to amend the plan that begins on or after the date that is three (3) months after the final regulations are published in the Federal Register, an NRA of less than age 62 must comply with the final regulations under §401(a).

Qualified public safety employees. Normal Retirement Age for public safety employees (as defined in Code §72(t)(1)) (leave blank if not applicable)

- d. ☐ Age _____ (may not be less than 50 for a Money Purchase Pension Plan or 40 for a Profit Sharing Plan)

20. NORMAL RETIREMENT DATE (Plan Section 1.34) means, with respect to any Participant, the:

- a. ☐ date on which the Participant attains "NRA"
- b. ☒ first day of the month coinciding with or next following the Participant's "NRA"
- c. ☐ first day of the month nearest the Participant's "NRA"
- d. ☐ Anniversary Date coinciding with or next following the Participant's "NRA"
- e. ☐ Anniversary Date nearest the Participant's "NRA"
- f. ☐ Other: _____ (e.g., first day of the month following the Participant's "NRA").

21. EARLY RETIREMENT DATE (Plan Section 1.15)
- a. ☒ N/A (no early retirement provision provided)
 - b. ☐ Early Retirement Date means the:
 - 1. ☐ date on which a Participant satisfies the early retirement requirements
 - 2. ☐ first day of the month coinciding with or next following the date on which a Participant satisfies the early retirement requirements
 - 3. ☐ Anniversary Date coinciding with or next following the date on which a Participant satisfies the early retirement requirements
- Early retirement requirements**
- 4. ☐ Participant attains age _____
AND, completes.... (leave blank if not applicable)
 - a. ☐ at least _____ Years (or Periods) of Service for vesting purposes
 - b. ☐ at least _____ Years (or Periods) of Service for eligibility purposes
 - c. ☐ Early Retirement Date means: _____ (must be definitely determinable)

COMPENSATION

22. COMPENSATION with respect to any Participant is defined as follows (Plan Sections 1.10 and 1.23).

Base definition

- a. ☒ Wages, tips and other compensation on Form W-2
- b. ☐ Code §3401(a) wages (wages for withholding purposes)
- c. ☐ 415 safe harbor compensation

NOTE: Plan Section 1.10(c) provides that the base definition of Compensation includes deferrals that are not included in income due to Code §§401(k), 125, 132(f)(4), 403(b), 402(h)(1)(B)(SEP), 414(h)(2), & 457.

Determination period. Compensation will be based on the following "determination period" (this will also be the Limitation Year unless otherwise elected at option f. under Section B of Appendix A):

- d. ☒ the Plan Year
- e. ☐ the Fiscal Year coinciding with or ending within the Plan Year
- f. ☐ the calendar year coinciding with or ending within the Plan Year

Adjustments to Compensation (for Plan Section 1.10). Compensation will be adjusted by:

- g. ☐ **No adjustments** (skip to Question 23. below)
- h. ☒ **Adjustments.** Compensation will be adjusted by (select all that apply):
 - 1. ☐ excluding salary reductions (401(k), 125, 132(f)(4), 403(b), SEP, 414(h)(2) pickup, & 457)
 - 2. ☐ excluding reimbursements or other expense allowances, fringe benefits (cash or non-cash), moving expenses, deferred compensation (other than deferrals specified in 1. above) and welfare benefits.
 - 3. ☒ excluding Compensation paid during the "determination period" while not a Participant in the Plan.
 - 4. ☐ excluding Military Differential Pay
 - 5. ☐ excluding overtime
 - 6. ☒ excluding bonuses
 - 7. ☒ other: excluding severance pay (e.g., describe Compensation from the elections available above or a combination thereof as to a Participant group (e.g., no exclusions as to Division A Employees and exclude bonuses as to Division B Employees); and/or describe another exclusion (e.g., exclude shift differential pay)).

23. POST-SEVERANCE COMPENSATION (415 REGULATIONS)

415 Compensation (post-severance compensation adjustments) (select all that apply at a.; leave blank if none apply)

NOTE: Unless otherwise elected under a. below, the following defaults apply: 415 Compensation will **include** (to the extent provided in Plan Section 1.23), post-severance regular pay, leave cash-outs and payments from nonqualified unfunded deferred compensation plans.

- a. ☐ The defaults listed above apply except for the following (select one or more):
 - 1. ☐ Leave cash-outs will be **excluded**
 - 2. ☐ Nonqualified unfunded deferred compensation will be **excluded**
 - 3. ☐ Disability continuation payments will be **included** for all Participants and the salary continuation will continue for the following fixed or determinable period: _____
 - 4. ☐ Other: _____ (must be definitely determinable)

Plan Compensation (post-severance compensation adjustments)

- b. ☐ **Defaults apply.** Compensation will **include** (to the extent provided in Plan Section 1.10 and to the extent such amounts would be included in Compensation if paid prior to severance of employment) post-severance regular pay, leave cash-outs, and payments from nonqualified unfunded deferred compensation plans. (skip to Question 24)
- c. ☒ **Exclude all post-severance compensation.** Exclude all post-severance compensation for allocation purposes.
- d. ☐ **Post-severance adjustments.** The defaults listed at b. apply except for the following (select one or more):
 - 1. ☐ Exclude all post-severance compensation

2. ☐ Regular pay will be **excluded**
3. ☐ Leave cash-outs will be **excluded**
4. ☐ Nonqualified unfunded deferred compensation will be **excluded**
5. ☐ Military Differential Pay will be **included**
6. ☐ Disability continuation payments will be **included** for all Participants and the salary continuation will continue for the following fixed or determinable period: _____
- e. ☐ Other: _____ (must be definitely determinable)

CONTRIBUTIONS AND ALLOCATIONS

24. EMPLOYER CONTRIBUTIONS (OTHER THAN MATCHING CONTRIBUTIONS) (Plan Section 4.1(b)(3)) (skip to Question 26 if Employer contributions are NOT selected at Question 11.b.)

CONTRIBUTION FORMULA (select one or more of the following contribution formulas:)

- a. ☐ **Discretionary contribution (no groups).** (may not be elected if this Plan is a Money Purchase Pension Plan) The Employer may make a discretionary contribution, to be determined by the Employer. Any such contribution will be allocated to each Participant eligible to share in allocations in the same ratio as each Participant's Compensation bears to the total of such Compensation of all Participants.
- b. ☐ **Discretionary contribution (Grouping method).** (may not be elected if this Plan is a Money Purchase Pension Plan) The Employer may designate a discretionary contribution to be made on behalf of each Participant group selected below (only select 1. or 2.). The groups must be clearly defined in a manner that will not violate the definite predetermined allocation formula requirement of Regulation §1.401-1(b)(1)(ii). The Employer must notify the Trustee in writing of the amount of the Employer Contribution being given to each group.
 1. ☐ Each Participant constitutes a separate classification.
 2. ☐ Participants will be divided into the following classifications with the allocation methods indicated under each classification.

Definition of classifications. Define each classification and specify the method of allocating the contribution among members of each classification. Classifications specified below must be clearly defined in a manner that will not violate the definitely determinable allocation requirement of Regulation §1.401-1(b)(1)(ii).

Classification A will consist of _____

The allocation method will be: ☐ pro rata based on Compensation
☐ equal dollar amounts (per capita)

Classification B will consist of _____

The allocation method will be: ☐ pro rata based on Compensation
☐ equal dollar amounts (per capita)

Classification C will consist of _____

The allocation method will be: ☐ pro rata based on Compensation
☐ equal dollar amounts (per capita)

Classification D will consist of _____

The allocation method will be: ☐ pro rata based on Compensation
☐ equal dollar amounts (per capita)

Additional Classifications: _____ (specify the classifications and which of the above allocation methods (pro rata or per capita) will be used for each classification).

NOTE: If more than four (4) classifications, the additional classifications and allocation methods may be attached as an addendum to the Adoption Agreement or may be entered under Additional Classifications above.

Determination of applicable group. If a Participant shifts from one classification to another during a Plan Year, then unless selected below, the Participant is in a classification based on the Participant's status as of the last day of the Plan Year, or if earlier, the date of termination of employment. If selected below, the Administrator will apportion the Participant's allocation during a Plan Year based on the following:

- a. ☐ Beginning of Plan Year. The classification will be based on the Participant's status as of the beginning of the Plan Year.
 - b. ☐ Months in each classification. Pro rata based on the number of months the Participant spent in each classification.
 - c. ☐ Days in each classification. Pro rata based on the number of days the Participant spent in each classification.
 - d. ☐ One classification only. The Employer will direct the Administrator to place the Participant in only one classification for the entire Plan Year during which the shift occurs.
- c. ☒ **Fixed contribution** equal to (only select one):
1. ☒ 10.02 % of each Participant's Compensation for each:
 - a. ☒ Plan Year
 - b. ☐ calendar quarter
 - c. ☐ month

- d. ☐ pay period
 e. ☐ week
2. ☐ \$ _____ per Participant.
3. ☐ \$ _____ per Hour of Service worked while an Eligible Employee
 a. ☐ up to _____ hours (leave blank if no limit)
4. ☐ other: _____ (the formula described must satisfy the definitely determinable requirement under Regulation §1.401-1(b)) **NOTE:** Under Question 24.c.4., the Employer may only describe the allocation of Nonelective Contributions from the elections available under Question 24.c of this Adoption Agreement and/or a combination thereof as to a Participant group (e.g., a monthly contribution applies to Group A).
- d. ☒ **Sick leave/vacation leave conversion.** The Employer will contribute an amount equal to an Employee's current hourly rate of pay multiplied by the Participant's number of unused accumulated sick leave and/or vacation days (as selected below). Only unpaid sick and vacation leave for which the Employee has no right to receive in cash may be included. In no event will the Employer's contribution for the Plan Year exceed the maximum contribution permitted under Code §415(c).

The following may be converted under the Plan: (select one or both):

1. ☒ Sick leave
 2. ☒ Vacation leave

Eligible Employees. Only the following Participants shall receive the Employer contribution for sick leave and/or vacation leave (select 3. and/or 4; leave blank if no limitations provided, however, that this Plan may not be used to only provide benefits for terminated Employees)

3. ☐ **Former Employees.** All Employees terminating service with the Employer during the Plan Year and who have satisfied the eligibility requirements based on the terms of the Employer's accumulated benefits plans checked below (select all that apply; leave blank if no exclusions):
 a. ☐ The Former Employee must be at least age _____ (e.g., 55)
 b. ☐ The value of the sick and/or vacation leave must be at least \$ _____ (e.g., \$2,000)
 c. ☐ A contribution will only be made if the total hours is over _____ (e.g., 10) hours
 d. ☐ A contribution will not be made for hours in excess of _____ (e.g., 40) hours
4. ☐ **Active Employees.** Active Employees who have not terminated service during the Plan Year and who meet the following requirements (select all that apply; leave blank if no exclusions):
 a. ☐ The Employee must be at least age _____ (e.g., 55)
 b. ☐ The value of the sick and/or vacation leave must be at least \$ _____ (e.g., \$2,000)
 c. ☐ A contribution will only be made if the total hours is over _____ (e.g., 10) hours
 d. ☐ A contribution will not be made for hours in excess of _____ (e.g., 40) hours
- e. ☐ **Social Security Replacement Plan.** Except as provided below, the Employer will contribute an amount equal to 7.5% of each eligible Participant's Compensation for the entire Plan Year, reduced by mandatory Employee contributions that are picked-up under Code §414(h) and Employer contributions to this Plan actually contributed to the Participant's Account during such Plan Year. (may only be selected if Question 11.b.1. has also been selected)
AND, only the following Employees will NOT be eligible for the Social Security Replacement Plan contribution: (select all that apply)
 1. ☐ Part-time Employees who are not otherwise covered by another qualifying public retirement system as defined for purposes of Regulation §31.3121(b)(7)-2. A part-time Employee is an Employee whose regularly scheduled service is less than _____ Hours of Service in the relevant eligibility computation period (as defined in Plan Section 1.55).
 2. ☐ Seasonal Employees who are not otherwise covered by another qualifying public retirement system as defined for purposes of Regulation §31.3121(b)(7)-2. A seasonal Employee is an Employee who is categorized as a seasonal Employee on the Employer's payroll records.
 3. ☐ Temporary Employees who are not otherwise covered by another qualifying public retirement system as defined for purposes of Regulation §31.3121(b)(7)-2. A temporary Employee is an Employee who is categorized as a temporary Employee on the Employer's payroll records.
 4. ☐ Employees in elective positions (filled by an election, which may be by legislative body, board or committee, or by a jurisdiction's qualified electorate)
 5. ☐ Other: _____ (any other group of Employees that is definitely determinable and not eligible for the Social Security Replacement Plan contribution).

The minimum contribution of 7.5% stated above will be satisfied by:

- a. ☐ the Employee only (specify the contribution at the mandatory Employee contributions Question 30)
 b. ☐ the Employer only
 c. ☐ both the Employee and the Employer. The Employee shall contribute the amount specified in Question 30 for mandatory Employee contributions) and the Employer shall contribute _____% of each eligible Participant's Compensation.

NOTE: If a. or c. above is selected, then the mandatory Employee contribution must be picked-up by the Employer at Question 30. Also, if b. or c. above is selected, then the allocation conditions in Question 25

below do not apply to the Employer contribution made pursuant to this provision.

- f. ☐ Other: _____ (the formula described must satisfy the definitely determinable requirement under Regulation §1.401-1(b) and if this is a Money Purchase Pension, it must not be a discretionary contribution formula). **NOTE:** Under Question 24.f., the Employer may only describe the allocation of Nonelective Contributions from the elections available under Question 24 and/or a combination thereof as to a Participant group or contribution type (e.g., pro rata allocation applies to Group A; contributions to other Employees will be allocated in accordance with the classifications allocation provisions of Plan Section 4.3 with each Participant constituting a separate classification).

25. ALLOCATION CONDITIONS (Plan Section 4.3). If 24.a., b., c., or f. is selected above, indicate requirements to share in allocations of Employer contributions (select a. OR b. and all that apply at c. - e.)

- a. ☒ **No conditions.** All Participants share in the allocations regardless of service completed during the Plan Year or employment status on the last day of the Plan Year (skip to Question 26).

- b. ☐ **Allocation conditions apply** (select one of 1. - 5. AND one of 6. - 9. below)

Conditions for Participants NOT employed on the last day of the Plan Year

1. ☐ A Participant must complete at least _____ (not to exceed 500) Hours of Service if the actual hours/equivalency method is selected (or at least _____ (not to exceed 3) months of service if the elapsed time method is selected).
2. ☐ A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
3. ☐ Participants will NOT share in the allocations, regardless of service.
4. ☐ Participants will share in the allocations, regardless of service.
5. ☐ Other: _____ (must be definitely determinable and not subject to Employer discretion)

Conditions for Participants employed on the last day of the Plan Year

6. ☐ No service requirement.
7. ☐ A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
8. ☐ A Participant must complete at least _____ Hours of Service during the Plan Year.
9. ☐ Other: _____ (must be definitely determinable and not subject to Employer discretion)

Waiver of conditions for Participants NOT employed on the last day of the Plan Year. If b.1., 2., 3., or 5. above is selected, Participants who are not employed on the last day of the Plan Year in which one of the following events occur will be eligible to share in the allocations regardless of the above conditions (select all that apply; leave blank if none apply):

- c. ☐ Death
- d. ☐ Total and Permanent Disability
- e. ☐ Termination of employment on or after Normal Retirement Age
 1. ☐ or Early Retirement Date

26. EMPLOYER MATCHING CONTRIBUTIONS (Plan Section 4.1(b)(2) and Plan Section 4.12). (skip to Question 29 if matching contributions are NOT selected at Question 11.c.) The Employer will (or may with respect to any discretionary contribution) make the following matching contributions:

- A. **Employee contributions taken into account.** For purposes of applying the matching contribution provisions below, the following amounts are being matched (hereafter referred to as "matched Employee contributions" (select one or more):

- a. ☐ Elective deferrals to a **457 plan**. Enter Plan name(s): _____
- b. ☐ Elective deferrals to a **403(b) plan**. Enter Plan name(s): _____
- c. ☐ Voluntary Employee Contributions
- d. ☐ Other: _____ (specify amounts that are matched under this Plan and are provided for within this Adoption Agreement)

- B. **Matching Formula.** (select one)

- e. ☐ **Fixed - uniform rate/amount.** The Employer will make matching contributions equal to _____% (e.g., 50) of the Participant's "matched Employee contributions"
 1. ☐ that do not exceed _____% of a Participant's Compensation (leave blank if no limit)
Additional matching contribution (choose 2. if applicable):
 2. ☐ plus an additional matching contribution of a discretionary percentage determined by the Employer,
 - a. ☐ but not to exceed _____% of Compensation. Such contribution is subject to the Instructions and Notice requirement of Section 4.12.

- f. ☐ **Fixed - tiered.** The Employer will make matching contributions equal to a uniform percentage of each tier of each Participant's "matched Employee contributions", determined as follows:

NOTE: Fill in only percentages or dollar amounts, but not both. If percentages are used, each tier represents the amount of the Participant's applicable contributions that equals the specified percentage of the Participant's Compensation (add additional tiers if necessary):

Tiers of Contributions (indicate \$ or %)	Matching Percentage
First _____	_____ %
Next _____	_____ %
Next _____	_____ %
Next _____	_____ %

- g. ☐ **Fixed - Years of Service.** The Employer will make matching contributions equal to a uniform percentage of each Participant's "matched Employee contributions" based on the Participant's Years of Service (or Periods of Service if the elapsed time method is selected), determined as follows (add additional tiers if necessary):

Years (or Periods) of Service	Matching Percentage
_____	_____ %
_____	_____ %
_____	_____ %

For purposes of the above matching contribution formula, a Year (or Period) of Service means a Year (or Period) of Service for:

1. ☐ vesting purposes
2. ☐ eligibility purposes

- h. ☐ **Flexible Discretionary Match.** (may not be elected if this Plan is a Money Purchase Pension Plan) "Flexible Discretionary Match" means a Matching Contribution which the Employer in its sole discretion elects to make to the Plan. Except as specified below, the Employer retains discretion over the formula or formulas for allocating the Flexible Discretionary Match, including the Discretionary Matching Contribution rate or amount, the limit(s) on Elective Deferrals or Employee Contributions subject to match, the per Participant match allocation limit(s), the Participants or categories of Participants who will receive the allocation, and the time period applicable to any matching formula(s) (collectively, the "Flexible Discretionary Matching Formula"), except as the Employer otherwise elects in its Adoption Agreement. Such contributions will be subject to the Instructions and Notice requirement of Section 4.12, reproduced below, unless the Employer elects to use a "Rigid Discretionary Match" in Election 26.B.h.1. below.

The discretionary matching contribution under this Question 26.B.h. is a "Flexible Discretionary Match" unless the Employer elects to use a "Rigid Discretionary Match." (Choose 1. if applicable.)

1. ☐ **Rigid Discretionary Match.** A "Rigid Discretionary Match" means a Matching Contribution which the Employer in its sole discretion elects to make to the Plan. Such discretion will only pertain to the amount of the annual contribution. The Employer must select the allocation method for this Contribution by selecting among those Adoption Agreement options which confer no Employer Discretion regarding the allocation of such discretionary amount, for example, the limit(s) on Elective Deferrals or Employee Contributions subject to match, the per Participant match allocation limit(s), the Participants who will receive the allocation, and the time period applicable to any matching formula(s). This "Rigid Discretionary Match" is not subject to the Instructions and Notice requirement of Section 4.12.

Section 4.12 provides: INSTRUCTIONS TO ADMINISTRATOR AND NOTIFICATION TO PARTICIPANTS. For Plan Years beginning after the end of the Plan Year in which this document is first adopted, if a "Flexible Discretionary Match" contribution formula applies (i.e., a formula that provides an Employer with discretion regarding how to *allocate* a matching contribution to Participants) and the Employer makes a "Flexible Discretionary Match" to the Plan, the Employer must provide the Plan Administrator or Trustee written instructions describing (1) how the "Flexible Discretionary Match" formula will be allocated to Participants (e.g., a uniform percentage of Elective Deferrals or a flat dollar amount), (2) the computation period(s) to which the "Flexible Discretionary Match" formula applies, and (3) if applicable, a description of each business location or business classification subject to separate "Flexible Discretionary Match" allocation formulas. Such instructions must be provided no later than the date on which the "Flexible Discretionary Match" is made to the Plan. A summary of these instructions must be communicated to Participants who receive an allocation of the "Flexible Discretionary Match" no later than 60 days following the date on which the last "Flexible Discretionary Match" contribution is made to the Plan for the Plan Year.

- i. ☐ **Discretionary - tiered.** (may not be elected if this Plan is a Money Purchase Pension Plan) The Employer may make matching contributions equal to a discretionary percentage of a Participant's "matched Employee contributions," to be determined by the Employer, of each tier, to be determined by the Employer. Such discretion will only pertain to the

amount of the contribution. The tiers may be based on the rate of a Participant's "matched Employee contributions" or Years of Service. Such contribution is subject to the Instructions and Notice requirement of Section 4.12.

NOTE: Fill in only percentages or dollar amounts, but not both. If percentages are used, each tier represents the amount of the Participant's applicable contributions that equals the specified percentage of the Participant's Compensation (add additional tiers if necessary):

Tiers of Contributions (indicate \$ or %)	Matching Percentage
First _____	_____ %
Next _____	_____ %
Next _____	_____ %
Next _____	_____ %

- j. ☐ Other: _____ (the formula described must satisfy the definitely determinable requirement under Regulation §1.401-1(b) and if this is a Money Purchase Pension Plan, it must not be a discretionary contribution formula. **NOTE:** Under Question 26.B.j., the Employer may only describe the allocation of Matching Contributions from the elections available under Question 26 and/or a combination thereof as to a Participant group or contribution type (e.g., fixed – uniform rate applies to Group A; contributions to other Employees will be allocated as a tiered contribution.)

27. MATCHING CONTRIBUTION PROVISIONS

- A. **Maximum matching contribution.** The total matching contribution made on behalf of any Participant for any Plan Year will not exceed:

- a. ☐ N/A (no Plan specific limit on the amount of matching contribution)
 b. ☐ \$ _____.
 c. ☐ _____ % of Compensation.

- B. **Period of determination.** Any matching contribution other than a "Flexible Discretionary Match" will be applied on the following basis (and "matched Employee contributions" and any Compensation or dollar limitation used in determining the matching contribution will be based on the applicable period. Skip if the only Matching Contribution is a Flexible Discretionary Match.):

- d. ☐ the Plan Year (potential annual true-up required)
 e. ☐ each payroll period (no true-up)
 f. ☐ each month (potential monthly true-up required)
 g. ☐ each Plan Year quarter (potential quarterly true-up required)
 h. ☐ each payroll unit (e.g., hour) (no true-up)
 i. ☐ Other (specify): _____ The time period described must be definitely determinable under Treas. Reg. §1.401-1(b). This line may be used to apply different options to different matching contributions (e.g., Discretionary matching contributions will be allocated on a Plan Year period while fixed matching contributions will be allocated on each payroll period.) Such contribution period is subject to the Instructions and Notice requirement of Section 4.12.

28. ALLOCATION CONDITIONS (Plan Section 4.3) Select a. OR b. and all that apply of c. - h.

- a. ☐ **No conditions.** All Participants share in the allocations regardless of service completed during the Plan Year or employment status on the last day of the Plan Year (skip to Question 29).
 b. ☐ **Allocation conditions apply** (select one of 1. - 5. AND one of 6. - 9. below)
Conditions for Participants NOT employed on the last day of the Plan Year.
 1. ☐ A Participant must complete more than _____ Hours of Service (or _____ months of service if the elapsed time method is selected).
 2. ☐ A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
 3. ☐ Participants will NOT share in the allocations, regardless of service.
 4. ☐ Participants will share in the allocations, regardless of service.
 5. ☐ Other: _____ (must be definitely determinable)

Conditions for Participants employed on the last day of the Plan Year

6. ☐ No service requirement.
 7. ☐ A Participant must complete a Year of Service (or Period of Service if the elapsed time method is selected).
 8. ☐ A Participant must complete at least _____ Hours of Service during the Plan Year.
 9. ☐ Other: _____ (must be definitely determinable and not subject to Employer discretion)

Waiver of conditions for Participants NOT employed on the last day of the Plan Year. If b.1., 2., 3., or 5. is selected, Participants who are not employed on the last day of the Plan Year in which one of the following events occur will be eligible to share in the allocations regardless of the above conditions (select all that apply; leave blank if none apply):

- c. ☐ Death
 d. ☐ Total and Permanent Disability
 e. ☐ Termination of employment on or after Normal Retirement Age
 1. ☐ or Early Retirement Date

Conditions based on period other than Plan Year. The allocation conditions above will be applied based on the Plan Year unless otherwise selected below. If selected, the above provisions will be applied by substituting the term Plan Year with the specified period (e.g., if Plan Year quarter is selected below and the allocation condition is 250 Hours of Service per quarter, enter 250 hours (not 1000) at b.8. above).

- f. ☐ The Plan Year quarter.
- g. ☐ Payroll period.
- h. ☐ Other: _____ (must be definitely determinable and not subject to Employer discretion and may not be longer than a twelve month period).

29. **FORFEITURES** (Plan Sections 1.21 and 4.3(e))

Timing of Forfeitures. Except as provided in Plan Section 1.21, a Forfeiture will occur:

- a. ☒ N/A (may only be selected if all contributions are fully Vested (default provisions at Plan Section 4.3(e) apply))
- b. ☐ As of the earlier of (1) the last day of the Plan Year in which the former Participant incurs five (5) consecutive 1-Year Breaks in Service, or (2) the distribution of the entire Vested portion of the Participant's Account.
- c. ☐ As of the last day of the Plan Year in which the former Participant incurs five (5) consecutive 1-Year Breaks in Service.
- d. ☐ As soon as reasonably practical after the date the Participant severs employment.

Use of Forfeitures. (skip if this is NOT a Money Purchase Pension Plan; for Profit Sharing Plans, Forfeitures are disposed of in accordance with Employer direction that is consistent with Section 4.3(e)).

Forfeitures will be (select one):

- e. ☐ added to the Employer contribution and allocated in the same manner
- f. ☐ used to reduce any Employer contribution
- g. ☐ allocated to all Participants eligible to share in the allocations of Employer contributions or Forfeitures in the same proportion that each Participant's Compensation for the Plan Year bears to the Compensation of all Participants for such year
- h. ☐ other: _____ (describe the treatment of Forfeitures in a manner that is definitely determinable and that is not subject to Employer discretion)

30. **MANDATORY EMPLOYEE CONTRIBUTIONS** (Plan Section 4.8) (skip if mandatory Employee contributions NOT selected at Question 11.d.)

Type of mandatory Employee Contribution. The mandatory Employee contribution is being made in accordance with the following: (select one)

- a. ☒ The mandatory Employee contribution is a condition of employment.
- b. ☐ The Employee must make, on or before first being eligible to participate under any Plan of the Employer, an irrevocable election to contribute the mandatory Employee contribution to the Plan. No Eligible Employee will become a Participant unless the Employee makes such an irrevocable election.

Amount of mandatory Employee Contribution (select one)

- c. ☒ An Eligible Employee must contribute to the Plan 8% % (not to exceed 25%) of Compensation.
- d. ☐ An Eligible Employee must, prior to his or her first Entry Date, make a one-time irrevocable election to contribute to the Plan from _____ % (not less than 1%) to _____ % (not to exceed 25%) of Compensation.

Conditions of Mandatory Employee Contributions

- e. ☐ **Additional provisions and conditions:** _____ (must be definitely determinable; e.g., Only full-time Employees must make mandatory Employee contributions)

Employer pick-up contribution. The mandatory Employee contribution is "picked-up" by the Employer under Code §414(h)(2) unless elected below. (select if applicable)

- f. ☐ The mandatory Employee contribution is not "picked-up" by the Employer.

DISTRIBUTIONS

31. **FORM OF DISTRIBUTIONS** (Plan Sections 6.5 and 6.6)

Distributions under the Plan may be made in (select all that apply; must select at least one):

- a. ☒ lump-sums
- b. ☒ substantially equal installments
- c. ☐ partial withdrawals, provided the minimum withdrawal is \$_____ (leave blank if no minimum)
- d. ☐ partial withdrawals or installments are only permitted for Participants or Beneficiaries who must receive required minimum distributions under Code §401(a)(9) except for the following (leave blank if no exceptions):
 - 1. ☐ Only Participants (and not Beneficiaries) may elect partial withdrawals or installments
 - 2. ☐ Other: _____ (e.g., partial is not permitted for death benefits. Must be definitely determinable and not subject to Employer discretion.)
- e. ☐ annuity: _____ (describe the form of annuity or annuities)

- f. ☒ other: partial lump-sum payment of a designated amount, with the balance payable in installments for a period of years; installment payments in specific dollar amounts determined under a tax efficient systematic withdrawal program. (must be definitely determinable and not subject to Employer discretion)

NOTE: Regardless of the above, a Participant is not required to request a withdrawal of his or her total Account for an in-service distribution, a hardship distribution, or a distribution from the Participant's Rollover Account.

Cash or property. Distributions may be made in:

- g. ☒ cash only, except for (select all that apply; leave blank if none apply):
1. ☐ insurance Contracts
 2. ☐ annuity Contracts
 3. ☐ Participant loans
 4. ☐ all investments in an open brokerage window or similar arrangement
- h. ☐ cash or property, except that the following limitation(s) apply: (leave blank if there are no limitations on property distributions):
1. ☐ _____ (must be definitely determinable and not subject to Employer discretion)

Joint and Survivor Annuity provisions. (Plan Sections 6.5(e) and 6.6(e) (select one) The Joint and Survivor Annuity provisions do not apply to the Plan unless selected below (choose if applicable)

- i. ☐ **Joint and Survivor Annuity applicable as normal form of distribution.** The Joint and Survivor annuity rules set forth in Plan Sections 6.5(e) and 6.5(f) apply to all Participants (if selected, then annuities are a form of distribution under the Plan even if e. above is not selected)
- j. ☐ **Joint and Survivor Annuity rules apply based on Participant election.** Plan Section 6.5(f) will apply and the joint and survivor rules of Code §§401(a)(11) and 417 (as set forth in Plan Sections 6.5(e) and 6.6(e) will apply only if an annuity form of distribution is selected by a Participant.

AND, if i. or j. is selected above, the one-year marriage rule does not apply unless selected below (choose if applicable).

1. ☐ The one-year marriage rule applies.

Spousal consent requirements. Spousal consent is not required for any Plan provisions (except as otherwise elected in i. above for the joint and survivor annuity rules) unless selected below (choose if applicable)

- k. ☐ **Required for all distributions.** A Spouse must consent to all distributions (other than required minimum distributions).
- l. ☐ **Beneficiary designations.** A married Participant's Spouse will be the Beneficiary of the entire death benefit unless the Spouse consents to an alternate Beneficiary.

AND, if k. or l. is selected, the one-year marriage rule does not apply unless selected below (choose if applicable).

1. ☐ The one-year marriage rule applies.

32. **CONDITIONS FOR DISTRIBUTIONS UPON SEVERANCE OF EMPLOYMENT.** Distributions upon severance of employment pursuant to Plan Section 6.4(a) will not be made unless the following conditions have been satisfied:

A. Accounts in excess of \$5,000

- a. ☒ Distributions may be made as soon as administratively feasible following severance of employment.
- b. ☐ Distributions may be made as soon as administratively feasible after the last day of the Plan Year coincident with or next following severance of employment.
- c. ☐ Distributions may be made as soon as administratively feasible after the last day of the Plan Year quarter coincident with or next following severance of employment.
- d. ☐ Distributions may be made as soon as administratively feasible after the Valuation Date coincident with or next following severance of employment.
- e. ☐ Distributions may be made as soon as administratively feasible after _____ months have elapsed following severance of employment.
- f. ☐ No distributions may be made until a Participant has reached Early or Normal Retirement Date.
- g. ☐ Other: _____ (must be objective conditions which are ascertainable and may not exceed the limits of Code §401(a)(14) as set forth in Plan Section 6.7)

B. Accounts of \$5,000 or less

- h. ☒ Same as above
- i. ☐ Distributions may be made as soon as administratively feasible following severance of employment.
- j. ☐ Distributions may be made as soon as administratively feasible after the last day of the Plan Year coincident with or next following severance of employment.
- k. ☐ Other: _____ (must be objective conditions which are ascertainable and may not exceed the limits of Code §401(a)(14) as set forth in Plan Section 6.7)

- C. **Timing after initial distributable event.** If a distribution is not made in accordance with the above provisions upon the occurrence of the distributable event, then a Participant may elect a subsequent distribution at any time after the time the amount

was first distributable (assuming the amount is still distributable), unless otherwise selected below (may not be selected with 32.f. and 32.h.):

- l. ☐ Other: _____ (e.g., a subsequent distribution request may only be made in accordance with l. above (i.e., the last day of another Plan Year); must be objective conditions which are ascertainable and may not exceed the limits of Code §401(a)(14) as set forth in Plan Section 6.7)

- D. **Participant consent (i.e., involuntary cash-outs).** Should Vested Account balances less than a certain dollar threshold be automatically distributed without Participant consent (mandatory distributions)?

NOTE: The Plan provides that distributions of amounts of \$5,000 or less are only paid as lump-sums.

- m. ☐ No, Participant consent is required for all distributions.
 n. ☒ Yes, Participant consent is required only if the distribution is over:
 1. ☐ \$5,000
 2. ☒ \$1,000
 3. ☐ \$_____ (less than \$1,000)

NOTE: If 2. or 3. is selected, rollovers will be included in determining the threshold for Participant consent.

Automatic IRA rollover. With respect to mandatory distributions of amounts that are \$1,000 or less, if a Participant makes no election, the amount will be distributed as a lump-sum unless selected below.

4. ☐ If a Participant makes no election, then the amount will be automatically rolled over to an IRA provided the amount is at least \$_____ (e.g., \$200).

- E. **Rollovers in determination of \$5,000 threshold.** Unless otherwise elected below, amounts attributable to rollover contributions (if any) will be **included** in determining the \$5,000 threshold for timing of distributions, form of distributions, or consent rules.

- o. ☐ Exclude rollovers (rollover contributions will be **excluded** in determining the \$5,000 threshold)

NOTE: Regardless of the above election, if the Participant consent threshold is \$1,000 or less, then the Administrator must include amounts attributable to rollovers for such purpose. In such case, an election to exclude rollovers above will apply for purposes of the timing and form of distributions.

33. DISTRIBUTIONS UPON DEATH (Plan Section 6.8(b)(2))

Distributions upon the death of a Participant prior to the "required beginning date" will:

- a. ☒ be made pursuant to the election of the Participant or "designated Beneficiary"
 b. ☐ begin within 1 year of death for a "designated Beneficiary" and be payable over the life (or over a period not exceeding the "life expectancy") of such Beneficiary, except that if the "designated Beneficiary" is the Participant's Spouse, begin prior to December 31st of the year in which the Participant would have attained age 70 1/2
 c. ☐ be made within 5 (or if lesser _____) years of death for all Beneficiaries
 d. ☐ be made within 5 (or if lesser _____) years of death for all Beneficiaries, except that if the "designated Beneficiary" is the Participant's Spouse, begin prior to December 31st of the year in which the Participant would have attained age 70 1/2 and be payable over the life (or over a period not exceeding the "life expectancy") of such "surviving Spouse"

NOTE: The elections above must be coordinated with the Form of distributions (e.g., if the Plan only permits lump-sum distributions, then options a., b. and d. would not be applicable).

34. OTHER PERMITTED DISTRIBUTIONS (select all that apply; leave blank if none apply)

A. IN-SERVICE DISTRIBUTIONS (Plan Section 6.11)

In-service distributions will NOT be allowed (except as otherwise permitted under the Plan without regard to this provision) unless selected below (if applicable, answer a. - e.; leave blank if not applicable):

- a. ☐ In-service distributions may be made to a Participant who has not separated from service provided the following has been satisfied (select one or more) (options 2. - 5. may only be selected with Profit Sharing Plans):
 1. ☐ Age. The Participant has reached: (select one)
 a. ☐ Normal Retirement Age
 b. ☐ age 62
 c. ☐ age 59 1/2 (may not be selected if a Money Purchase Pension Plan)
 d. ☐ age _____ (may not be less than age 62 for Money Purchase Pension Plans)
 2. ☐ the Participant has been a Participant in the Plan for at least _____ years (may not be less than five (5))
 3. ☐ the amounts being distributed have accumulated in the Plan for at least 2 years
 4. ☐ other: _____ (must satisfy the definitely determinable requirement under Regulations §401-1(b); may not be subject to Employer discretion; and must be limited to a combination of items a.1. - a.3. or a Participant's disability.)

More than one condition. If more than one condition is selected above, then a Participant only needs to satisfy one of the conditions, unless selected below:

5. ☐ A Participant must satisfy each condition

NOTE: Distributions from a Transfer Account attributable to a Money Purchase Pension Plan are not permitted prior to age 62.

Account restrictions. In-service distributions are permitted from the following Participant Accounts:

- b. ☐ all Accounts
- c. ☐ only from the following Accounts (select one or more):
 - 1. ☐ Account attributable to Employer matching contributions
 - 2. ☐ Account attributable to Employer contributions other than matching contributions
 - 3. ☐ Rollover Account
 - 4. ☐ Transfer Account
 - Permitted from the following assets attributable to (select one or both):
 - a. ☐ non-pension assets
 - b. ☐ pension assets (e.g., from a Money Purchase Pension Plan)
 - 5. ☐ Mandatory Employee Contribution Account
 - 6. ☐ Other: _____ (specify Account(s) and conditions in a manner that satisfies the definitely determinable requirement under Regulation §1.401-1(b) and is not subject to Employer discretion)

Limitations. The following limitations apply to in-service distributions:

- d. ☐ N/A (no additional limitations)
- e. ☐ Additional limitations (select one or more):
 - 1. ☐ The minimum amount of a distribution is \$_____.
 - 2. ☐ No more than _____ distribution(s) may be made to a Participant during a Plan Year.
 - 3. ☐ Distributions may only be made from Accounts which are fully Vested.
 - 4. ☐ In-service distributions may be made subject to the following provisions: _____ (must satisfy the definitely determinable requirement under Regulation §1.401-1(b) and not be subject to Employer discretion).

B. HARDSHIP DISTRIBUTIONS (Plan Sections 6.12) (may not be selected if this is a Money Purchase Pension Plan)

Hardship distributions will NOT be allowed (except as otherwise permitted under the Plan without regard to this provision) unless selected below (leave blank if not applicable):

- f. ☐ Hardship distributions are permitted from the following Participant Accounts:
 - 1. ☐ all Accounts
 - 2. ☐ only from the following Accounts (select one or more):
 - a. ☐ Account attributable to Employer matching contributions
 - b. ☐ Account attributable to Employer contributions other than matching contributions
 - c. ☐ Rollover Account (if not available at any time under Question 36)
 - d. ☐ Transfer Account (other than amounts attributable to a money purchase pension plan)
 - e. ☐ Mandatory Employee Contribution Account
 - f. ☐ Other: _____ (specify Account(s) and conditions in a manner that is definitely determinable and not subject to Employer discretion)

NOTE: Hardship distributions are NOT permitted from a Transfer Account attributable to pension assets (e.g., from a Money Purchase Pension Plan).

Additional limitations. The following limitations apply to hardship distributions:

- 3. ☐ N/A (no additional limitations)
- 4. ☐ Additional limitations (select one or more):
 - a. ☐ The minimum amount of a distribution is \$_____.
 - b. ☐ No more than _____ distribution(s) may be made to a Participant during a Plan Year.
 - c. ☐ Distributions may only be made from Accounts which are fully Vested.
 - d. ☐ A Participant does not include a Former Employee at the time of the hardship distribution.
 - e. ☐ Hardship distributions may be made subject to the following provisions: _____ (must satisfy the definitely determinable requirement under Regulation §1.401-1(b) and not be subject to Employer discretion).

Beneficiary Hardship. Hardship distributions for Beneficiary expenses are NOT allowed unless otherwise selected below.

- 5. ☐ Hardship distributions for expenses of Beneficiaries are allowed
 - Special effective date** (may be left blank if effective date is same as the Plan or Restatement Effective Date; select a. and, if applicable, b.)
 - a. ☐ effective as of _____
 - b. ☐ eliminated effective as of _____.

MISCELLANEOUS

35. LOANS TO PARTICIPANTS (Plan Section 7.4)

- a. ☐ New loans are NOT permitted.
- b. ☒ New loans are permitted.

NOTE: Regardless of whether new loans are permitted, if the Plan permits rollovers and/or plan-to-plan transfers, then the Administrator may, in a uniform manner, accept rollovers and/or plan-to-plan transfers of loans into this Plan.

36. ROLLOVERS (Plan Section 4.6) (skip if rollover contributions are NOT selected at 11.f.)

Eligibility. Rollovers may be accepted from all Participants who are Employees as well as the following (select all that apply; leave blank if not applicable):

- a. ☐ Any Eligible Employee, even prior to meeting eligibility conditions to be a Participant
- b. ☐ Participants who are Former Employees

Distributions. When may distributions be made from a Participant's Rollover Account?

- c. ☒ At any time
- d. ☐ Only when the Participant is otherwise entitled to any distribution under the Plan

37. HEART ACT (Plan Section 4.11) (select one or more)

- a. ☐ **HEART ACT Continued benefit accruals.** Continued benefit accruals will apply
- b. ☐ **Distributions for deemed severance of employment.** The Plan permits distributions for deemed severance of employment.

Reliance on Provider Opinion Letter. The Provider has obtained from the IRS an Opinion Letter specifying the form of this document satisfies Code §401 as of the date of the Opinion Letter. An adopting Employer may rely on the Provider's IRS Opinion Letter *only* to the extent provided in Rev. Proc. 2017-41 or subsequent guidance. The Employer may not rely on the Opinion Letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the Opinion Letter and in Rev. Proc. 2017-41 or subsequent guidance. In order to have reliance in such circumstances or with respect to such qualification requirements, the Employer must apply for a determination letter to Employee Plans Determinations of the IRS.

An Employer who has ever maintained or who later adopts an individual medical account, as defined in Code §415(l)(2)) in addition to this Plan may not rely on the opinion letter issued by the Internal Revenue Service with respect to the requirements of Code§415.

This Adoption Agreement may be used only in conjunction with the basic Plan document #03. This Adoption Agreement and the basic Plan document will together be known as FIS Business Systems LLC Non-Standardized Governmental 401(a) Pre-Approved Plan #03-001.

The adoption of this Plan, its qualification by the IRS, and the related tax consequences are the responsibility of the Employer and its independent tax and legal advisors.

Execution for Page Substitution Amendment Only. If this paragraph is completed, this Execution Page documents an amendment to Adoption Agreement Election(s) _____ effective _____, by substitute Adoption Agreement page number(s) _____. The Employer should retain all Adoption Agreement Execution Pages and amended pages. (*Note: The Effective Date may be retroactive or may be prospective.*)

The Provider, Stephen P. Rickles will notify the Employer of any amendment to this Pre-approved Plan or of any abandonment or discontinuance by the Provider of its maintenance of this Pre-approved Plan. In addition, this Plan is provided to the Employer either in connection with investment in a product or pursuant to a contract or other arrangement for products and/or services. Upon cessation of such investment in a product or cessation of such contract or arrangement, as applicable, the Employer is no longer considered to be an adopter of this Plan and FIS Business Systems LLC no longer has any obligations to the Employer that relate to the adoption of this Plan. For inquiries regarding the adoption of the Pre-approved Plan, the Provider's intended meaning of any Plan provisions or the effect of the Opinion Letter issued to the Provider, please contact the Provider or the Provider's representative.

Provider Name: Rachel Morris, Deputy City Attorney

Address: 8101 Ralston Road

Arvada

Colorado

80001-8101

Telephone Number: 720-898-7565

Email address (optional): _____

The Employer, by executing below, hereby adopts this Plan (add additional signature lines as needed). NOTE: If more than one Plan type is adopted, the Plan Provider must provide multiple plan documents for Employer signature.

EMPLOYER: City of Arvada, Colorado

By: _____

DATE SIGNED

APPENDIX A
SPECIAL EFFECTIVE DATES AND OTHER PERMITTED ELECTIONS

A. Special effective dates (leave blank if not applicable):

- a. ☐ **Special effective date(s):** _____. For periods prior to the specified special effective date(s), the Plan terms in effect prior to its restatement under this Adoption Agreement will control for purposes of the designated provisions. A special effective date may not result in the delay of a Plan provision beyond the permissible effective date under any applicable law. (The Employer has reliance on the IRS Opinion Letter only if the features described in the preceding sentence constitute protected benefits within the meaning of Code Section 411(d)(6) and the regulations thereunder, and only if such features are permissible in a "Cycle 3" preapproved plan, i.e., the features are not specifically prohibited by Revenue Procedure 2017-41 (or any superseding guidance))

B. Other permitted elections (the following elections are optional):

- a. ☐ **No other permitted elections**

The following elections apply (select one or more):

- b. ☐ **Deemed 125 compensation** (Plan Section 1.23). Deemed 125 compensation will be included in Compensation and 415 Compensation.
- c. ☒ **Break-in-Service Rules.** The following Break-in-Service rules apply to the Plan. (select 1. or 2.)
1. ☐ **Reemployed after five (5) 1-Year Breaks in Service ("rule of parity" provisions)** (Plan Section 3.5(e)). The "rule of parity" provisions in Plan Section 3.5(d) will apply for (select one or both):
- a. ☐ eligibility purposes
- b. ☐ vesting purposes
2. ☒ **Break-in-Service rules for rehired Employees.** The following Break-in-Service rules set forth in Plan Sections 3.2 and 3.5 apply: (select one or both)
- a. ☒ all Break-in-Service rules set forth in such Sections.
- b. ☐ only the following: _____ (specify which provisions apply to the Plan)
- d. ☐ **Beneficiary if no beneficiary elected by Participant** (Plan Section 6.2(f)). In the event no valid designation of Beneficiary exists, then in lieu of the order set forth in Plan Section 6.2(f), the following order of priority will be used: _____ (specify an order of beneficiaries; e.g., children per stirpes, parents, and then step-children).
- e. ☐ **Joint and Survivor Annuity/Pre-Retirement Survivor Annuity.** If the Plan applies the Joint and Survivor Annuity rules, then the normal form of annuity will be a joint and 50% survivor annuity (i.e., if 31.i. or 31.j. is selected) and the Pre-Retirement Survivor Annuity will be equal to 50% of a Participant's interest in the Plan unless selected below (select 1. and/or 2.)
1. ☐ **Normal form of annuity.** Instead of a joint and 50% survivor annuity, the normal form of the qualified Joint and Survivor Annuity will be: (select one)
- a. ☐ joint and 100% survivor annuity
- b. ☐ joint and 75% survivor annuity
- c. ☐ joint and 66 2/3% survivor annuity
2. ☐ **Pre-Retirement Survivor Annuity.** The Pre-Retirement Survivor Annuity (minimum Spouse's death benefit) will be equal to 50% of a Participant's interest in the Plan unless a different percentage is selected below: (select one)
- a. ☐ 100% of a Participant's interest in the Plan.
- b. ☐ _____% (may not be less than 50%) of a Participant's interest in the Plan.
- f. ☐ **Limitation Year** (Plan Section 1.30). The Limitation Year for Code §415 purposes will be _____ (must be a consecutive twelve month period) instead of the "determination period" for Compensation.
- g. ☐ **415 Limits when 2 defined contribution plans are maintained** (Plan Section 4.4). If any Participant is covered under another qualified defined contribution plan maintained by the Employer or an Affiliated Employer, or if the Employer or an Affiliated Employer maintains a welfare benefit fund, as defined in Code §419(e), or an individual medical account, as defined in Code §415(l)(2), under which amounts are treated as "annual additions" with respect to any Participant in this Plan, then the provisions of Plan Section 4.4(b) will apply unless otherwise specified below:
1. ☐ Specify, in a manner that precludes Employer discretion, the method under which the plans will limit total "annual additions" to the "maximum permissible amount" and will properly reduce any "excess amounts": _____
- h. ☐ **Recognition of Service with other employers** (Plan Sections 1.40 and 1.55). Service with the following employers (in addition to those specified at Question 15) will be recognized as follows (select one or more):

		Eligibility	Vesting	Contribution Allocation
1.	☐ Employer name: _____	a. ☐	b. ☐	c. ☐
2.	☐ Employer name: _____	a. ☐	b. ☐	c. ☐

3. ☐ Employer name: _____ a. ☐ b. ☐ c. ☐
4. ☐ Employer name: _____ a. ☐ b. ☐ c. ☐
5. ☐ Employer name: _____ a. ☐ b. ☐ c. ☐
6. ☐ Employer name: _____ a. ☐ b. ☐ c. ☐

Limitations

7. ☐ The following provisions or limitations apply with respect to the recognition of prior service: _____ a. ☐ b. ☐ c. ☐
(e.g., credit service with X only on/following 1/1/19)
- i. ☐ **Other vesting provisions.** The following vesting provisions apply to the Plan (select one or more):
1. ☐ **Special vesting provisions.** The following special provisions apply to the vesting provisions of the Plan: _____ (must be definitely determinable and satisfy the parameters set forth at Question 17)
 2. ☐ **Pre-amendment vesting schedule.** (Plan Section 6.4(b)). If the vesting schedule has been amended and a different vesting schedule other than the schedule at Question 17 applies to any Participants, then the following provisions apply (must select one of a. – d.):

Applicable Participants. The vesting schedules in Question 17 only apply to:
 - a. ☐ Participants who are Employees as of _____ (enter date).
 - b. ☐ Participants in the Plan who have an Hour of Service on or after _____ (enter date).
 - c. ☐ Participants (even if not an Employee) in the Plan on or after _____ (enter date).
 - d. ☐ Other: _____ (e.g., Participants in division A. Must be definitely determinable.)
- j. ☐ **Minimum distribution transitional rules** (Plan Section 6.8(e)(5))
- NOTE:** This Section does not apply to (1) a new Plan, (2) an amendment or restatement of an existing Plan that never contained the provisions of Code §401(a)(9) as in effect prior to the amendments made by the Small Business Job Protection Act of 1996 (SBJPA), or (3) a Plan where the transition rules below do not affect any current Participants.
- The "required beginning date" for a Participant is:
1. ☐ April 1st of the calendar year following the year in which the Participant attains age 70 1/2. (pre-SBJPA rules continue to apply)
 2. ☐ April 1st of the calendar year following the later of the year in which the Participant attains age 70 1/2 or retires (the post-SBJPA rules), with the following exceptions (select one or both; leave blank if both applied effective as of January 1, 1996):
 - a. ☐ A Participant who was already receiving required minimum distributions under the pre-SBJPA rules as of _____ (may not be earlier than January 1, 1996) was allowed to stop receiving distributions and have them recommence in accordance with the post-SBJPA rules. Upon the recommencement of distributions, if the Plan permits annuities as a form of distribution then the following apply:
 1. ☐ N/A (annuity distributions are not permitted)
 2. ☐ Upon the recommencement of distributions, the original Annuity Starting Date will be retained.
 3. ☐ Upon the recommencement of distributions, a new Annuity Starting Date is created.
 - b. ☐ A Participant who had not begun receiving required minimum distributions as of _____ (may not be earlier than January 1, 1996) may elect to defer commencement of distributions until retirement. The option to defer the commencement of distributions (i.e., to elect to receive in-service distributions upon attainment of age 70 1/2) applies to all such Participants unless selected below:
 1. ☐ The in-service distribution option was eliminated with respect to Participants who attained age 70 1/2 in or after the calendar year that began after the later of (1) December 31, 1998, or (2) the adoption date of the restatement to bring the Plan into compliance with the SBJPA.
- k. ☐ **Other spousal provisions** (select one or more)
1. ☐ **Definition of Spouse.** The term Spouse includes a spouse under federal law as well as the following: _____
 2. ☐ **Automatic revocation of spousal designation** (Plan Section 6.2(g)). The automatic revocation of a spousal Beneficiary designation in the case of divorce does not apply.
 3. ☐ **Timing of QDRO payment.** A distribution to an Alternate Payee shall not be permitted prior to the time a Participant would be entitled to a distribution.
- l. ☐ **Applicable law.** Instead of using the applicable laws set forth in Plan Section 9.4(a), the Plan will be governed by the laws of: _____

- m. ☐ **Total and Permanent Disability.** Instead of the definition at Plan Section 1.50, Total and Permanent Disability means: _____ (must be definitely determinable).
- n. ☐ **Inclusion of Reclassified Employees** (Plan Section 1.17(a)). The Employer does not exclude Reclassified Employees subject to the following provisions: (leave blank if not applicable): _____
- o. ☐ **Claims procedures** (Plan Section 2.10). The claims procedures forth in Plan Section 2.10(a) – (b) apply unless otherwise elected below or unless the Administrator has operationally adopted alternative procedures.
1. ☐ The claims procedures set forth in Plan Section 2.10(c) – (g) apply instead of Plan Section 2.10(a).
2. ☐ The claims procedures set forth in Plan Section 2.10(c)-(g) apply as follows: _____
(specify which provisions apply and/or modified)
- p. ☐ **Age 62 In-Service Distributions For Transferred Money Purchase Assets** (Plan Section 6.11)
In-service distributions will be allowed for Participants at age 62. (applies only for Transfer Accounts from a Money Purchase Pension Plan) (skip this question if the Plan is a Money Purchase Pension Plan or if in-service distributions are already permitted for Transferred Accounts at Question 34)
- Limitations.** The following limitations apply to these in-service distributions:
1. ☐ The Plan already provides for in-service distributions and the restrictions set forth in the Plan (e.g., minimum amount of distributions or frequency of distributions) are applicable to in-service distributions at age 62.
2. ☐ N/A (no limitations)
3. ☐ The following elections apply to in-service distributions at age 62 (select one or more):
- a. ☐ The minimum amount of a distribution is \$ _____ (may not exceed \$1,000).
- b. ☐ No more than _____ distribution(s) may be made to a Participant during a Plan Year.
- c. ☐ Distributions may only be made from Accounts which are fully Vested.
- d. ☐ In-service distributions may be made subject to the following provisions: _____ (must be definitely determinable and not subject to discretion).
- q. ☐ **QLACs.** (Plan Section 6.8(e)(4)) A Participant may elect a QLAC (as defined in Plan Section 6.8(e)(4)) or any alternative form of annuity permitted pursuant to a QLAC in which the Participant's Account has been invested.

ADMINISTRATIVE PROCEDURES

The following are optional administrative provisions. The Administrator may implement procedures that override any elections in this Section without a formal Plan amendment. In addition, modifications to these procedures will not affect an Employer's reliance on the Plan.

A. Loan Limitations. (complete only if loans to Participants are permitted; leave blank if none apply)

- a. ☒ Limitations (select one or more):
1. ☒ Loans will be treated as Participant directed investments.
 2. ☐ Loans will only be made for hardship or financial necessity as specified below (select a. or b.)
 - a. ☐ hardship reasons specified in Plan Section 6.12
 - b. ☐ financial necessity (as defined in the loan program).
 3. ☐ The minimum loan will be \$_____.
 4. ☐ A Participant may only have _____ (e.g., one (1)) loan(s) outstanding at any time.
 5. ☐ All outstanding loan balances will become due and payable in their entirety upon the occurrence of a distributable event (other than satisfaction of the conditions for an in-service distribution (including a hardship distribution), if applicable).
 6. ☐ The home loan term will be _____ years. (if not selected, the Administrator establishes the term for repayment of a home loan)
 7. ☐ **Account restrictions.** Loans will only be permitted from the following Participant Accounts (select all that apply or leave blank if no limitations apply):
 - a. ☐ Account(s) attributable to Employer matching contributions
 - b. ☐ Account attributable to Employer contributions other than matching contributions
 - c. ☐ Rollover Account
 - d. ☐ Transfer Account
 - e. ☐ Other: _____
- AND**, if loans are restricted to certain accounts, the limitations of Code §72(p) will be applied:
- f. ☐ by determining the limits by only considering the restricted accounts.
 - g. ☐ by determining the limits taking into account a Participant's entire interest in the Plan.

Additional Loan Provisions (select all that apply; leave blank if none apply)

- b. ☒ **Loan payments.** Loans are repaid by (if left blank, then payroll deduction applies unless Participant is not subject to payroll (e.g., partner who only has a draw)):
1. ☒ payroll deduction
 2. ☐ ACH (Automated Clearing House)
 3. ☒ check
 - a. ☐ Only for prepayment
- c. ☒ **Interest rate.** Loans will be granted at the following interest rate (if left blank, then 3. below applies):
1. ☐ _____ percentage points over the prime interest rate
 2. ☐ _____%
 3. ☒ the Administrator establishes the rate at the time the loan is made
- d. ☒ **Refinancing.** Loan refinancing is allowed.

B. Life Insurance. (Plan Section 7.5)

- a. ☒ Life insurance may not be purchased.
- b. ☐ Life insurance may be purchased...
1. ☐ at the option of the Administrator
 2. ☐ at the option of the Participant

Limitations

3. ☐ N/A (no limitations)
4. ☐ The purchase of initial or additional life insurance will be subject to the following limitations (select one or more):
 - a. ☐ Each initial Contract will have a minimum face amount of \$_____.
 - b. ☐ Each additional Contract will have a minimum face amount of \$_____.
 - c. ☐ The Participant has completed _____ Years (or Periods) of Service.
 - d. ☐ The Participant has completed _____ Years (or Periods) of Service while a Participant in the Plan.
 - e. ☐ The Participant is under age _____ on the Contract issue date.
 - f. ☐ The maximum amount of all Contracts on behalf of a Participant may not exceed \$_____.
 - g. ☐ The maximum face amount of any life insurance Contract will be \$_____.

C. Plan Expenses. Will the Plan assess against an individual Participant's Account certain Plan expenses that are incurred by, or are attributable to, a particular Participant based on use of a particular Plan service?

- a. ☒ No
- b. ☐ Yes

Use of Forfeitures

Forfeitures of Employer contributions other than matching contributions will be:

- c. ☐ added to the Employer contribution and allocated in the same manner
- d. ☐ used to reduce any Employer contribution
- e. ☐ allocated to all Participants eligible to share in the allocations of Employer contributions or Forfeitures in the same proportion that each Participant's Compensation for the Plan Year bears to the Compensation of all Participants for such year
- f. ☐ other: _____ (describe the treatment of Forfeitures in a manner that is definitely determinable and not subject to Employer discretion)

Forfeitures of Employer matching contributions will be:

- g. ☐ N/A. Same as above or no Employer matching contributions.
- h. ☐ used to reduce the Employer matching contribution.
- i. ☐ used to reduce any Employer contribution.
- j. ☐ other: _____ (describe the treatment of Forfeitures in a manner that is definitely determinable and not subject to Employer discretion)

D. Directed investments

- a. ☐ Participant directed investments are NOT permitted.
- b. ☒ Participant directed investments are permitted from the following Participant Accounts:
 - 1. ☒ all Accounts
 - 2. ☐ only from the following Accounts (select one or more):
 - a. ☐ Account attributable to Employer contributions
 - b. ☐ Rollover Account
 - c. ☐ Transfer Account
 - d. ☐ Other: _____ (specify Account(s) and conditions in a manner that is definitely determinable and not subject to Employer discretion)

E. Rollover Limitations. Will the Plan accept rollover contributions and/or direct rollovers from the sources specified below?

- a. ☐ No, Administrator determines in operation which sources will be accepted.
- b. ☒ Yes

Rollover sources. Indicate the sources of rollovers that will be accepted (select one or more)

- 1. ☒ **Direct Rollovers.** The Plan will accept a direct rollover of an eligible rollover distribution from (select one or more):
 - a. ☒ a qualified plan described in Code §401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan), excluding after-tax employee contributions
 - b. ☒ a qualified plan described in Code §401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan), including after-tax employee contributions
 - c. ☒ a plan described in Code §403(a) (an annuity plan), excluding after-tax employee contributions
 - d. ☒ a plan described in Code §403(a) (an annuity plan), including after-tax employee contributions
 - e. ☒ a plan described in Code §403(b) (a tax-sheltered annuity), excluding after-tax employee contributions
 - f. ☒ a plan described in Code §403(b) (a tax-sheltered annuity), including after-tax employee contributions
 - g. ☒ a plan described in Code §457(b) (eligible deferred compensation plan)

Direct Rollovers of Participant Loan. The Plan will NOT accept a direct rollover of a Participant loan from another plan unless selected below (leave blank if default applies)

- h. ☒ The Plan will accept a direct rollover of a Participant loan
- i. ☐ The Plan will only accept a direct rollover of a Participant loan only in the following situation(s):
 _____ (e.g., only from Participants who were employees of an acquired organization).

- 2. ☒ **Participant Rollover Contributions from Other Plans (i.e., not via a direct plan-to-plan transfer).** The Plan will accept a contribution of an eligible rollover distribution (select one or more):
 - a. ☒ a qualified plan described in Code §401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan)
 - b. ☒ a plan described in Code §403(a) (an annuity plan)
 - c. ☒ a plan described in Code §403(b) (a tax-sheltered annuity)
 - d. ☒ a governmental plan described in Code §457(b) (eligible deferred compensation plan)
- 3. ☒ **Participant Rollover Contributions from IRAs:** The Plan will accept a rollover contribution of the portion of a distribution from a traditional IRA that is eligible to be rolled over and would otherwise be includible in gross income. Rollovers from Roth IRAs or a Coverdell Education Savings Account (formerly known as an Education IRA) are not permitted because they are not traditional IRAs. A rollover from a SIMPLE IRA is allowed if the amounts are rolled over after the individual has been in the SIMPLE IRA for at least two years.

F. Trustee(s) or Insurer(s). Information regarding Trustee(s)/Insurer(s) (required for the Summary Plan Description and, if requested, the Trust Agreement)

(Note: Select a. if not using provided trust. MUST select b and following questions as applicable):

- a. ☐ Do not produce the trust agreement
- b. ☒ Complete the following UNLESS not selecting supporting forms:

Trustee/Insurer (select a. OR one or more of d. - e.)

c. ☐ **Insurer.** This Plan is funded exclusively with Contracts (select one or more of 1. - 4)

Name of Insurer(s)

1. ☐ _____
2. ☐ _____
3. ☐ Use Employer address/telephone number/email
4. ☐ Use following address/telephone number/email
 - a. Street: _____
 - b. City: _____
 - c. State: _____
 - d. Zip: _____
 - e. Telephone: _____
 - f. Email: _____

d. ☐ Individual Trustee(s)

e. ☒ Corporate Trustee

Name of Trust

f. Specify name of Trust (required for FIS trust): _____

Individual Trustees (if d. selected above, complete g. – j.)

Directed/Discretionary Trustees. The individual Trustee(s) executing this Adoption Agreement are (select g. or h.)

g. ☐ Select for each individual Trustee (skip to next question)

h. ☐ The following selections apply to all individual Trustee(s) (select 1. - 4. as applicable)

1. ☐ A discretionary Trustee over all plan assets (may not be selected with 2. - 4.)
2. ☐ A nondiscretionary (directed) Trustee over all plan assets (may not be selected with 1., 3. or 4.)
3. ☐ The individual Trustee(s) will serve as a discretionary Trustee over the following assets: _____
(may not be selected with 1. or 2.)
4. ☐ The individual Trustee(s) will serve as a nondiscretionary (directed) Trustee over the following assets:
_____ (may not be selected with 1. or 2.)

Individual Trustee(s) (complete if d. selected above)

i. ☐ Individual Trustee(s) are (select one or more of a. - j.; enter address at j. below)

a. **Name** _____

Title/Email:

1. Title _____
2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. – 6.)
4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be select with 3. or 5.)
5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

b. **Name** _____

Title/Email:

1. Title _____
2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. – 6.)
4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)
5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

c. **Name** _____

Title/Email:

1. Title _____
2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. – 6.)
4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)
5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)
6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

d. Name _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

e. Name _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

f. Name _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

g. Name _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

h. Name _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

i. Name _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

j. Name _____

Title/Email:

1. Title _____

2. Email _____ (optional)

Trustee is: (complete if g. selected above; select 3. – 6. as applicable)

3. ☐ Discretionary Trustee over all plan assets (may not be selected with 4. or 6.)

4. ☐ A discretionary Trustee over the following plan assets: _____ (may not be selected with 3. or 5.)

5. ☐ Nondiscretionary Trustee over all plan assets (may not be selected with 3., 4. or 6.)

6. ☐ A nondiscretionary (directed) Trustee or Custodian over the following plan assets _____ (may not be selected with 3. or 5.)

j. ☐ Individual Trustee Address (complete if d. selected above)

1. ☐ Use Employer address/telephone number/email

2. ☐ Use following address/telephone number/email

a. Street: _____

b. City: _____

c. State: _____

d. Zip: _____

e. Telephone: _____

f. Email: _____

Corporate Trustee Name/Type/Address (complete if e. selected above)

k. ☒ Name Fidelity Management Trust Company

Address/telephone number/email

1. ☐ Use Employer address/telephone number/email

2. ☒ Use following address/telephone number/email

a. Street: 245 Summer Street

b. City: Boston

c. State: Massachusetts

d. Zip: 02210

e. Telephone: _____

f. Email: _____

Directed/Discretionary. The Corporate Trustee is (select 3. - 6. as applicable)

3. ☐ A discretionary Trustee over all plan assets (may not be selected with 4. – 6.)

4. ☒ A nondiscretionary (directed) Trustee over all plan assets (may not be selected with 3., 5. or 6.)

5. ☐ A discretionary Trustee over the following plan assets over the following assets: _____ (may not be selected with 3. – 4.)

6. ☐ A nondiscretionary (directed) Trustee over the following plan assets _____ (may not be selected with 3. – 4.)

Signee (optional):

7. ☐ Name of person signing on behalf of the corporate Trustee _____

8. ☐ Email address of person signing on behalf of the corporate Trustee _____

Special Trustee for collection of contributions. The Employer appoints the following Special Trustee with the responsibility to collect delinquent contributions (*optional*)

l. ☐ Name _____

Title:

1. _____

Address/telephone number/email

2. ☐ Use Employer address/telephone number/email

3. ☐ Use following address/telephone number/email

a. Street: _____

b. City: _____

c. State: _____

d. Zip: _____

e. Telephone: _____

f. Email: _____

Custodian(s) Name/Address . The Custodian(s) are (*optional*)

m. ☐ Name(s) _____

Address/telephone number/email

1. ☐ Use Employer address/telephone number/email

2. ☐ Use following address/telephone number/email
- a. Street: _____
 - b. City: _____
 - c. State: _____
 - d. Zip: _____
 - e. Telephone: _____
 - f. Email: _____

Investment in common, collective or pooled trust funds. The nondiscretionary Trustee, as directed or the discretionary Trustee acting without direction (and in addition to the discretionary Trustee's authority to invest in its own funds), may invest in any of the following trust funds: *(optional)*

- n. ☐ _____ (Specify the names of one or more trust funds in which the Plan can invest)

Choice of law

- o. ☒ This trust will be governed by the laws of the state of:
- 1. ☐ State in which the Employer's principal office is located
 - 2. ☒ State in which the corporate trustee or insurer is located
 - 3. ☐ Other _____

FIS BUSINESS SYSTEMS LLC NON-STANDARDIZED GOVERNMENTAL 401(A) MODIFICATIONS
CITY OF ARVADA EXECUTIVE DEFINED CONTRIBUTION RETIREMENT PLAN

The enclosed Plan is being submitted for expedited review as a Non-Standardized Plan.

No modifications from the approved specimen plan have been made to this Plan.



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.B.1.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: R23-052, A Resolution Authorizing an Agreement Regarding Funding of Major Drainageway Planning for Hidden Lake Drainageway and Bates Lake Drainageway (Presenter: Melanie Walter, Floodplain Administrator)

Report in Brief

PRESENTER: Melanie Walter, Floodplain Administrator

Council action is requested on the attached Resolution Authorizing the Agreement between the Urban Drainage and Flood Control District d/b/a Mile High Flood District (MHFD), Adams County, the City of Westminster and the City of Arvada regarding funding of the Major Drainageway Planning study for Hidden Lake Drainageway and Bates Lake Drainageway.

Approval of this resolution will enable MHFD to secure an engineer to render technical advice and recommend design solutions to drainage problems in the Hidden Lake and Bates Lake watersheds. These watersheds overlap three municipalities, including Arvada, Westminster and Adams County.

The Arvada team recommends that the City Council approve R23-052, A Resolution Authorizing the Agreement by and Between the City of Arvada and the Urban Drainage and Flood Control District d/b/a Mile High Flood District, Adams County, the City of Westminster and the City of Arvada for the funding of the Major Drainageway Planning (MDP) study for Hidden Lake Drainageway and Bates Lake Drainageway.

Financial Impact

Financial Impact: \$45,000

This is a one-time request in 2023 for MHFD joint Major Drainageway Planning.

Funding Source: *UT Storm System Maintenance and Flood Hazard Mitigation Fund*

Type: *CIP*

Fund: *Stormwater Fund, Project No. 99073*

Future associated costs requiring Council action. *Unknown at this time.*

Background

Major Drainageway Planning (MDP) documents study drainage over an entire watershed and make recommendations to mitigate flood hazards, as well as to improve the safety and function of the stream. Generally, MDP documents include the most current hydrology of an area along with recommendations for drainage improvements including locations, alignments, and sizing of storm sewers, channels, detention/retention basins and other infrastructure needed to provide efficient stormwater conveyance.

The MDP for the Hidden Lake and Bates Lake watersheds was last generated in 2008. Adams County initially requested MHFD update the study due to development and infill projects that are likely to affect the 2008 results and

recommendations. Since these watersheds also cross Arvada and Westminster, MHFD has requested funding from these stakeholders to update the entire MDP.

Typically, MHFD will pay for half of MDP studies, with the other half coming from the stakeholders within the watersheds. In this instance, it was decided that the other half would be split proportionally based on the watershed in each jurisdiction. Adams County and Arvada will each contribute 22.5%, and Westminster will contribute the other 5%.

The total cost of the study is estimated to be \$200,000 of which Arvada will contribute \$45,000. MHFD will manage the consultant's contract, so Arvada's cost share will be paid into an MHFD escrow account.

Discussion

This Agreement will advance recommendations of Arvada's 2021 Stormwater Master Plan (the Plan) presented to Council on January 10, 2022. The Plan identified undersized infrastructure "hot spot" areas that are deficient in the 5-year storm event. Five-year storm capacity is Arvada's minimum standard for storm conveyance. The Plan also prioritized capital recommendations based on the proximity to these hot spots. The highest priority area was the Bates Lake Drainageway since it encompassed the highest magnitude of stormwater deficiencies.

The Hidden Lake Drainageway also encompasses a high concentration of hot spot areas. The most upstream point of this basin is the Arvada Center which has been identified as a potential regional detention facility site. A preliminary feasibility study conducted in 2022 showed that a regional facility here would provide the upstream 114-acre neighborhood with detention and water quality where none currently exists. This could relieve some of the undersized infrastructure downstream. Being proactive in maintaining flood protection measures in our major drainageways is an expectation and responsibility to our stormwater fee payers.

Since Hidden and Bates Lake Drainageways are adjacent to one another and both are included in the previous 2008 MDP, they will both be included in the update.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

This action supports the principle of providing the community with a safe, resilient drainage system and aligns with the Infrastructure Priority Area of the City Council Strategic Plan. The action also aligns with actions including conceptual project and operational changes to utilities programs necessary to implement the Master Plans.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve R23-052, A Resolution Authorizing the Agreement by and Between the Urban Drainage and Flood Control District d/b/a Mile High Flood District, Adams County, the City of Arvada and the City of Westminster Regarding Funding of Major Drainageway Planning for Hidden Lake Drainageway and Bates Lake Drainageway.

Suggested Motion:

SUBJECT: R23-052, A Resolution Authorizing an Agreement Regarding Funding of Major Drainageway Planning for Hidden Lake Drainageway and Bates Lake Drainageway (Presenter: Melanie Walter, Floodplain Administrator)

PAGE: 3
ITEM: 8.B.1.

I move that R23-052, A Resolution Authorizing the Agreement by and Between the Urban Drainage and Flood Control District d/b/a Mile High Flood District, Adams County, the City of Arvada and the City of Westminster Regarding Funding of Major Drainageway Planning for Hidden Lake Drainageway and Bates Lake Drainageway, be (approved) (rejected).

Prepared by:
Melanie Walter, Engineering Manager

Reviewed by:

Approved by:

Jenny Wolfschlag, City Engineer	5/12/2023
Jacqueline Rhoades, Public Works Director	5/17/2023
Bryan Archer, Director of Finance	5/17/2023
Tammy Hedlund, Legal Specialist	5/17/2023
Kelsy Sargent, Assistant City Attorney	5/17/2023
Rachel Morris, City Attorney	5/22/2023
Don Wick, Deputy City Manager	5/22/2023
Lorie Gillis, City Manager	5/24/2023

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R23-052

A RESOLUTION AUTHORIZING AN AGREEMENT REGARDING FUNDING OF
MAJOR DRAINAGEWAY PLANNING FOR
HIDDEN LAKE DRAINAGEWAY AND BATES LAKE DRAINAGEWAY

WHEREAS, DISTRICT in a policy statement previously adopted (Resolution No. 14, Series of 1970), expressed an intent to assist public bodies which have heretofore enacted floodplain zoning measures; and

WHEREAS, DISTRICT has previously established a Work Program for 2023 (Resolution No. 92, Series of 2022) which includes master planning; and

WHEREAS, PARTIES now desire to proceed with development of a drainageway master plan for Hidden Lake Drainageway and Bates Lake Drainageway (hereinafter called "PROJECT"); and

WHEREAS, DISTRICT's Board of Directors has authorized DISTRICT financial participation for PROJECT (Resolution No. 19, Series of 2023); and

WHEREAS, PARTIES desire to acquire mapping needed to conduct the engineering studies for PROJECT; and

WHEREAS, PARTIES desire to engage an engineer to render certain technical and professional advice and to compile information, evaluate, study, and recommend design solutions to such drainage problems for PROJECT which is in the best interest of PARTIES.

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 5th day of June, 2023

ATTEST:

City Clerk

Marc Williams, Mayor

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

BY: _____

AGREEMENT REGARDING FUNDING OF
MAJOR DRAINAGEWAY PLANNING FOR
HIDDEN LAKE DRAINAGEWAY AND BATES LAKE DRAINAGEWAY

Agreement No. 23-03.14
Project No. 109366
Agreement Amount \$200,000

THIS AGREEMENT, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT (hereinafter called "DISTRICT"), ADAMS COUNTY (hereinafter called "COUNTY"), CITY OF ARVADA (hereinafter called "ARVADA"), and CITY OF WESTMINSTER (hereinafter called "WESTMINSTER"); (hereinafter COUNTY, ARVADA, and WESTMINSTER shall be collectively known as "PROJECT SPONSORS" and DISTRICT and PROJECT SPONSORS shall be collectively known as "PARTIES");

WITNESSETH THAT:

WHEREAS, DISTRICT in a policy statement previously adopted (Resolution No. 14, Series of 1970), expressed an intent to assist public bodies which have heretofore enacted floodplain zoning measures; and

WHEREAS, DISTRICT has previously established a Work Program for 2023 (Resolution No. 92, Series of 2022) which includes master planning; and

WHEREAS, PARTIES now desire to proceed with development of a drainageway master plan for Hidden Lake Drainageway and Bates Lake Drainageway (hereinafter called "PROJECT"); and

WHEREAS, DISTRICT's Board of Directors has authorized DISTRICT financial participation for PROJECT (Resolution No. 19, Series of 2023); and

WHEREAS, PARTIES desire to acquire mapping needed to conduct the engineering studies for PROJECT; and

WHEREAS, PARTIES desire to engage an engineer to render certain technical and professional advice and to compile information, evaluate, study, and recommend design solutions to such drainage problems for PROJECT which are in the best interest of PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. SCOPE OF AGREEMENT

This Agreement defines the responsibilities and financial commitments of PARTIES with respect to PROJECT.

2. PROJECT AREA

DISTRICT shall engage an engineer and obtain mapping as needed to perform or supply necessary services in connection with and respecting the planning of PROJECT of the area and watershed shown on the attached Exhibit A dated February 11, 2023, (hereinafter called "AREA").

3. SCOPE OF PROJECT

The purpose of PROJECT is to develop a drainageway master plan, including hydrologic information and the locations, alignments, and sizing of storm sewers, channels, detention/retention basins, and other facilities and appurtenances needed to provide efficient stormwater drainage within AREA. The proposed work shall include, but not be limited to, mapping; compilation of existing data; necessary field work; and development and consistent evaluation of all reasonable alternatives so that the most feasible drainage and flood control master plan can be determined and justified for AREA. Consideration shall be given to costs, existing and proposed land use, existing and proposed drainage systems, known drainage or flooding problems, known or anticipated erosion problems, stormwater quality, right-of-way needs, existing wetlands and riparian zones, open space and wildlife habitat benefits, and legal requirements. Schematic alternative plans shall be developed such that comparison with other alternatives can be made.

Drainage system planning shall be done in three phases by the engineer engaged by DISTRICT, culminating in a drainage master plan report. During the first phase, the selected engineer shall perform all data gathering and modeling needed to prepare the baseline hydrology section of the master plan report containing an introduction, study area description and hydrologic analysis description. During the second phase, the engineer shall perform all studies and data gathering needed to prepare the alternatives analysis sections of the master plan report containing a hydraulic analysis discussion, schematics of alternatives developed and their costs along with a discussion of the pros and cons of each alternative and a recommended plan. A single alternative will be selected by PARTIES after the review and evaluation of the alternatives analysis report. During the third phase, the engineer shall be directed to prepare a conceptual design for the selected alternative and prepare the conceptual design section of the master plan report.

4. PUBLIC NECESSITY

PARTIES agree that the work performed pursuant to this Agreement is necessary for the health, safety, comfort, convenience, and welfare of all the people of the State, and is of particular benefit to the inhabitants of PARTIES and to their property therein.

5. PROJECT COSTS

PARTIES agree that for the purposes of this Agreement, PROJECT costs shall consist of, and be limited to, mapping, master planning and related services and contingencies mutually agreeable to PARTIES. Project costs are estimated not to exceed \$200,000.

6. FINANCIAL COMMITMENTS OF PARTIES

PARTIES shall each contribute the following percentages and maximum amounts for PROJECT costs as defined in Paragraphs 5:

	Master Plan	Maximum
	<u>Percentage Share</u>	<u>Contribution</u>
DISTRICT	50.00%	\$100,000
COUNTY	22.50%	\$45,000
ARVADA	22.50%	\$45,000
<u>WESTMINSTER</u>	<u>5.00%</u>	<u>\$10,000</u>
TOTAL	100.00%	\$200,000

Each PARTY'S payment obligation, whether direct or contingent, extends only to funds appropriated annually by each PARTY'S governing body, paid into the treasury of that PARTY, and encumbered for the purpose of this AGREEMENT. Each PARTY does not by this Agreement irrevocably pledge present cash reserves for payment or performance in future fiscal years. This Agreement does not and is not intended to create a multiple-fiscal year direct or indirect debt or financial obligation of each PARTY.

7. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's one-half share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior DISTRICT approval.

Payment of each party's full share (COUNTY - \$45,000; ARVADA - \$45,000; WESTMINSTER - \$10,000; DISTRICT - \$100,000) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to PROJECT SPONSORS of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares; or, at PROJECT SPONSORS request, PROJECT SPONSORS share of remaining monies shall be transferred to another special fund held by DISTRICT.

8. PROJECT MAPPING

DISTRICT shall provide a Digital Elevation Model (DEM) and elevation contour mapping of AREA with a contour interval of one-foot. Upon execution of this Agreement DISTRICT shall

engage a land surveyor judged by DISTRICT to be responsible and qualified to perform the work to supplement the DEM data at hydraulic structures.

9. MASTER PLANNING

Upon execution of this Agreement, PARTIES shall select an engineer mutually agreeable to PARTIES. DISTRICT, with the approval of PROJECT SPONSORS, shall contract with the selected engineer, shall administer the contract, and shall supervise and coordinate the planning for the development of alternatives and of conceptual design.

10. PUBLISHED REPORTS AND PROJECT DATA

DISTRICT will provide to each of PROJECT SPONSORS access to the draft and final electronic report files.

Upon completion of PROJECT, electronic files of all mapping, drawings, and hydrologic and hydraulic calculations developed by the engineer contracted for PROJECT shall be provided to any PROJECT SPONSORS requesting such data.

11. TERM OF THE AGREEMENT

The term of this Agreement shall commence upon execution by all PARTIES and shall terminate two years after the final master planning report is delivered to DISTRICT and the final accounting of funds on deposit at DISTRICT is provided to all PARTIES pursuant to Paragraph 7 herein.

12. LIABILITY

Each party hereto shall be responsible for any suits, demands, costs or actions at law resulting from its own acts or omissions and may insure against such possibilities as appropriate.

13. CONTRACTING OFFICERS

- A. The contracting officer for COUNTY shall be the Engineering Manager, 4430 South Adams County Parkway, Suite 200B, Brighton, Colorado 80601.
- B. The contracting officer for ARVADA shall be the Public Works Director, 8101 Ralston Road, Arvada, CO 80022.
- C. The contracting officer for WESTMINSTER shall be the City Manager, 4800 West 92nd Avenue, Westminster, CO 80031.
- D. The contracting officer for DISTRICT shall be the Executive Director, 12575 W. Bayaud Ave., Lakewood, CO 80228.
- E. The contracting officers for PARTIES each agree to designate and assign a PROJECT representative to act on the behalf of said PARTIES in all matters related to PROJECT undertaken pursuant to this Agreement. Each representative shall coordinate all PROJECT-related issues between PARTIES, shall attend all progress meetings, and shall be responsible for providing all available PROJECT-related file information to the engineer upon request by DISTRICT or PROJECT SPONSOR. Said representatives shall have the authority for all approvals, authorizations, notices, or concurrences required under this Agreement. However, in regard to any amendments or addenda to this Agreement, said representative shall be responsible to promptly obtain the approval of the proper authority.

14. RESPONSIBILITIES OF PARTIES

DISTRICT shall be responsible for coordinating with PROJECT SPONSORS the information developed by the various consultants hired by DISTRICT and for obtaining all concurrences from PROJECT SPONSORS needed to complete PROJECT in a timely manner. PROJECT SPONSORS agree to review all draft reports and to provide comments within 21 calendar days after the draft reports have been provided by DISTRICT to PROJECT SPONSORS. PROJECT SPONSORS also agree to evaluate the alternatives presented in the alternatives analysis sections of the report, to select an alternative, and to notify DISTRICT of their decision(s) within 30 calendar days after the alternatives analysis report is provided to PROJECT SPONSORS by DISTRICT.

15. AMENDMENTS

This Agreement contains all of the terms agreed upon by and among PARTIES. Any amendments to this Agreement shall be in writing and executed by PARTIES hereto to be valid and binding.

16. SEVERABILITY

If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable clause or provision shall not affect the validity of the Agreement as a whole and all other clauses or provisions shall be given full force and effect.

17. APPLICABLE LAWS

This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Jurisdiction for any and all legal actions regarding this Agreement shall be in the State of Colorado and venue for the same shall lie in the County where the Project is located.

18. ASSIGNABILITY

No party to this Agreement shall assign or transfer any of its rights or obligations hereunder without the prior written consent of the nonassigning party or parties to this Agreement.

19. BINDING EFFECT

The provisions of this Agreement shall bind and shall inure to the benefit of PARTIES hereto and to their respective successors and permitted assigns.

20. ENFORCEABILITY

PARTIES hereto agree and acknowledge that this Agreement may be enforced in law or in equity, by decree of specific performance or damages, or such other legal or equitable relief as may be available subject to the provisions of the laws of the State of Colorado.

21. TERMINATION OF AGREEMENT

This Agreement may be terminated upon thirty (30) days' written notice by any party to this Agreement, but only if there are no contingent, outstanding contracts. If there are contingent, outstanding contracts, this Agreement may only be terminated upon the cancellation of all contingent, outstanding contracts. All costs associated with the cancellation of the contingent contracts shall be shared between PARTIES in the same ratio(s) as were their contributions.

22. PUBLIC RELATIONS

It shall be at PROJECT SPONSOR's sole discretion to initiate and to carry out any public relations program to inform the residents in PROJECT area as to the purpose of PROJECT and what impact it may have on them. Technical information shall be presented to the public by the selected engineer. In any event DISTRICT shall have no responsibility for a public relations program, but shall assist PROJECT SPONSOR as needed and appropriate.

23. GOVERNMENTAL IMMUNITIES

The PARTIES hereto intend that nothing herein shall be deemed or construed as a waiver by any PARTY of any rights, limitations, or protections afforded to them under the Colorado Governmental Immunity Act (§ 24-10-101, *et seq.*, C.R.S.) as now or hereafter amended or otherwise available at law or equity.

24. NO DISCRIMINATION IN EMPLOYMENT

In connection with the performance of work under this Agreement, PARTIES agree not to refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified on the basis of race, color, ancestry, creed, religion, national origin, gender, age, military status, sexual orientation, gender identity, marital status, or physical or mental disability and further agrees to insert the foregoing provision in all subcontracts hereunder.

25. APPROPRIATIONS

Notwithstanding any other term, condition, or provision herein, each and every obligation of PROJECT SPONSORS and/or DISTRICT stated in this Agreement is subject to the requirement of a prior appropriation of funds therefore by the appropriate governing body of each PROJECT SPONSOR and/or DISTRICT.

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 PARTIES, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of PARTIES that any person or party other than any one of PROJECT SPONSORS or DISTRICT receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

27. EXECUTION IN COUNTERPARTS – ELECTRONIC SIGNATURES

This Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement, may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. PARTIES approve the use of electronic signatures for execution of this Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement. Only the following two forms of electronic signatures shall be permitted to bind PARTIES to this Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement.

- A. Electronic or facsimile delivery of a fully executed copy of a signature page; or
- B. The image of the signature of an authorized signer inserted onto PDF format documents.

Documents requiring notarization may also be notarized by electronic signature, as provided above. All use of electronic signatures shall be governed by the Colorado Uniform Electronic Transactions Act, §§ 24-71.3-101-121, C.R.S.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year written below.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT D/B/A
MILE HIGH FLOOD DISTRICT

By_____

Name Laura A. Kroeger

Title Executive Director

Date_____

Checked By

ADAMS COUNTY

By_____

Name_____

Title_____

Date_____

CITY OF WESTMINSTER

By_____

Name_____

Title_____

Date_____

CITY OF ARVADA

By_____

Name Marc Williams

Title Mayor

Attest: By_____

City Clerk

(SEAL)

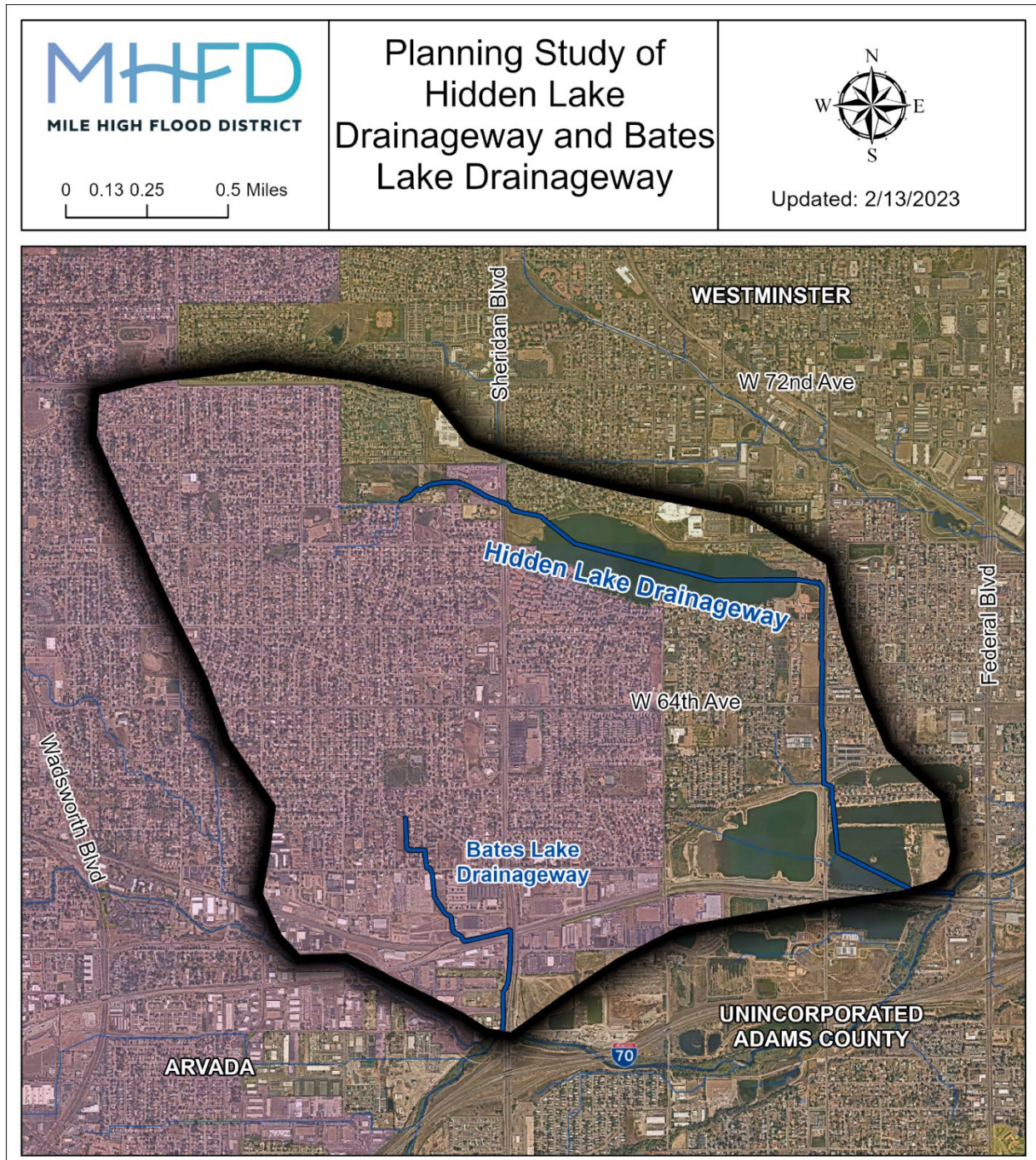
APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

AGREEMENT REGARDING FUNDING OF
MAJOR DRAINAGEWAY PLANNING FOR
HIDDEN LAKE DRAINAGEWAY AND BATES LAKE DRAINAGEWAY

Agreement No. 23-03.14
Project No. 109366

Exhibit A





REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.B.2.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: R23-053, A Resolution Authorizing a First Amendment to Intergovernmental Agreement for Prisoner Transport Services (Presenter: Aaron Jacks, Sr. Asst City Attorney)

Report in Brief

PRESENTER: Sr. Asst. City Attorney Aaron Jacks

Since 2007, the Arvada Police Department (APD) has participated in an intergovernmental agreement with the Jefferson County Sheriff's Office (JCSO) to have the JCSO transport prisoners subject to APD charges and warrants between jail facilities within Colorado (the "Transport IGA"). This amendment updates the Transport IGA to reflect inflation since 2007, and to provide a flat annual fee, rather than a "per transport" fee structure.

This amendment, as a modification to an existing IGA, is appropriate for Council approval by resolution in accordance with ACC 2-2.

The Arvada team recommends that the City Council approve R23-053, A Resolution Authorizing a First Amendment to Intergovernmental Agreement for Prisoner Transport Services.

Financial Impact

The APD will fund prisoner transports from existing budgets this year, and will budget for the "flat fee" amount in future budget years.

Background

The APD has contracted with the JCSO for prisoner transport services since 2007. These transports are not associated with municipal court cases, but defendants in county and district court filed by APD officers. Typically, these are transports from jails in other areas of Colorado back to the JCSO for court proceedings in Jeffco.

The Transport IGA payment terms have not been amended since its execution in 2007. The JCSO has proposed that the fees payable to the JCSO be increased to account for inflation and made payable in a flat annual fee, rather than per-transport fees. The APD has evaluated the fees payable to JCSO in previous years and believes the proposed changes are reasonable and can be budgeted for as necessary.

Discussion

The APD does not have the capacity to complete these prisoner transports. They are time consuming, and may involve driving to detention facilities far from Arvada. JCSO has the capacity and expertise to complete these more efficiently as a primary function of the county sheriff. It is reasonable to amend the Transport IGA to reflect increased costs due to inflation. Further, the "flat fee" structure is more efficient for the APD's internal processes.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

NA

Strategic Alignment

This amendment to the Transport IGA supports the Safe Communities strategy by ensuring the APD does not need to use its resources to complete prisoner transports far from its jurisdiction.

Alternative Courses of Action

NA

Recommendation for Action

The Arvada team recommends that the City Council approve R23-053, A Resolution Authorizing a First Amendment to Intergovernmental Agreement for Prisoner Transport Services.

Suggested Motion:

I move that R23-053, A Resolution Authorizing a First Amendment to Intergovernmental Agreement for Prisoner Transport Services, be (approved) (rejected).

Prepared by:
Aaron Jacks, Assistant City Attorney

Reviewed by:

Approved by:

Aaron Jacks, Assistant City Attorney	5/15/2023
Bridgette Roberts, Executive Assistant	5/17/2023
Edward Brady, Deputy Police Chief	5/17/2023
Rachel Morris, City Attorney	5/22/2023
Lorie Gillis, City Manager	5/24/2023

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R23-053

A RESOLUTION AUTHORIZING A FIRST AMENDMENT TO INTERGOVERNMENTAL
AGREEMENT FOR PRISONER TRANSPORT SERVICES

WHEREAS, pursuant to C.R.S. § 29-1-203, the City is authorized to participate in intergovernmental agreements with other governmental entities for the purpose of providing governmental functions or services; and

WHEREAS, the City previously entered into an Intergovernmental Agreement for Transport Services with Jefferson County, Colorado (“County”), on behalf of the Jefferson County Sheriff’s Office (“JCSO”), dated October 10, 2007 (“Agreement”), pursuant to which the JCSO provides the City certain prisoner transport services; and

WHEREAS, the City and County have agreed to revise the fee structure and amounts payable to the County for such prisoner transports by execution of a written amendment to the Agreement.

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, a First Amendment to Intergovernmental Agreement for Prisoner Transport Services, 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 5th day of June, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

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

BY: _____

**FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR PRISONER
TRANSPORT SERVICES**

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR PRISONER TRANSPORT SERVICES (this “Amendment”), dated for reference purposes only April 25, 2023, is made and entered into by and between the **COUNTY OF JEFFERSON, STATE OF COLORADO**, a body politic and corporate (the “County”) and the **CITY OF ARVADA, COLORADO** (the “City”).

RECITALS

- A. The parties entered into a Contract dated October 1, 2007, for prisoner transport cooperation (the “Contract”).
- B. The parties desire to amend the Contract as set forth herein.
- C. Capitalized terms not otherwise defined herein shall have the meaning set forth in the Contract.

AGREEMENT

In consideration of the covenants and conditions set forth herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the County and the City agree as follows:

- 1. The Parties agree that the second sentence in Article II, Section B is replaced with the following: “The City agrees to pay the County as provided herein regardless of whether Transports Across Colorado is involved in the transport of City’s arrestees.”
- 2. The parties agree that Article III. is replaced with the following:
 - A. The City shall pay the County an annual fee of \$15,000, payable annually in January of each year beginning January 2024, upon receipt of an invoice from the County.
 - B. In addition to the foregoing annual fee, the City shall pay the County a one-time fee of \$7500.00 for transports provided by the County from July 1, 2023 through December 31, 2023, payable upon receipt of an invoice from the County.
 - C. The County reserves the right to increase the annual fee in paragraph A above, upon mutual agreement of the parties to this Agreement, which agreement shall be set forth in writing and shall serve as an amendment to this Agreement.
- 3. The Key Notice recipient for the County is replaced with:

Jefferson County Sheriff’s Office
Transportation Unit Director
200 Jefferson County Parkway
Golden, Colorado
- 4. Except as amended herein, the Contract shall remain in full force and effect.
- 5. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The

Parties approve the use of electronic signatures for execution of this Amendment. All documents must be properly notarized, if applicable. All use of electronic signatures shall be governed by the Uniform Electronic Transactions Act, C.R.S. §§24-71.3-101 to -121.

6. Each party represents that all procedures necessary to authorize such party's execution of this Contract have been performed and that the person signing for such party has been authorized to do so.

The parties hereto have caused this Amendment to be executed.

COUNTY OF JEFFERSON
STATE OF COLORADO

By: _____
Reggie Marinelli, Sheriff

Date: _____

APPROVED AS TO FORM:

Kurtis D. Behn
Assistant Deputy County Attorney

CITY OF ARVADA

By: _____
Marc Williams, Mayor

Date: _____

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____

ATTEST:

Kristen Rush, City Clerk



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.B.3.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: R23-054, A Resolution Directing City Staff Not to Collect System Development Charges Under the Fee Schedule Set Forth in Ordinance No. 4819, and Instead Continue Collecting System Development Charges Under the Current Fee Schedule Until September 30, 2023 (Presenter: Sharon Israel, Director of Utilities)

Report in Brief

PRESENTER: Sharon Israel, Director of Utilities

Water and Sewer System Development Charges (SDCs) provide a critical source of funding for projects that add infrastructure capacity to support planned development. In October 2022, the City Council approved adjustments to SDCs with an effective date of July 1, 2023. This resolution will direct the City team to delay collection of the new SDCs until October 1, 2023.

The Arvada team recommends that the City Council approve R23-053, A Resolution Directing City Staff Not to Collect System Development Charges Under the Fee Schedule Set Forth in Ordinance No. 4819, and Instead Continue Collecting System Development Charges Under the Current Fee Schedule Until September 30, 2023.

Financial Impact

Delaying implementation of the fees for three months will reduce the estimated revenue generated from SDC's in the water and sewer funds.

Background

Over the past three years, the City team has provided information and updates to the Council regarding this, including annual budgets and workshops related to the water, sewer, and stormwater master planning efforts. This work supports the 2020-2025 City Council Strategic Plan that calls for updated master plans for water, sewer and stormwater, as well as an implementation plan and budget recommendations.

Based on the master planning and financial strategy recommended by the City team, the City Council approved ordinances to adjust rates, service fees and system development charges in October 2022 with effective dates in 2023.

Prior to this action, the Water System Development Charge had not been adjusted since 2017 and the Sewer System Development Charge had not been adjusted since 2011. Adjusting these charges will increase revenue to support the additional water and sewer system capacity required to serve planned development. This also aligns with the philosophy that "growth pays for itself" and the cost of adding capacity is not to be borne by existing customers through rates and service fees.

Over the past several months, the City team has been consulting with experts regarding the System Development Charges adopted in October of last year. Some additional quality checks and modifications to the basis of the calculations for these charges are needed at this time. Based on this work, we recommend delaying the implementation date of adjusted charges by three months.

The City team does not anticipate that the additional verification work will increase the cost of the SDCs to the

SUBJECT: R23-054, A Resolution Directing City Staff Not to Collect System Development Charges Under the Fee Schedule Set Forth in Ordinance No. 4819, and Instead Continue Collecting System Development Charges Under the Current Fee Schedule Until September 30, 2023 (Presenter: Sharon Israel, Director of Utilities)

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development community. The City's financial impact of this proposed delay will vary, depending on any new development that would pay SDCs between July 1 and September 30.

Discussion

In order to support planned development, the City needs to expand the capacity of water and sewer infrastructure. System Development Charges are the primary source of revenue to support this important work. All SDCs are directed into the water and sewer enterprise funds.

It is critically important that SDCs are accurately and completely calculated to be representative of cost to the City. Because of the importance of setting SDCs, we believe it is in the best interest of the City to delay implementation of new SDCs for three months.

Delaying implementation will also allow some additional development projects currently in progress to benefit from a lower SDC charge.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

Strategic Alignment

Setting System Development Charges aligns with the following Strategic Result within the Infrastructure Priority Area of the City Council Strategic Plan:

Update the water, sewer, and stormwater master plans.

In addition, setting System Development Charges aligns with the following Principle stated within the Infrastructure Priority Area:

Provides the community with a safe, reliable, high-quality water supply, drainage system, and wastewater disposal services for full city build-out, as defined by the Comprehensive Plan. This includes maintaining utility rates at the lowest practical levels with accurate billing that supports replacement of aging infrastructure in order to maintain robust utility systems.

Alternative Courses of Action

Recommendation for Action

The Arvada team recommends that the City Council approve "R23-054, A Resolution Directing City Staff Not to Collect System Development Charges Under the Fee Schedule Set Forth in Ordinance No. 4819, and Instead Continue Collecting System Development Charges Under the Current Fee Schedule Until September 30, 2023"

Suggested Motion:

I move that R23-054, A Resolution Directing City Staff Not to Collect System Development Charges Under the Fee Schedule Set Forth in Ordinance No. 4819, and Instead Continue Collecting System Development Charges Under the Current Fee Schedule Until September 30, 2023, be (approved) (rejected).

Prepared by:

SUBJECT: R23-054, A Resolution Directing City Staff Not to Collect System Development Charges Under the Fee Schedule Set Forth in Ordinance No. 4819, and Instead Continue Collecting System Development Charges Under the Current Fee Schedule Until September 30, 2023 (Presenter: Sharon Israel, Director of Utilities)

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ITEM: 8.B.3.

Sharon Israel, Director of Utilities

Reviewed by:

Approved by:

Sharon Israel, Director of Utilities	5/31/2023
Christine Gray, Utilities Business Manager	5/31/2023
Bryan Archer, Director of Finance	5/31/2023
Jessica Morales, Assistant City Attorney	5/31/2023
Tammy Hedlund, Legal Specialist	5/31/2023
Rachel Morris, City Attorney	5/31/2023
Don Wick, Deputy City Manager	5/31/2023
Lorie Gillis, City Manager	5/31/2023

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R23-054

A RESOLUTION DIRECTING CITY STAFF NOT TO COLLECT SYSTEM DEVELOPMENT CHARGES UNDER THE FEE SCHEDULE SET FORTH IN ORDINANCE NO. 4819, AND INSTEAD CONTINUE COLLECTING SYSTEM DEVELOPMENT CHARGES UNDER THE CURRENT FEE SCHEDULE UNTIL SEPTEMBER 30, 2023

WHEREAS, Ordinance No. 4819, An Ordinance Amending Sections 74-91 and 74-92 of Chapter 74, Planning and Development, and Various Sections of Chapter 102, Utilities, of the Arvada City Code Pertaining to System Development Charges, was passed, adopted and approved on October 17, 2022; and

WHEREAS, Ordinance No. 4819 is set to go into effect on July 1, 2023; and

WHEREAS, Ordinance No. 4819 sets forth increases to System Development Charges necessary to providing reliable water and sewer services; and

WHEREAS, the City has decided to take additional time to review the calculation and modeling for the System Development Charges; and

WHEREAS, as a result, the City requires additional time before implementing any changes to system development charges.

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

Section 1. The City Council now directs City Staff not to collect System Development Charges under the fee schedule set forth in Ordinance No. 4819, and instead directs City Staff to continue collecting System Development Charges under the current fee schedule until September 30, 2023.

Section 2. The Mayor or Mayor Pro Tem is authorized to sign and the City Clerk to attest this resolution.

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

APPROVED AND ADOPTED this 5th day of June, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

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

BY: _____



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

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

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: CB23-014, An Ordinance Repealing And Reenacting Section 62-39, Criminal Mischief, And Adding Sections 62-79, Criminal Tampering-Service, 62-80, Criminal Tampering-Property, 62-81 Criminal Liability of Business Entities, and 62-82, Criminal Liability of an Individual for Corporate Conduct, of Article II Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

Report in Brief

PRESENTER: Emily Grogg

This ordinance amends the City's current criminal mischief provision and adds four criminal violations: criminal tampering-service, criminal tampering-property, criminal liability of business entities, and criminal liability for an individual for corporate conduct, to Chapter 62 of the Arvada City Code.

The first subsection of the criminal mischief provision is amended to reflect the current state statute, C.R.S. 18-4-501, in both language and the increased dollar amount regarding damage to property. The second subsection is added to address damage done to City parks and recreational resources. The added provision makes clear that damage to City resources is a crime under our criminal mischief provision, A.C.C. 62-39.

In addition to amending the criminal mischief provision, this ordinance also proposes four new criminal violations that mirror current state statutes. The language is nearly identical to misdemeanors that already exist in the current state statutes. Adding these misdemeanor violations to the Arvada City Code increases enforcement options by allowing low level crimes to be adjudicated by the Arvada Municipal Court. Criminal tampering offenses are used when the violation causes impairment of service or injury to a person but the monetary value is difficult to calculate or the criminal act does not cause damage as defined under our criminal mischief offense. Criminal liability of business entities and criminal liability of an individual for corporate conduct addresses the difficulty of prosecuting a business when the actions of the business are in violation of our code. The addition of these criminal violations provides a clear and consistent understanding of criminal violations for both the public and law enforcement.

The Arvada team recommends that the City Council approve CB23-014, An Ordinance Repealing And Reenacting Section 62-39, Criminal Mischief, And Adding Sections 62-79, Criminal Tampering-Service, 62-80, Criminal Tampering-Property, 62-81 Criminal Liability of Business Entities, and 62-82, Criminal Liability of an Individual for Corporate Conduct, of Article II Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code.

Financial Impact

No anticipated financial impact.

Background

The criminal mischief ordinance was last revised in 2018; however, the state statute increased the dollar amount of damage for a misdemeanor from \$1,000 to the current \$2,000 amount after the 2018 revision. The City team continues to evaluate our enforcement tools and review the Arvada City Code (A.C.C.) for possible improvements whenever possible. The City team

SUBJECT: CB23-014, An Ordinance Repealing And Reenacting Section 62-39, Criminal Mischief, And Adding Sections 62-79, Criminal Tampering-Service, 62-80, Criminal Tampering-Property, 62-81 Criminal Liability of Business Entities, and 62-82, Criminal Liability of an Individual for Corporate Conduct, of Article II Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

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continues to align ordinance violations with the corresponding state provision in the Colorado Revised Statutes (C.R.S.). This provides consistency and common understanding for both the public and law enforcement, who are tasked with enforcing both the C.R.S. and the A.C.C.

City departments who frequently interact with defendants charged with these violations, including the Police Department, City Attorney's Office, and Municipal Court are supportive of these proposed changes.

Discussion

The purpose of this ordinance is twofold. First, this ordinance amends Arvada's existing criminal mischief provision under A.C.C. Sec. 62-39. The amendment to the original criminal mischief increases the maximum misdemeanor level of property damage from \$1,000 to \$2,000. This means that if a person willfully destroys or damages property of another, and the value of that destruction or damage is less than \$2,000, then the police officer may write the person a ticket through the Arvada Municipal Court. This ordinance also clarifies the circumstances in which damage caused to City parks and other recreational resources constitutes criminal mischief, so it is clear as to when a person can be written a criminal mischief ticket for wilfully destroying or damaging City park and other recreational resources. Second, this ordinance adds four new criminal provisions: criminal tampering-service, criminal tampering-property, criminal liability of business entities, and criminal liability for corporate conduct. These new offenses are added to mirror state statutes and also to allow for more enforcement options in the event damage does not result from a criminal action or a business is the entity engaged in the criminal action.

By amending the existing criminal mischief provision and adding four new criminal charges, an Arvada Police officer may write a ticket for the new criminal mischief or one of the four new criminal charges into the Arvada Municipal Court instead of County Court. This allows for the case to be kept at the local level because the case will be handled by Arvada prosecutors at the Arvada Municipal Court instead of district attorneys at the county courthouse. Handling cases at the local level for low-level offenses benefits all parties involved. Arvada prosecutors can use their unique knowledge of the community to prosecute cases. Likewise, the Arvada Municipal Court can use its knowledge of the local community to apply restorative justice and rehabilitation principals in its adjudication of cases. Defendants also benefit because they will be reporting to a smaller, more centralized court.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

This ordinance helps to meet one of City Council's strategic results:

"By 6/2023 complete revisions to Chapter 62 of the ACC to be more consistent with Colorado State criminal laws to facilitate prosecution of defendants in the Municipal Court and help hold defendants accountable for their conduct."

This ordinance amends multiple sections within Chapter 62. The ordinance helps to facilitate the prosecution of defendants and holds defendants accountable by expanding possible penalties.

Alternative Courses of Action

N/A

Recommendation for Action

SUBJECT: CB23-014, An Ordinance Repealing And Reenacting Section 62-39, Criminal Mischief, And Adding Sections 62-79, Criminal Tampering-Service, 62-80, Criminal Tampering-Property, 62-81 Criminal Liability of Business Entities, and 62-82, Criminal Liability of an Individual for Corporate Conduct, of Article II Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

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The Arvada team recommends that the City Council approve CB23-014, An Ordinance Repealing And Reenacting Section 62-39, Criminal Mischief, And Adding Sections 62-79, Criminal Tampering-Service, 62-80, Criminal Tampering-Property, 62-81 Criminal Liability of Business Entities, and 62-82, Criminal Liability of an Individual for Corporate Conduct, of Article II Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code.

Suggested Motion:

I move that CB23-014, An Ordinance Repealing And Reenacting Section 62-39, Criminal Mischief, And Adding Sections 62-79, Criminal Tampering-Service, 62-80, Criminal Tampering-Property, 62-81 Criminal Liability of Business Entities, and 62-82, Criminal Liability of an Individual for Corporate Conduct, of Article II Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code be (approved on first reading, ordered published in full, and a public hearing set for July 10, 2023, at 6:15 p.m.) (rejected).

Prepared by:
Toni Riebschlager, Law Office Administrator

Reviewed by:

Approved by:

Gail Walker, Legal Specialist-Contracts	4/10/2023
Emily Grogg, Senior Assistant City Attorney	4/18/2023
Rachel Morris, City Attorney	5/19/2023
Edward Brady, Deputy Police Chief	5/19/2023
Lorie Gillis, City Manager	5/24/2023

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. CB23-014
ORDINANCE NO. ____

AN ORDINANCE REPEALING AND REENACTING SECTION 62-39, CRIMINAL MISCHIEF, AND ADDING SECTIONS 62-79, CRIMINAL TAMPERING-SERVICE, 62-80, CRIMINAL TAMPERING-PROPERTY, 62-81 CRIMINAL LIABILITY OF BUSINESS ENTITIES, AND 62-82, CRIMINAL LIABILITY OF AN INDIVIDUAL FOR CORPORATE CONDUCT, 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 City Council finds it is important to frequently review, update, and correct language in its code of ordinances; and

WHEREAS, the City Council finds that adding and aligning municipal criminal offenses with the equivalent state statutes, allows for increased enforcement options and provides a consistent understanding of criminal offenses; and

WHEREAS, the City Council finds that repealing and reenacting the City's criminal mischief ordinance and adding criminal tampering, criminal liability of business entities, and criminal liability of an individual for corporate conduct is necessary to protect the rights, health, safety, and welfare of the public.

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

Section 1. Section 62-39, Criminal mischief, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada Municipal Code is hereby repealed and reenacted to read as follows:

“Sec. 62-39. Criminal mischief.

- (a) Criminal mischief. A person commits criminal mischief when that person knowingly damages the real or personal property of one or more other persons, including property owned by the person jointly with another person or property owned by the person in which another person has a possessory or proprietary interest, in the course of a single criminal episode.
- (b) Criminal mischief-recreational resource.
 - (1) Definition. For purposes of this section, *damage* means to cause harm to a recreational resource or any landscaping or structure in or upon a recreational resource by any means, including but not limited to the unauthorized burning, cutting, defacing, placing graffiti or marking upon, digging, driving upon, excavating,

trenching, or otherwise injuring or impairing the natural beauty or usefulness of a recreational resource. Damage also includes but is not limited to the unauthorized alteration or modification to a designed or natural landscaping area, painting of turf, structures, or trail surfaces, mowing of maintained turf or natural vegetation surfaces, planting, pruning, removing, or in any way modifying trees, plants, flowers, turf, or other vegetation, whether natural or maintained, in or upon a recreational resource. Damage also includes but is not limited to the unauthorized removal of, modification to, adjustment to, connection to, or turning on or off an irrigation system or any part thereof, and the application of any fertilizer or other chemical to vegetation in or upon a recreational resource.

- (2) Unlawful act. A person commits criminal mischief of park property when that person knowingly damages property, real or otherwise, in or upon a recreational resource.
- (c) This section shall apply only where the aggregate amount of damage to the real or personal property that is damaged or destroyed in a single criminal episode is less than \$2,000.00.

Section 2. Section 62-79, Criminal tampering-service, is hereby added to Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code, to read as follows:

“Sec. 62-79. Criminal tampering-service.

A person commits the crime of criminal tampering with a service if, with intent to cause interruption or impairment of a service rendered to the public by a utility or by an institution providing health or safety protection, the person tampers with property of a utility or institution.”

Section 3. Section 62-80, Criminal tampering-property, is hereby added to Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code, to read as follows:

“Sec. 62-80. Criminal tampering-property.

A person commits the crime of criminal tampering if that person tampers with property of another with intent to cause injury, inconvenience, or annoyance to that person or to another or if he knowingly makes an unauthorized connection with property of a utility.”

Section 4. Section 62-81, Criminal liability of business entities, is hereby added to Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code, to read as follows:

“Sec. 62-81. Criminal liability of business entities.

- (a) Definitions. As used in this section:

Business entity means a corporation, sole proprietorship, or other association or group of individuals doing business in the city.”

High managerial agent means an officer of a business entity or any other agent in a position of comparable authority with respect to the formulation of the business entity's policy or the supervision in a managerial capacity of subordinate employees.

(b) A business entity is guilty of an offense if:

- (1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on the business entity by law; or
- (2) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or knowingly tolerated by the governing body or individual authorized to manage the affairs of the business entity or by a high managerial agent acting within the scope of his or her employment or in behalf of the business entity.

Section 5. Section 62-82, Criminal liability of an individual for corporate conduct, is hereby added to Article II, Miscellaneous, of Chapter 62, Offenses, of the Arvada City Code, to read as follows:

“Sec. 62-82. Criminal liability of an individual for corporate conduct.

A person is criminally liable for conduct constituting an offense which the person performs or causes to occur in the name of or in behalf of a business entity to the same extent as if that conduct were performed or caused by the person in their own name or behalf.”

The remaining portions of Chapter 62 shall remain unchanged.

Section 6. Savings clause. Any repeal set forth in this ordinance shall not affect or prevent the prosecution or punishment of a person for any act done or committed prior to the effective date of this ordinance and that is violation of the section or sections repealed by this ordinance.

Section 7. 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 8. This ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 5th day of June, 2023.

PASSED, ADOPTED, AND APPROVED this ____ day of _____, 20__.

Marc Williams, Mayor

ATTEST:

City Clerk

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

Publication Dates: June 8, 2023

REDLINE/STRIKEOVER VERSION

FOR INFORMATION ONLY – NOT PART OF THE ORDINANCE

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

Sec. 62-39. Criminal mischief.

- (a) Criminal mischief. A person commits criminal mischief when that person knowingly damages the real or personal property of one or more other persons, including property owned by the person jointly with another person or property owned by the person in which another person has a possessory or proprietary interest, in the course of a single criminal episode. ~~It shall be unlawful for any person willfully to destroy or damage real or personal property belonging to another, including property owned jointly by the person with another or property owned by the person in which another person has a possessory or proprietary interest.~~
- (b) Criminal mischief-recreational resource.
- (1) Definition. For purposes of this section, *damage* means to cause harm to a recreational resource or any landscaping or structure in or upon a recreational resource by any means, including but not limited to the unauthorized burning, cutting, defacing, placing graffiti or marking upon, digging, driving upon, excavating, trenching, or otherwise injuring or impairing the natural beauty or usefulness of a recreational resource. Damage also includes but is not limited to the unauthorized alteration or modification to a designed or natural landscaping area, painting of turf, structures, or trail surfaces, mowing of maintained turf or natural vegetation surfaces, planting, pruning, removing, or in any way modifying trees, plants, flowers, turf, or other vegetation, whether natural or maintained, in or upon a recreational resource. Damage also includes but is not limited to the unauthorized removal of, modification to, adjustment to, connection to, or turning on or off an irrigation system or any part thereof, and the application of any fertilizer or other chemical to vegetation in or upon a recreational resource.
- (~~c~~) This section shall apply only where the aggregate amount of damage to the real and/or personal property that is damaged or destroyed in a single criminal episode is less than \$21,000.00.

Sec. 62-79. Criminal tampering- service.

A person commits the crime of criminal tampering with a public service if, with intent to cause interruption or impairment of a service rendered to the public by a utility or by an institution providing health or safety protection, the person tampers with property of a utility or institution.

Sec. 62-80. Criminal tampering- property

A person commits the crime of criminal tampering if that person tampers with property of another with intent to cause injury, inconvenience, or annoyance to that person or to another or if he knowingly makes an unauthorized connection with property of a utility.

Sec. 62-81. Criminal liability of business entities.

(a) Definitions. As used in this section:

Business entity means a corporation, sole proprietorship, or other association or group of individuals doing business in the city.”

High managerial agent means an officer of a business entity or any other agent in a position of comparable authority with respect to the formulation of the business entity’s policy or the supervision in a managerial capacity of subordinate employees.

(b) A business entity is guilty of an offense if:

- (1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on the business entity by law; or
- (2) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or knowingly tolerated by the governing body or individual authorized to manage the affairs of the business entity or by a high managerial agent acting within the scope of his or her employment or in behalf of the business entity.



Sec. 62-82. Criminal liability of an individual for corporate conduct

A person is criminally liable for conduct constituting an offense which the person performs or causes to occur in the name of or in behalf of a business entity to the same extent as if that conduct were performed or caused by the person in their own name or behalf.



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

**AGENDA ITEM
8.C.2.**

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: CB23-015, An Ordinance Amending Various Sections of the Arvada City Code to Reflect the Change in Name from North Jeffco Park and Recreation to Apex Park and Recreation District (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

Report in Brief

PRESENTER: Emily Grogg

This ordinance proposes amendments to three sections of the Arvada City Code to update the code language to accurately reflect the current name of Apex Park and Recreation District.

The Arvada team recommends that the City Council approve CB23-015, An Ordinance Amending Various Sections of the Arvada City Code to Reflect the Change in Name from North Jeffco Park and Recreation to Apex Park and Recreation District.

Financial Impact

No anticipated financial impact.

Background

When North Jeffco Park and Recreation District changed its name to Apex Park and Recreation District, there were numerous minor references to North Jeffco in the Arvada City Code (A.C.C.) that have not been updated to reflect the new name. This ordinance only updates the name and does not make any substantive changes.

Discussion

It is important to frequently review, update, and correct language in adopted municipal codes to ensure accuracy and relevancy. The City Attorney's Office is committed to working through a substantial backlog of code revisions and improvements that are needed throughout the Arvada City Code (A.C.C.). This ordinance is one small step in a much larger need that is being addressed as resources are available.

This ordinance amends sections 62-71, 74-96, and 102-32 of the A.C.C. to change all references from the "North Jeffco Park and Recreation District" to the "Apex Park and Recreation District." This ordinance does not make any other changes.

There are two other provisions in the A.C.C. that mention North Jeffco Park and Recreation District but they are contained in chapters that are currently being rewritten and will be before Council in the coming months.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

This ordinance provides legal services to the City Council, Boards and Commissions, and all work systems, so they can enforce the law, avoid, or mitigate risks associated with City operations and protect the legal interests of the City.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve CB23-015, An Ordinance Amending Various Sections of the Arvada City Code to Reflect the Change in Name from North Jeffco Park and Recreation to Apex Park and Recreation District.

Suggested Motion:

I move that CB23-015, An Ordinance Amending Various Sections of the Arvada City Code to Reflect the Change in Name from North Jeffco Park and Recreation to Apex Park and Recreation District, be (approved on first reading, ordered published in full, and a public hearing set for July 10, 2023, at 6:15 p.m.) (rejected).

Prepared by:
Toni Riebschlager, Law Office Administrator

Reviewed by:

Approved by:

Gail Walker, Legal Specialist-Contracts	4/11/2023
Emily Grogg, Senior Assistant City Attorney	4/18/2023
Rachel Morris, City Attorney	5/19/2023
Edward Brady, Deputy Police Chief	5/19/2023
Lorie Gillis, City Manager	5/24/2023

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. CB23-015
ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ARVADA CITY CODE TO
REFLECT THE CHANGE IN NAME FROM NORTH JEFFCO PARK AND RECREATION
TO APEX PARK AND RECREATION DISTRICT

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 City Council finds it is important for the City to frequently review, update, and correct language in its code of ordinances; and

WHEREAS, the following sections have been amended to reflect the name change from North Jeffco Park and Recreation to the current Apex Park and Recreation District; no other substantive changes were made to these sections.

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

Section 1. Section 62-71, Open carry of firearms prohibited, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada Municipal Code is hereby amended in its entirety to read as follows:

“Sec. 62-71. Open carry of firearms prohibited.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Firearm means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable of or intended to be capable of discharging bullets, cartridges, or other explosive devices.

Public building means any structure, facility, site, or area that is owned, operated, or leased by the city.

Specific area means:

- (1) All recreational facilities and sports complexes located within the city and owned, operated, or leased by either the city or the Apex Park and Recreation District including, but not limited to, swimming pools, tennis courts, ice rinks, skate parks, basketball courts, pedestrian and bicycle paths, green belts, golf courses, picnic facilities, lawns, gardens, parks, trails, or open space; or
 - (2) Arvada/Blunn Reservoir, including the lake, dam, spillways, appurtenances, and city-owned lands surrounding the reservoir.
- (b) *Carrying firearm.* All firearms must be carried in such a manner so as to be completely concealed from the view of another. Any firearm carried in such a manner as to be visible in

whole or in part and for any length of time to another shall be deemed to be open or openly carried.

- (c) *Openly carry.* It shall be unlawful for any person to open or openly carry any firearm in or upon any public building or specific area within the city.
- (d) *Exception.* Nothing in this section shall be construed to allow the carrying of any firearm except in accordance with state and federal law.
- (e) *Authorized persons.* Nothing in this section shall be construed to forbid any peace officer or other city employee duly authorized to carry a firearm from carrying or wearing such firearms as may be necessary in the proper discharge of his duties. Nothing in this section shall be construed to forbid the employee of any armored car service agency providing money transport services pursuant to a contractual arrangement with the city or the North Jeffco Park and Recreation District from carrying or wearing such firearms as may be necessary in the proper discharge of his duties, so long as the employee has been duly authorized by his employer to carry a firearm and he is acting within the course of his employment at the time the firearm is being carried or worn.
- (f) *Concealed permit.* Possession of a valid concealed carry permit shall not constitute a defense to a charge of openly carrying a firearm where prohibited.
- (g) *Violation.* Any person violating subsection (c) of this section shall, upon conviction thereof, be punished by a fine, or imprisoned, or both, not to exceed the limits established in section 1-5.”

The remaining portions of Chapter 62 shall remain unchanged.

Section 2. Section 74-96, Recreation districts, of Article IV, Miscellaneous Development Requirements, of Chapter 74 of the Arvada City Code is hereby amended in its entirety to read as follows:

“Sec. 74-96. – Recreation districts.

If the territory is within the peripheral boundaries of the Apex Park and Recreation District, or the Hyland Hills Metropolitan Park and Recreation District, a certificate signed by an officer of such district must be presented to the planning commission showing that such territory is, at the time of application, included within, and subject to the levy of taxes of, such district.”

The remaining portions of Chapter 74 shall remain unchanged.

Section 3. Section 102-32, Definitions, of Article II, Water and Sewer, of Chapter 102 of the Arvada City Code is hereby amended to read as follows:

“*Golf course class of service* means water service to golf courses owned and operated by the city or by the Apex Recreation and Park District.”

The remaining definitions of Section 102-32 and the rest of Chapter 102 shall remain unchanged.

Section 4. 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 5. This ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 5th day of June, 2023.

PASSED, ADOPTED, AND APPROVED this ____ day of _____, 20__.

Marc Williams, Mayor

ATTEST:

City Clerk

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

By: _____

Publication Dates: June 8, 2023

REDLINE/STRIKEOVER VERSION

FOR INFORMATION ONLY – NOT PART OF THE ORDINANCE

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

Sec. 62-71. Open carry of firearms prohibited.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Firearm means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable of or intended to be capable of discharging bullets, cartridges, or other explosive devices.

Public building means any structure, facility, site, or area that is owned, operated, or leased by the city.

Specific area means:

- (1) All recreational facilities and sports complexes located within the city and owned, operated, or leased by either the city or the ~~North Jeffco~~ Apex Park and Recreation District including, but not limited to, swimming pools, tennis courts, ice rinks, skate parks, basketball courts, pedestrian and bicycle paths, green belts, golf courses, picnic facilities, lawns, gardens, parks, trails, or open space; or
 - (2) Arvada/Blunn Reservoir, including the lake, dam, spillways, appurtenances, and city-owned lands surrounding the reservoir.
- (b) *Carrying firearm.* All firearms must be carried in such a manner so as to be completely concealed from the view of another. Any firearm carried in such a manner as to be visible in whole or in part and for any length of time to another shall be deemed to be open or openly carried.
- (c) *Openly carry.* It shall be unlawful for any person to open or openly carry any firearm in or upon any public building or specific area within the city.
- (d) *Exception.* Nothing in this section shall be construed to allow the carrying of any firearm except in accordance with state and federal law.
- (e) *Authorized persons.* Nothing in this section shall be construed to forbid any peace officer or other city employee duly authorized to carry a firearm from carrying or wearing such firearms as may be necessary in the proper discharge of his duties. Nothing in this section shall be construed to forbid the employee of any armored car service agency providing money transport services pursuant to a contractual arrangement with the city or the North Jeffco Park and Recreation District from carrying or wearing such firearms as may be necessary in the proper discharge of his duties, so long as the employee has been duly authorized by his employer to carry a firearm and he is acting within the course of his employment at the time the firearm is being carried or worn.

- (f) *Concealed permit.* Possession of a valid concealed carry permit shall not constitute a defense to a charge of openly carrying a firearm where prohibited.
- (g) *Violation.* Any person violating subsection (c) of this section shall, upon conviction thereof, be punished by a fine, or imprisoned, or both, not to exceed the limits established in section 1-5.

Sec. 74-96. - Recreation districts.

If the territory is within the peripheral boundaries of the ~~North Jeffco Metropolitan~~ **Apex Park and** Recreation District, or the Hyland Hills Metropolitan Park and Recreation District, a certificate signed by an officer of such district must be presented to the planning commission showing that such territory is, at the time of application, included within, and subject to the levy of taxes of, such district.

Sec. 102-32. – Definitions

Golf course class of service means water service to golf courses owned and operated by the city or by the ~~North Jeffco Metropolitan~~ **Apex** Recreation and Park District.



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

**AGENDA ITEM
8.C.3.**

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: CB23-016, An Ordinance Amending Subsection (i)(1)(vii), Sentencing Authority, Sentencing Options, Of Section 58-1, Jurisdiction and Powers of the Municipal Court, of Article I - In General, of Chapter 58, Municipal Court, of the Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

Report in Brief

PRESENTER: Kylie Justus

Restitution in criminal cases serves two purposes: (1) assisting victims of crime in their financial recovery; and (2) encouraging rehabilitation and accountability of offenders. Currently, Arvada's City Code does not provide specific guidance to the court and parties on how restitution proceedings are to be conducted. This amendment to the code outlines a specific procedure for restitution to be ordered by the court. This amendment defines what qualifies as restitution, the timeline for requesting such restitution, how a defendant may contest the amount of restitution requested, and the burden of proof for establishing the restitution amount. Both the City Attorney's Office and the Presiding Municipal Judge have approved this amendment to the Code.

The Arvada team recommends that the City Council approve CB21-016, An Ordinance Amending Subsection (i)(1)(vii), Sentencing Authority, Sentencing Options, Of Section 58-1, Jurisdiction and Powers of the Municipal Court, of Article I - In General, of Chapter 58, Municipal Court, of the Arvada City Code.

Financial Impact

Ordering restitution according to this procedure will increase judicial efficiency, thereby saving City resources.

Background

Because the Arvada City Code does not currently outline specific procedures for ordering restitution, the Court requested the City Attorney's Office look at amending the City Code to clarify the parties' responsibilities when requesting or contesting restitution. This amendment to the Code outlines clear and efficient procedures for restitution assessment. Implementing clear and efficient procedures benefits both victims and defendants.

Discussion

If Council passes this amendment to the Arvada City Code, the following procedure shall apply to orders of restitution:

- (1) The City Attorney will have 60 days from the court's sentencing order to ascertain the amount of and submit the request for restitution.
- (2) If the defendant contests the amount submitted by the City Attorney, the defendant must request a restitution hearing at the court date immediately following the City Attorney's submission of a restitution request.
- (3) At the hearing, the City Attorney must prove the restitution amount by a preponderance of the evidence.
- (4) The Court shall award the amount of restitution it determines has been proven by the City Attorney and actually suffered by the victim as a result of the defendant's conduct.

Restitution includes, "any pecuniary loss suffered by a victim and includes but is not limited to all out-of-pocket expenses,

SUBJECT: CB23-016, An Ordinance Amending Subsection (i)(1)(vii), Sentencing Authority, Sentencing Options, Of Section 58-1, Jurisdiction and Powers of the Municipal Court, of Article I - In General, of Chapter 58, Municipal Court, of the Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

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interest, loss of use of money, anticipated future expenses, rewards paid by victims, money advanced by law enforcement agencies, money advanced by a governmental agency for a service animal, adjustment expenses, and other losses or injuries proximately caused by a defendant's conduct and that can be reasonably calculated and recompensed in money." Restitution does not include "damages for physical or mental pain and suffering, loss of consortium, loss of enjoyment of life, loss of future earnings, or punitive damages."

Public Contact

Posting of the City Council agenda.

Commission Recommendation

Strategic Alignment

This amendment supports City Council's strategic principle for the Safe Community work system of providing 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

1. An Ordinance Amending Subsection (i)(1)(vii), Sentencing Authority, Sentencing Options, Of Section 58-1, Jurisdiction and Powers of the Municipal Court, of Article I, In General, of Chapter 58, Municipal Court, of the Arvada City Code.
2. Approve with specific amendments
3. Deny

Recommendation for Action

The Arvada team recommends that the City Council approve An Ordinance Amending Subsection (i)(1)(vii), Sentencing Authority, Sentencing Options, Of Section 58-1, Jurisdiction and Powers of the Municipal Court, of Article I, In General, of Chapter 58, Municipal Court, of the Arvada City Code.

Suggested Motion:

I move that CB21-016, An Ordinance Amending Subsection (i)(1)(vii), Sentencing Authority, Sentencing Options, Of Section 58-1, Jurisdiction and Powers of the Municipal Court, of Article I, In General, of Chapter 58, Municipal Court, of the Arvada City Code, be (approved on first reading, ordered published in full, and a public hearing set for July 10, 2023 at 6:15 p.m.) (rejected).

Prepared by:
Kylie Justus, Assistant City Attorney

Reviewed by:

Approved by:

Gail Walker, Legal Specialist-Contracts	4/25/2023
Janelle Miller, Assistant City Attorney	4/26/2023
Nora Steenson, Deputy City Attorney	5/10/2023

SUBJECT: CB23-016, An Ordinance Amending Subsection (i)(1)(vii), Sentencing Authority, Sentencing Options, Of Section 58-1, Jurisdiction and Powers of the Municipal Court, of Article I - In General, of Chapter 58, Municipal Court, of the Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

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Kathryn Kurtz, Municipal Judge 5/19/2023

Rachel Morris, City Attorney 5/19/2023

Lorie Gillis, City Manager 5/24/2023

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 23-016

ORDINANCE NO.

AN ORDINANCE AMENDING SUBSECTION (i)(1)(vii), *SENTENCING AUTHORITY, SENTENCING OPTIONS*, OF SECTION 58-1. – JURISDICTION AND POWERS OF THE MUNICIPAL COURT, OF ARTICLE I – IN GENERAL, OF CHAPTER 58, MUNICIPAL COURT, OF THE ARVADA CITY CODE

WHEREAS, crime victims endure undue suffering and hardship resulting from physical injury, emotional and psychological injury, or loss of property; and

WHEREAS, persons found guilty of causing such suffering and hardship should be under a moral and legal obligation to make full restitution to those harmed by their misconduct; and

WHEREAS, the payment of restitution by criminal offenders to their victims is a mechanism for the rehabilitation of offenders; and

WHEREAS, restitution is recognized as a deterrent to future criminality; and

WHEREAS, an effective criminal justice system requires timely restitution to victims of crime and to members of the immediate families of such victims in order to lessen the financial burdens inflicted upon them, to compensate them for their suffering and hardship, and to preserve the individual dignity of victims; and

WHEREAS, clear and efficient procedures for restitution assessment and orders benefit both victims and offenders; and

WHEREAS, the amendments adopted by this Ordinance facilitate the establishment of procedures to provide for full restitution for victims of crime in the most expeditious manner.

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

Section 1. Subsection (i)(1)(vii), *Sentencing Authority, Sentencing Options*, of Section 58-1. – Jurisdiction and powers of the municipal court, of Article I – In General, of Chapter 58 – Municipal Court, of the Arvada City Code is hereby amended to read as follows:

“(vii) Pay restitution to a victim in an amount ordered by the judge, except that restitution shall not be ordered in a misdemeanor traffic offense or noncriminal traffic infraction case. Restitution shall be ordered according to the following procedure and any other procedures promulgated by the presiding municipal court judge:

- (A) The city attorney must determine and submit to the court and the defendant the specific amount of restitution within sixty days immediately following the court's sentencing order or order of a deferred judgment or sentence, unless good cause is shown for extending the time period prior to the expiration of the sixty day period.
- (B) If the defendant contests the amount of restitution submitted by the city attorney, the defendant must request the court set the matter for a restitution hearing at the defendant's court hearing immediately following the submission of a restitution request by the city attorney. If the defendant does not request the hearing at that court hearing, the defendant waives the right to the restitution hearing and will be deemed to have agreed to the restitution amount.
- (C) At a restitution hearing, the city attorney must prove the restitution amount by a preponderance of the evidence.
- (D) The court shall award the amount of restitution it determines has been proven by the city attorney and actually suffered by the victim as a result of the defendant's conduct in the case.
- (E) For purposes of this section, "restitution" means any pecuniary loss suffered by a victim and includes but is not limited to all out-of-pocket expenses, interest, loss of use of money, anticipated future expenses, rewards paid by victims, money advanced by law enforcement agencies, money advanced by a governmental agency for a service animal, adjustment expenses, and other losses or injuries proximately caused by a defendant's conduct and that can be reasonably calculated and recompensed in money. "Restitution" does not include damages for physical or mental pain and suffering, loss of consortium, loss of enjoyment of life, loss of future earnings, or punitive damages."

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 or constitutionality of the remaining portions of this ordinance. The city council declares that 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 5th day of June, 2023.

PASSED, ADOPTED, AND APPROVED this _____ day of _____, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____

Publication Dates: June 8, 2023

REDLINE/STRIKEOVER VERSION

FOR INFORMATION ONLY – NOT PART OF THE ORDINANCE

Underlined indicates new material

~~Strikethrough~~ indicates deleted material

- “(vii) Pay restitution to a victim in an amount ordered by the judge, ~~in conformance with restitution procedures promulgated by the presiding municipal court judge,~~ except that restitution shall not be ordered in a misdemeanor traffic offense or noncriminal traffic infraction case~~;~~. Restitution shall be ordered according to the following procedure and any other procedures promulgated by the presiding municipal court judge:
- (A) The city attorney must determine and submit to the court and the defendant the specific amount of restitution within sixty days immediately following the court’s sentencing order or order of a deferred judgment or sentence, unless good cause is shown for extending the time period prior to the expiration of the sixty day period.
 - (B) If the defendant contests the amount of restitution submitted by the city attorney, the defendant must request the court set the matter for a restitution hearing at the defendant’s court hearing immediately following the submission of a restitution request by the city attorney. If the defendant does not request the hearing at that court hearing, the defendant waives the right to the restitution hearing and will be deemed to have agreed to the restitution amount.
 - (C) At a restitution hearing, the city attorney must prove the restitution amount by a preponderance of the evidence.
 - (D) The court shall award the amount of restitution it determines has been proven by the city attorney and actually suffered by the victim as a result of the defendant’s conduct in the case.
 - (E) For purposes of this section, “restitution” means any pecuniary loss suffered by a victim and includes but is not limited to all out-of-pocket expenses, interest, loss of use of money, anticipated future expenses, rewards paid by victims, money advanced by law enforcement agencies, money advanced by a governmental agency for a service animal, adjustment expenses, and other losses or injuries proximately caused by a defendant’s conduct and that can be reasonably calculated and recompensed in money. “Restitution” does not include damages for physical or mental pain and suffering, loss of consortium, loss of enjoyment of life, loss of future earnings, or punitive damages.”



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

**AGENDA ITEM
8.C.4.**

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: CB23-017, An Ordinance Repealing and Reenacting Section 2-211, Leasing of City-Owned Property, of Article VI, City Property, of Chapter 2, Administration, of The Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

Report in Brief

PRESENTER: Laura Hemler

Arvada owns property throughout the City which it leases to private persons or entities for various purposes consistent with the City's values. The authority under which the Arvada City Council authorizes the leasing of City-owned property is provided by Section 2-211 of the Arvada City Code. A.C.C. §2-211 was last updated in 1983 and no longer accurately reflects current City practices. The purpose of this proposed ordinance is to update A.C.C. §2-211 to provide much needed clarity and conform A.C.C. §2-211 to the City's current practices.

The Arvada team recommends that the City Council approve CB23-017, An Ordinance Repealing and Reenacting Section 2-211, Leasing of City-Owned Property, of Article VI, City Property, of Chapter 2, Administration, of The Arvada City Code.

Financial Impact

There is no anticipated financial impact.

Background

Section 2-211 of the Arvada City Code (the "leasing ordinance") was last revised in 1983 and therefore four key terms are outdated and no longer accurately reflect current City practices regarding the leasing of City-owned property. First, the current leasing ordinance addresses the leasing of City-owned property only for residential and grazing purposes when the City currently leases City-owned property for a variety of purposes. Second, the current leasing ordinance also requires that a "form lease" be used for all leases but such form is no longer used. Instead, the City Attorney's Office drafts individual leases for each leasing transaction that contain terms customized to the type of property being leased, the type of activity occurring on the property, and the status of the lessee. Third, the current leasing ordinance requires the Mayor to sign each lease even though the lease may be a routine renewal to the same lessee. Fourth, the current leasing ordinance provides no direction as to how City staff should proceed in amending, renewing, or terminating an existing lease.

The purpose of this ordinance is to update A.C.C. §2-211 to resolve the four issues discussed in the preceding paragraph. Under the revised version of A.C.C. §2-211, there is no distinction between the purposes for which the City may lease City-owned property. A lease of City-owned property is treated the same regardless of the purpose for which the property is being leased.

Discussion

Section 2-211 of the Arvada City Code (the "leasing ordinance") was last revised in 1983 and therefore four key terms are outdated and no longer accurately reflect current City practices regarding the leasing of City-owned property. First, the current leasing ordinance addresses the leasing of City-owned property only for residential and grazing purposes when the City

currently leases City-owned property for a variety of purposes. Second, the current leasing ordinance also requires that a "form lease" be used for all leases but such form is no longer used. Instead, the City Attorney's Office drafts individual leases for each leasing transaction that contain terms customized to the type of property being leased, the type of activity occurring on the property, and the status of the lessee. Third, the current leasing ordinance requires the Mayor to sign each lease even though the lease may be a routine renewal to the same lessee. Fourth, the current leasing ordinance provides no direction as to how City staff should proceed in amending, renewing, or terminating an existing lease.

The purpose of this ordinance is to update A.C.C. §2-211 to update the terms discussed in the preceding paragraph and establish who has the authority to amend, renew, and terminate existing leases.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

Amending and updating A.C.C. § 2-211 aligns with the City Council 2020-2025 Infrastructure Priority Area and the guiding principle stating:

Develops, advances, and implements systems of asset management to support levels of service commitments.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve CB23-017, An Ordinance Repealing and Reenacting Section 2-211, Leasing of City-Owned Property, of Article VI, City Property, of Chapter 2, Administration, of The Arvada City Code.

Suggested Motion:

I move that CB23-017, An Ordinance Repealing and Reenacting Section 2-211, Leasing of City-Owned Property, of Article VI, City Property, of Chapter 2, Administration, of The Arvada City Code, be (approved on first reading, ordered published in full, and a public hearing set for July 10, 2023, at 6:15 p.m.) (rejected).

Prepared by:
Tammy Hedlund, Legal Specialist

Reviewed by:

Approved by:

Laura Hemler, Assistant City Attorney	5/10/2023
Jacqueline Rhoades, Public Works Director	5/12/2023
Rachel Morris, City Attorney	5/19/2023

SUBJECT: CB23-017, An Ordinance Repealing and Reenacting Section 2-211, Leasing of City-Owned Property, of Article VI, City Property, of Chapter 2, Administration, of The Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

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Don Wick, Deputy City Manager 5/22/2023

Lorie Gillis, City Manager 5/24/2023

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 23-017
ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REENACTING SECTION 2-211, LEASING OF
CITY-OWNED PROPERTY, OF ARTICLE VI, CITY PROPERTY, OF CHAPTER 2,
ADMINISTRATION, OF THE ARVADA CITY CODE

WHEREAS, the City of Arvada, Colorado, ("City"), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, the City of Arvada owns certain properties which are suitable for residential, grazing, and other uses; and

WHEREAS, the City Council wishes to rent the properties to qualified lessees when it is in the best interest of the City to do so.

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

Section 1. Section 2-211, Leasing of city-owned property, of Article VI, City Property, of Chapter 2, Administration, of the Arvada City Code is hereby repealed and reenacted to read as follows:

"Sec. 2-211. Leasing of city-owned property.

- (a) *Applicability.* This section applies to all city-owned real property unless such real property is used for wireless communication facilities as stated in Chapter 7 of the Arvada Land Development Code or such real property is located in public rights-of-way.
- (b) *Definitions.* For the purposes of this section, the following definitions shall apply:
 - (1) The term "real property" shall include an interest in land and any improvement and facility attached thereto, except public rights-of-way.
 - (2) The term "lease" shall include an agreement, permit, contract, license, easement or other instrument whereby the city grants the exclusive use of all or a portion of real property now or hereafter owned by the city for an indefinite period of time or for a specific period in excess of 30 calendar days.
- (c) City Council shall approve by resolution any lease of real property owned by the City to a specific lessee for an initial term length satisfactory to the City Council ("Original Lease"). Upon completion of the Original Lease, the city manager or their designee is authorized to approve any subsequent renewals, extensions, or amendments to the Original Lease so long as the lessee remains the same as in the Original Lease. Any change in lessees shall be approved by City Council by

resolution. Notwithstanding the foregoing, the City Manager is authorized to terminate a lease without City Council approval when it is in the best interests of the city to do so.

- (d) City Council shall approve by resolution any program delegating the authority to lease and manage city-owned real property to the City Manager or the appropriate city staff for a specific purpose.
- (e) All leases of real property, regardless of duration, must be in a form approved by the city attorney.”

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 or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that 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 3. Effective date. This ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 5th day of June, 2023.

PASSED, ADOPTED, AND APPROVED this ____ day of _____, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

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

By: _____

Publication Dates: June 8, 2023

REDLINE/STRIKETHROUGH VERSION

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

Underlined indicates new material
Strikethrough indicates deleted material

Sec. 2-211. - Leasing of city-owned property.

- ~~(a) *Residential property.* The city manager or his designee is hereby authorized to negotiate and the mayor to enter on behalf of the city leases of the said residential property. The attached lease designated as Exhibit "A" is hereby approved and shall be used in leasing the said residential property to qualified lessees.~~
- ~~(b) *Grazing land.* The city manager or his designee is hereby authorized to negotiate and the mayor to enter on behalf of the city leases of the said grazing land. The attached lease designated as Exhibit "A" is hereby approved and shall be used in leasing the said grazing land to qualified lessees.~~
- (a) Applicability. This section applies to all city-owned real property unless such real property is used for wireless communication facilities as stated in Chapter 7 of the Arvada Land Development Code or such real property is located in public rights-of-way.
- (b) Definitions. For the purposes of this section, the following definitions shall apply:
- (1) The term "real property" as used in this section shall include an interest in land and any improvement and facility attached thereto, except public rights-of-way.
- (2) The term "lease" shall include an agreement, permit, contract, license, easement or other instrument whereby the city grants the exclusive use of all or a portion of real property now or hereafter owned by the city for an indefinite period of time or for a specific period in excess of 30 calendar days.
- (c) City Council shall approve by resolution any lease of real property owned by the City to a specific lessee for an initial term length satisfactory to the City Council ("Original Lease.") Upon completion of the Original Lease, the city manager or their designee is authorized to approve any subsequent renewals, extensions, or amendments to the Original Lease so long as the lessee remains the same as in the Original Lease. Any change in lessees shall be approved by City Council by resolution. Notwithstanding the foregoing, the City Manager is authorized to terminate a lease without City Council approval when it is in the best interests of the city to do so.

- (d) City Council shall approve by resolution any program delegating the authority to lease and manage city-owned real property to the City Manager or the appropriate city staff for a specific purpose.
- (e) All leases of real property, regardless of duration, must be in a form approved by the city attorney.



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

AGENDA ITEM
8.C.5.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: CB23-018, An Ordinance Amending Certain Provisions Within the Land Development Code, of the Arvada City Code to Add the Zoning District, Commercial, Neighborhood (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

Report in Brief

As part of the 2020-2025 Strategic Plan, the City Council included a Strategic Result associated with the Community and Economic Development Department that recommends the adoption of land use option that allow for pocket neighborhoods (Strategic Result 3).

Pocket neighborhoods are defined as small-scale commercial developments that could be located within or on the edges of existing residential neighborhoods throughout the City.

The Commercial, Neighborhood (CN), zoning district is proposed to achieve this strategic result.

Financial Impact

There is no fiscal impact to the city.

Background

Workshops regarding the CN zoning district were held by the Planning Commission and City Council in March and April of 2023.

During the workshop with the City Council, two suggested modifications to the CN zoning district language were discussed.

Based on the discussion, Bed and Breakfast was added as a Conditional Use in the zoning district. The landscape percentage required on a CN zoned lot was reduced from 20% to 15% to allow more flexibility in site design.

Discussion

Division 8-3-2 Approval Criteria (05-18-20)	Finding	
A. The proposed amendment is consistent with the Arvada Comprehensive Plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan.	Complies	The proposed ar Arvada Compreh proposed amend community and c understand and i
B. The proposed amendment is consistent with the Purposes of the Code set out in Section 1-1-1-2, Purpose and Intent, of the LDC.	Complies	The proposed LL with the intent ar because the regu

SUBJECT: CB23-018, An Ordinance Amending Certain Provisions Within the Land Development Code, of the Arvada City Code to Add the Zoning District, Commercial, Neighborhood (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

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health, safety, cc
and general welf

Public Contact

A published notice was posted in the newspaper 15 days prior to the meeting. Information regarding the proposed zoning district was also posted on the City's website.

Commission Recommendation

The Planning Commission voted 7 to 0, to recommend approval to the City Council during a public hearing held on May 16, 2023.

Strategic Alignment

The project is consistent with the City Council Strategic Plan principles for the Community and Economic Development work system, particularly Strategic Result 3.

Alternative Courses of Action

N/A

Recommendation for Action

The City team recommends that the City Council adopt the Commercial, Neighborhood (CN) zoning district.

Suggested Motion:

I move that CB23-018, An ordinance amending certain provisions within the Land Development Code, of the Arvada City Code to add the zoning district, Commercial, Neighborhood, be (approved on first reading, ordered published in full and a public hearing set for July 10, 2023 at 6:15 pm) (rejected).

This motion is based on the findings of fact and required conditions (if any) adopted by the Planning Commission.

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:
Heidi Van Gieson, Administrative Specialist

Reviewed by:

Approved by:

Rob Smetana, Acting Director of Community and Economic Development	5/16/2023
Josie Suk, Development Systems and Administrative Manager	5/18/2023
Ryan Stachelski, Director of Community and Economic Development	5/19/2023
Gail Walker, Legal Specialist-Contracts	5/19/2023
Emily Grogg, Senior Assistant City Attorney	5/19/2023

SUBJECT: CB23-018, An Ordinance Amending Certain Provisions Within the Land Development Code, of the Arvada City Code to Add the Zoning District, Commercial, Neighborhood (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

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ITEM: 8.C.5.

Rachel Morris, City Attorney

5/22/2023

Linda Haley, Deputy City Manager

5/22/2023

Lorie Gillis, City Manager

5/24/2023

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 23-018
ORDINANCE NO.

AN ORDINANCE AMENDING CERTAIN PROVISIONS WITHIN THE LAND
DEVELOPMENT CODE, OF THE ARVADA CITY CODE TO ADD THE ZONING
DISTRICT, COMMERCIAL, NEIGHBORHOOD

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

Section 1. Chapter 2, Zoning Districts, of the Land Development Code, of the Arvada City Code is hereby amended:

Section 2-1-2-1 Zoning Districts Established is hereby amended in its entirety to read as follows:

- A. **“Generally.** In order to carry out the provisions of this Code, the City is divided into the following zoning districts, and subdistricts:
 1. Parks and Open Space District
 - a. OS Parks and Open Space District
 2. Residential Districts
 - a. RA Residential / Agricultural District
 - b. RN Residential Neighborhood District
 - i. RN-32.5 Residential Neighborhood 32,500 Subdistrict
 - ii. RN-12.5 Residential Neighborhood 12,500 Subdistrict
 - iii. RN-7.5 Residential Neighborhood 7,500 Subdistrict
 - iv. RN-6 Residential Neighborhood 6,000 Subdistrict
 - v. RN-4 Residential Neighborhood 4,000 Subdistrict
 - vi. RN-D Residential Neighborhood Single Family and Duplex Subdistrict
 - c. R6 Residential 6 District
 - d. R13 Residential 13 District
 - e. R24 Residential 24 District
 3. Mixed-Use Districts
 - a. MX-N Mixed-Use, Neighborhood District
 - b. MX-S Mixed-Use, Suburban District
 - c. MX-U Mixed-Use, Urban District
 - d. MX-T Mixed-Use, Transit-Oriented District
 4. Olde Town Zoning District
 - a. OT-E Olde Town East Subdistrict

- b. OT-EY Olde Town East Yukon Subdistrict
- c. OT-GV Olde Town Grandview Subdistrict
- d. OT-OW Olde Town Olde Wadsworth Subdistrict
- e. OT-RN Olde Town Residential Neighborhood Subdistrict
- f. OT-RR Olde Town Ralston Road Subdistrict
- g. OT-W Olde Town Webster Subdistrict
- 5. Commercial District
 - a. CG Commercial, General District
 - b. CN Commercial, Neighborhood District
- 6. Industrial Districts
 - a. IL Industrial, Light District
 - b. IG Industrial, General District
- 7. Planned Unit Development District
 - a. PUD Planned Unit Development District

Section 2-1-6-1 CG: Commercial, General, is retitled and amended in its entirety to read as follows:

“2-1-6-1 CN: Commercial, Neighborhood

- A. **Purpose.** The purpose of the Commercial, Neighborhood (CN) zoning district is to accommodate small scale retail, restaurant and service uses serving neighborhood needs. This zoning district is typically situated along collector or arterial streets within or at the edges of existing neighborhoods.
- B. **Relationship to the Comprehensive Plan.** The CN zoning district generally implements the “Neighborhood and Community Commercial/Office” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the CN zoning district are set out in Table 2-1-6-1A, Commercial, Neighborhood Lot and Building Standards.

CN

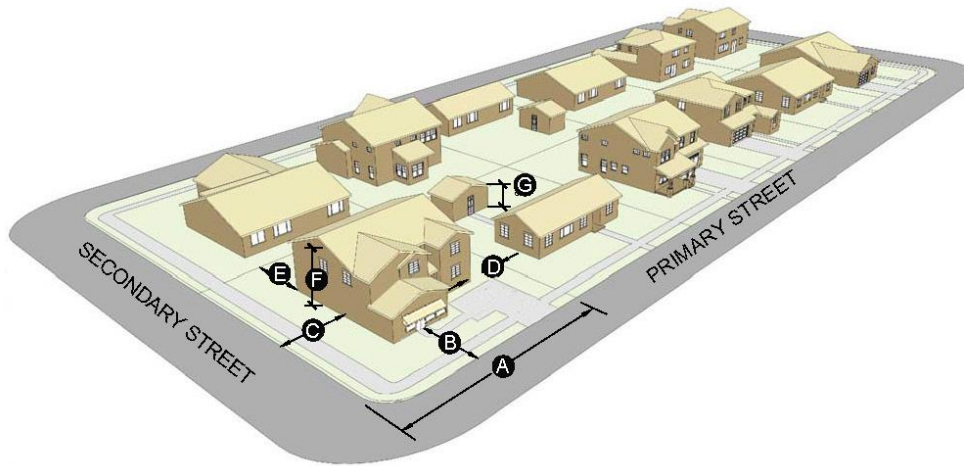


Table 2-1-6-1A: Commercial, Neighborhood Lot and Building Standards		
Standard		All Lot Types
Lot Standards		
	Min. Lot Area	10,000 sf.
	Max. Lot Area	1 acre
A	Min. Lot Width	50 ft.
	Max. Lot Coverage	55%
Setback Standards		
B	Min./Max. Front	5 ft./20 ft.
C	Min. Street Side	20 ft.
D	Min. Interior Side	10 ft.
E	Min. Rear	10 ft.
	Min. Front/Street Side Parking	20 ft.
Building Standards		
F	Max. Height, Principal Building	28 ft.
G	Max. Height, Accessory Building	18 ft.
	Max. Height, Mini-structure	12 ft.
Site Standards		
	Min. Landscape Surface Area	15%
	Max. Outdoor Display	5% of enclosed retail floor area
	Max. Outdoor Storage	Not allowed

D. **Cross-References.** The cross-references in Table 2-1-6-1B, Cross-References for Commercial, Neighborhood, are provided for the reader's convenience and are

not necessarily exhaustive of applicable regulations.

Table 2-1-6-1B: Cross-References for Commercial, Neighborhood	
Topic	Reference
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Exterior Lighting	Article 4-8, Exterior Lighting
Building Design	Division 5-1-2, Building and Structure Design Standards
Mini-Structures	Division 5-1-4-3, Mini-Structures
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Outdoor Storage, and Outdoor Retail Display	Section 5-1-6-3, Outdoor Storage, Outdoor Retail Display, and Outdoor Dining Areas.
Signs	Chapter 6, Signs”

Section 2-1-6-1 CG: Commercial, General is renumbered to Section 2-1-6-2; no changes to the language of the Section.

Figure 2-1-6-1: Illustrative Commercial, General Lot and Building Standards is renumbered to Figure 2-1-6-2; no changes to the Figure.

Table 2-1-6-1A: Commercial, General Lot and Building Standards is renumbered to Table 2-1-6-2A; no changes to the Table.

Table 2-1-6-1B: Cross-References for Commercial, General is renumbered to Table 2-1-6-2B; no changes to the Table.

Section 2-1-6-2 IL: Industrial Light is renumbered to Section 2-1-6-3; no changes to the language of the Section.

Figure 2-1-6-2: Illustrative Industrial, Light Lot and Building Standards is renumbered to Figure 2-1-6-3; no changes to the Figure.

Table 2-1-6-2A: Industrial, Light Lot and Building Standards is renumbered to 2-1-6-3A; no changes to the Table.

Table 2-1-6-2B: Cross-References for Industrial, Light is renumbered to 2-1-6-3B; no changes to the Table.

Section 2-1-6-3 IG: Industrial, General is renumbered to Section 2-1-6-4; no changes to the language of the Section.

Figure 2-1-6-3: Illustrative Industrial, General Lot and Building Standards is renumbered to Figure 2-1-6-4; no changes to the Figure.

Table 2-1-6-3A: Industrial, General Lot and Building Standards is renumbered to Table 2-1-6-4A; no changes to the Table.

Table 2-1-6-3B: Cross-References for Industrial, General is renumbered to Table 2-1-6-4B; no changes to the Table.

The remaining portions of Chapter 2 shall remain unchanged.

Section 2. Chapter 3, Use Regulations, of the Land Development Code, of the Arvada City Code is hereby amended:

Section 3-1-2-4 Hospitality, Recreation, and Entertainment Land Use by Zoning District is hereby amended in its entirety to read as follows:

“The hospitality, recreation, and entertainment land uses that are allowed in each zoning district are set out in Table 3-1-2-4, Hospitality, Recreation, and Entertainment Land Use by Zoning District.

							Table 3-1-2-4: Hospitality, Recreation, and Entertainment Land Use by Zoning District																
Land Use	Open Space and Residential						Mixed-Use				Olde Town							Commercial and Industrial				Reference	
	O S	R A	R N	R 6	R 1 3	R 2 4	M X - N	M X - S	M X - U	M X - T	O T - E	O T - E Y	O T - G V	O T - W	O T - R N	O T - R R	O T - W	C N	C G	IL	IG		
Adult Entertainment / Adult Retail Sales																					L	L	3-1-3-4
Amusement, Outdoor								L												L	L		3-1-3-4
Bar / Tavern / Nightclub							L	L	L	L	L	L	L	L	L	L	L	L	C	L	C	C	3-1-3-4
Bed and Breakfast		C	C	C			L	L				L	L	L	L	L	L	L	C				3-1-3-4
Brew Pub / Distillery Pub / Limited Winery							L	L	L	L	L	L	L	L	L	L	L	L	C	L	L	L	3-1-3-4
Hotel / Motel									A	A	A	A	A	A		A	A		A				-
Recreation and Amusement, Indoor							A	A	A	A	A	A	A	A		A	A		A	A	A		-
Recreation, Outdoor (playing fields)	A	A	A	A	A	A													A				-
Recreation, Outdoor (other)	A	A	A	A	A	A	A	A	L	L	L	L	L	L	L	L	L		A	A			3-1-3-4
Restaurant							A	A	A	A	A	A	A	A	L	A	A	C	A	A			3-1-3-4
Restaurant, Fast Food							L	L	L	L	L	L	L	L	L	L	L		L				3-1-3-4

Table 3-1-2-4: Hospitality, Recreation, and Entertainment Land Use by Zoning District																						
Land Use	Open Space and Residential						Mixed-Use				Olde Town						Commercial and Industrial				Reference	
	O S	R A	R N	R 6	R 1 3	R 2 4	M X - N	M X - S	M X - U	M X - T	O T - E	O T - E Y	O T - G V	O T - O W	O T - R N	O T - R R	O T - W	C N	C G	IL		IG
Stables and Riding Academies, Commercial		A																				-
Theater							A	A	A	A	A	A	A	A		A				A		-“

Table 3-1-2-5: Commercial Land Use by Zoning District																							
Land Use	Open Space and Residential						Mixed-Use				Olde Town						Commercial and Industrial				Reference		
	O S	R A	R N	R 6	R 1 3	R 2 4	M X - N	M X - S	M X - U	M X - T	O T- E	O T- E Y	O T- G V	O T- O W	O T- R N	O T- R R	O T- W	C N	C G	IL		I G	
Animal Day Care / Training		C					L	L	L	L										L	L		3-1-3-5
Animal Hospital (Large Animal)		A																					-
Art Studio / Makerspace		A					A	A	A	A	L	L	L	L	L	L	L	C	A	A	A		3-1-3-5
Auction House or Yard																				L	L		3-1-3-5
Continuing Care Facility					A	A	A	A	A	A	A	A	A	A		A	A		C				
Kennel		C																		L	A		3-1-3-5
Office, General or Professional							A	A	A	A	A	A	A	A	A	A	A	C	A	A	A		-
Retail Sales and Services Type 1 ¹							L	L	L	L	L	L	L	L	L	L	L	C	L	L			3-1-3-5
Retail Sales and Services Type 2 ¹								L	L	L									L	L			3-1-3-5
Veterinary Offices or Clinics		C					L	L	L	L	L	L	L		L	L			L	L			3-1-3-5
Workshop							A	A	A	A									A	A	A		3-1-3-5
TABLE NOTES: ¹ All drive-through facilities are subject to the standards in Section 5-1-6-2, Drive-Through Facilities, which may prohibit a drive-through in certain locations.”																							

Section 3-1-2-6 Community, Civic, Educational, Health Care, and Institutional Land Use by Zoning District is hereby amended in its entirety to read as follows:

“The community, civic, educational, health care, and institutional land uses that are allowed in each zoning district are set out in Table 3-1-2-6, Community, Civic, Educational, Health Care, and Institutional Land Use by Zoning District.

Table 3-1-2-6: Community, Civic, Educational, Health Care, and Institutional Land Use by Zoning District																							
Land Use	Open Space and Residential						Mixed-Use				Olde Town							Commercial and Industrial				Reference	
	O S	R A	R N	R 6	R 1 3	R 2 4	M X - N	M X - S	M X - U	M X - T	O T- E	O T- E Y	O T- G V	O T- O W	O T- R N	O T- R R	O T- W	C N	C G	IL	I G		
Ambulance Services								C												L	L	L	3-1-3-6
Cemetery	C	C	C																				3-1-3-6
Crematorium																					L	L	3-1-3-6
Day Care Center, Adult or Child			C	C	C	C	L	A	A	A					A	L		C	A	A			3-1-3-6
Funeral Home / Mortuary							L	L								L			L	L			3-1-3-6
Hospital								A	A	A									A				-
Medical Office							A	A	A	A	A	A	A	A	A	A	A		A				-
Public Lands, Parks, Schools or Buildings	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A		-
Place of Assembly		A	L	L	L	L	L	A	L	L	L	L	L	L	L	L	L	A	A	A			3-1-3-6
Private School, Kindergarten, Elementary, Middle, or High		A	A	A	A	A	A	A	A	A					A		A	A	A				-
Private School, Vocational, Trade, College, or University							A	A	A	A	A	A	A	A			A	A	A	A	A		-“

Section 3-1-3-4 Hospitality, Recreation, and Entertainment Standards is hereby amended in its entirety to read as follows:

- A. **“Adult Entertainment / Adult Retail Sales.** *See* Arvada City Code, Chapter 22, Article II, “Adult Entertainment Businesses.”
- B. **Amusement, Outdoor.**
 1. In the MX-S or IL zoning district:
 - a. The use shall be surrounded by the Option A bufferyard, per Division 4-6-5, Landscape Areas and Bufferyards.
 - b. If the use includes field lighting or small engines (*e.g.*, gas-powered go-karts) that are operational after 9:00 PM or before 7:00 AM, it shall be located not less than 600 feet from any RA and RN zoning district boundary.
- C. **Bed and Breakfast.**

1. All bed and breakfast establishments shall be subject to the following:
 - a. The structure should have architectural significance through an historical style or unique architectural design.
 - b. The renovation and use as a bed and breakfast establishment will facilitate the renovation and/or maintenance of the structure.
 - c. The renovation and use as a bed and breakfast establishment will contribute to the, character, of the neighborhood.
 2. **Building Requirements.**
 - a. The architectural and historic integrity and arrangement of the existing exterior and interior of the building shall be maintained, and any modifications shall be only as necessary due to:
 - i. Building or Fire code requirements; or
 - ii. Additions or modifications needed to provide a common guest area (*e.g.*, a dining area or atrium), to enlarge an existing bedroom, or add a bathroom.
 - b. No additions are allowed that would increase the existing number of bedrooms.
 - c. The building may not be enlarged by more than 25 percent of the existing floor area, and any changes must be compatible with the architectural character of the existing building.
 3. **Operations.**
 - a. Any meal may be provided; however, it shall be served only to guests taking lodging in the facility.
 - b. Lodging guests may stay for a maximum of 14 consecutive days in any 30-day period.
 4. **Parking.**
 - a. No more than two parking spaces may be located in the front setback area. Parking in excess of two spaces shall be provided behind the front setback, and must be screened from adjacent residential uses by a six-foot cedar fence or other method approved by the Director upon a determination that it provides a comparable or better screening effect and is consistent with the residential appearance of the bed and breakfast.
 - b. On-street parking may be permitted only if it is located adjacent to the property and if it is determined that its use would not be detrimental to the neighborhood.
 5. **Signs.**
 - a. Signs shall be compatible in material and architectural style with the principal building and shall meet the requirements of Section 6-1-2-4, Sign Districts.
- D. Bar / Tavern / Nightclub.**
1. All bars / taverns / nightclubs shall be subject to the following:
 - a. If the use is adjacent to a residential use, exterior loudspeakers and noise from the outdoor patio areas and the interior of the building shall not exceed 45 dbA at the property line of the subject property between the hours 9:00 PM and 7:00 AM. There shall be no outdoor entertainment between these hours.
 - b. These uses may include the retailing of related goods (*i.e.*, shirts, caps, glasses) as an incidental activity.
 - c. When the use is adjacent to a RA, RN or R6 zoning district, a six foot screening wall or fence must be provided along the common lot line.

2. In the OT-RN zoning district:
 - a. The use is allowed only in the mixed-use building type. *See* Section 2-1-5-4, Mixed-Use Building Type Lot and Building Form Standards.
 - b. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
3. In the CN zoning district:
 - a. The use shall only operate between the hours of 7:00 AM and 11:00 PM.

E. Brew Pub / Distillery Pub / Limited Winery.

1. All brew pubs / distillery pubs / limited wineries shall be subject to the following:
 - a. On-premise consumption or retail sales of commodities produced on-site are required.
 - b. The maximum gross floor area for production, bottling, packaging, storing, and other manufacturing related activities shall be 6,000 square feet.
 - c. The storage of raw and/or spent materials shall be kept in a fully enclosed structure, building, or container.
 - d. If the use is adjacent to a residential use, exterior loudspeakers and noise from the outdoor patio areas and the interior of the building shall not exceed 45 dbA at the property line of the subject property between the hours 9:00 PM and 7:00 AM. There shall be no outdoor entertainment between these hours.
 - e. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
2. In the MX-N and OT-RN zoning districts:
 - a. The maximum gross floor area for the building shall be 4,000 square feet.
 - b. In the OT-RN zoning district, the use is allowed only in the mixed-use building type. *See* Section 2-1-5-4, Mixed-Use Building Type Lot and Building Form Standards.
3. In the CN zoning district:
 - a. The use shall only operate between the hours of 7:00 AM and 11:00 PM.

F. Recreation, Outdoor, Other.

1. In the MX-U, MX-T, and OT zoning districts:
 - a. Outdoor recreation uses shall be limited to plazas, sculpture gardens, tot lots, playgrounds, skating rinks, and splash pads.

G. Restaurant.

1. Restaurants, General.

- a. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
 - b. In the CN zoning district:
 - i. The use shall only operate between the hours of 6:00 AM and 11:00 PM.
- 2. Restaurants, Fast Food.**

- a. Trash Management Program. All fast food restaurant uses shall have a trash management program for the daily removal of trash and litter on the site and on any adjacent affected property.
- b. For drive-through facilities, reference Sections 5-1-6-2 Drive-through facilities and 4-5-3-6 Vehicle Stacking.”

Section 3-1-3-5 Commercial Standards is hereby amended in its entirety to read as follows:

A. “Animal Day Care / Training.

1. In the MX and CG zoning districts, the use shall be located entirely indoors.
2. In the IL zoning district, if the use is located within 300 feet of a residential zoning district, no outdoor activities related to the use shall occur between the hours of 9:00 PM and 7:00 AM.

B. Art Studio / Makerspace.

Such use shall not exceed 5,000 square feet unless located within a vertically mixed-use building.

C. Auction House.

All business activities shall be conducted within an entirely enclosed building.

D. Kennel.

1. In the RA and IL zoning districts, a kennel facility shall be subject to the following:
 - a. Outdoor facilities, including outdoor runs, shall not be located within 150 feet of any adjacent residential zoning district.
 - b. If the use is located within 300 feet of residentially zoned property, no outdoor activities related to the use shall occur on the subject property between the hours of 9:00 PM and 7:00 AM.
 - c. The parts of a building where animals are boarded shall be fully enclosed and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.
2. All kennels shall be licensed by the City of Arvada pursuant to Article VIII, "Kennel License," of Chapter 14 of the Arvada Code of Ordinances.
3. A residence for a caretaker is allowed, subject to the requirements of Section 5-1-6-7, Custodial Unit.

E. Retail Sales and Services, Type 1.

1. Retail Sales Uses – General.

Retail sales uses must take place within a completely enclosed building, except that accessory outdoor display of merchandise, and accessory outdoor customer seating/dining areas are permitted, subject to the following standards:

- a. Outdoor display areas must comply with the minimum street setback requirements of the subject zoning district.
- b. Outdoor display areas may not occupy or use required parking space or drive aisle unless approved by the Director.
- c. Outdoor seasonal temporary sales display requires a temporary use permit.
- d. In the CN zoning district:

- i. The use shall only operate between the hours of 7:00 AM and 10:00 PM.

F. Retail Sales and Services, Type 2.

1. Convenience Lending Operations.

All convenience lending operations except national banks and those operating as of the effective date of this Code shall comply with the following locational restrictions and standards:

- a. It shall be unlawful to operate or cause to be operated a convenience lending operation within 2,500 feet of another convenience lending operation.
- b. It shall be unlawful to operate or cause to be operated a convenience lending operation within 300 feet of any residentially-zoned property.
- c. The distance between any two such operations shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each such operation is located, and the distance between a convenience lending operation and a residentially-zoned property shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the operation is located to the nearest property line of the residentially-zoned property, excluding public street rights of way.

2. Used Merchandise Stores and Donation Centers (retail, used - primarily donated; retail, used - primarily non-donated; used merchandise donation center).

- a. Used merchandise stores that accept donated goods on the premises and used merchandise donation centers shall:
 - i. Coordinate delivery and acceptance of donations, during business hours only, either inside the store or center, or outside the store or center as long as donations are moved inside immediately after drop-off;
 - ii. Sort and store donations only inside the store or center;
 - iii. Patrol the store or center premises as the need arises to remove any donations left outside after hours; and
 - iv. Remove donations left outside of the store or center after business hours no later than 7:00 AM the next morning.
- b. A used merchandise store shall devote more than 50% of its floor area to retail sales.
- c. The arrangement of activities inside a used merchandise store shall be such to preserve a retail character when it is viewed from the outside. Where the building façade includes windows or doors, the areas within the building visible through these openings shall be used for retail sales only.
- d. Used merchandise donation centers shall be limited to a maximum gross floor area of 2,500 square feet and a maximum tenant width of 25 feet.
- e. Donation boxes, trailers, containers, or other structures intended and utilized as an exterior, stand-alone receptacle or depository for the donation of goods are prohibited.

- i. Based upon the generally mobile, temporary, impermanent, and accessory nature thereof, and notwithstanding the provisions of Chapter 9, Nonconformities of this Code, any such box, trailer, container, or structure, or use of such box, trailer, container, or structure, legally established prior to May 12, 2011 shall be permitted to continue in place, but such use, and the lawful status of such structure and use, shall terminate upon the occurrence of any of the following:
 - a. Any change in tenancy, ownership, or management of the structure or user thereof;
 - b. Any cessation of such use, or absence of such structure from the premises, for a period of 30 days or more;
 - c. Any damage or destruction of the structure, by any means, to the extent of more than 50 percent of its structural replacement value prior to such damage or destruction;
 - d. Any enlargement or expansion of such structure or use;
 - e. Any alteration (beyond that necessary for routine maintenance and repair) or relocation of the structure on the premises, other than that which, in the sole discretion of the Director, is determined appropriate; or
 - f. A failure to register the structure or use within the allotted time period, as provided in below.
3. The owner of any such box, trailer, container, or structure legally established prior to May 12, 2011, and the user thereof (if different than the owner), must have registered such structure or use with the Director prior to December 30, 2011.

G. Veterinary Office or Clinic.

1. All veterinary offices or clinics shall be subject to the following requirements:
 - a. All facilities, including all treatment rooms, cages, pens, training rooms, and exercise runs, shall be within a completely enclosed, soundproof building.
 - b. Short-term overnight boarding associated with the medical treatment and post-operative care of animals shall be allowed, provided such boarding is contained within a completely enclosed building.

H. Workshop.

1. The use shall not exceed 5,000 square feet unless located within a vertically mixed-use building.”

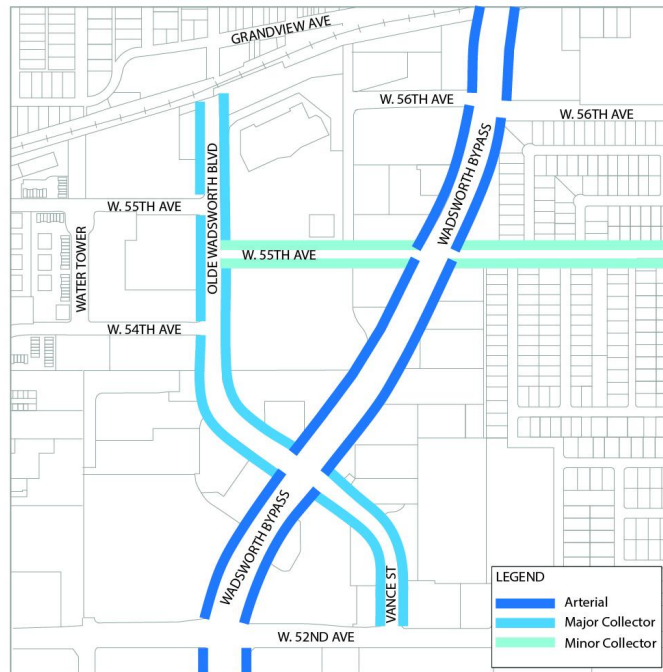
The remaining portions of Chapter 3 shall remain unchanged.

Section 4. Chapter 4, Environmental and Site Design, of the Land Development Code, of the Arvada City Code is hereby amended:

Section 4-4-3-4 Street Hierarchy and Connectivity is amended in its entirety to read as follows:

- A. **“Generally.** Street and block patterns shall be consistent with the City’s Transportation Plan, and should include a clear hierarchy of well-connected streets that distribute traffic over a multiple number of streets and avoid traffic congestion on major streets. Within each development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide opportunities to link to adjacent neighborhoods and properties.
- B. **General Distribution of Streets within the Street Hierarchy.** Arterial streets, major collector streets, and minor collector streets shall be arranged generally in accordance with this Subsection (*see* Figure 4-4-3-4A, Illustrative Distribution of Arterial, Major Collector, and Minor Collector Streets, for illustrative example).
1. **Arterial Streets.** Arterials are located at approximately one mile intervals in both east-west and north-south directions. Within each one-mile segment, arterials will align and connect across intersecting arterials to distribute traffic and provide continuity for designated bicycle routes.
 2. **Major Collector Streets.** Within each one mile segment, at least one collector street shall divide the segment east-west and another shall divide the segment north-south at approximately the half-mile points, and these major collector streets shall intersect the arterials within 110 feet of the half-mile points, resulting in areas of approximately 160 acres.
 3. **Minor Collector Streets.** For residential neighborhoods, within each approximately 160 acre area defined by major collectors, at least one minor collector street giving access to its interior shall be provided on every perimeter street of the area unless prevented by an obstacle. These minor collector streets should connect with each other through such 160 acre area to define four areas of approximately 40 acres each.

**Figure 4-4-3-4A: Illustrative Distribution of Arterial,
Major Collector, and Minor Collector Streets**



- C. **Local Streets.** For each generally 40-acre area, at least one local street giving access to its interior shall be provided on every perimeter street of the area unless prevented by an obstacle. Such streets should connect across other local streets depending on the land use relationship.
- D. **Connectivity.** Where property is to be developed and streets are stubbed to the property or where arterial, collector, or local streets are designated to connect to the property, the City may require rights-of-way and construction of those streets through and into the area contained within the development application.
- E. **Access to Public Streets.** All new lots shall have direct or indirect access to a public street, through one or more access points approved by the City. Indirect access may be provided through auto courts, loop lanes, or private streets, subject to approval of the fire district with jurisdiction over the subject property.
1. Single-family detached and duplex buildings shall not have individual driveway access to an arterial or collector street, unless no other alternative is reasonably available.
 2. In the CN zoning district, parking areas for uses identified as Conditional shall have access to only an arterial or collector street, unless an alternative is allowed at the discretion of the City Council.
 3. All public and private streets shall comply with all applicable design and construction standards adopted by the City.
- F. **Access and Driveways.** All new lots and developments shall have access streets constructed in compliance with the Transportation Standards in the City's Engineering Code of Standards and Specifications. Single-family detached and duplex unit driveways shall not take direct access from arterial streets or collector streets, unless no other alternative is available. All access points shall be constructed so that:

1. Vehicles may safely enter and exit the property;
2. Interference with the convenient flow of traffic and conflict with pedestrians and bicycles is minimized; and
3. Driveways shall be hard-surfaced with materials such as asphalt, concrete or other equivalent surface pursuant to the City's Engineering Code of Standards and Specifications. Recycled asphalt, gravel or other similar surfaces are not an approved surface. The surfacing requirements shall not apply to access drives on lots or tracts of three-quarters of an acre or more where the property structure is a single-family home and the access drive is more than 100 feet in length, or the access drive is for an accessory agriculture use.

G. **Cross-Access between Adjacent Uses.** All multifamily and nonresidential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access to public and private streets. This may be accomplished by one or more of the following:

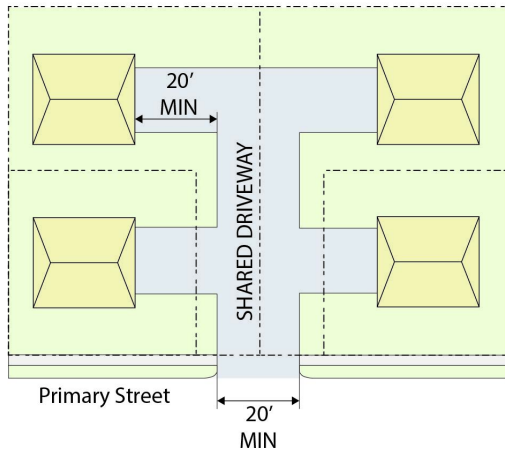
1. Connecting streets and drives;
2. Coordinating parking lot and parking structure entrances;
3. Providing common service and delivery areas;
4. Providing shared parking areas; and
5. Providing share driveways and access points for adjacent lots to minimize curb cuts.

The Director may allow alternatives to cross-access requirements if providing cross-access is deemed impractical, provided the Applicant provides adequate bicycle and pedestrian connections between adjacent development or land uses.

H. **Auto Courts.** Up to four single-family detached dwelling units may share a single driveway access to a public street through the use of an auto court layout (*see* Figure 4-4-3-4C, Auto Courts Layout), provided that:

1. The minimum width of the surface of an auto court shall be 20 feet unless a wider width is required by the fire district with jurisdiction over the subject property.
2. Shared driveways shall be surfaced with concrete, not asphalt.
3. Individual driveways leading from the shared driveway to each dwelling unit shall be at least 20 feet long, as measured between the front of the garage or carport and the closest edge of the shared driveway.
4. The design of the auto court shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees using the individual drive or intersecting street.
5. The auto court design shall comply with all off-street parking requirements applicable to single-family dwellings. In addition, each auto court design shall provide one-half off-street parking space per dwelling unit, in a location other than a private driveway.
6. The Applicant must provide for private ownership and maintenance of the auto courts. Provisions for the private ownership and maintenance and repair of shared driveways shall be approved by the Director during the development approval process.

Figure 4-4-3-4B: Auto Court Layout



- I. **Loop Lanes.** Up to seven single-family dwelling units may share access to a public street through the use of a loop lane layout provided that:
1. The surface of the loop lane shall be at least 20 feet wide, and shall be surfaced with concrete, not asphalt.
 2. No portion of the loop lane shall extend more than 250 feet from the public street to which the loop lane gives access.
 3. The common area surrounded by the loop lane shall be at least 60 feet wide.
 4. Individual driveways leading from the loop lane to each home shall be at least 20 feet long, as measured from the closest edge of the loop lane.
 5. Traffic on the loop lane shall be one-way only and shall be adequately signed as a one-way drive.
 6. The design of the loop lane shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees in either direction using only the individual driveway, the loop lane, or the intersecting public street.
 7. The loop lane design shall comply with all off-street parking requirements applicable to single-family dwellings. In addition, each loop lane design shall provide one-half off-street parking space per dwelling unit, in a location other than a private driveway.
 8. The Applicant must provide for private ownership and maintenance of the loop lane. Provisions for the private ownership and maintenance of both the loop lane surface and the common area surrounded by the loop lane shall be approved by the Director during the development approval process.
- J. **Private Streets.** The use of private streets is discouraged. Where allowed by the Director, private streets shall comply with all standards for the design of public streets of the same function adopted by the City. The Applicant must provide for private ownership and maintenance of the private streets. Provisions for the maintenance of private streets shall be approved by the Director during the development approval process.
- K. **Alleys.**

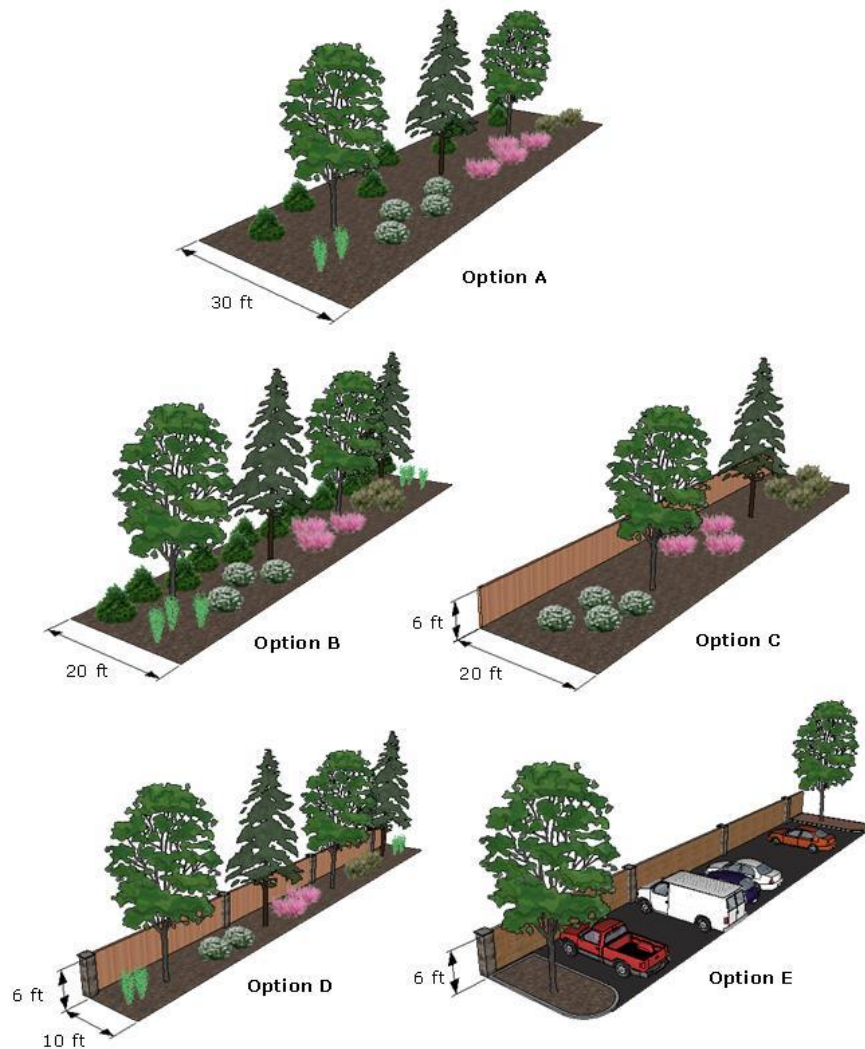
1. The use of alleys is encouraged for development that is residential or predominantly residential in the RA, RN, R6, R13, R-24 MX-S, MX-U, MX-T, and PUD zoning districts. Where alleys are used, they shall comply with the following standards:
 - a. The minimum right-of-way width of a residential alley shall be 16 feet.
 - b. The minimum right-of-way width of a commercial or industrial alley shall be 20 feet.
 - c. All platted alleys shall be paved.
 - d. Residential alleys shall connect through the block to a publicly dedicated street on each end and must provide access to at least 50 percent of the garages on lots adjacent to the alley.
 2. The City may require alleys in the following circumstances:
 - a. Along the rear lot lines of a multifamily development if the area of lots as subdivided will permit three or more dwelling units;
 - b. Along the rear lot lines of all lots fronting on a major arterial street; and
 - c. At any other location the Director or Decision-Making Body deems necessary.
 3. The Applicant must provide for private ownership and maintenance of the alley. Provisions for the private maintenance of alleys shall be approved by the Director during the development approval process.
- L. **Cul-de-Sacs.** A cul-de-sac may not exceed 500 feet in length, measured from the center of the intersection to the center of the turnaround. Where a parcel's size or shape makes a 500-foot limitation impractical, the Director may approve a longer cul-de-sac provided that there is no reasonable alternative.
1. A "T" or "Y" design, or other acceptable design to provide a turn-around may be used if approved by the Director provided that the street does not exceed 200 feet in length.
 2. No more than 20 lots may be located on a cul-de-sac. Cul-de-sacs that serve more than 20 lots require approval of the Director and the fire district with jurisdiction over the subject property.
- M. **Utilities.** All street and alley development shall accommodate all utility easements, service, and utility cabinet locations. Utility service cabinets and ground mounted equipment should be located in the least visible and least intrusive locations possible and shall be screened with evergreen shrubs or evergreen trees.”

Section 4-6-5-3 Bufferyard Options is amended in its entirety to read as follows:

- A. “One of the following bufferyard options shall be installed along any non-street frontage or alley when required by Section 4-6-5-2, Purpose and Applicability, and landscape material shall be from the City’s approved plant list to include acceptable buffer trees and shrubs. The options are identified below:
 1. **Option A.** A landscaped bufferyard with a minimum width of 30 feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided as follows:
 - a. Three trees and 20 shrubs per 100 lineal feet of adjacency. A minimum 20 percent evergreen trees.

2. **Option B.** A landscaped bufferyard with a minimum width of 20 feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided as follows:
 - a. Four trees and 24 shrubs per 100 lineal feet of adjacency. A minimum 40 percent evergreen trees.
3. **Option C.** A landscaped bufferyard with a minimum width of 20 feet shall be provided along the property line. The bufferyard shall include a six-foot tall solid fence or wall along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided as follows:
 - a. Two trees and ten shrubs per 100 linear feet of adjacency plus six-foot tall solid fence or wall along the property line. A minimum 20 percent evergreen trees.
4. **Option D.** A landscaped bufferyard with a minimum of ten feet shall be provided along the property line. The bufferyard shall include a six-foot tall solid fence or wall along the property line. Brick or stone columns shall be incorporated into the fence or wall design and spaced at least every 30 feet. Canopy shade trees, evergreen trees, and shrubs shall be provided as follows:
 - a. Four trees and ten shrubs per 100 lineal feet of adjacency. A minimum 40 percent evergreen trees.
5. **Option E.** Option E shall be permitted only in the CN, MX-N and OT zoning districts. A six-foot tall solid wall constructed of brick, stone or other comparable materials with brick or stone columns spaced at least every 30 feet may be installed in-lieu of landscaping for sites containing 25 or fewer parking spaces.”

Figure 4-6-5-3: Bufferyard Options



The remaining portions of Chapter 4 shall remain unchanged.

Section 5. Chapter 6, Signs, of the Land Development Code, of the Arvada City Code is hereby amended:

Section 6-1-2-4 Sign Districts is amended in its entirety to read as follows:

- A. **“Generally.** In recognition that the City is a place of diverse physical character, and that different areas of the City have different functional characteristics, this Article includes standards for signs that are based on the sign district in which the signs are located.
- B. **Sign Districts Created.** The following sign districts are created:
 1. Olde Town/Commercial Neighborhood (OT, CN)
 2. Mixed-Use/Commercial/Industrial (MX,C,I)
 3. Multifamily Residential (RM)
 4. Single-Family Residential (RS)

- C. **Relationship to Zoning Districts.** Sign districts shall correspond to zoning districts as provided in Table 6-1-2-4, Sign Districts.

Table 6-1-2-4: Sign Districts	
Sign District	Corresponding Zoning Districts or Areas
Olde Town/Commercial (OT, CN)	OT-E; OT-EY; OT-GV; OT-OW; OT-W; OT-RR; OT-RN (except for the purposes of Section 6-1-6-2, Additional Standards for Detached Temporary Signs); CN; MX-U façade in frontage zone ; MX-T façade in frontage zone; nonresidential and mixed-use areas of Planned Unit Developments where buildings are set back less than 5 feet from rights-of-way
Mixed-Use/Commercial/Industrial (MX,C,I)	MX-N; MX-S; MX-U façade outside frontage zone ; MX-T façade outside frontage zone; CG; IL; IG; nonresidential and mixed-use areas of Planned Unit Developments, where buildings are set back 5 feet or more from rights-of-way
Multifamily Residential (RM)	R13; R24; multifamily residential areas of Planned Unit Developments with 6+ unit buildings
Single-Family Residential (RS)	RA; RN; R6; OS; single-family, duplex, townhome, or multiplex areas of Planned Unit Developments; OT-RN (only for the purposes of Section 6-1-6-2, Additional Standards for Detached Temporary Signs).

- D. **Relationship to Planned Unit Development.** Planned unit developments that are approved after the effective date of this LDC shall include sign district designations as set out in Table 6-1-2-4, Sign Districts, or shall be processed with an application for a sign design program pursuant to Section 8-3-7-2, Alternative Sign Programs.

Table 6-1-5-1A: Wall Signs is amended in its entirety to read as follows:

Table 6-1-5-1A: Wall Signs				
Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Applied or Painted Wall Sign				
Max. #	1 for single family, duplex or multiplex form: 1 per principal building. All other forms: 1 per establishment	Not limited	1 per building elevation	1 per building elevation
Max. Sign Area (Total Per Building Elevation)	Single family detached, duplex or multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment	1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted.	1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation	Residential Building: 1 sf.
				Nonresidential Building: 1 sf. per 2 lf. of building elevation,

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	frontage of the building elevation upon which the sign is mounted, max. 32 sf.; a minimum of 30 sf., if establishment frontage is less than 30 lf.			minus the area of other wall signs on same elevation
Allowed Lighting	External	External	External	None
Mural Wall Sign				
Max. #	1 per building	1 per building	1 per building	Not allowed
Max. Sign Area	May be allowed on entire elevation subject to the Design Guidelines for OT	May be allowed on entire	May be allowed on entire elevation	-
Allowed Lighting	External	External	External	-
Other Standards	a. Murals shall not be placed on a building that is exclusively for a residential use. b. Murals shall not: i. Project more than 2 in. in the OT sign district and 6 in. in all other sign districts from the plane of the wall upon which it is painted or to which it is affixed and shall not extend above the top of the wall upon which it is painted or to which it is affixed; ii. Cover or interrupt major architectural features, such as doors, exits, and windows; and c. The property owner shall not be compensated for the display of the mural or the right to place the mural on a site.			-
Bulletin Board Attached to Building Wall				
Max. #	1 per principal building entrance	1 per principal building entrance	1 per principal building entrance	Residential Building: Not allowed
				Nonresidential Building:

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
				1 per principal building entrance
Max. Sign Area (Per Sign)	6 sf.	12 sf.	6 sf.	6 sf.
Allowed Lighting	External	External	External	None
Other Standards	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Residential Building: Not allowed
				Nonresidential Building: Not allowed above an elevation of 8 ft. above adjacent grade
Cabinet Wall Signs or Dimensional Wall Signs (Primary)				
Max. #	Dimensional wall sign only; cabinet wall signs are not allowed. Single family detached, duplex or multiplex form: 1 per principal building. All other forms: 1 per establishment	Not limited	1 per building elevation	Residential Building: Not allowed
				Nonresidential Building: 1 per building (dimensional wall sign only; cabinet wall signs are not allowed)
Max. Sign Area (Per Sign)	Single family detached, duplex or multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted max. 32 sf.; a minimum of 30 sf. if establishment	Dimensional wall signs: 1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted	32 sf.	Residential Building: Not allowed
		Cabinet wall signs: 1 sf. per 2 lf. of establishment frontage of the building elevation upon which the		Nonresidential Building: 12 sf.

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	frontage is less than 30 lf.	sign is mounted, not to exceed 60 sf.		
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Not allowed on building elevations that are located within 10 feet of a property line of a single-family detached or duplex residential use	Not allowed if primary fin sign is also present on the same building elevation	Not allowed if primary fin sign is also present on the same building elevation	None
		Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	
Cabinet Wall Signs or Dimensional Wall Signs (Secondary)				
Max. #	1 per principal building entrance (dimensional wall sign only; cabinet wall signs are not allowed)	1 per principal building entrance	1 per principal building entrance	Not allowed
Max. Sign Area (Per Sign)	4 sf.	48 sf.	6 sf.	NA
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Must be located above ground floor principal building entrance	Must be located above ground floor principal building entrance	Must be located above ground floor principal building entrance	NA
	No part of the sign shall be located more than 15 ft. above adjacent grade	No part of the sign shall be located more than 15 ft. above adjacent grade	No part of the sign shall be located more than 15 ft. above adjacent grade	
	Not allowed if secondary fin sign	Not allowed if secondary fin sign	Not allowed if secondary fin sign	

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	is also present above the same entrance	is also present above the same entrance	is also present above the same entrance	

Table 6-1-5-1B: Window Signs is amended in its entirety to read as follows:

Table 6-1-5-1B: Window Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (M-X,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
All Window Signs				
Max. #	Not limited	Not limited	1 per window	1 per window
Max. Sign Area	25% of the area of windows larger than 8 sf. may be covered with signs	25% of the area of windows larger than 8 sf. may be covered with signs	3 sf. per sign	6 sf. per elevation
	75% of the area of windows smaller than 8 sf. may be covered with signs	75% of the area of windows smaller than 8 sf. may be covered with signs		
	For the purposes of the standards above, the area of the window is calculated as the total area of window panes that are situated within six inches of each other	For the purposes of the standards above, the area of the window is calculated as the total area of window panes that are situated within six inches of each other		
Allowed Lighting	External or internal	External or internal	External or internal	None
Other Standards	Permanent applied window signs shall be affixed to the window in a professional	Permanent applied window signs shall be affixed to the window in a professional	Permanent applied window signs shall be affixed to the window in a professional	NA

Table 6-1-5-1B: Window Signs				
Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (M-X,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	manner (e.g., without wrinkles, bubbles, tape, etc.)	manner (e.g., without wrinkles, bubbles, tape, etc.)	manner (e.g., without wrinkles, bubbles, tape, etc.)	

Table 6-1-5-1C: Projecting Signs is hereby amended in its entirety to read as follows:

Table 6-1-5-1C: Projecting Signs				
Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Awning Signs				
Max. #	Not limited	Not limited	Not limited	Not allowed
Max. Sign Area (Total Per Building Elevation)	50% of awning face upon which sign is attached, max 32 sf.	Not limited	50% of awning face upon which sign is attached	NA
Allowed Lighting	External	External or internal	External	NA
Min. Sign Clearance	8'	8'	8'	NA
Other Standards	Principal function of awning must be to provide shelter for a window, a door, or an outdoor seating area	Principal function of awning must be to provide shelter for a window, a door, or an outdoor seating area	Principal function of awning must be to provide shelter for a building entrance	NA
	Awning signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas	Awning signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas	Awning signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas	
	Awning signs must be applied to, or printed or painted on the awning; rivets and	Awning signs must be stitched to, applied to, or printed or painted on the awning;	Awning signs must be stitched to, applied to, or printed or painted on the awning;	

Table 6-1-5-1C: Projecting Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	comparable fasteners are not allowed	rivets and comparable fasteners are not allowed	rivets and comparable fasteners are not allowed	
Marquee Signs				
Max. #	Not allowed	1 per building	Not allowed	Not allowed
Max. Sign Area (Total Per Building Elevation)	NA	1 sf. per lf. of building elevation upon which the sign is mounted, not to exceed 150 sf.	NA	NA
Allowed Lighting	NA	External or internal	NA	NA
Min. Sign Clearance	NA	8 ft.	NA	NA
Other Standards	NA	Sign must be located over a principal building entrance	NA	NA
		Sign shall not extend over any vehicular use area		
		Sign shall not extend above the roof line		
Hanging Signs				
Max. #	1 per building entrance	1 per building entrance	1 per building entrance	Residential Building: Not allowed
				Nonresidential Building: 1 per building entrance
Max. Sign Area (Total Per Building Elevation)	6 sf.	10 sf.	8 sf.	Residential Building: NA
				Nonresidential Building: 5 sf.
Allowed Lighting	External	External or internal	External	None
Min. Sign Clearance	8 ft.	8 ft.	8 ft.	8 ft.

Table 6-1-5-1C: Projecting Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Other Standards	Must be installed under a canopy or awning that shelters a building entrance or patio area	Must be installed under a canopy or awning that shelters a building entrance or patio area	Must be installed under a canopy or awning that shelters a building entrance or patio area	Must be installed under a canopy or awning over a principal building entrance
Fin Signs (Primary)				
Max. #	1 per street-facing building elevation	1 per building	1 per street-facing building elevation	Residential Buildings: Not allowed
				Nonresidential Buildings: 1 per street-facing building elevation
Max. Sign Area (Total Per Building Elevation)	12 sf.	1 sf. per 1 lf. of street-facing building elevation, not to exceed 150 sf.	12 sf.	Residential Buildings: NA
				Nonresidential Buildings: 12 sf.
Allowed Lighting	External	External or internal	External	None
Min. Sign Clearance	8 ft.	8 ft., or in the alternative, may extend to ground level	8 ft.	8 ft.
Other Standards	None	Not allowed if primary cabinet wall sign is also present	Not allowed if primary cabinet wall sign is also present	None
Fin Signs (Secondary)				
Max. #	1 per principal building entrance	1 per principal building entrance	1 per principal building entrance	Residential Buildings: Not allowed
				Nonresidential Buildings: 1 per principal building entrance
Max. Sign Area (Total Per Building Elevation)	4 sf.	8 sf.	8 sf.	2 sf.

Table 6-1-5-1C: Projecting Signs				
Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Allowed Lighting	External	External or internal	External	None
Min. Sign Clearance	8 ft.	8 ft.	8 ft.	8 ft.
Other Standards	Must be located over a principal building entrance, or within 2 feet on either side of the entrance	Must be located over a principal building entrance, or within 2 feet on either side of the entrance	Must be located over a principal building entrance, or within 2 feet on either side of the entrance	Must be located over a principal building entrance, or within 2 feet on either side of the entrance
	Not allowed if hanging sign is installed in front of the building entrance	Not allowed if hanging sign or secondary cabinet wall sign is installed above the building entrance	Not allowed if hanging sign or secondary cabinet wall sign is installed above the building entrance	Not allowed if hanging sign is installed above the building entrance
	Top of sign shall not be higher than 14 feet above ground level or the top of the building wall to which the sign is mounted, whichever is lower	Top of sign shall not be higher than 14 feet above ground level or the top of the building wall to which the sign is mounted, whichever is lower	Top of sign shall not be higher than 14 feet above ground level or the top of the building wall to which the sign is mounted, whichever is lower	Top of sign shall not be higher than 9 feet above ground level or the top of the building wall to which the sign is mounted, whichever is lower

Table 6-1-5-1D: Roof Signs is hereby amended in its entirety to read as follows:

Table 6-1-5-1D: Roof Signs				
Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
All Roof Signs				
Max. #	1 per building elevation	1 per building elevation	1 per building elevation	Not allowed
Max. Sign Area (total)	1 sf. per 3 lf. of building elevation, not to exceed 15 sf.	1 sf. per 3 lf. of building elevation, not to exceed 75 sf.	1 sf. per 3 lf. of building elevation, not to exceed 50 sf.	NA

Table 6-1-5-1D: Roof Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Allowed Lighting	None	External or internal	External or internal	NA
Other Standards	Allowed only above lower eave lines of buildings with multiple eave lines, and shall not extend above next higher eave line on same elevation. Not allowed on buildings with one eave line	Allowed only above lower eave lines of buildings with multiple eave lines, and shall not extend above next higher eave line on same elevation. Not allowed on buildings with one eave line	Allowed only above lower eave lines of buildings with multiple eave lines, and shall not extend above next higher eave line on same elevation. Not allowed on buildings with one eave line	
	Roof sign shall be designed such that: It is composed of channel letters or other three-dimensional forms; and The mounting hardware and supporting structures are concealed from view	Roof sign shall be designed such that: It is composed of channel letters or other three-dimensional forms; and The mounting hardware and supporting structures are concealed from view	Roof sign shall be designed such that: It is composed of channel letters or other three-dimensional forms; and The mounting hardware and supporting structures are concealed from view	
	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use Notwithstanding anything to the contrary in Article 8, an existing roof sign, if damaged to	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	

Table 6-1-5-1D: Roof Signs				
Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
		any extent and for any reason, may be rebuilt, restored, or repaired to its prior condition and location within one year after the damage is discovered		

Table 6-1-5-1E: Canopy Signs is hereby amended in its entirety to read as follows:

Table 6-1-5-1E: Canopy Signs				
Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
All Canopy Sign				
Max. #	Not limited	Not limited	1 per principal building entrance	Residential Building: Not allowed
				Nonresidential Building: 1 per principal building entrance
Max. Sign Area (Total Per Building Elevation)	60% of the surface area of the plane of the canopy upon which the sign is located, max 32 sf.	60% of the surface area of the plane of the canopy upon which the sign is located	40% of the surface area of the plane of the canopy upon which the sign is located	Residential Building: NA
				Nonresidential Building: 40% of the plane of the canopy upon which the sign is located
Allowed Lighting	External or halo	External or internal	External or halo	Not allowed
Min. Sign Clearance	Unless a lower clearance is	Unless a lower clearance is	Unless a lower clearance is	Unless a lower clearance is

Table 6-1-5-1E: Canopy Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	allowed by an applicable building code: 8 ft. over pedestrian use areas; 14 ft. over vehicular use areas that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers	allowed by an applicable building code: 8 ft. over pedestrian use areas; 14 ft. over vehicular use areas that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers	allowed by an applicable building code: 8 ft. over pedestrian use areas; 14 ft. over vehicular use areas that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers	allowed by an applicable building code: 8 ft. over pedestrian use areas; 14 ft. over vehicular use areas that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers
Other Standards	Canopy signs shall not be in the form of cabinet signs or banner frames	Canopy signs shall not be in the form of cabinet signs or banner frames	Canopy signs shall not be in the form of cabinet signs or banner frames	Canopy signs shall not be in the form of cabinet signs or banner frames
	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy, or mounted on the top of the canopy	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy
	Canopy signs shall not extend more than 4 inches from the canopy fascia	Canopy signs that are affixed to the fascia shall not extend more than 4 inches from the front of the canopy fascia	Canopy signs shall not extend more than 4 inches from the canopy fascia	Canopy signs shall not extend more than 4 inches from the canopy fascia
	Canopy signs shall not be mounted to the top of the canopy or extend above the canopy	Canopy signs that are mounted to the top of the canopy shall be designed such that: (i) they are composed of	Canopy signs shall not be mounted to the top of the canopy or extend above the canopy	Canopy signs shall not be mounted to the top of the canopy or extend above the canopy
	Canopy signs may be installed on		Must be located above the principal	Must be located above the principal

Table 6-1-5-1E: Canopy Signs				
Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	attached canopies only	channel letters or other three-dimensional forms; and (ii) the mounting hardware and supporting structures are concealed from view; and (iii) the sign does not extend more than 2 feet above the top of the canopy; and (iv) the sign does not extend above the nearest roof line of the principal building	building entrance on an attached canopy	building entrance on an attached canopy

The remaining parts of Section 6-1-5-1 remain unchanged; only the specified tables have been amended.

Table 6-1-5-2: Detached Permanent Signs is hereby amended in its entirety to read as follows:

Table 6-1-5-2: Detached Permanent Signs				
Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (R)
Primary Detached Signs				
Max. #	1 per property	1 per 600 lf. of property frontage or fraction thereof	See "Other Standards," below	See "Other Standards," below
Max. Sign Area	Generally: 32 sf. mixed-use form	Aggregate primary detached sign area shall not exceed 10 sf. plus 1 sf. per 4 lf. of property frontage, up to a	25 sf. per sign, plus 1 sf. per 2 lf. of additional setback from property lines, up to a	25 sf. per sign, plus 1 sf. per 2 lf. of additional setback from property lines, up to a
	In the OT District on property that is developed with a building with a			

Table 6-1-5-2: Detached Permanent Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (R)
	single-family detached, duplex or multiplex form: 8 sf. For all other forms: 20 sf.	maximum of 125 sf.	maximum of 50 sf. per sign	maximum of 50 sf. per sign
Max. Sign Height	Single-family detached, duplex or multiplex form: 4 ft. For all other forms: 6 ft.	Less than 200 lf. of property frontage: 6 ft.	6 ft.	6 ft.
		200 to 600 lf. of property frontage: 12 ft.		
		More than 600 lf. of property frontage: 24 ft.		
Allowed Lighting	External	External or internal	External	External
Setbacks and Spacing	No encroachment upon sidewalk	4 ft. from vehicular use areas, sidewalks, trails, multi-use pathways, and property lines	2 ft. from sidewalks, trails, multi-use pathways, curbs, and vehicular use areas	2 ft. from sidewalks, trails, multi-use pathways, curbs, and vehicular use areas
	2 ft. from property lines			
	6 ft. max from building walls and vehicular use areas	12 ft. from building walls		
Other Standards	Except in the OT-RR Zoning District, cabinet signs are not allowed. Must be installed in permeable landscaped area or hardscaped pedestrian plaza that extends at least 4 ft. from the base of the sign in all directions	Must be installed in permeable landscaped area that extends at least 4 ft. from the base of the sign in all directions	Allowed at points of entry into residential subdivisions or multifamily developments on properties where signs are present on the effective date or where designated on approved final plat, approved final development	Allowed at points of entry into residential subdivisions or multifamily developments on properties where signs are present on the effective date or where designated on approved final plat, approved final development

Table 6-1-5-2: Detached Permanent Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (R)
			plan, or approved site plan	plan, or approved site plan
Secondary Detached Signs				
Max. #	1 per vehicular ingress point	1 per vehicular ingress point	1 per vehicular ingress point	Not allowed
Max. Sign Area	4 sf.	600 lf. of property frontage or less: 4 sf. More than 600 lf. of property frontage: 8 sf.	4 sf.	NA
Max. Sign Height	3.5 ft.	600 lf. of property frontage or less: 3.5 ft. More than 600 lf. of property frontage: 6 ft.	3.5 ft.	NA
Allowed Lighting	External	External or internal	External	NA
Setbacks and Spacing	At least 2 ft. from property lines Not more than 4 ft. from inside of curb of vehicular ingress or egress point	At least 2 ft. from property lines Not more than 4 ft. from inside of curb of vehicular ingress or egress point	At least 2 ft. from property lines Not more than 4 ft. from inside of curb of vehicular ingress or egress point	NA

The remaining parts of Section 6-1-5-2 remain unchanged; only the specified table has been amended.

Table 6-1-6-1: Attached Banners is hereby amended in its entirety to read as follows:

Table 6-1-6-1: Attached Banners				
Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
All Attached Banners				
Max. # (on each building elevation)	1	Unframed: 1 per 300 lf. of building elevation or fraction thereof, but not more than 3 banners per building	1	Residential Building: Not allowed
		Installed in banner frame: 1 per 150 lf. of building elevation or fraction thereof, but not more than 3 banners per building		Nonresidential Building: 1
Max. Sign Area (per banner)	40 sf.	40 sf.	40 sf.	Residential Building: NA
				Nonresidential Building: 40 sf.
Allowed Lighting	None	External	None	None
Other Standards	None	If more than one banner is allowed on a building elevation, banners may be clustered	None	None

The remaining parts of Section 6-1-6-1 remain unchanged; only the specified table has been amended.

Table 6-1-6-2: Detached Temporary Signs is hereby amended in its entirety to read as follows:

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Yard Signs				
Max. #	2	2 per vehicular access point	Residential Building: Not limited	Residential Building: Not limited
			Nonresidential Building: 1 per 80 ft. of property frontage or fraction thereof	Nonresidential Building: 1 per 80 ft. of property frontage or fraction thereof
Max. Sign Area (per sign)	NA	8 sf.	8 sf.	6 sf.
Max. Sign Height	4 ft.	4 ft.	4 ft.	4 ft.
Allowed Lighting	None	None	None	None
Setbacks and Spacing	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs
Other Standards	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension, not more than 10 feet from vehicular access point	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension, not more than 10 feet from vehicular access point	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension
Site Signs				
Max. #	1 per property	1 per 600 lf. of property frontage or fraction thereof	1 per 600 lf. of property frontage or fraction thereof, provided that the area of the property is at least 2 acres; properties that are less than 2 acres shall not display site signs	1 per 600 lf. of property frontage or fraction thereof

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Max. Sign Area (per sign)	16 sf.	32 sf.	32 sf.	32 sf.
Max. Sign Height	6 ft.	6 ft.	6 ft.	6 ft.
Allowed Lighting	External	External	External	External
Setbacks and Spacing	2 ft. from front property lines	2 ft. from front property lines	2 ft. from front property lines	2 ft. from front property lines
	10 ft. from all other property lines	10 ft. from all other property lines	10 ft. from all other property lines	10 ft. from all other property lines
	10 ft. from all other signs	10 ft. from all other signs	10 ft. from all other signs	10 ft. from all other signs
	12 ft. from building walls	12 ft. from building walls	12 ft. from building walls	12 ft. from building walls
Other Standards	Where allowed, site signs shall be installed in permeable landscaped areas or hardscaped areas (other than vehicular use areas and sidewalks) that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area	Where allowed, site signs shall be installed in permeable landscaped areas that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area	Where allowed, site signs shall be installed in permeable landscaped areas that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area	Where allowed, site signs shall be installed in permeable landscaped areas that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area
Swing Signs				
Max. #	Not allowed	Not allowed	1 per property frontage	1 per property frontage
Max. Sign Area (per sign)	NA	NA	5 sf., including riders	5 sf., including riders
Max. Sign Height	NA	NA	5 ft.	5 ft.
Allowed Lighting	NA	NA	None	None

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Setbacks and Spacing	NA	NA	2 ft. from all property lines	2 ft. from all property lines
Other Standards	NA	NA	Swing signs shall be installed in permeable landscaped areas that are at least 4 lf. in every horizontal dimension and at least 20 sf. in area	Swing signs shall be installed in permeable landscaped areas that are at least 4 lf. in every horizontal dimension and at least 20 sf. in area
Sidewalk Signs				
Max. #	1 per principal building entrance	1 per principal building entrance	Not allowed	Not allowed
Max. Sign Area (per sign)	8 sf.	8 sf.	NA	NA
Max. Sign Height	4 ft.	4 ft.	NA	NA
Allowed Lighting	None	None	NA	NA
Setbacks and Spacing	Must provide at least 5 ft. clear sidewalk for pedestrian use	Must provide at least 5 ft. clear sidewalk for pedestrian use	NA	NA
Other Standards	Must be placed on sidewalk or hard-surfaced pedestrian plaza; not allowed in vehicular use areas or permeable landscaped areas	Must be placed on sidewalk, hard-surfaced pedestrian plaza, or level landscaped area; not allowed in vehicular use areas	NA	NA
	Must not obstruct pedestrian travel path or building entrance	Must not obstruct pedestrian travel path or building entrance		
	Placement in public right-of-way or public sidewalk, multi-use path, or	Placement in public right-of-way or public sidewalk, multi-use path, or		

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	trail easement requires revocable license agreement	trail easement requires revocable license agreement		
Banners				
Max. #	1 per property frontage; or 1 per 100 lf. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered)	1 per property frontage; or 1 per 100 lf. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered)	1 per property frontage; or 1 per 100 lf. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered)	Not allowed
Max. Sign Area (per sign)	48 sf.	48 sf.	48 sf.	NA
Max. Sign Height	6 ft.	6 ft.	6 ft.	NA
Allowed Lighting	None	None	None	NA
Setbacks and Spacing	Banner must be mounted in a freestanding banner frame that is installed within a permeable landscaped area	Banner must be mounted in a freestanding banner frame, or on retaining wall, fence, or screen wall	Banner must be mounted in a freestanding banner frame, or on retaining wall, fence, or screen wall	NA
	Mounting hardware shall be concealed from view	Mounting hardware shall be concealed from view	Mounting hardware shall be concealed from view	
	Banner shall be stretched tightly to avoid movement in windy conditions	Banner shall be stretched tightly to avoid movement in windy conditions	Banner shall be stretched tightly to avoid movement in windy conditions	
		Not allowed if any of the following are present on the property: feather flag or EMC	Not allowed if any of the following are present on the property: feather flag or EMC	

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Feather Flags				
Max. #	Not allowed	1 per property	1 per property	Not allowed
Max. Sign Area (per sign)	NA	45 sf.	45 sf.	NA
Max. Sign Height	NA	15 ft.	15 ft.	NA
Allowed Lighting	NA	None	None	NA
Setbacks and Spacing	NA	Must be spaced not less than 50 ft. from any other temporary sign	Must be spaced not less than 50 ft. from any other temporary sign	NA
Other Standards	NA	Not allowed if sidewalk sign is present Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole	Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole	NA
Inflatables				
Max. #	Not allowed	1 per property	Not allowed	Not allowed
Max. Sign Area (per sign)	NA	225 sf.	NA	NA
Max. Sign Height	NA	15 ft.	NA	NA
Allowed Lighting	NA	None	NA	NA
Setbacks and Spacing	NA	All parts of the sign must be set back 10 ft. from all property lines, pedestrian use areas, and vehicular use areas	NA	NA
Other Standards	NA	Sign must be tethered to	NA	NA

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
		prevent movement in windy conditions		

The remaining parts of Section 6-1-6-2 remain unchanged; only the specified table has been amended.

The remaining portions of Chapter 6 shall remain unchanged.

Section 6. Should any provision of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 7. This ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 5th day of June, 2023.

PASSED, ADOPTED AND APPROVED this day of , 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

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

BY: _____

Publication Dates: June 8, 2023

REDLINE/STRIKEOVER VERSION

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

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

2-1-2-1 Zoning Districts Established

A. **Generally.** In order to carry out the provisions of this Code, the City is divided into the following zoning districts, and subdistricts:

1. Parks and Open Space District
 - a. OS Parks and Open Space District
2. Residential Districts
 - a. RA Residential / Agricultural District
 - b. RN Residential Neighborhood District
 - i. RN-32.5 Residential Neighborhood 32,500 Subdistrict
 - ii. RN-12.5 Residential Neighborhood 12,500 Subdistrict
 - iii. RN-7.5 Residential Neighborhood 7,500 Subdistrict
 - iv. RN-6 Residential Neighborhood 6,000 Subdistrict
 - v. RN-4 Residential Neighborhood 4,000 Subdistrict
 - vi. RN-D Residential Neighborhood Single Family and Duplex Subdistrict
 - c. R6 Residential 6 District
 - d. R13 Residential 13 District
 - e. R24 Residential 24 District
3. Mixed-Use Districts
 - a. MX-N Mixed-Use, Neighborhood District
 - b. MX-S Mixed-Use, Suburban District
 - c. MX-U Mixed-Use, Urban District
 - d. MX-T Mixed-Use, Transit-Oriented District
4. Olde Town Zoning District
 - a. OT-E Olde Town East Subdistrict
 - b. OT-EY Olde Town East Yukon Subdistrict
 - c. OT-GV Olde Town Grandview Subdistrict
 - d. OT-OW Olde Town Olde Wadsworth Subdistrict
 - e. OT-RN Olde Town Residential Neighborhood Subdistrict
 - f. OT-RR Olde Town Ralston Road Subdistrict
 - g. OT-W Olde Town Webster Subdistrict
5. Commercial District

- a. CG Commercial, General District
- b. CN Commercial, Neighborhood District
- 6. Industrial Districts
 - a. IL Industrial, Light District
 - b. IG Industrial, General District
- 7. Planned Unit Development District
 - a. PUD Planned Unit Development District

2-1-6-2 CN: Commercial, Neighborhood

- A. **Purpose.** The purpose of the Commercial, Neighborhood (CN) zoning district is to accommodate small scale retail, restaurant and service uses serving neighborhood needs. This zoning district is typically situated along collector or arterial streets within or at the edges of existing neighborhoods.
- B. **Relationship to the Comprehensive Plan.** The CN zoning district generally implements the “Neighborhood and Community Commercial/Office” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the CN zoning district are set out in Table 2-1-6-1A, Commercial, Neighborhood Lot and Building Standards.

Figure 2-1-6-1: Illustrative Commercial, Neighborhood Lot and Building Standards

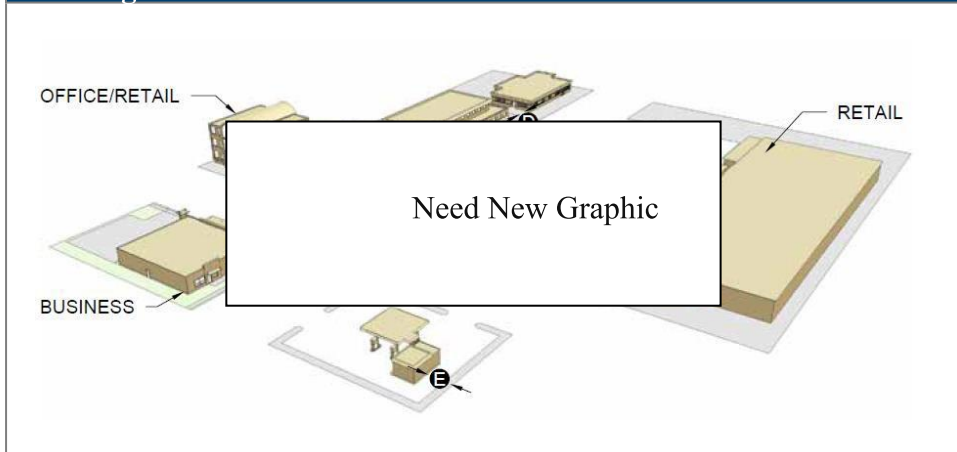


Table 2-1-6-1A: Commercial, Neighborhood Lot and Building Standards

Standard		All Lot Types
Lot Standards		
	Min. Lot Area	10,000 sf.
	Max. Lot Area	1 acre
A	Min. Lot Width	50 ft.
	Max. Lot Coverage	55%
Setback Standards		
B	Min./Max. Front	5 ft./20 ft.

C	Min. Street Side	20 ft.
D	Min. Interior Side	10 ft.
E	Min. Rear	10 ft.
	Min. Front/Street Side Parking	20 ft.
Building Standards		
F	Max. Height, Principal Building	28 ft.
	Max. Height, Accessory Building	18 ft.
	Max. Height, Mini-structure	12 ft.
Site Standards		
	Min. Landscape Surface Area	15%
	Max. Outdoor Display	5% of enclosed retail floor area
	Max. Outdoor Storage	Not allowed

- D. **Cross-References.** The cross-references in Table 2-1-6-1B, Cross-References for Commercial, Neighborhood, are provided for the reader's convenience and are not necessarily exhaustive of applicable regulations.

Table 2-1-6-1B: Cross-References for Commercial, Neighborhood

Topic	Reference
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Exterior Lighting	Article 4-8, Exterior Lighting
Building Design	Division 5-1-2, Building and Structure Design Standards
Mini-Structures	Division 5-1-4-3. Mini-Structures
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Outdoor Storage, and Outdoor Retail Display	Section 5-1-6-3, Outdoor Storage, Outdoor Retail Display, and Outdoor Dining Areas.
Signs	Chapter 6, Signs

3-1-2-4 Hospitality, Recreation, and Entertainment Land Use by Zoning District

The hospitality, recreation, and entertainment land uses that are allowed in each zoning district are set out in Table 3-1-2-4, Hospitality, Recreation, and Entertainment Land Use by

Table 3-1-2-4: Hospitality, Recreation, and Entertainment Land Use by Zoning District																							
Land Use	Open Space and Residential						Mixed-Use				Olde Town								Commercial and Industrial				Reference
	O S	R A	R N	R 6	R 1 3	R 2 4	M X - N	M X - S	M X - U	M X - T	O T- E	O T- E Y	O T- G V	O T- O W	O T- R N	O T- R R	O T- W	C N	C G	IL	I G		
Adult Entertainment / Adult Retail Sales																					L	L	3-1-3-4
Amusement, Outdoor								L												L	L		3-1-3-4
Bar / Tavern / Nightclub							L	L	L	L	L	L	L	L	L	L	L	C	L	C	C		3-1-3-4
Bed and Breakfast		C	C	C			L	L			L	L	L	L	L	L	L	C					3-1-3-4
Brew Pub / Distillery Pub / Limited Winery							L	L	L	L	L	L	L	L	L	L	L	C	L	L	L		3-1-3-4
Hotel / Motel									A	A	A	A	A		A	A			A				-
Recreation and Amusement, Indoor							A	A	A	A	A	A	A			A	A		A	A	A		-
Recreation, Outdoor (playing fields)	A	A	A	A	A	A														A			-
Recreation, Outdoor (other)	A	A	A	A	A	A	A	A	L	L	L	L	L	L	L	L	L		A	A			3-1-3-4
Restaurant							A	A	A	A	A	A	A	A	L	A	A	C	A	A			3-1-3-4
Restaurant, Fast Food							L	L	L	L	L	L	L	L	L	L	L		L				3-1-3-4
Stables and Riding Academies, Commercial		A																					-
Theater							A	A	A	A	A	A	A	A		A			A				-

3-1-2-5 Commercial Land Use by Zoning District

The commercial land uses that are allowed in each zoning district are set out in Table 3-1-2-5, Commercial Land Use by Zoning District.

Table 3-1-2-5: Commercial Land Use by Zoning District																							
Land Use	Open Space and Residential						Mixed-Use				Olde Town								Commercial and Industrial				Reference
	O S	R A	R N	R 6	R 1 3	R 2 4	M X - N	M X - S	M X - U	M X - T	O T- E	O T- E Y	O T- G V	O T- O W	O T- R N	O T- R R	O T- W	C N	C G	IL	I G		
Animal Day Care / Training		C					L	L	L	L									L	L			3-1-3-5
Animal Hospital (Large Animal)		A																					-
Art Studio / Makerspace		A					A	A	A	A	L	L	L	L	L	L	L	C	A	A	A		3-1-3-5
Auction House or Yard																				L	L		3-1-3-5
Continuing Care Facility					A	A	A	A	A	A	A	A	A		A	A			C				
Kennel		C																		L	A		3-1-3-5
Office, General or Professional							A	A	A	A	A	A	A	A	A	A	A	C	A	A	A		-

Table 3-1-2-5: Commercial Land Use by Zoning District																						
Land Use	Open Space and Residential						Mixed-Use				Olde Town							Commercial and Industrial				Reference
	O S	R A	R N	R 6	R 1 3	R 2 4	M X - N	M X - S	M X - U	M X - T	O T- E	O T- E Y	O T- G V	O T- O W	O T- R N	O T- R R	O T- W	C N	C G	IL	I G	
Retail Sales and Services Type 1 ¹							L	L	L	L	L	L	L	L	L	L	L	C	L	L		3-1-3-5
Retail Sales and Services Type 2 ¹								L	L	L									L	L		3-1-3-5
Veterinary Offices or Clinics		C					L	L	L	L	L	L	L			L	L		L	L		3-1-3-5
Workshop							A	A	A	A									A	A	A	3-1-3-5
TABLE NOTES: ¹ All drive-through facilities are subject to the standards in Section 5-1-6-2, Drive-Through Facilities, which may prohibit a drive-through in certain locations.																						

3-1-2-6 Community, Civic, Educational, Health Care, and Institutional Land Use by Zoning District

The community, civic, educational, health care, and institutional land uses that are allowed in each zoning district are set out in Table 3-1-2-6, Community, Civic, Educational, Health Care, and Institutional Land Use by Zoning District.

Table 3-1-2-6: Community, Civic, Educational, Health Care, and Institutional Land Use by Zoning District																						
Land Use	Open Space and Residential						Mixed-Use				Olde Town							Commercial and Industrial				Reference
	O S	R A	R N	R 6	R 1 3	R 2 4	M X - N	M X - S	M X - U	M X - T	O T- E	O T- E Y	O T- G V	O T- O W	O T- R N	O T- R R	O T- W	C N	C G	IL	I G	
Ambulance Services								C											L	L	L	3-1-3-6
Cemetery	C	C	C																			3-1-3-6
Crematorium																				L	L	3-1-3-6
Day Care Center, Adult or Child			C	C	C	C	L	A	A	A					A	L		C	A	A		3-1-3-6
Funeral Home / Mortuary							L	L								L			L	L		3-1-3-6
Hospital								A	A	A									A			-
Medical Office							A	A	A	A	A	A	A	A	A	A	A		A			-
Public Lands, Parks, Schools or Buildings	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	-
Place of Assembly		A	L	L	L	L	L	A	L	L	L	L	L	L	L	L	L	A	A	A		3-1-3-6
Private School, Kindergarten,		A	A	A	A	A	A	A	A	A					A		A	A	A			-

Table 3-1-2-6: Community, Civic, Educational, Health Care, and Institutional Land Use by Zoning District

Land Use	Open Space and Residential						Mixed-Use				Olde Town								Commercial and Industrial				Reference
	O S	R A	R N	R 6	R 1 3	R 2 4	M X - N	M X - S	M X - U	M X - T	O T- E	O T- E Y	O T- G V	O T- O W	O T- R N	O T- R W	C N	C G	IL	I G			
Elementary, Middle, or High																							
Private School, Vocational, Trade, College, or University							A	A	A	A	A	A	A	A		A	A	A	A	A	-		

Section 3-1-3-4 Hospitality, Recreation, and Entertainment Standards

- A. **“Adult Entertainment / Adult Retail Sales.** *See* Arvada City Code, Chapter 22, Article II, “Adult Entertainment Businesses.”
- B. **Amusement, Outdoor.**
 1. In the MX-S or IL zoning district:
 - a. The use shall be surrounded by the Option A bufferyard, per Division 4-6-5, Landscape Areas and Bufferyards.
 - b. If the use includes field lighting or small engines (*e.g.*, gas-powered go-karts) that are operational after 9:00 PM or before 7:00 AM, it shall be located not less than 600 feet from any RA and RN zoning district boundary.
- C. **Bed and Breakfast.**
 1. All bed and breakfast establishments shall be subject to the following:
 - a. The structure should have architectural significance through an historical style or unique architectural design.
 - b. The renovation and use as a bed and breakfast establishment will facilitate the renovation and/or maintenance of the structure.
 - c. The renovation and use as a bed and breakfast establishment will contribute to the, character, of the neighborhood.
 2. **Building Requirements.**
 - a. The architectural and historic integrity and arrangement of the existing exterior and interior of the building shall be maintained, and any modifications shall be only as necessary due to:
 - i. Building or Fire code requirements; or
 - ii. Additions or modifications needed to provide a common guest area (*e.g.*, a dining area or atrium), to enlarge an existing bedroom, or add a bathroom.
 - b. No additions are allowed that would increase the existing number of bedrooms.
 - c. The building may not be enlarged by more than 25 percent of the existing floor area, and any changes must be compatible with the architectural character of the existing building.
 3. **Operations.**

- a. Any meal may be provided; however, it shall be served only to guests taking lodging in the facility.
- b. Lodging guests may stay for a maximum of 14 consecutive days in any 30-day period.
- 4. **Parking.**
 - a. No more than two parking spaces may be located in the front setback area. Parking in excess of two spaces shall be provided behind the front setback, and must be screened from adjacent residential uses by a six-foot cedar fence or other method approved by the Director upon a determination that it provides a comparable or better screening effect and is consistent with the residential appearance of the bed and breakfast.
 - b. On-street parking may be permitted only if it is located adjacent to the property and if it is determined that its use would not be detrimental to the neighborhood.
- 5. **Signs.**
 - a. Signs shall be compatible in material and architectural style with the principal building and shall meet the requirements of Section 6-1-2-4, Sign Districts.

D. Bar / Tavern / Nightclub.

- 1. All bars / taverns / nightclubs shall be subject to the following:
 - a. If the use is adjacent to a residential use, exterior loudspeakers and noise from the outdoor patio areas and the interior of the building shall not exceed 45 dbA at the property line of the subject property between the hours 9:00 PM and 7:00 AM. There shall be no outdoor entertainment between these hours.
 - b. These uses may include the retailing of related goods (i.e., shirts, caps, glasses) as an incidental activity.
 - c. When the use is adjacent to a RA, RN or R6 zoning district, a six foot screening wall or fence must be provided along the common lot line.
- 2. In the OT-RN zoning district:
 - a. The use is allowed only in the mixed-use building type. *See* Section 2-1-5-4, Mixed-Use Building Type Lot and Building Form Standards.
 - b. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
- 3. In the CN zoning district:
 - a. The use shall only operate between the hours of 7:00 AM and 11:00 PM.

E. Brew Pub / Distillery Pub / Limited Winery.

- 4. All brew pubs / distillery pubs / limited wineries shall be subject to the following:
 - a. On-premise consumption or retail sales of commodities produced on-site are required.
 - b. The maximum gross floor area for production, bottling, packaging, storing, and other manufacturing related activities shall be 6,000 square feet.
 - c. The storage of raw and/or spent materials shall be kept in a fully enclosed structure, building, or container.

- d. If the use is adjacent to a residential use, exterior loudspeakers and noise from the outdoor patio areas and the interior of the building shall not exceed 45 dbA at the property line of the subject property between the hours 9:00 PM and 7:00 AM. There shall be no outdoor entertainment between these hours.
 - e. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
5. In the MX-N and OT-RN zoning districts:
- a. The maximum gross floor area for the building shall be 4,000 square feet.
 - b. In the OT-RN zoning district, the use is allowed only in the mixed-use building type. *See* Section 2-1-5-4, Mixed-Use Building Type Lot and Building Form Standards.
6. In the CN zoning district:
- a. The use shall only operate between the hours of 7:00 AM and 11:00 PM.

F. Recreation, Outdoor, Other.

- 1. In the MX-U, MX-T, and OT zoning districts:
 - a. Outdoor recreation uses shall be limited to plazas, sculpture gardens, tot lots, playgrounds, skating rinks, and splash pads.

G. Restaurant.

1. Restaurants, General.

- a. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
- b. In the CN zoning district:
 - i. The use shall only operate between the hours of 6:00 AM and 11:00 PM.

2. Restaurants, Fast Food.

- a. Trash Management Program. All fast food restaurant uses shall have a trash management program for the daily removal of trash and litter on the site and on any adjacent affected property.
- b. For drive-through facilities, reference Sections 5-1-6-2 Drive-through facilities and 4-5-3-6 Vehicle Stacking.

Section 3-1-3-4 Hospitality, Recreation, and Entertainment Standards

- A. **“Adult Entertainment / Adult Retail Sales.** *See* Arvada City Code, Chapter 22, Article II, “Adult Entertainment Businesses.”

B. Amusement, Outdoor.

- 1. In the MX-S or IL zoning district:
 - a. The use shall be surrounded by the Option A bufferyard, per Division 4-6-5, Landscape Areas and Bufferyards.
 - b. If the use includes field lighting or small engines (*e.g.*, gas-powered go-karts) that are operational after 9:00 PM or before 7:00 AM, it shall be located not less than 600 feet from any RA and RN zoning district boundary.

C. Bed and Breakfast.

- 1. All bed and breakfast establishments shall be subject to the following:

- a. The structure should have architectural significance through an historical style or unique architectural design.
 - b. The renovation and use as a bed and breakfast establishment will facilitate the renovation and/or maintenance of the structure.
 - c. The renovation and use as a bed and breakfast establishment will contribute to the, character, of the neighborhood.
2. **Building Requirements.**
- a. The architectural and historic integrity and arrangement of the existing exterior and interior of the building shall be maintained, and any modifications shall be only as necessary due to:
 - i. Building or Fire code requirements; or
 - ii. Additions or modifications needed to provide a common guest area (*e.g.*, a dining area or atrium), to enlarge an existing bedroom, or add a bathroom.
 - b. No additions are allowed that would increase the existing number of bedrooms.
 - c. The building may not be enlarged by more than 25 percent of the existing floor area, and any changes must be compatible with the architectural character of the existing building.
3. **Operations.**
- a. Any meal may be provided; however, it shall be served only to guests taking lodging in the facility.
 - b. Lodging guests may stay for a maximum of 14 consecutive days in any 30-day period.
4. **Parking.**
- a. No more than two parking spaces may be located in the front setback area. Parking in excess of two spaces shall be provided behind the front setback, and must be screened from adjacent residential uses by a six-foot cedar fence or other method approved by the Director upon a determination that it provides a comparable or better screening effect and is consistent with the residential appearance of the bed and breakfast.
 - b. On-street parking may be permitted only if it is located adjacent to the property and if it is determined that its use would not be detrimental to the neighborhood.
5. **Signs.**
- a. Signs shall be compatible in material and architectural style with the principal building and shall meet the requirements of Section 6-1-2-4, Sign Districts.

D. Bar / Tavern / Nightclub.

- 1. All bars / taverns / nightclubs shall be subject to the following:
 - a. If the use is adjacent to a residential use, exterior loudspeakers and noise from the outdoor patio areas and the interior of the building shall not exceed 45 dbA at the property line of the subject property between the hours 9:00 PM and 7:00 AM. There shall be no outdoor entertainment between these hours.
 - b. These uses may include the retailing of related goods (*i.e.*, shirts, caps, glasses) as an incidental activity.
 - c. When the use is adjacent to a RA, RN or R6 zoning district, a six foot screening wall or fence must be provided along the common lot line.

2. In the OT-RN zoning district:
 - a. The use is allowed only in the mixed-use building type. *See* Section 2-1-5-4, Mixed-Use Building Type Lot and Building Form Standards.
 - b. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
3. In the CN zoning district:
 - a. The use shall only operate between the hours of 7:00 AM and 11:00 PM.

E. Brew Pub / Distillery Pub / Limited Winery.

7. All brew pubs / distillery pubs / limited wineries shall be subject to the following:
 - a. On-premise consumption or retail sales of commodities produced on-site are required.
 - b. The maximum gross floor area for production, bottling, packaging, storing, and other manufacturing related activities shall be 6,000 square feet.
 - c. The storage of raw and/or spent materials shall be kept in a fully enclosed structure, building, or container.
 - d. If the use is adjacent to a residential use, exterior loudspeakers and noise from the outdoor patio areas and the interior of the building shall not exceed 45 dbA at the property line of the subject property between the hours 9:00 PM and 7:00 AM. There shall be no outdoor entertainment between these hours.
 - e. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
8. In the MX-N and OT-RN zoning districts:
 - a. The maximum gross floor area for the building shall be 4,000 square feet.
 - b. In the OT-RN zoning district, the use is allowed only in the mixed-use building type. *See* Section 2-1-5-4, Mixed-Use Building Type Lot and Building Form Standards.
9. In the CN zoning district:
 - a. The use shall only operate between the hours of 7:00 AM and 11:00 PM.

F. Recreation, Outdoor, Other.

1. In the MX-U, MX-T, and OT zoning districts:
 - a. Outdoor recreation uses shall be limited to plazas, sculpture gardens, tot lots, playgrounds, skating rinks, and splash pads.

G. Restaurant.

1. Restaurants, General.

- a. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
 - b. In the CN zoning district:
 - i. The use shall only operate between the hours of 6:00 AM and 11:00 PM.
- 2. Restaurants, Fast Food.**

- a. Trash Management Program. All fast food restaurant uses shall have a trash management program for the daily removal of trash and litter on the site and on any adjacent affected property.
- b. For drive-through facilities, reference Sections 5-1-6-2 Drive-through facilities and 4-5-3-6 Vehicle Stacking.”

Section 3-1-3-5 Commercial Standards is hereby amended in its entirety to read as follows:

A. “Animal Day Care / Training.

1. In the MX and CG zoning districts, the use shall be located entirely indoors.
2. In the IL zoning district, if the use is located within 300 feet of a residential zoning district, no outdoor activities related to the use shall occur between the hours of 9:00 PM and 7:00 AM.

B. Art Studio / Makerspace.

Such use shall not exceed 5,000 square feet unless located within a vertically mixed-use building.

C. Auction House.

All business activities shall be conducted within an entirely enclosed building.

D. Kennel.

1. In the RA and IL zoning districts, a kennel facility shall be subject to the following:
 - a. Outdoor facilities, including outdoor runs, shall not be located within 150 feet of any adjacent residential zoning district.
 - b. If the use is located within 300 feet of residentially zoned property, no outdoor activities related to the use shall occur on the subject property between the hours of 9:00 PM and 7:00 AM.
 - c. The parts of a building where animals are boarded shall be fully enclosed and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.
2. All kennels shall be licensed by the City of Arvada pursuant to Article VIII, "Kennel License," of Chapter 14 of the Arvada Code of Ordinances.
3. A residence for a caretaker is allowed, subject to the requirements of Section 5-1-6-7, Custodial Unit.

E. Retail Sales and Services, Type 1.

1. Retail Sales Uses – General.

Retail sales uses must take place within a completely enclosed building, except that accessory outdoor display of merchandise, and accessory outdoor customer seating/dining areas are permitted, subject to the following standards:

- a. Outdoor display areas must comply with the minimum street setback requirements of the subject zoning district.
- b. Outdoor display areas may not occupy or use required parking space or drive aisle unless approved by the Director.
- c. Outdoor seasonal temporary sales display requires a temporary use permit.
- d. In the CN zoning district:

- i. The use shall only operate between the hours of 7:00 AM and 10:00 PM.

F. Retail Sales and Services, Type 2.

1. Convenience Lending Operations.

All convenience lending operations except national banks and those operating as of the effective date of this Code shall comply with the following locational restrictions and standards:

- a. It shall be unlawful to operate or cause to be operated a convenience lending operation within 2,500 feet of another convenience lending operation.
- b. It shall be unlawful to operate or cause to be operated a convenience lending operation within 300 feet of any residentially-zoned property.
- c. The distance between any two such operations shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each such operation is located, and the distance between a convenience lending operation and a residentially-zoned property shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the operation is located to the nearest property line of the residentially-zoned property, excluding public street rights of way.

2. Used Merchandise Stores and Donation Centers (retail, used - primarily donated; retail, used - primarily non-donated; used merchandise donation center).

- a. Used merchandise stores that accept donated goods on the premises and used merchandise donation centers shall:
 - i. Coordinate delivery and acceptance of donations, during business hours only, either inside the store or center, or outside the store or center as long as donations are moved inside immediately after drop-off;
 - ii. Sort and store donations only inside the store or center;
 - iii. Patrol the store or center premises as the need arises to remove any donations left outside after hours; and
 - iv. Remove donations left outside of the store or center after business hours no later than 7:00 AM the next morning.
- b. A used merchandise store shall devote more than 50% of its floor area to retail sales.
- c. The arrangement of activities inside a used merchandise store shall be such to preserve a retail character when it is viewed from the outside. Where the building façade includes windows or doors, the areas within the building visible through these openings shall be used for retail sales only.
- d. Used merchandise donation centers shall be limited to a maximum gross floor area of 2,500 square feet and a maximum tenant width of 25 feet.
- e. Donation boxes, trailers, containers, or other structures intended and utilized as an exterior, stand-alone receptacle or depository for the donation of goods are prohibited.

- i. Based upon the generally mobile, temporary, impermanent, and accessory nature thereof, and notwithstanding the provisions of Chapter 9, Nonconformities of this Code, any such box, trailer, container, or structure, or use of such box, trailer, container, or structure, legally established prior to May 12, 2011 shall be permitted to continue in place, but such use, and the lawful status of such structure and use, shall terminate upon the occurrence of any of the following:
 - a. Any change in tenancy, ownership, or management of the structure or user thereof;
 - b. Any cessation of such use, or absence of such structure from the premises, for a period of 30 days or more;
 - c. Any damage or destruction of the structure, by any means, to the extent of more than 50 percent of its structural replacement value prior to such damage or destruction;
 - d. Any enlargement or expansion of such structure or use;
 - e. Any alteration (beyond that necessary for routine maintenance and repair) or relocation of the structure on the premises, other than that which, in the sole discretion of the Director, is determined appropriate; or
 - f. A failure to register the structure or use within the allotted time period, as provided in below.
 3. The owner of any such box, trailer, container, or structure legally established prior to May 12, 2011, and the user thereof (if different than the owner), must have registered such structure or use with the Director prior to December 30, 2011.

G. Veterinary Office or Clinic.

1. All veterinary offices or clinics shall be subject to the following requirements:
 - a. All facilities, including all treatment rooms, cages, pens, training rooms, and exercise runs, shall be within a completely enclosed, soundproof building.
 - b. Short-term overnight boarding associated with the medical treatment and post-operative care of animals shall be allowed, provided such boarding is contained within a completely enclosed building.

H. Workshop.

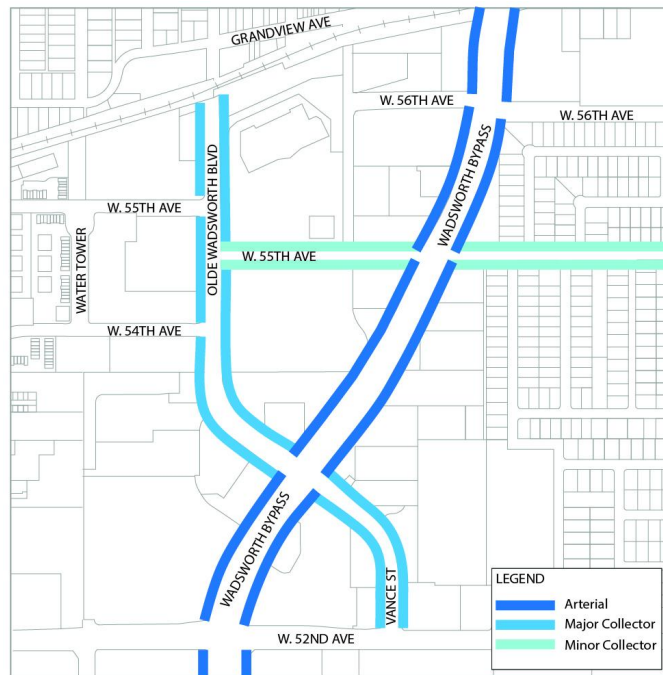
1. The use shall not exceed 5,000 square feet unless located within a vertically mixed-use building.

Section 4-4-3-4 Street Hierarchy and Connectivity is amended in its entirety to read as follows:

- A. **“Generally.** Street and block patterns shall be consistent with the City’s Transportation Plan, and should include a clear hierarchy of well-connected streets that distribute traffic over a multiple number of streets and avoid traffic congestion on major streets. Within each development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide opportunities to link to adjacent neighborhoods and properties.

- B. **General Distribution of Streets within the Street Hierarchy.** Arterial streets, major collector streets, and minor collector streets shall be arranged generally in accordance with this Subsection (see Figure 4-4-3-4A, Illustrative Distribution of Arterial, Major Collector, and Minor Collector Streets, for illustrative example).
1. **Arterial Streets.** Arterials are located at approximately one mile intervals in both east-west and north-south directions. Within each one-mile segment, arterials will align and connect across intersecting arterials to distribute traffic and provide continuity for designated bicycle routes.
 2. **Major Collector Streets.** Within each one mile segment, at least one collector street shall divide the segment east-west and another shall divide the segment north-south at approximately the half-mile points, and these major collector streets shall intersect the arterials within 110 feet of the half-mile points, resulting in areas of approximately 160 acres.
 3. **Minor Collector Streets.** For residential neighborhoods, within each approximately 160 acre area defined by major collectors, at least one minor collector street giving access to its interior shall be provided on every perimeter street of the area unless prevented by an obstacle. These minor collector streets should connect with each other through such 160 acre area to define four areas of approximately 40 acres each.

Figure 4-4-3-4A: Illustrative Distribution of Arterial, Major Collector, and Minor Collector Streets

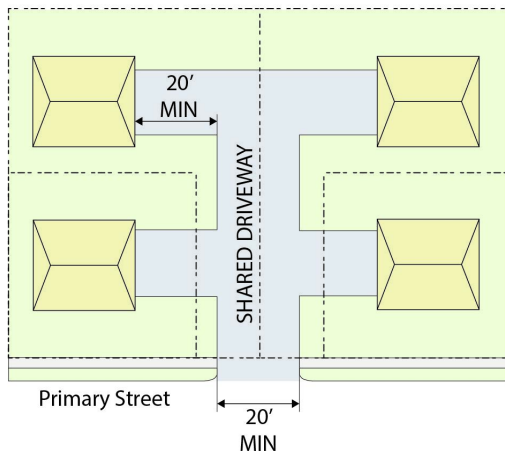


- C. **Local Streets.** For each generally 40-acre area, at least one local street giving access to its interior shall be provided on every perimeter street of the area unless prevented by an obstacle. Such streets should connect across other local streets depending on the land use relationship.

- D. **Connectivity.** Where property is to be developed and streets are stubbed to the property or where arterial, collector, or local streets are designated to connect to the property, the City may require rights-of-way and construction of those streets through and into the area contained within the development application.
- E. **Access to Public Streets.** All new lots shall have direct or indirect access to a public street, through one or more access points approved by the City. Indirect access may be provided through auto courts, loop lanes, or private streets, subject to approval of the fire district with jurisdiction over the subject property.
1. Single-family detached and duplex buildings shall not have individual driveway access to an arterial or collector street, unless no other alternative is reasonably available.
 2. In the CN zoning district, parking areas for uses identified as Conditional shall have access to only an arterial or collector street, unless an alternative is allowed at the discretion of the City Council.
 3. All public and private streets shall comply with all applicable design and construction standards adopted by the City.
- F. **Access and Driveways.** All new lots and developments shall have access streets constructed in compliance with the Transportation Standards in the City's Engineering Code of Standards and Specifications. Single-family detached and duplex unit driveways shall not take direct access from arterial streets or collector streets, unless no other alternative is available. All access points shall be constructed so that:
1. Vehicles may safely enter and exit the property;
 2. Interference with the convenient flow of traffic and conflict with pedestrians and bicycles is minimized; and
 3. Driveways shall be hard-surfaced with materials such as asphalt, concrete or other equivalent surface pursuant to the City's Engineering Code of Standards and Specifications. Recycled asphalt, gravel or other similar surfaces are not an approved surface. The surfacing requirements shall not apply to access drives on lots or tracts of three-quarters of an acre or more where the property structure is a single-family home and the access drive is more than 100 feet in length, or the access drive is for an accessory agriculture use.
- G. **Cross-Access between Adjacent Uses.** All multifamily and nonresidential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access to public and private streets. This may be accomplished by one or more of the following:
1. Connecting streets and drives;
 2. Coordinating parking lot and parking structure entrances;
 3. Providing common service and delivery areas;
 4. Providing shared parking areas; and
 5. Providing share driveways and access points for adjacent lots to minimize curb cuts.
- The Director may allow alternatives to cross-access requirements if providing cross-access is deemed impractical, provided the Applicant provides adequate bicycle and pedestrian connections between adjacent development or land uses.

- H. **Auto Courts.** Up to four single-family detached dwelling units may share a single driveway access to a public street through the use of an auto court layout (*see* Figure 4-4-3-4C, Auto Courts Layout), provided that:
1. The minimum width of the surface of an auto court shall be 20 feet unless a wider width is required by the fire district with jurisdiction over the subject property.
 2. Shared driveways shall be surfaced with concrete, not asphalt.
 3. Individual driveways leading from the shared driveway to each dwelling unit shall be at least 20 feet long, as measured between the front of the garage or carport and the closest edge of the shared driveway.
 4. The design of the auto court shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees using the individual drive or intersecting street.
 5. The auto court design shall comply with all off-street parking requirements applicable to single-family dwellings. In addition, each auto court design shall provide one-half off-street parking space per dwelling unit, in a location other than a private driveway.
 6. The Applicant must provide for private ownership and maintenance of the auto courts. Provisions for the private ownership and maintenance and repair of shared driveways shall be approved by the Director during the development approval process.

Figure 4-4-3-4B: Auto Court Layout



- I. **Loop Lanes.** Up to seven single-family dwelling units may share access to a public street through the use of a loop lane layout provided that:
1. The surface of the loop lane shall be at least 20 feet wide, and shall be surfaced with concrete, not asphalt.
 2. No portion of the loop lane shall extend more than 250 feet from the public street to which the loop lane gives access.
 3. The common area surrounded by the loop lane shall be at least 60 feet wide.
 4. Individual driveways leading from the loop lane to each home shall be at least 20 feet long, as measured from the closest edge of the loop lane.

5. Traffic on the loop lane shall be one-way only and shall be adequately signed as a one-way drive.
6. The design of the loop lane shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees in either direction using only the individual driveway, the loop lane, or the intersecting public street.
7. The loop lane design shall comply with all off-street parking requirements applicable to single-family dwellings. In addition, each loop lane design shall provide one-half off-street parking space per dwelling unit, in a location other than a private driveway.
8. The Applicant must provide for private ownership and maintenance of the loop lane. Provisions for the private ownership and maintenance of both the loop lane surface and the common area surrounded by the loop lane shall be approved by the Director during the development approval process.

J. **Private Streets.** The use of private streets is discouraged. Where allowed by the Director, private streets shall comply with all standards for the design of public streets of the same function adopted by the City. The Applicant must provide for private ownership and maintenance of the private streets. Provisions for the maintenance of private streets shall be approved by the Director during the development approval process.

K. **Alleys.**

1. The use of alleys is encouraged for development that is residential or predominantly residential in the RA, RN, R6, R13, R-24 MX-S, MX-U, MX-T, and PUD zoning districts. Where alleys are used, they shall comply with the following standards:
 - a. The minimum right-of-way width of a residential alley shall be 16 feet.
 - b. The minimum right-of-way width of a commercial or industrial alley shall be 20 feet.
 - c. All platted alleys shall be paved.
 - d. Residential alleys shall connect through the block to a publicly dedicated street on each end and must provide access to at least 50 percent of the garages on lots adjacent to the alley.
2. The City may require alleys in the following circumstances:
 - a. Along the rear lot lines of a multifamily development if the area of lots as subdivided will permit three or more dwelling units;
 - b. Along the rear lot lines of all lots fronting on a major arterial street; and
 - c. At any other location the Director or Decision-Making Body deems necessary.
3. The Applicant must provide for private ownership and maintenance of the alley. Provisions for the private maintenance of alleys shall be approved by the Director during the development approval process.

L. **Cul-de-Sacs.** A cul-de-sac may not exceed 500 feet in length, measured from the center of the intersection to the center of the turnaround. Where a parcel's size or shape makes a 500-foot limitation impractical, the Director may approve a longer cul-de-sac provided that there is no reasonable alternative.

1. A "T" or "Y" design, or other acceptable design to provide a turn-around may be used if approved by the Director provided that the street does not exceed 200 feet in length.

2. No more than 20 lots may be located on a cul-de-sac. Cul-de-sacs that serve more than 20 lots require approval of the Director and the fire district with jurisdiction over the subject property.
- M. **Utilities.** All street and alley development shall accommodate all utility easements, service, and utility cabinet locations. Utility service cabinets and ground mounted equipment should be located in the least visible and least intrusive locations possible and shall be screened with evergreen shrubs or evergreen trees.

Section 4-6-5-3 Bufferyard Options

- A. “One of the following bufferyard options shall be installed along any non-street frontage or alley when required by Section 4-6-5-2, Purpose and Applicability, and landscape material shall be from the City’s approved plant list to include acceptable buffer trees and shrubs. The options are identified below:
1. **Option A.** A landscaped bufferyard with a minimum width of 30 feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided as follows:
 - a. Three trees and 20 shrubs per 100 lineal feet of adjacency. A minimum 20 percent evergreen trees.
 2. **Option B.** A landscaped bufferyard with a minimum width of 20 feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided as follows:
 - a. Four trees and 24 shrubs per 100 lineal feet of adjacency. A minimum 40 percent evergreen trees.
 3. **Option C.** A landscaped bufferyard with a minimum width of 20 feet shall be provided along the property line. The bufferyard shall include a six-foot tall solid fence or wall along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided as follows:
 - a. Two trees and ten shrubs per 100 linear feet of adjacency plus six-foot tall solid fence or wall along the property line. A minimum 20 percent evergreen trees.
 4. **Option D.** A landscaped bufferyard with a minimum of ten feet shall be provided along the property line. The bufferyard shall include a six-foot tall solid fence or wall along the property line. Brick or stone columns shall be incorporated into the fence or wall design and spaced at least every 30 feet. Canopy shade trees, evergreen trees, and shrubs shall be provided as follows:
 - a. Four trees and ten shrubs per 100 lineal feet of adjacency. A minimum 40 percent evergreen trees.
 5. **Option E.** Option E shall be permitted only in the **CN**, MX-N and OT zoning districts. A six-foot tall solid wall constructed of brick, stone or other comparable materials with brick or stone columns spaced at least every 30 feet may be installed in-lieu of landscaping for sites containing 25 or fewer parking spaces.”

Section 6-1-2-4 Sign Districts

- A. **“Generally.** In recognition that the City is a place of diverse physical character, and that different areas of the City have different functional characteristics, this Article includes standards for signs that are based on the sign district in which the signs are located.
- B. **Sign Districts Created.** The following sign districts are created:
1. Olde Town/**Commercial Neighborhood** (OT, **CN**)
 2. Mixed-Use/Commercial/Industrial (MX,C,I)
 3. Multifamily Residential (RM)
 4. Single-Family Residential (RS)
- C. **Relationship to Zoning Districts.** Sign districts shall correspond to zoning districts as provided in Table 6-1-2-4, Sign Districts.

Table 6-1-2-4: Sign Districts	
Sign District	Corresponding Zoning Districts or Areas
Olde Town/Commercial (OT, CN)	OT-E; OT-EY; OT-GV; OT-OW; OT-W; OT-RR; OT-RN (except for the purposes of Section 6-1-6-2, Additional Standards for Detached Temporary Signs); CN ; MX-U façade in frontage zone ; MX-T façade in frontage zone; nonresidential and mixed-use areas of Planned Unit Developments where buildings are set back less than 5 feet from rights-of-way
Mixed-Use/Commercial/Industrial (MX,C,I)	MX-N; MX-S; MX-U façade outside frontage zone ; MX-T façade outside frontage zone; CG; IL; IG; nonresidential and mixed-use areas of Planned Unit Developments, where buildings are set back 5 feet or more from rights-of-way
Multifamily Residential (RM)	R13; R24; multifamily residential areas of Planned Unit Developments with 6+ unit buildings
Single-Family Residential (RS)	RA; RN; R6; OS; single-family, duplex, townhome, or multiplex areas of Planned Unit Developments; OT-RN (only for the purposes of Section 6-1-6-2, Additional Standards for Detached Temporary Signs).

- D. **Relationship to Planned Unit Development.** Planned unit developments that are approved after the effective date of this LDC shall include sign district designations as set out in Table 6-1-2-4, Sign Districts, or shall be processed with an application for a sign design program pursuant to Section 8-3-7-2, Alternative Sign Programs.

Table 6-1-5-1A: Wall Signs				
Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Applied or Painted Wall Sign				
Max. #	1 for single family, duplex or multiplex form: 1 per principal building.	Not limited	1 per building elevation	1 per building elevation

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	All other forms: 1 per establishment			
Max. Sign Area (Total Per Building Elevation)	Single family detached, duplex or multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted, max. 32 sf.; a minimum of 30 sf., if establishment frontage is less than 30 lf.	1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted.	1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation	Residential Building: 1 sf.
				Nonresidential Building: 1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation
Allowed Lighting	External	External	External	None
Mural Wall Sign				
Max. #	1 per building	1 per building	1 per building	Not allowed
Max. Sign Area	May be allowed on entire elevation subject to the Design Guidelines for OT	May be allowed on entire	May be allowed on entire elevation	-
Allowed Lighting	External	External	External	-
Other Standards	a. Murals shall not be placed on a building that is exclusively for a residential use. b. Murals shall not: i. Project more than 2 in. in the OT sign district and 6 in. in all other sign districts from the plane of the wall upon which it is painted or to which it is affixed and shall not extend above the top of the wall upon which it is painted or to which it is affixed; ii. Cover or interrupt major architectural features, such as doors, exits, and windows; and			-

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	iii. Contain text covering more than 3% of the mural area. c. The property owner shall not be compensated for the display of the mural or the right to place the mural on a site.			
Bulletin Board Attached to Building Wall				
Max. #	1 per principal building entrance	1 per principal building entrance	1 per principal building entrance	Residential Building: Not allowed
				Nonresidential Building: 1 per principal building entrance
Max. Sign Area (Per Sign)	6 sf.	12 sf.	6 sf.	6 sf.
Allowed Lighting	External	External	External	None
Other Standards	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Residential Building: Not allowed
				Nonresidential Building: Not allowed above an elevation of 8 ft. above adjacent grade
Cabinet Wall Signs or Dimensional Wall Signs (Primary)				
Max. #	Dimensional wall sign only; cabinet wall signs are not allowed. Single family detached, duplex or multiplex form: 1 per principal building. All other forms: 1 per establishment	Not limited	1 per building elevation	Residential Building: Not allowed
				Nonresidential Building: 1 per building (dimensional wall sign only; cabinet wall signs are not allowed)

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Max. Sign Area (Per Sign)	Single family detached, duplex or multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted max. 32 sf.; a minimum of 30 sf. if establishment frontage is less than 30 lf.	Dimensional wall signs: 1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted	32 sf.	Residential Building: Not allowed
		Cabinet wall signs: 1 sf. per 2 lf. of establishment frontage of the building elevation upon which the sign is mounted, not to exceed 60 sf.		Nonresidential Building: 12 sf.
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Not allowed on building elevations that are located within 10 feet of a property line of a single-family detached or duplex residential use	Not allowed if primary fin sign is also present on the same building elevation	Not allowed if primary fin sign is also present on the same building elevation	None
		Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	
Cabinet Wall Signs or Dimensional Wall Signs (Secondary)				
Max. #	1 per principal building entrance (dimensional wall sign only; cabinet wall signs are not allowed)	1 per principal building entrance	1 per principal building entrance	Not allowed

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Max. Sign Area (Per Sign)	4 sf.	48 sf.	6 sf.	NA
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Must be located above ground floor principal building entrance	Must be located above ground floor principal building entrance	Must be located above ground floor principal building entrance	NA
	No part of the sign shall be located more than 15 ft. above adjacent grade	No part of the sign shall be located more than 15 ft. above adjacent grade	No part of the sign shall be located more than 15 ft. above adjacent grade	
	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	

Table 6-1-5-1B: Window Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (M-X,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
All Window Signs				
Max. #	Not limited	Not limited	1 per window	1 per window
Max. Sign Area	25% of the area of windows larger than 8 sf. may be covered with signs	25% of the area of windows larger than 8 sf. may be covered with signs	3 sf. per sign	6 sf. per elevation
	75% of the area of windows smaller than 8 sf. may be covered with signs	75% of the area of windows smaller than 8 sf. may be covered with signs		
	For the purposes of the standards above, the area of the window is	For the purposes of the standards above, the area of the window is		

Table 6-1-5-1B: Window Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (M-X,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	calculated as the total area of window panes that are situated within six inches of each other	calculated as the total area of window panes that are situated within six inches of each other		
Allowed Lighting	External or internal	External or internal	External or internal	None
Other Standards	Permanent applied window signs shall be affixed to the window in a professional manner (<i>e.g.</i> , without wrinkles, bubbles, tape, etc.)	Permanent applied window signs shall be affixed to the window in a professional manner (<i>e.g.</i> , without wrinkles, bubbles, tape, etc.)	Permanent applied window signs shall be affixed to the window in a professional manner (<i>e.g.</i> , without wrinkles, bubbles, tape, etc.)	NA

Table 6-1-5-1C: Projecting Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Awning Signs				
Max. #	Not limited	Not limited	Not limited	Not allowed
Max. Sign Area (Total Per Building Elevation)	50% of awning face upon which sign is attached, max 32 sf.	Not limited	50% of awning face upon which sign is attached	NA
Allowed Lighting	External	External or internal	External	NA
Min. Sign Clearance	8'	8'	8'	NA
Other Standards	Principal function of awning must be to provide shelter for a window, a door, or an outdoor seating area	Principal function of awning must be to provide shelter for a window, a door, or an outdoor seating area	Principal function of awning must be to provide shelter for a building entrance	NA

Table 6-1-5-1C: Projecting Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	Awning signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas	Awning signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas	Awning signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas	
	Awning signs must be applied to, or printed or painted on the awning; rivets and comparable fasteners are not allowed	Awning signs must be stitched to, applied to, or printed or painted on the awning; rivets and comparable fasteners are not allowed	Awning signs must be stitched to, applied to, or printed or painted on the awning; rivets and comparable fasteners are not allowed	
Marquee Signs				
Max. #	Not allowed	1 per building	Not allowed	Not allowed
Max. Sign Area (Total Per Building Elevation)	NA	1 sf. per lf. of building elevation upon which the sign is mounted, not to exceed 150 sf.	NA	NA
Allowed Lighting	NA	External or internal	NA	NA
Min. Sign Clearance	NA	8 ft.	NA	NA
Other Standards	NA	Sign must be located over a principal building entrance	NA	NA
		Sign shall not extend over any vehicular use area		
		Sign shall not extend above the roof line		
Hanging Signs				
Max. #	1 per building entrance	1 per building entrance	1 per building entrance	Residential Building: Not allowed

Table 6-1-5-1C: Projecting Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
				Nonresidential Building: 1 per building entrance
Max. Sign Area (Total Per Building Elevation)	6 sf.	10 sf.	8 sf.	Residential Building: NA
				Nonresidential Building: 5 sf.
Allowed Lighting	External	External or internal	External	None
Min. Sign Clearance	8 ft.	8 ft.	8 ft.	8 ft.
Other Standards	Must be installed under a canopy or awning that shelters a building entrance or patio area	Must be installed under a canopy or awning that shelters a building entrance or patio area	Must be installed under a canopy or awning that shelters a building entrance or patio area	Must be installed under a canopy or awning over a principal building entrance
Fin Signs (Primary)				
Max. #	1 per street-facing building elevation	1 per building	1 per street-facing building elevation	Residential Buildings: Not allowed
				Nonresidential Buildings: 1 per street-facing building elevation
Max. Sign Area (Total Per Building Elevation)	12 sf.	1 sf. per 1 lf. of street-facing building elevation, not to exceed 150 sf.	12 sf.	Residential Buildings: NA
				Nonresidential Buildings: 12 sf.
Allowed Lighting	External	External or internal	External	None
Min. Sign Clearance	8 ft.	8 ft., or in the alternative, may extend to ground level	8 ft.	8 ft.
Other Standards	None	Not allowed if primary cabinet wall sign is also present	Not allowed if primary cabinet wall sign is also present	None
Fin Signs (Secondary)				

Table 6-1-5-1C: Projecting Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Max. #	1 per principal building entrance	1 per principal building entrance	1 per principal building entrance	Residential Buildings: Not allowed
				Nonresidential Buildings: 1 per principal building entrance
Max. Sign Area (Total Per Building Elevation)	4 sf.	8 sf.	8 sf.	2 sf.
Allowed Lighting	External	External or internal	External	None
Min. Sign Clearance	8 ft.	8 ft.	8 ft.	8 ft.
Other Standards	Must be located over a principal building entrance, or within 2 feet on either side of the entrance	Must be located over a principal building entrance, or within 2 feet on either side of the entrance	Must be located over a principal building entrance, or within 2 feet on either side of the entrance	Must be located over a principal building entrance, or within 2 feet on either side of the entrance
	Not allowed if hanging sign is installed in front of the building entrance	Not allowed if hanging sign or secondary cabinet wall sign is installed above the building entrance	Not allowed if hanging sign or secondary cabinet wall sign is installed above the building entrance	Not allowed if hanging sign is installed above the building entrance
	Top of sign shall not be higher than 14 feet above ground level or the top of the building wall to which the sign is mounted, whichever is lower	Top of sign shall not be higher than 14 feet above ground level or the top of the building wall to which the sign is mounted, whichever is lower	Top of sign shall not be higher than 14 feet above ground level or the top of the building wall to which the sign is mounted, whichever is lower	Top of sign shall not be higher than 9 feet above ground level or the top of the building wall to which the sign is mounted, whichever is lower

Table 6-1-5-1D: Roof Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
All Roof Signs				
Max. #	1 per building elevation	1 per building elevation	1 per building elevation	Not allowed
Max. Sign Area (total)	1 sf. per 3 lf. of building elevation, not to exceed 15 sf.	1 sf. per 3 lf. of building elevation, not to exceed 75 sf.	1 sf. per 3 lf. of building elevation, not to exceed 50 sf.	NA
Allowed Lighting	None	External or internal	External or internal	NA
Other Standards	Allowed only above lower eave lines of buildings with multiple eave lines, and shall not extend above next higher eave line on same elevation. Not allowed on buildings with one eave line	Allowed only above lower eave lines of buildings with multiple eave lines, and shall not extend above next higher eave line on same elevation. Not allowed on buildings with one eave line	Allowed only above lower eave lines of buildings with multiple eave lines, and shall not extend above next higher eave line on same elevation. Not allowed on buildings with one eave line	
	Roof sign shall be designed such that: It is composed of channel letters or other three-dimensional forms; and The mounting hardware and supporting structures are concealed from view	Roof sign shall be designed such that: It is composed of channel letters or other three-dimensional forms; and The mounting hardware and supporting structures are concealed from view	Roof sign shall be designed such that: It is composed of channel letters or other three-dimensional forms; and The mounting hardware and supporting structures are concealed from view	
	Not allowed on building elevations that are located within 24 feet of a property line of a single-family	Not allowed on building elevations that are located within 24 feet of a property line of a single-family	Not allowed on building elevations that are located within 24 feet of a property line of a single-family	

Table 6-1-5-1D: Roof Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	detached or duplex residential use	detached or duplex residential use Notwithstanding anything to the contrary in Article 8, an existing roof sign, if damaged to any extent and for any reason, may be rebuilt, restored, or repaired to its prior condition and location within one year after the damage is discovered	detached or duplex residential use	

Table 6-1-5-1E: Canopy Signs

Type of Sign / Standards	Sign District	
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)
All Canopy Sign		
Max. #	Not limited	Not limited
Max. Sign Area (Total Per Building Elevation)	60% of the surface area of the plane of the canopy upon which the sign is located, max 32 sf.	60% of the surface area of the plane of the canopy upon which the sign is located
Allowed Lighting	External or halo	External or internal
Min. Sign Clearance	Unless a lower clearance is allowed by an applicable building code: 8 ft. over	Unless a lower clearance is allowed by an applicable building code: 8 ft. over

Table 6-1-5-1E: Canopy Signs

Type of Sign / Standards	Sign District	
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Indus trial (MX, C, I)
	pedestrian use areas; 14 ft. over vehicular use areas that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers	pedestrian use areas; 14 ft. over vehicular use areas that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers
Other Standards	Canopy signs shall not be in the form of cabinet signs or banner frames	Canopy signs shall not be in the form of cabinet signs or banner frames
	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy, or mounted on the top of the canopy
	Canopy signs shall not extend more than 4 inches from the canopy fascia	Canopy signs that are affixed to the fascia shall not extend more than 4 inches from the front of the canopy fascia
	Canopy signs shall not be mounted to the top of the canopy or extend above the canopy	Canopy signs that are mounted to the top of the canopy shall be designed such that: (i) they are composed of channel letters or other three-dimensional

Table 6-1-5-1E: Canopy Signs

Type of Sign / Standards	Sign District	
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Indus trial (MX, C, I)
		forms; and (ii) the mounting hardware and supporting structures are concealed from view; and (iii) the sign does not extend more than 2 feet above the top of the canopy; and (iv) the sign does not extend above the nearest roof line of the principal building

Table 6-1-5-2: Detached Permanent Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Indus trial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (R)
Primary Detached Signs				
Max. #	1 per property	1 per 600 lf. of property frontage or fraction thereof	See "Other Standards," below	See "Other Standards," below
Max. Sign Area	Generally: 32 sf. mixed-use form	Aggregate primary detached sign area shall not exceed 10 sf. plus 1 sf. per 4 lf. of property frontage, up to a maximum of 125 sf.	25 sf. per sign, plus 1 sf. per 2 lf. of additional setback from property lines, up to a maximum of 50 sf. per sign	25 sf. per sign, plus 1 sf. per 2 lf. of additional setback from property lines, up to a maximum of 50 sf. per sign
	In the OT District on property that is developed with a building with a single-family detached, duplex or multiplex form: 8 sf. For all other forms: 20 sf.			

Table 6-1-5-2: Detached Permanent Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (R)
Max. Sign Height	Single-family detached, duplex or multiplex form: 4 ft. For all other forms: 6 ft.	Less than 200 lf. of property frontage: 6 ft.	6 ft.	6 ft.
		200 to 600 lf. of property frontage: 12 ft.		
		More than 600 lf. of property frontage: 24 ft.		
Allowed Lighting	External	External or internal	External	External
Setbacks and Spacing	No encroachment upon sidewalk	4 ft. from vehicular use areas, sidewalks, trails, multi-use pathways, and property lines	2 ft. from sidewalks, trails, multi-use pathways, curbs, and vehicular use areas	2 ft. from sidewalks, trails, multi-use pathways, curbs, and vehicular use areas
	2 ft. from property lines			
	6 ft. max from building walls and vehicular use areas	12 ft. from building walls		
Other Standards	Except in the OT-RR Zoning District, cabinet signs are not allowed. Must be installed in permeable landscaped area or hardscaped pedestrian plaza that extends at least 4 ft. from the base of the sign in all directions	Must be installed in permeable landscaped area that extends at least 4 ft. from the base of the sign in all directions	Allowed at points of entry into residential subdivisions or multifamily developments on properties where signs are present on the effective date or where designated on approved final plat, approved final development plan, or approved site plan	Allowed at points of entry into residential subdivisions or multifamily developments on properties where signs are present on the effective date or where designated on approved final plat, approved final development plan, or approved site plan
Secondary Detached Signs				

Table 6-1-5-2: Detached Permanent Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (R)
Max. #	1 per vehicular ingress point	1 per vehicular ingress point	1 per vehicular ingress point	Not allowed
Max. Sign Area	4 sf.	600 lf. of property frontage or less: 4 sf.	4 sf.	NA
		More than 600 lf. of property frontage: 8 sf.		
Max. Sign Height	3.5 ft.	600 lf. of property frontage or less: 3.5 ft.	3.5 ft.	NA
		More than 600 lf. of property frontage: 6 ft.		
Allowed Lighting	External	External or internal	External	NA
Setbacks and Spacing	At least 2 ft. from property lines	At least 2 ft. from property lines	At least 2 ft. from property lines	NA
	Not more than 4 ft. from inside of curb of vehicular ingress or egress point	Not more than 4 ft. from inside of curb of vehicular ingress or egress point	Not more than 4 ft. from inside of curb of vehicular ingress or egress point	

Table 6-1-6-1: Attached Banners

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
All Attached Banners				
Max. # (on each building elevation)	1	Unframed: 1 per 300 lf. of building elevation or fraction thereof, but not more than 3 banners per building	1	Residential Building: Not allowed
		Installed in banner frame: 1 per 150 lf. of building		Nonresidential Building: 1

Table 6-1-6-1: Attached Banners

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
		elevation or fraction thereof, but not more than 3 banners per building		
Max. Sign Area (per banner)	40 sf.	40 sf.	40 sf.	Residential Building: NA
				Nonresidential Building: 40 sf.
Allowed Lighting	None	External	None	None
Other Standards	None	If more than one banner is allowed on a building elevation, banners may be clustered	None	None

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Yard Signs				
Max. #	2	2 per vehicular access point	Residential Building: Not limited	Residential Building: Not limited
			Nonresidential Building: 1 per 80 ft. of property frontage or fraction thereof	Nonresidential Building: 1 per 80 ft. of property frontage or fraction thereof
Max. Sign Area (per sign)	NA	8 sf.	8 sf.	6 sf.
Max. Sign Height	4 ft.	4 ft.	4 ft.	4 ft.

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Allowed Lighting	None	None	None	None
Setbacks and Spacing	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs
Other Standards	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension, not more than 10 feet from vehicular access point	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension, not more than 10 feet from vehicular access point	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension
Site Signs				
Max. #	1 per property	1 per 600 lf. of property frontage or fraction thereof	1 per 600 lf. of property frontage or fraction thereof, provided that the area of the property is at least 2 acres; properties that are less than 2 acres shall not display site signs	1 per 600 lf. of property frontage or fraction thereof
Max. Sign Area (per sign)	16 sf.	32 sf.	32 sf.	32 sf.
Max. Sign Height	6 ft.	6 ft.	6 ft.	6 ft.
Allowed Lighting	External	External	External	External
Setbacks and Spacing	2 ft. from front property lines	2 ft. from front property lines	2 ft. from front property lines	2 ft. from front property lines
	10 ft. from all other property lines	10 ft. from all other property lines	10 ft. from all other property lines	10 ft. from all other property lines
	10 ft. from all other signs	10 ft. from all other signs	10 ft. from all other signs	10 ft. from all other signs

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	12 ft. from building walls	12 ft. from building walls	12 ft. from building walls	12 ft. from building walls
Other Standards	Where allowed, site signs shall be installed in permeable landscaped areas or hardscaped areas (other than vehicular use areas and sidewalks) that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area	Where allowed, site signs shall be installed in permeable landscaped areas that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area	Where allowed, site signs shall be installed in permeable landscaped areas that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area	Where allowed, site signs shall be installed in permeable landscaped areas that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area
Swing Signs				
Max. #	Not allowed	Not allowed	1 per property frontage	1 per property frontage
Max. Sign Area (per sign)	NA	NA	5 sf., including riders	5 sf., including riders
Max. Sign Height	NA	NA	5 ft.	5 ft.
Allowed Lighting	NA	NA	None	None
Setbacks and Spacing	NA	NA	2 ft. from all property lines	2 ft. from all property lines
Other Standards	NA	NA	Swing signs shall be installed in permeable landscaped areas that are at least 4 lf. in every horizontal dimension and at least 20 sf. in area	Swing signs shall be installed in permeable landscaped areas that are at least 4 lf. in every horizontal dimension and at least 20 sf. in area
Sidewalk Signs				
Max. #	1 per principal building entrance	1 per principal building entrance	Not allowed	Not allowed

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Max. Sign Area (per sign)	8 sf.	8 sf.	NA	NA
Max. Sign Height	4 ft.	4 ft.	NA	NA
Allowed Lighting	None	None	NA	NA
Setbacks and Spacing	Must provide at least 5 ft. clear sidewalk for pedestrian use	Must provide at least 5 ft. clear sidewalk for pedestrian use	NA	NA
Other Standards	Must be placed on sidewalk or hard-surfaced pedestrian plaza; not allowed in vehicular use areas or permeable landscaped areas	Must be placed on sidewalk, hard-surfaced pedestrian plaza, or level landscaped area; not allowed in vehicular use areas	NA	NA
	Must not obstruct pedestrian travel path or building entrance	Must not obstruct pedestrian travel path or building entrance		
	Placement in public right-of-way or public sidewalk, multi-use path, or trail easement requires revocable license agreement	Placement in public right-of-way or public sidewalk, multi-use path, or trail easement requires revocable license agreement		
Banners				
Max. #	1 per property frontage; or 1 per 100 lf. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered)	1 per property frontage; or 1 per 100 lf. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered)	1 per property frontage; or 1 per 100 lf. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered)	Not allowed

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Max. Sign Area (per sign)	48 sf.	48 sf.	48 sf.	NA
Max. Sign Height	6 ft.	6 ft.	6 ft.	NA
Allowed Lighting	None	None	None	NA
Setbacks and Spacing	Banner must be mounted in a freestanding banner frame that is installed within a permeable landscaped area	Banner must be mounted in a freestanding banner frame, or on retaining wall, fence, or screen wall	Banner must be mounted in a freestanding banner frame, or on retaining wall, fence, or screen wall	NA
	Mounting hardware shall be concealed from view	Mounting hardware shall be concealed from view	Mounting hardware shall be concealed from view	
	Banner shall be stretched tightly to avoid movement in windy conditions	Banner shall be stretched tightly to avoid movement in windy conditions	Banner shall be stretched tightly to avoid movement in windy conditions	
		Not allowed if any of the following are present on the property: feather flag or EMC	Not allowed if any of the following are present on the property: feather flag or EMC	
Feather Flags				
Max. #	Not allowed	1 per property	1 per property	Not allowed
Max. Sign Area (per sign)	NA	45 sf.	45 sf.	NA
Max. Sign Height	NA	15 ft.	15 ft.	NA
Allowed Lighting	NA	None	None	NA
Setbacks and Spacing	NA	Must be spaced not less than 50 ft. from any other temporary sign	Must be spaced not less than 50 ft. from any other temporary sign	NA

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Other Standards	NA	Not allowed if sidewalk sign is present	Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole	NA
		Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole		
Inflatables				
Max. #	Not allowed	1 per property	Not allowed	Not allowed
Max. Sign Area (per sign)	NA	225 sf.	NA	NA
Max. Sign Height	NA	15 ft.	NA	NA
Allowed Lighting	NA	None	NA	NA
Setbacks and Spacing	NA	All parts of the sign must be set back 10 ft. from all property lines, pedestrian use areas, and vehicular use areas	NA	NA
Other Standards	NA	Sign must be tethered to prevent movement in windy conditions	NA	NA

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

Land Development Code Amendment
Commercial, Neighborhood (CN) Zoning District
OTH2022-0015

NATURE OF REQUEST

The City of Arvada is requesting approval of an ordinance amending the Land Development Code to include the Commercial, Neighborhood (CN) Zoning District.

BACKGROUND

As part of the 2020-2025 Strategic Plan, the City Council included a Strategic Result associated with the Community and Economic Development Department that recommends the adoption of land use option that allow for pocket neighborhoods (Strategic Result 3).

Pocket neighborhoods are defined as small-scale commercial developments that could be located within or on the edges of existing residential neighborhoods throughout the City.

The Commercial, Neighborhood (CN), zoning district is proposed to achieve this strategic result.

Workshops were held with the Planning Commission and City Council in March and April of 2023, respectively.

PUBLIC NOTIFICATION

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

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.

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, particularly Strategic Result 3.

PROJECT ANALYSIS

Summary of Proposed Update

This amendment will modify the following (see redlined pages):

1. Revisions to Section 2-1-2-1, Zoning Districts Established, to include the CN Commercial, Neighborhood designation.
2. The addition of Section 2-1-6-1, CN: Commercial, Neighborhood, to specify the Lot and Building Standards and Cross-References.
3. Renumbering of the current sections 2-1-6-1 through 2-1-6-3 to address the inclusion of the new zoning district.
4. Revisions of Tables 3-1-2-4, 3-1-2-5, and 3-1-2-6 to include the CN zoning district to the tables and assign the uses to be permitted as Conditional or Allowed.
5. Revisions to various Subsections of Section 3-1-3-4, Hospitality, Recreation, and Entertainment Standards, to limit hours of operation for various uses with the CN zoning district.
6. Revisions to Subsection E.1 of Section 3-1-3-5, Commercial Standards, to limit hours of operation for retail uses with the CN zoning district.
7. Revisions to Section 4-4-3-4, Street Hierarchy and Connectivity, to indicate where vehicular access to CN zoned lots can be obtained.
8. Revisions to Section 4-6-5-3, Bufferyard Options, to indicate that Option E can be utilized for CN zoned properties.
9. Revisions to various tables in Chapter 6, Signs, to indicate that signage in the CN zoning district will comply with the requirements of the Olde Town/Commercial, Neighborhood (OT, CN) Sign District.

Compliance with the Comprehensive Plan

The proposed amendments to the LDC will not conflict with the intent of the 2014 Comprehensive Plan.

Consistency with the Purpose of the Code

The proposed amendment is consistent with the Purposes of the Code set out in Section 1-1-1-2, Purpose and Intent, in that the amended regulations will promote the public health, safety, convenience, comfort, prosperity, and general welfare of the City.

LAND DEVELOPMENT CODE APPROVAL CRITERIA

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 Division 8-3-2 of the Land Development Code, and presents the following findings:

Division 8-3-2 Approval Criteria (05-18-20)	Finding	Rationale
A. The proposed amendment is consistent with the Arvada Comprehensive Plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan.	Complies	The proposed amendment is consistent with the Arvada Comprehensive Plan because the proposed amendments will ensure that the community and developers can clearly understand and interpret the LDC.
B. The proposed amendment is consistent with the Purposes of the Code set out in Section 1-1-1-2, Purpose and Intent, of the LDC.	Complies	The proposed LDC amendments are consistent with the intent and purposes of the Code because the regulations will promote the public health, safety, convenience, comfort, prosperity, and general welfare of the City.

STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, the City team recommends approval of these amendments.

Land Development Code Proposed CN Zoning District Planning Commission Public Hearing

May 2, 2023



We Dream Big and Deliver

WHY THE AMENDMENT?

As part of the 2020-2025 Strategic Plan, the City Council included the following Strategic Result associated with the Community and Economic Development Department:

SR3: By 12/2023 adopt land use option that allow for pocket neighborhoods.

Pocket neighborhoods are defined as small-scale commercial developments that could be located within or on the edges of existing residential neighborhoods throughout the City.

The CN, or Commercial Neighborhood, zoning district is proposed to achieve this strategic result.

CN ZONING DISTRICT SPECIFICS

Purpose:

- “The purpose of the Commercial, Neighborhood Zoning District is to accommodate small scale retail, restaurant and service uses serving neighborhood needs. The zoning district is typically situated along collector or arterial streets within or at the edges of existing neighborhoods.”



CN ZONING DISTRICT SPECIFICS

Lot and Building Standards:

- Minimum lot size 10,000 square feet – To allow for some off-street parking
- Maximum lot size 1 acre – To maintain the small-scale purpose of the district

Setbacks:

- Front – Minimum of 5 feet, maximum of 20 feet
- Street Side (For corner lots) – 20 feet
- Interior Side – 10 feet
- Rear – 10 feet
- Minimum Parking Setback – 20 feet (from street(s))

CN ZONING DISTRICT SPECIFICS

Building Heights:

- Principal building – 28 feet
 - Accessory building – 18 feet
 - Mini-structure – 12 feet
-
- Heights proposed match those allowed within the RN zoning districts to allow for development that does not overwhelm existing neighborhood scale.

Landscaping:

- Minimum of 15 percent landscape surface area

CN ZONING DISTRICT SPECIFICS

Uses:

- The following uses would be allowed through the Conditional Use process:
 - Bar/Tavern/Nightclub
 - Brew Pub/Distillery Pub/Limited Winery
 - Restaurant
 - Art Studio/Makerspace
 - Office, General or Professional
 - Retail Sales and Services, Type 1
 - Day Care Center, Adult or Child
 - [Bed and Breakfast](#)
- The following uses would be allowed as permitted uses:
 - Place of Assembly
 - Schools (of all types)

CN ZONING DISTRICT SPECIFICS

Limitations on Specific Uses:

- Bar/Tavern/Nightclub and Brew Pub/Distillery Pub/Limited Winery – hours of operation 7am to 11pm only
- Restaurant – hours of operation 6am to 11pm only
- Retail Sales and Services, Type 1 – hours of operation 7am to 10pm only

Parking Access:

- Parking area shall be accessed only from an arterial or collector street, unless an alternative is allowed through the Conditional Use process (City Council approval). Does not apply to Allowed uses.

CN ZONING DISTRICT SPECIFICS

Parking Requirements:

- Standard parking requirements would apply. However, a reduction could be allowed through the Parking Study process currently provided for in the Land Development Code (4-5-2-6.A.1.c).

Bufferyard Options:

- All current options would be allowed when adjacent to existing residential homes. Option E would be allowed.



CN ZONING DISTRICT SPECIFICS

Signs:

- Signage would comply with the Olde Town (OT) Sign District.

CN ZONING DISTRICT EXAMPLES



GB Fish and Chips, Ralston Road



State Farm, Ralston Road

CN ZONING DISTRICT EXAMPLES



Novel Strand Brewing, Denver



Rosebud Café, Denver

CN ZONING DISTRICT EXAMPLES



72nd and Lowell, Westminster



25th and Gray, Edgewater

IMPLEMENTATION

Create Zoning District:

- Amend the Land Development Code to include the CN zoning district and associated restrictions and design standards.

Rezoning Requests:

- Interested private parties/developers would apply for rezoning and Conditional Use. Recommendation by Planning Commission and action by City Council, as with all other applications.
- No City initiated rezonings are proposed at this time.

PROCESS

Workshops:

- Planning Commission – March 7, 2023
- City Council – April 10, 2023

Public Notice:

- Publication in Arvada Press.
- Information on the City's website.

Next Step:

- City Council Public Hearing – July 10, 2023

Additional Questions?

2-1-2-1 Zoning Districts Established

- A. **Generally.** In order to carry out the provisions of this Code, the City is divided into the following zoning districts, and subdistricts:
1. Parks and Open Space District
 - a. OS Parks and Open Space District
 2. Residential Districts
 - a. RA Residential / Agricultural District
 - b. RN Residential Neighborhood District
 - i. RN-32.5 Residential Neighborhood 32,500 Subdistrict
 - ii. RN-12.5 Residential Neighborhood 12,500 Subdistrict
 - iii. RN-7.5 Residential Neighborhood 7,500 Subdistrict
 - iv. RN-6 Residential Neighborhood 6,000 Subdistrict
 - v. RN-4 Residential Neighborhood 4,000 Subdistrict
 - vi. RN-D Residential Neighborhood Single Family and Duplex Subdistrict
 - c. R6 Residential 6 District
 - d. R13 Residential 13 District
 - e. R24 Residential 24 District
 3. Mixed-Use Districts
 - a. MX-N Mixed-Use, Neighborhood District
 - b. MX-S Mixed-Use, Suburban District
 - c. MX-U Mixed-Use, Urban District
 - d. MX-T Mixed-Use, Transit-Oriented District
 4. Olde Town Zoning District
 - a. OT-E Olde Town East Subdistrict
 - b. OT-EY Olde Town East Yukon Subdistrict
 - c. OT-GV Olde Town Grandview Subdistrict
 - d. OT-OW Olde Town Olde Wadsworth Subdistrict
 - e. OT-RN Olde Town Residential Neighborhood Subdistrict
 - f. OT-RR Olde Town Ralston Road Subdistrict
 - g. OT-W Olde Town Webster Subdistrict
 5. Commercial District
 - a. CG Commercial, General District
 - b. CN Commercial, Neighborhood
 6. Industrial Districts
 - a. IL Industrial, Light District
 - b. IG Industrial, General District
 7. Planned Unit Development District
 - a. PUD Planned Unit Development District

2-1-6-1 CN: Commercial, Neighborhood

- A. **Purpose.** The purpose of the Commercial, Neighborhood (CN) zoning district is to accommodate small scale retail, restaurant and service uses serving neighborhood needs. This zoning district is typically situated along collector or arterial streets within or at the edges of existing neighborhoods.
- B. **Relationship to the Comprehensive Plan.** The CN zoning district generally implements the “Neighborhood and Community Commercial/Office” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the CN zoning district are set out in Table 2-1-6-1A, Commercial, Neighborhood Lot and Building Standards.

Figure 2-1-6-1: Illustrative Commercial, Neighborhood Lot and Building Standards



Table 2-1-6-1A: Commercial, Neighborhood Lot and Building Standards		
Standard		All Lot Types
Lot Standards		
	Min. Lot Area	10,000 sf.
	Max. Lot Area	1 acre
A	Min. Lot Width	50 ft.
	Max. Lot Coverage	55%
Setback Standards		
B	Min./Max. Front	5 ft./20 ft.
C	Min. Street Side	20 ft.
D	Min. Interior Side	10 ft.
E	Min. Rear	10 ft.
	Min. Front/Street Side Parking	20 ft.
Building Standards		
F	Max. Height, Principal Building	28 ft.
	Max. Height, Accessory Building	18 ft.
	Max. Height, Mini-structure	12 ft.

Table 2-1-6-1A: Commercial, Neighborhood Lot and Building Standards		
Standard		All Lot Types
Site Standards		
	Min. Landscape Surface Area	15%
	Max. Outdoor Display	5% of enclosed retail floor area
	Max. Outdoor Storage	Not allowed

- D. **Cross-References.** The cross-references in Table 2-1-6-1B, Cross-References for Commercial, Neighborhood, are provided for the reader's convenience and are not necessarily exhaustive of applicable regulations.

Table 2-1-6-1B: Cross-References for Commercial, Neighborhood	
Topic	Reference
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Exterior Lighting	Article 4-8, Exterior Lighting
Building Design	Division 5-1-2, Building and Structure Design Standards
Mini-Structures	Division 5-1-4-3. Mini-Structures
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Outdoor Storage, and Outdoor Retail Display	Section 5-1-6-3, Outdoor Storage, Outdoor Retail Display, and Outdoor Dining Areas.
Signs	Chapter 6, Signs

3-1-2-4 Hospitality, Recreation, and Entertainment Land Use by Zoning District

The hospitality, recreation, and entertainment land uses that are allowed in each zoning district are set out in Table 3-1-2-4, Hospitality, Recreation, and Entertainment Land Use by Zoning District.

Table 3-1-2-4: Hospitality, Recreation, and Entertainment Land Use by Zoning District																						
Land Use	Open Space and Residential						Mixed-Use				Olde Town						Commercial and Industrial				Reference	
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CN	CG	IL		IG
Adult Entertainment / Adult Retail Sales																				L	L	3-1-3-4
Amusement, Outdoor								L											L	L		3-1-3-4
Bar / Tavern / Nightclub							L	L	L	L	L	L	L	L	L	L	L	C	L	C	C	3-1-3-4
Bed and Breakfast		C	C	C			L	L				L	L	L	L	L	L	C				3-1-3-4
Brew Pub / Distillery Pub / Limited Winery							L	L	L	L	L	L	L	L	L	L	L	C	L	L	L	3-1-3-4
Hotel / Motel									A	A	A	A	A		A	A		A				-

Table 3-1-2-4: Hospitality, Recreation, and Entertainment Land Use by Zoning District

Land Use	Open Space and Residential						Mixed-Use				Olde Town							Commercial and Industrial				Reference
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CN	CG	IL	IG	
Recreation and Amusement, Indoor							A	A	A	A	A	A	A	A		A	A		A	A	A	-
Recreation, Outdoor (playing fields)	A	A	A	A	A	A													A			-
Recreation, Outdoor (other)	A	A	A	A	A	A	A	A	L	L	L	L	L	L	L	L	L		A	A		3-1-3-4
Restaurant							A	A	A	A	A	A	A	A	L	A	A	C	A	A		3-1-3-4
Restaurant, Fast Food							L	L	L	L	L	L	L	L	L	L	L		L			3-1-3-4
Stables and Riding Academies, Commercial		A																				-
Theater							A	A	A	A	A	A	A	A		A			A			-

3-1-2-5 Commercial Land Use by Zoning District

The commercial land uses that are allowed in each zoning district are set out in Table 3-1-2-5, Commercial Land Use by Zoning District.

Table 3-1-2-5: Commercial Land Use by Zoning District

Land Use	Open Space and Residential						Mixed-Use				Olde Town							Commercial and Industrial				Reference
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CN	CG	IL	IG	
Animal Day Care / Training		C					L	L	L	L									L	L		3-1-3-5
Animal Hospital (Large Animal)		A																				-
Art Studio / Makerspace		A					A	A	A	A	L	L	L	L	L	L	L	C	A	A	A	3-1-3-5
Auction House or Yard																				L	L	3-1-3-5
Continuing Care Facility					A	A	A	A	A	A	A	A	A	A		A	A		C			
Kennel		C																		L	A	3-1-3-5
Office, General or Professional							A	A	A	A	A	A	A	A	A	A	A	C	A	A	A	-
Retail Sales and Services Type 1 ¹							L	L	L	L	L	L	L	L	L	L	L	C	L	L		3-1-3-5
Retail Sales and Services Type 2 ¹								L	L	L									L	L		3-1-3-5
Veterinary Offices or Clinics		C					L	L	L	L	L	L	L	L		L	L		L	L		3-1-3-5
Workshop							A	A	A	A									A	A	A	3-1-3-5
TABLE NOTES: ¹ All drive-through facilities are subject to the standards in Section 5-1-6-2, Drive-Through Facilities, which may prohibit a drive-through in certain locations.																						

3-1-2-6 Community, Civic, Educational, Health Care, and Institutional Land Use by Zoning District

The community, civic, educational, health care, and institutional land uses that are allowed in each zoning district are set out in Table 3-1-2-6, Community, Civic, Educational, Health Care, and Institutional Land Use by Zoning District.

Table 3-1-2-6: Community, Civic, Educational, Health Care, and Institutional Land Use by Zoning District

Land Use	Open Space and Residential						Mixed-Use				Olde Town							Commercial and Industrial				Reference
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CN	CG	IL	IG	
Ambulance Services								C											L	L	L	3-1-3-6
Cemetery	C	C	C																			3-1-3-6
Crematorium																				L	L	3-1-3-6
Day Care Center, Adult or Child			C	C	C	C	L	A	A	A					A	L		C	A	A		3-1-3-6
Funeral Home / Mortuary							L	L								L			L	L		3-1-3-6
Hospital								A	A	A									A			-
Medical Office							A	A	A	A	A	A	A	A	A	A	A		A			-
Public Lands, Parks, Schools or Buildings	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	-
Place of Assembly		A	L	L	L	L	L	A	L	L	L	L	L	L	L	L	L	A	A	A		3-1-3-6
Private School, Kindergarten, Elementary, Middle, or High		A	A	A	A	A	A	A	A	A					A		A	A	A			-
Private School, Vocational, Trade, College, or University							A	A	A	A	A	A	A	A	A		A	A	A	A		-

3-1-3-4 Hospitality, Recreation, and Entertainment Standards

D. Bar / Tavern / Nightclub.

1. All bars / taverns / nightclubs shall be subject to the following:
 - a. If the use is adjacent to a residential use, exterior loudspeakers and noise from the outdoor patio areas and the interior of the building shall not exceed 45 dbA at the property line of the subject property between the hours 9:00 PM and 7:00 AM. There shall be no outdoor entertainment between these hours.
 - b. These uses may include the retailing of related goods (i.e., shirts, caps, glasses) as an incidental activity.
 - c. When the use is adjacent to a RA, RN or R6 zoning district, a six foot screening wall or fence must be provided along the common lot line.
2. In the OT-RN zoning district:
 - a. The use is allowed only in the mixed-use building type. See Section 2-1-5-4, Mixed-Use Building Type Lot and Building Form Standards.
 - b. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
3. In the CN zoning district:
 - a. The use shall only operate between the hours of 7:00 AM and 11:00 PM.

E. Brew Pub / Distillery Pub / Limited Winery.

1. All brew pubs / distillery pubs / limited wineries shall be subject to the following:
 - a. On-premise consumption or retail sales of commodities produced on-site are required.
 - b. The maximum gross floor area for production, bottling, packaging, storing, and other manufacturing related activities shall be 6,000 square feet.
 - c. The storage of raw and/or spent materials shall be kept in a fully enclosed structure, building, or container.
 - d. If the use is adjacent to a residential use, exterior loudspeakers and noise from the outdoor patio areas and the interior of the building shall not exceed 45 dbA at the property line of the subject property between the hours 9:00 PM and 7:00 AM. There shall be no outdoor entertainment between these hours.
 - e. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
2. In the MX-N and OT-RN zoning districts:
 - a. The maximum gross floor area for the building shall be 4,000 square feet.
 - b. In the OT-RN zoning district, the use is allowed only in the mixed-use building type. See Section 2-1-5-4, Mixed-Use Building Type Lot and Building Form Standards.
3. In the CN zoning district:
 - a. The use shall only operate between the hours of 7:00 AM and 11:00 PM.

F. Recreation, Outdoor, Other.

1. In the MX-U, MX-T, and OT zoning districts:
 - a. Outdoor recreation uses shall be limited to plazas, sculpture gardens, tot lots, playgrounds, skating rinks, and splash pads.

G. Restaurant.

1. Restaurants, General.

- a. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
- b. In the CN zoning district:
 - i. The use shall only operate between the hours of 6:00 AM and 11:00 PM.

2. Restaurants, Fast Food.

- a. Trash Management Program. All fast food restaurant uses shall have a trash management program for the daily removal of trash and litter on the site and on any adjacent affected property.
- b. For drive-through facilities, reference Sections 5-1-6-2 Drive-through facilities and 4-5-3-6 Vehicle Stacking.

3-1-3-5 Commercial Standards

E. Retail Sales and Services, Type 1.

1. Retail Sales Uses – General.

Retail sales uses must take place within a completely enclosed building, except that accessory outdoor display of merchandise, and accessory outdoor customer seating/dining areas are permitted, subject to the following standards:

- a. Outdoor display areas must comply with the minimum street setback requirements of the subject zoning district.
- b. Outdoor display areas may not occupy or use required parking space or drive aisle unless approved by the Director.
- c. Outdoor seasonal temporary sales display requires a temporary use permit.
- d. In the CN zoning district:
 - i. The use shall only operate between the hours of 7:00 AM and 10:00 PM.

4-4-3-4 Street Hierarchy and Connectivity

- E. **Access to Public Streets.** All new lots shall have direct or indirect access to a public street, through one or more access points approved by the City. Indirect access may be provided through auto courts, loop lanes, or private streets, subject to approval of the fire district with jurisdiction over the subject property.
1. Single-family detached and duplex buildings shall not have individual driveway access to an arterial or collector street, unless no other alternative is reasonably available.
 2. In the CN zoning district parking areas for uses identified as Conditional shall have access to only an arterial or collector street, unless an alternative is allowed at the discretion of the City Council.
 3. All public and private streets shall comply with all applicable design and construction standards adopted by the City.

4-6-5-3 Bufferyard Options

- E. **Option E.** Option E shall be permitted only in the CN, MX-N and OT zoning districts. A six-foot tall solid wall constructed of brick, stone or other comparable materials with brick or stone columns spaced at least every 30 feet may be installed in-lieu of landscaping for sites containing 25 or fewer parking spaces.

6-1-2-4 Sign Districts

A. **Sign Districts Created.** The following sign districts are created:

1. Olde Town)/**Commercial, Neighborhood (OT,CN)**
2. Mixed-Use/Commercial/Industrial (MX,C,I)
3. Multifamily Residential (RM)
4. Single-Family Residential (RS)

Table 6-1-2-4: Sign Districts	
Sign District	Corresponding Zoning Districts or Areas
Olde Town)/ Commercial, Neighborhood (OT,CN)	OT-E; OT-EY; OT-GV; OT-OW; OT-W; OT-RR; OT-RN (except for the purposes of Section 6-1-6-2, Additional Standards for Detached Temporary Signs); CN ; MX-U façade in frontage zone ; MX-T façade in frontage zone; nonresidential and mixed-use areas of Planned Unit Developments where buildings are set back less than 5 feet from rights-of-way
Mixed-Use/Commercial/Industrial (MX,C,I)	MX-N; MX-S; MX-U façade outside frontage zone ; MX-T façade outside frontage zone; CG; IL; IG; nonresidential and mixed-use areas of Planned Unit Developments, where buildings are set back 5 feet or more from rights-of-way
Multifamily Residential (RM)	R13; R24; multifamily residential areas of Planned Unit Developments with 6+ unit buildings
Single-Family Residential (RS)	RA; RN; R6; OS; single-family, duplex, townhome, or multiplex areas of Planned Unit Developments; OT-RN (only for the purposes of Section 6-1-6-2, Additional Standards for Detached Temporary Signs).

Table 6-1-5-1A: Wall Signs				
Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Applied or Painted Wall Sign				
Max. #	1 for single family, duplex or multiplex form: 1 per principal building. All other forms: 1 per establishment	Not limited	1 per building elevation	1 per building elevation
Max. Sign Area (Total Per Building Elevation)	Single family detached, duplex or multiplex form: 8 sf. max. All other forms:	1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the	1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation	Residential Building: 1 sf.
				Nonresidential

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted, max. 32 sf.; a minimum of 30 sf., if establishment frontage is less than 30 lf.	sign is mounted.		Building: 1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation
Allowed Lighting	External	External	External	None
Mural Wall Sign				
Max. #	1 per building	1 per building	1 per building	Not allowed
Max. Sign Area	May be allowed on entire elevation subject to the Design Guidelines for OT	May be allowed on entire	May be allowed on entire elevation	-
Allowed Lighting	External	External	External	-
Other Standards	a. Murals shall not be placed on a building that is exclusively for a residential use. b. Murals shall not: i. Project more than 2 in. in the OT sign district and 6 in. in all other sign districts from the plane of the wall upon which it is painted or to which it is affixed and shall not extend above the top of the wall upon which it is painted or to which it is affixed; ii. Cover or interrupt major architectural features, such as doors, exits, and windows; and iii. Contain text covering more than 3% of the mural area. c. The property owner shall not be compensated for the display of the mural or the right to place the mural on a site.			-
Bulletin Board Attached to Building Wall				
Max. #	1 per principal	1 per principal	1 per principal	Residential

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	building entrance	building entrance	building entrance	Building: Not allowed
				Nonresidential Building: 1 per principal building entrance
Max. Sign Area (Per Sign)	6 sf.	12 sf.	6 sf.	6 sf.
Allowed Lighting	External	External	External	None
Other Standards	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Residential Building: Not allowed
				Nonresidential Building: Not allowed above an elevation of 8 ft. above adjacent grade
Cabinet Wall Signs or Dimensional Wall Signs (Primary)				
Max. #	Dimensional wall sign only; cabinet wall signs are not allowed. Single family detached, duplex or multiplex form: 1 per principal building. All other forms: 1 per establishment	Not limited	1 per building elevation	Residential Building: Not allowed
				Nonresidential Building: 1 per building (dimensional wall sign only; cabinet wall signs are not allowed)
Max. Sign Area (Per Sign)	Single family detached, duplex or multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the	Dimensional wall signs: 1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted	32 sf.	Residential Building: Not allowed
		Cabinet wall signs: 1 sf. per 2 lf. of		Nonresidential Building:

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	sign is mounted max. 32 sf.; a minimum of 30 sf. if establishment frontage is less than 30 lf.	establishment frontage of the building elevation upon which the sign is mounted, not to exceed 60 sf.		12 sf.
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Not allowed on building elevations that are located within 10 feet of a property line of a single-family detached or duplex residential use	Not allowed if primary fin sign is also present on the same building elevation	Not allowed if primary fin sign is also present on the same building elevation	None
		Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	
Cabinet Wall Signs or Dimensional Wall Signs (Secondary)				
Max. #	1 per principal building entrance (dimensional wall sign only; cabinet wall signs are not allowed)	1 per principal building entrance	1 per principal building entrance	Not allowed
Max. Sign Area (Per Sign)	4 sf.	48 sf.	6 sf.	NA
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Must be located above ground floor principal building entrance	Must be located above ground floor principal building entrance	Must be located above ground floor principal building entrance	NA
	No part of the sign shall be located more than 15 ft.	No part of the sign shall be located more than 15 ft.	No part of the sign shall be located more than 15 ft.	

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	above adjacent grade	above adjacent grade	above adjacent grade	
	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	

Table 6-1-5-1B: Window Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (M-X,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
All Window Signs				
Max. #	Not limited	Not limited	1 per window	1 per window
Max. Sign Area	25% of the area of windows larger than 8 sf. may be covered with signs	25% of the area of windows larger than 8 sf. may be covered with signs	3 sf. per sign	6 sf. per elevation
	75% of the area of windows smaller than 8 sf. may be covered with signs	75% of the area of windows smaller than 8 sf. may be covered with signs		
	For the purposes of the standards above, the area of the window is calculated as the total area of window panes that are situated within six inches of each other	For the purposes of the standards above, the area of the window is calculated as the total area of window panes that are situated within six inches of each other		
Allowed Lighting	External or internal	External or internal	External or internal	None
Other Standards	Permanent applied window signs shall be affixed to the	Permanent applied window signs shall be affixed to the	Permanent applied window signs shall be affixed to the	NA

Table 6-1-5-1B: Window Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use, Commercial-Industrial (M-X,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	window in a professional manner (e.g., without wrinkles, bubbles, tape, etc.)	window in a professional manner (e.g., without wrinkles, bubbles, tape, etc.)	window in a professional manner (e.g., without wrinkles, bubbles, tape, etc.)	

Table 6-1-5-1C: Projecting Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Awning Signs				
Max. #	Not limited	Not limited	Not limited	Not allowed
Max. Sign Area (Total Per Building Elevation)	50% of awning face upon which sign is attached, max 32 sf.	Not limited	50% of awning face upon which sign is attached	NA
Allowed Lighting	External	External or internal	External	NA
Min. Sign Clearance	8'	8'	8'	NA
Other Standards	Principal function of awning must be to provide shelter for a window, a door, or an outdoor seating area	Principal function of awning must be to provide shelter for a window, a door, or an outdoor seating area	Principal function of awning must be to provide shelter for a building entrance	NA
	Awning signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas	Awning signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas	Awning signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas	
	Awning signs must be applied to, or printed or painted on the awning;	Awning signs must be stitched to, applied to, or printed or painted	Awning signs must be stitched to, applied to, or printed or painted	

Table 6-1-5-1C: Projecting Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	rivets and comparable fasteners are not allowed	on the awning; rivets and comparable fasteners are not allowed	on the awning; rivets and comparable fasteners are not allowed	
Marquee Signs				
Max. #	Not allowed	1 per building	Not allowed	Not allowed
Max. Sign Area (Total Per Building Elevation)	NA	1 sf. per lf. of building elevation upon which the sign is mounted, not to exceed 150 sf.	NA	NA
Allowed Lighting	NA	External or internal	NA	NA
Min. Sign Clearance	NA	8 ft.	NA	NA
Other Standards	NA	Sign must be located over a principal building entrance	NA	NA
		Sign shall not extend over any vehicular use area		
		Sign shall not extend above the roof line		
Hanging Signs				
Max. #	1 per building entrance	1 per building entrance	1 per building entrance	Residential Building: Not allowed
				Nonresidential Building: 1 per building entrance
Max. Sign Area (Total Per Building Elevation)	6 sf.	10 sf.	8 sf.	Residential Building: NA
				Nonresidential Building: 5 sf.
Allowed Lighting	External	External or internal	External	None
Min. Sign	8 ft.	8 ft.	8 ft.	8 ft.

Table 6-1-5-1C: Projecting Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Clearance				
Other Standards	Must be installed under a canopy or awning that shelters a building entrance or patio area	Must be installed under a canopy or awning that shelters a building entrance or patio area	Must be installed under a canopy or awning that shelters a building entrance or patio area	Must be installed under a canopy or awning over a principal building entrance
Fin Signs (Primary)				
Max. #	1 per street-facing building elevation	1 per building	1 per street-facing building elevation	Residential Buildings: Not allowed
				Nonresidential Buildings: 1 per street-facing building elevation
Max. Sign Area (Total Per Building Elevation)	12 sf.	1 sf. per 1 lf. of street-facing building elevation, not to exceed 150 sf.	12 sf.	Residential Buildings: NA
				Nonresidential Buildings: 12 sf.
Allowed Lighting	External	External or internal	External	None
Min. Sign Clearance	8 ft.	8 ft., or in the alternative, may extend to ground level	8 ft.	8 ft.
Other Standards	None	Not allowed if primary cabinet wall sign is also present	Not allowed if primary cabinet wall sign is also present	None
Fin Signs (Secondary)				
Max. #	1 per principal building entrance	1 per principal building entrance	1 per principal building entrance	Residential Buildings: Not allowed
				Nonresidential Buildings: 1 per principal building entrance
Max. Sign Area (Total Per Building)	4 sf.	8 sf.	8 sf.	2 sf.

Table 6-1-5-1C: Projecting Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Elevation)				
Allowed Lighting	External	External or internal	External	None
Min. Sign Clearance	8 ft.	8 ft.	8 ft.	8 ft.
Other Standards	Must be located over a principal building entrance, or within 2 feet on either side of the entrance	Must be located over a principal building entrance, or within 2 feet on either side of the entrance	Must be located over a principal building entrance, or within 2 feet on either side of the entrance	Must be located over a principal building entrance, or within 2 feet on either side of the entrance
	Not allowed if hanging sign is installed in front of the building entrance	Not allowed if hanging sign or secondary cabinet wall sign is installed above the building entrance	Not allowed if hanging sign or secondary cabinet wall sign is installed above the building entrance	Not allowed if hanging sign is installed above the building entrance
	Top of sign shall not be higher than 14 feet above ground level or the top of the building wall to which the sign is mounted, whichever is lower	Top of sign shall not be higher than 14 feet above ground level or the top of the building wall to which the sign is mounted, whichever is lower	Top of sign shall not be higher than 14 feet above ground level or the top of the building wall to which the sign is mounted, whichever is lower	Top of sign shall not be higher than 9 feet above ground level or the top of the building wall to which the sign is mounted, whichever is lower

Table 6-1-5-1D: Roof Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
All Roof Signs				
Max. #	1 per building elevation	1 per building elevation	1 per building elevation	Not allowed
Max. Sign Area (total)	1 sf. per 3 lf. of building elevation, not to exceed 15 sf.	1 sf. per 3 lf. of building elevation, not to exceed 75 sf.	1 sf. per 3 lf. of building elevation, not to exceed 50 sf.	NA
Allowed	None	External or internal	External or internal	NA

Table 6-1-5-1D: Roof Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Lighting				
Other Standards	Allowed only above lower eave lines of buildings with multiple eave lines, and shall not extend above next higher eave line on same elevation. Not allowed on buildings with one eave line	Allowed only above lower eave lines of buildings with multiple eave lines, and shall not extend above next higher eave line on same elevation. Not allowed on buildings with one eave line	Allowed only above lower eave lines of buildings with multiple eave lines, and shall not extend above next higher eave line on same elevation. Not allowed on buildings with one eave line	
	Roof sign shall be designed such that: It is composed of channel letters or other three-dimensional forms; and The mounting hardware and supporting structures are concealed from view	Roof sign shall be designed such that: It is composed of channel letters or other three-dimensional forms; and The mounting hardware and supporting structures are concealed from view	Roof sign shall be designed such that: It is composed of channel letters or other three-dimensional forms; and The mounting hardware and supporting structures are concealed from view	
	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	
	Notwithstanding anything to the contrary Article 9, any roof sign that exists on the effective date, if damaged to any extent and for any	Notwithstanding anything to the contrary in Article 8, an existing roof sign, if damaged to any extent and for any reason, may be		

Table 6-1-5-1D: Roof Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	reason, may be rebuilt, restored, or repaired to its prior condition and location within one year after the damage is discovered	rebuilt, restored, or repaired to its prior condition and location within one year after the damage is discovered		

Table 6-1-5-1E: Canopy Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
All Canopy Sign				
Max. #	Not limited	Not limited	1 per principal building entrance	Residential Building: Not allowed
				Nonresidential Building: 1 per principal building entrance
Max. Sign Area (Total Per Building Elevation)	60% of the surface area of the plane of the canopy upon which the sign is located, max 32 sf.	60% of the surface area of the plane of the canopy upon which the sign is located	40% of the surface area of the plane of the canopy upon which the sign is located	Residential Building: NA
				Nonresidential Building: 40% of the plane of the canopy upon which the sign is located
Allowed Lighting	External or halo	External or internal	External or halo	Not allowed
Min. Sign Clearance	Unless a lower clearance is allowed by an applicable building code: 8 ft. over pedestrian use areas; 14 ft. over vehicular use areas	Unless a lower clearance is allowed by an applicable building code: 8 ft. over pedestrian use areas; 14 ft. over vehicular use areas	Unless a lower clearance is allowed by an applicable building code: 8 ft. over pedestrian use areas; 14 ft. over vehicular use areas	Unless a lower clearance is allowed by an applicable building code: 8 ft. over pedestrian use areas; 14 ft. over vehicular use areas

Table 6-1-5-1E: Canopy Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers	that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers	that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers	that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers
Other Standards	Canopy signs shall not be in the form of cabinet signs or banner frames	Canopy signs shall not be in the form of cabinet signs or banner frames	Canopy signs shall not be in the form of cabinet signs or banner frames	Canopy signs shall not be in the form of cabinet signs or banner frames
	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy, or mounted on the top of the canopy	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy
	Canopy signs shall not extend more than 4 inches from the canopy fascia	Canopy signs that are affixed to the fascia shall not extend more than 4 inches from the front of the canopy fascia	Canopy signs shall not extend more than 4 inches from the canopy fascia	Canopy signs shall not extend more than 4 inches from the canopy fascia
	Canopy signs shall not be mounted to the top of the canopy or extend above the canopy	Canopy signs that are mounted to the top of the canopy shall be designed such that:	Canopy signs shall not be mounted to the top of the canopy or extend above the canopy	Canopy signs shall not be mounted to the top of the canopy or extend above the canopy
	Canopy signs may be installed on attached canopies only	(i) they are composed of channel letters or other three-dimensional forms; and (ii) the mounting hardware and	Must be located above the principal building entrance on an attached canopy	Must be located above the principal building entrance on an attached canopy

Table 6-1-5-1E: Canopy Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
		supporting structures are concealed from view; and (iii) the sign does not extend more than 2 feet above the top of the canopy; and (iv) the sign does not extend above the nearest roof line of the principal building		

Table 6-1-5-2: Detached Permanent Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (R)
Primary Detached Signs				
Max. #	1 per property	1 per 600 lf. of property frontage or fraction thereof	See "Other Standards," below	See "Other Standards," below
Max. Sign Area	Generally: 32 sf. mixed-use form In the OT District on property that is developed with a building with a single-family detached, duplex or multiplex form: 8 sf. For all other forms: 20 sf.	Aggregate primary detached sign area shall not exceed 10 sf. plus 1 sf. per 4 lf. of property frontage, up to a maximum of 125 sf.	25 sf. per sign, plus 1 sf. per 2 lf. of additional setback from property lines, up to a maximum of 50 sf. per sign	25 sf. per sign, plus 1 sf. per 2 lf. of additional setback from property lines, up to a maximum of 50 sf. per sign
Max. Sign Height	Single-family detached, duplex or multiplex form:	Less than 200 lf. of property frontage: 6 ft.	6 ft.	6 ft.

Table 6-1-5-2: Detached Permanent Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (R)
	4 ft. For all other forms: 6 ft.	200 to 600 lf. of property frontage: 12 ft. More than 600 lf. of property frontage: 24 ft.		
Allowed Lighting	External	External or internal	External	External
Setbacks and Spacing	No encroachment upon sidewalk	4 ft. from vehicular use areas, sidewalks, trails, multi-use pathways, and property lines	2 ft. from sidewalks, trails, multi-use pathways, curbs, and vehicular use areas	2 ft. from sidewalks, trails, multi-use pathways, curbs, and vehicular use areas
	2 ft. from property lines			
	6 ft. max from building walls and vehicular use areas	12 ft. from building walls		
Other Standards	Except in the OT-RR Zoning District, cabinet signs are not allowed. Must be installed in permeable landscaped area or hardscaped pedestrian plaza that extends at least 4 ft. from the base of the sign in all directions	Must be installed in permeable landscaped area that extends at least 4 ft. from the base of the sign in all directions	Allowed at points of entry into residential subdivisions or multifamily developments on properties where signs are present on the effective date or where designated on approved final plat, approved final development plan, or approved site plan	Allowed at points of entry into residential subdivisions or multifamily developments on properties where signs are present on the effective date or where designated on approved final plat, approved final development plan, or approved site plan
Secondary Detached Signs				
Max. #	1 per vehicular ingress point	1 per vehicular ingress point	1 per vehicular ingress point	Not allowed
Max. Sign Area	4 sf.	600 lf. of property frontage or less: 4	4 sf.	NA

Table 6-1-5-2: Detached Permanent Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (R)
		sf. More than 600 lf. of property frontage: 8 sf.		
Max. Sign Height	3.5 ft.	600 lf. of property frontage or less: 3.5 ft. More than 600 lf. of property frontage: 6 ft.	3.5 ft.	NA
Allowed Lighting	External	External or internal	External	NA
Setbacks and Spacing	At least 2 ft. from property lines	At least 2 ft. from property lines	At least 2 ft. from property lines	NA
	Not more than 4 ft. from inside of curb of vehicular ingress or egress point	Not more than 4 ft. from inside of curb of vehicular ingress or egress point	Not more than 4 ft. from inside of curb of vehicular ingress or egress point	

Table 6-1-6-1: Attached Banners

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
All Attached Banners				
Max. # (on each building elevation)	1	Unframed: 1 per 300 lf. of building elevation or fraction thereof, but not more than 3 banners per building	1	Residential Building: Not allowed
		Installed in banner frame: 1 per 150 lf. of building elevation or fraction thereof, but not more than 3 banners per		Nonresidential Building: 1

Table 6-1-6-1: Attached Banners

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
		building		
Max. Sign Area (per banner)	40 sf.	40 sf.	40 sf.	Residential Building: NA
				Nonresidential Building: 40 sf.
Allowed Lighting	None	External	None	None
Other Standards	None	If more than one banner is allowed on a building elevation, banners may be clustered	None	None

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Yard Signs				
Max. #	2	2 per vehicular access point	Residential Building: Not limited	Residential Building: Not limited
			Nonresidential Building: 1 per 80 ft. of property frontage or fraction thereof	Nonresidential Building: 1 per 80 ft. of property frontage or fraction thereof
Max. Sign Area (per sign)	NA	8 sf.	8 sf.	6 sf.
Max. Sign Height	4 ft.	4 ft.	4 ft.	4 ft.
Allowed Lighting	None	None	None	None
Setbacks and Spacing	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Other Standards	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension, not more than 10 feet from vehicular access point	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension, not more than 10 feet from vehicular access point	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension
Site Signs				
Max. #	1 per property	1 per 600 lf. of property frontage or fraction thereof	1 per 600 lf. of property frontage or fraction thereof, provided that the area of the property is at least 2 acres; properties that are less than 2 acres shall not display site signs	1 per 600 lf. of property frontage or fraction thereof
Max. Sign Area (per sign)	16 sf.	32 sf.	32 sf.	32 sf.
Max. Sign Height	6 ft.	6 ft.	6 ft.	6 ft.
Allowed Lighting	External	External	External	External
Setbacks and Spacing	2 ft. from front property lines	2 ft. from front property lines	2 ft. from front property lines	2 ft. from front property lines
	10 ft. from all other property lines	10 ft. from all other property lines	10 ft. from all other property lines	10 ft. from all other property lines
	10 ft. from all other signs	10 ft. from all other signs	10 ft. from all other signs	10 ft. from all other signs
	12 ft. from building walls	12 ft. from building walls	12 ft. from building walls	12 ft. from building walls
Other Standards	Where allowed, site signs shall be installed in permeable	Where allowed, site signs shall be installed in permeable	Where allowed, site signs shall be installed in permeable	Where allowed, site signs shall be installed in permeable

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	landscaped areas or hardscaped areas (other than vehicular use areas and sidewalks) that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area	landscaped areas that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area	landscaped areas that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area	landscaped areas that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area
Swing Signs				
Max. #	Not allowed	Not allowed	1 per property frontage	1 per property frontage
Max. Sign Area (per sign)	NA	NA	5 sf., including riders	5 sf., including riders
Max. Sign Height	NA	NA	5 ft.	5 ft.
Allowed Lighting	NA	NA	None	None
Setbacks and Spacing	NA	NA	2 ft. from all property lines	2 ft. from all property lines
Other Standards	NA	NA	Swing signs shall be installed in permeable landscaped areas that are at least 4 lf. in every horizontal dimension and at least 20 sf. in area	Swing signs shall be installed in permeable landscaped areas that are at least 4 lf. in every horizontal dimension and at least 20 sf. in area
Sidewalk Signs				
Max. #	1 per principal building entrance	1 per principal building entrance	Not allowed	Not allowed
Max. Sign Area (per sign)	8 sf.	8 sf.	NA	NA
Max. Sign Height	4 ft.	4 ft.	NA	NA
Allowed	None	None	NA	NA

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Lighting				
Setbacks and Spacing	Must provide at least 5 ft. clear sidewalk for pedestrian use	Must provide at least 5 ft. clear sidewalk for pedestrian use	NA	NA
Other Standards	Must be placed on sidewalk or hard-surfaced pedestrian plaza; not allowed in vehicular use areas or permeable landscaped areas	Must be placed on sidewalk, hard-surfaced pedestrian plaza, or level landscaped area; not allowed in vehicular use areas	NA	NA
	Must not obstruct pedestrian travel path or building entrance	Must not obstruct pedestrian travel path or building entrance		
	Placement in public right-of-way or public sidewalk, multi-use path, or trail easement requires revocable license agreement	Placement in public right-of-way or public sidewalk, multi-use path, or trail easement requires revocable license agreement		
Banners				
Max. #	1 per property frontage; or 1 per 100 lf. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered)	1 per property frontage; or 1 per 100 lf. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered)	1 per property frontage; or 1 per 100 lf. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered)	Not allowed
Max. Sign Area (per sign)	48 sf.	48 sf.	48 sf.	NA
Max. Sign Height	6 ft.	6 ft.	6 ft.	NA
Allowed	None	None	None	NA

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Lighting				
Setbacks and Spacing	Banner must be mounted in a freestanding banner frame that is installed within a permeable landscaped area	Banner must be mounted in a freestanding banner frame, or on retaining wall, fence, or screen wall	Banner must be mounted in a freestanding banner frame, or on retaining wall, fence, or screen wall	NA
	Mounting hardware shall be concealed from view	Mounting hardware shall be concealed from view	Mounting hardware shall be concealed from view	
	Banner shall be stretched tightly to avoid movement in windy conditions	Banner shall be stretched tightly to avoid movement in windy conditions	Banner shall be stretched tightly to avoid movement in windy conditions	
		Not allowed if any of the following are present on the property: feather flag or EMC	Not allowed if any of the following are present on the property: feather flag or EMC	
		Feather Flags		
Max. #	Not allowed	1 per property	1 per property	Not allowed
Max. Sign Area (per sign)	NA	45 sf.	45 sf.	NA
Max. Sign Height	NA	15 ft.	15 ft.	NA
Allowed Lighting	NA	None	None	NA
Setbacks and Spacing	NA	Must be spaced not less than 50 ft. from any other temporary sign	Must be spaced not less than 50 ft. from any other temporary sign	NA
Other Standards	NA	Not allowed if sidewalk sign is present	Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole	NA
		Must be installed in a permeable landscaped area with a radius that		

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town, Commercial, Neighborhood (OT,CN)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
		extends not less than 3 ft. from the flag pole		
Inflatables				
Max. #	Not allowed	1 per property	Not allowed	Not allowed
Max. Sign Area (per sign)	NA	225 sf.	NA	NA
Max. Sign Height	NA	15 ft.	NA	NA
Allowed Lighting	NA	None	NA	NA
Setbacks and Spacing	NA	All parts of the sign must be set back 10 ft. from all property lines, pedestrian use areas, and vehicular use areas	NA	NA
Other Standards	NA	Sign must be tethered to prevent movement in windy conditions	NA	NA



CED Boards and Commission <cedboardsandcommission@arvada.org>

NW Sub Area Comments for meeting on 5/2

1 message

Lynn Clemen

Mon, May 1, 2023 at 2:53 PM

To: cedboardsandcommission@arvada.org

Hi -

I am Lynn Clemens, President of West Wood Villas HOA, a condo community just south of the NW Sub Area. Our community is about 1/2 mile from Indiana St.

I have two concerns about the proposals being considered by Arvada.

1. There is an industrial area that is right in the middle of the Sub Area. The City Staff and Council want to keep it industrial. I am opposed to this and I think **Option 2 - Change future land use Industrial areas to Mixed Use** should be adopted. I agree with the community respondents on this issue.

Industrial uses these days do not belong near residential. There is no guarantee as to how much traffic will be generated, in addition to light, air and noise pollution - possibly on a 24/7 basis. In addition industrial traffic could include a multitude of big semi-trucks that will endanger the surrounding residential communities.

If a trucking distribution center should decide this is an opportune location - where will all the trucks go to park while waiting for a truck bay to open up? Surely, the residents will not want these trucks to park on their residential streets. Again, will residents want noisy trucks up and down Indiana St. on a 24/7 timeframe?

2. **I'm not in favor of changing the LDC to allow pocket neighborhoods** - dropping small scale commercial endeavors into established neighborhoods. What you are really establishing are "pocket commercial areas" in well-established neighborhoods. How many residents want a commercial business (or even a Bed and Breakfast) right next to them? Commercial businesses bring traffic which would be a problem for residential areas and the children that live there.

In addition to traffic there would be noise, extra lights in parking areas, parking areas that might attract groups of teens to congregate (making this a safety issue), possibly odors/trash if it were a restaurant that chose to settle in a residential area.

Adding this to the LDC would open the entire city of Arvada to this kind of "pocket commercial areas" - and there are many undeveloped small pieces of land - surrounded on three sides by homes that could then be faced with all of the issues surrounding a commercial business.

Please do not consider adding this undue commercialization to our established neighborhoods.

Thank you,
Lynn Clemens
[6292 Kilmer Loop, Unit 202](#)

5/1/23, 3:58 PM

City of Arvada Mail - NW Sub Area Comments for meeting on 5/2

Arvada, CO 80403



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
9.A.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: CP2023-0001, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan to Incorporate the New Town Sub-Area Plan

Report in Brief

The City of Arvada is requesting approval of a Comprehensive Plan Amendment. An amendment to the Comprehensive Plan is proposed to incorporate the New Town Sub-Area Plan (“the plan”) as part of the document. If adopted, the plan will be considered an element of the Comprehensive Plan and be the City’s guiding document for the planning and development of the New Town area.

The Arvada Team recommends that the Council ratifies CP2023-0001 a Resolution by the Planning Commission for the City of Arvada, Colorado to amend the 2014 Arvada Comprehensive Plan to incorporate the New Town Sub-area Plan.

Financial Impact

There is no fiscal impact to the city.

Background

The New Town Sub-Area Plan will further implement the goals and policies of the Comprehensive Plan and previous studies of the area that envisioned the New Town area’s potential for mixed uses that support the community in the long-term. The New Town Sub-Area Plan was prepared with extensive community engagement using the following methodology:

1. The development of the plan consisted of a three phase process.

- Visualize: Initial phase to determine study area and influence boundaries, identify stakeholders, conduct initial committee meetings, identify and initiate public participation, and develop guiding plan goals and vision.
- Strategize: Second phase focused on high level recommendations to guide future development and achieve the overall vision identified in the first phase and included research of existing plan documents, continued community engagement, develop ideas and recommendations, identify and refine recommendations, and further develop the plan vision and elements.
- Realize: Third phase focused on the creation of the plan resulting from previous phases, public review and included preparation of draft plan document, public review and input of draft plan, and finalize plan for adoption process.

2. Public Engagement: Multiple Technical Advisory Committee (TAC) meetings, Steering Committee meetings, community open houses, and online community surveys.

3. Recommendations: Based on community and stakeholder engagement, developed the vision and recommendations for the sub area and included land use and redevelopment, parking, views, connectivity, design, infrastructure, and sustainability.

4. Implementation: Based on stakeholder, technical expertise and community feedback, implementation strategies were developed to achieve the vision for each focus element.

Discussion

The following table summarizes the Comprehensive Plan considerations and staff's findings and assessment.

COMPREHENSIVE PLAN AMENDMENT CONSIDERATIONS	STAFF ASSESSMENT
1. The existing Comprehensive Plan and/or any related element thereof is in need of the proposed amendment.	The existing comprehensive plan needs an amendment to incorporate the New Town Sub-Area Plan to further implement the existing plan goals and policies outlined above.
1. The proposed amendment is compatible with the surrounding area and the goals and policies of the Comprehensive Plan.	The amendment is compatible with the surrounding areas of commercial and residential neighborhoods. The amendment is compatible with the goals and policies of the comprehensive plan and seeks to further implement existing plan goals and policies for a specific geographic area in the City.
1. The proposed amendment will have no major negative impacts on transportation, services and facilities.	The proposed amendment will have not have a major negative impact on transportation services and facilities.
1. The proposed amendment will have minimal effect on service provision, including adequacy or availability of urban facilities and services, and is compatible with existing and planned service provision.	The proposed amendment will not have a negative effect on existing or proposed service provision.
1. The proposed amendment, if for an area outside of the City's current municipal boundaries, is consistent with the	The proposed amendment pertains to the New Town area within the City and is not for an annexation.

City's ability to annex property.	
1. Strict adherence to the existing Comprehensive Plan would result in a situation neither intended nor in keeping with other key elements and policies of the plan.	Strict adherence to the existing comprehensive plan without this amendment will result in not developing a more defined vision and development guidance for a specific area in the City that will further implement the goals and policies of the Comprehensive Plan.
1. The proposed plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Plan and the elements thereof.	This amendment will promote the public welfare within the New Town area and is consistent with the goals and policies of the comprehensive plan.

Public Contact

In addition to posting of the Council agenda, there was extensive public involvement. This process included:

1. Three Steering Committee Meetings comprising of property owners and business owners within the plan area, Planning Commission representative, Olde Town Business Improvement District, Arvada Chamber of Commerce and Colorado Department of Transportation.
2. Three Technical Advisory Committee Meetings comprising of representatives of the City of Arvada and Arvada Urban Renewal Authority.
3. Four Community Open House meetings were held virtually and in person in compliance with COVID-19 protocols. The initial Community Open House was held at the Olde Town Hub, the second was held virtually and the last two were held at the Hilton Garden Inn Arvada.
4. Two Speak Up Arvada community surveys were conducted to get public input during the process.
5. Social media, mailers, a designated website and email address provided information, accepted feedback and promoted community participation.

Commission Recommendation

On May 2, 2023, the Planning Commission voted (7 to 0) to approve the resolution to amend the 2014 Arvada Comprehensive Plan to Incorporate the New Town Sub-Area Plan.

Strategic Alignment

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

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada Team recommends that the City Council Ratify CP2023-0001, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan to Incorporate the New Town Sub-Area Plan.

Suggested Motion:

I move that CP2023-0001, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan to Incorporate the New Town Sub-Area Plan, be (ratified and 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:
Heidi Van Gieson, Administrative Specialist

Reviewed by:

Approved by:

Patty McCartney, Long Range Planner	5/15/2023
Josie Suk, Development Systems and Administrative Manager	5/16/2023
Rob Smetana, Acting Director of Community and Economic Development	5/16/2023
Ryan Stachelski, Director of Community and Economic Development	5/17/2023
Gail Walker, Legal Specialist-Contracts	5/17/2023
Emily Grogg, Senior Assistant City Attorney	5/18/2023
Rachel Morris, City Attorney	5/22/2023
Linda Haley, Deputy City Manager	5/22/2023
Lorie Gillis, City Manager	5/24/2023

Enclosure, exhibits & attachments required to support the report

EXHIBIT A
RESOLUTION NO. CP2023-0001

**A RESOLUTION BY THE PLANNING COMMISSION FOR THE
CITY OF ARVADA, COLORADO TO AMEND THE 2014 ARVADA
COMPREHENSIVE PLAN TO INCORPORATE THE NEW TOWN
SUB-AREA PLAN**



NEW TOWN SUB-AREA PLAN

May 2023



NEW TOWN SUB-AREA PLAN

PLANNING TEAM

Thomas Cooke, Planning Intern
Cheryl Drake, Senior Planner
Shane Greenburg, Planner II
Claire Guthrie, Planning Intern
Patty McCartney, Senior Planner
Jake Nitchals, Senior Planner
Jennifer Pintar, Planning Intern
Rob Smetana, Manager of City Planning and Development
Ryan Stachelski, Community and Economic Development (CED) Director
Allison Trembly, CED Communications Manager

TECHNICAL ADVISORY COMMITTEE

John Firouzi, Mobility Planning and Innovation Manager
Darin Delay, Parks and Urban Design Manager
Carrie Espinosa, Manager of Housing Preservation and Resources
Carrie Briscoe, Deputy Director of Arvada Urban Renewal Authority

STEERING COMMITTEE

Michael Griffith, Planning Commission
JoAnn Mattson, Colorado Department of Transportation (CDOT), Region 1
Jordan Rudel, Colorado Department of Transportation (CDOT), Region 1
Debra Shirley, Foster Elementary, Principal
Lori Rosendahl, Jefferson County Housing Authority
Katy Press, KP Consulting and Associates
Joe Hengstler, Olde Town Business Improvement District, Executive Director
Kami Welch, Arvada Chamber of Commerce
Gina Rende, Maly Commercial Realty, Inc.
Kathy Davis, Maly Commercial Realty, Inc.
Otto Maly, Maly Commercial Realty, Inc.
Bill Mosher, Trammell Crow Company
Tina Lashbrook, Trammell Crow Company
Lee Ferguson, Trammell Crow Company
Erik Hagevik, Trammell Crow Company
Lee Pearson, Armstrong Capital Development
Steve Wilkie, Royal Oak
Rick Enstrom, Enstrom Candies
Matt Burton, Chick-Fil-A
Sarrah Presnell, Home Depot
Charles Craven, Charlie’s Fly Shop
Dan Williams, Costco
Laurie Hullinger, Costco
Alex Staneski, NewMark Merrill Mountain States
Rick Weller, Armstrong Capital Development

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- 2.4 Parks and Open Space, and
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Common Themes and Goals

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INTRODUCTION

1

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- 1.1 Introduction and Overview
- 1.2 Local and Development History
- 1.3 Plan Process

Introduction

The City of Arvada 2014 Comprehensive Plan articulates the community's shared values and vision. The Comprehensive Plan goals and policies help guide development and investment decisions that influence the quality of life in Arvada. The Comprehensive Plan establishes the City's land use pattern, sets the stage for development regulations and standards, and guides the City in funding programs and capital investments by anticipating future tax revenue.

A sub-area plan is a type of long range planning for a specific geographic area within the City and further implements the Comprehensive Plan.

The New Town Sub-area plan focuses on goals and policies for topics such as land use, urban design, architectural design and transportation.

INTRODUCTION & OVERVIEW

1.1

THE SUB-AREA PLANNING EFFORT IMPLEMENTS THE COMPREHENSIVE PLAN BY FURTHER REFINING THE GOALS AND POLICIES FOR THE SUB-AREA INCLUDING LAND USE AND REDEVELOPMENT, ECONOMIC DEVELOPMENT, AND VIBRANT COMMUNITIES AND NEIGHBORHOOD GOALS.

NEW TOWN SUB-AREA PLAN INTRODUCTION & OVERVIEW

The City of Arvada 2014 Comprehensive Plan), ratified by City Council in May of 2020, articulates the community's shared values and vision. Goals and policies help guide development and investment decisions that influence the quality of life in Arvada. The Comprehensive Plan establishes the City's land use pattern, sets the stage for development regulations and standards, and guides the City in funding programs and capital investments by anticipating future tax revenue.

A sub-area plan is a type of long range planning for a specific geographic area within the City and further implements the goals and policies of the Comprehensive Plan.

Arvada, a first ring suburb of Denver, is seeing development of its vacant land resources and has limited ability to expand its boundaries. This means that opportunities for further growth on vacant sites are limited and there is more opportunity for redevelopment of areas that have already been developed. For the New Town area, there are few infill sites available and the majority of the development opportunities will be in redevelopment of existing commercial properties.

The New Town Sub-Area Plan focuses on the area which is generally defined as the area along Wadsworth Boulevard and Bypass between the G Line tracks on the north and Interstate 70 on the south. The Arvada Marketplace shopping center along 52nd Avenue is also included, as are commercial and light industry areas east of the shopping center.



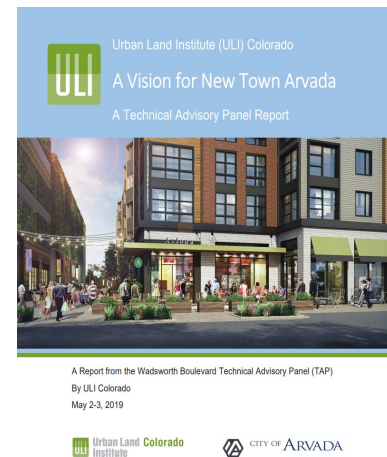
The 2018 Wadsworth Corridor Retail Study was prepared to assess the existing retail corridor and anticipate its future retail viability. The study included the Wadsworth Boulevard corridor area from I-70 to Grandview, prioritized this area for future area planning efforts and concluded that a master plan should be developed that transitions this area into a truly mixed use area with plan elements that support and reinforce each other.

WADSWORTH BOULEVARD RETAIL CORRIDOR STUDY



8/16/2018 City of Arvada

Analysis to evaluate and assess the existing retail along the corridor and project future retail viability.



Further analysis of this area was prepared by the Urban Land Institute (ULI) Colorado, Technical Advisory Panel (TAP) in 2019. The "A Vision for New Town Arvada" report concluded that the study area has great potential for a mix of uses that will support the community in the long-term. A diversity of uses and users will allow this area to thrive over time. By adding housing options, community gathering spaces, and connectivity throughout the study area, the City can support local retail and commercial uses that contribute to the City's financial sustainability.

This sub-area plan serves as the master planning document envisioned by these two studies. The plan was developed over approximately eighteen months and included a variety of opportunities for public input and engagement through community meetings, open houses, surveys and Advance Arvada website.

OVERVIEW

NEW TOWN SUB-AREA PLAN MAP

1.1



LOCAL AND DEVELOPMENT HISTORY 1.2

ARVADA RESIDENTS OFTEN BOAST OF THE CITY'S "SMALL-TOWN FEEL." CONSIDERED A FIRST-RING SUBURB OF DENVER, ARVADA'S POPULATION HAS GROWN ALONG WITH THE DENVER METRO AREA.

NEW TOWN LOCAL & DEVELOPMENT HISTORY

The City of Arvada, with a population of 124,402 in 2020, is one of the largest cities in Colorado. The community was founded in 1870 and incorporated in 1904.

Arvada is primarily a suburban residential community with suburban shopping opportunities. Historic Olde Town Arvada, known as the "Jewel of Arvada" is an eclectic historic district with an urban, pedestrian character.

The area around Wadsworth Corridor between I-70 and Grandview Avenue has become a major shopping center of auto-oriented and big box retail, with 1.2 million square feet of commercial space.

However, the way that we shop has changed with increased online shopping and the COVID-19 pandemic accelerated this trend as well as affecting how services and materials are delivered. With this in mind, the long-term viability of shopping centers, and in person retail in general, is a concern.

The New Town Sub-Area plan study area in the southeast portion of the City includes 258.5 acres. It is the retail center of Arvada with a significant portion of sales tax revenue generated by the area's businesses.

Wadsworth Bypass

Wadsworth Bypass, also known as State Highway 121, provides both a major

benefit and a challenge for the study area. The high traffic counts on the arterial increase retail opportunities but at the same time acts as a barrier to pedestrian connectivity.

Olde Town Arvada

North of the study area is Olde Town Arvada, the city's historic downtown and a designated historic district listed on the National Register of Historic Places. Olde Town is a vibrant specialty retail district with restaurants, taverns, shops, cultural facilities and a transit station.

The main retail focus in the area includes four big box retail stores which have regional draws and are neighbors to many smaller retailers and restaurants.

"New Town"

The area directly south of Olde Town and the RTD commuter rail G Line is referred to by many as "New Town" and is the area which is the subject of this sub-area plan. The vision for New Town has long been seen as one that should compliment Olde Town in addition to providing opportunities for development with higher densities.

There is a significant elevation change from Olde Town to New Town which provides views of the mountains and downtown Denver from the Olde Town G Line station and transit station plaza.

Influence Areas

The area immediately surrounding the

New Town Sub-Area, "the influence area", contains the Columbine neighborhood to the east comprised of post war housing dating from the 1950s, Foster Elementary as well as two parks, Foster and Columbine Parks.

The area to the west of the study area is primarily residential, containing some single family units but is primarily medium density housing.

Development & Redevelopment

Shopping areas within New Town have the character of traditional suburban shopping areas, which are auto centric, providing significant fields of parking in front of the retail buildings. Several "gateway" improvements such as the landscaped medians in Wadsworth Boulevard define this entrance to Arvada and create an identity for the area.

The New Town redevelopment efforts began in 1981 with the creation of the Arvada Urban Renewal Authority and the adoption of the Arvada City Center Urban Renewal Plan. Over the next 25 years, this area changed into a vibrant residential and retail area.

Major projects within the New Town area included the development of the commercial centers including Costco, Home Depot, Sam's Club and Lowe's, Harkins Theater and the Olde Town Transit Hub with over 600 parking spaces.

The G Line commuter rail which provides connections between Union Station in Denver to Wheat Ridge, opened in 2019.

The influence area west of the study area has also been the subject of redevelopment efforts including the Arvada Water Tower Village residential community and the Hilton Hotel.

DEMOGRAPHICS

New Town Sub-Area (.40 square mile)

2020 Population - 116 persons

2020 Households - 43

2020 Housing Units - 43

Influence Areas (.77 square mile)

2020 Population - 4,696 persons

2020 Households - 2,253

2020 Housing Units - 2,278

Trends

- Migration in Colorado is strongly related to job growth
- City and Colorado population is growing at a slower rate
- Growth is occurring in concentrated areas
- Increasing Age Population in the City and Colorado impacts the economy, work force, education, housing, transportation and public finance
- City population is Increasing racial and ethnic diversity

PLAN PROCESS

1.3

THE DEVELOPMENT OF THE SUB-AREA PLAN CONSISTED OF A THREE PHASE PROCESS WITH EXTENSIVE COMMUNITY ENGAGEMENT OVER AN EIGHTEEN MONTH PERIOD.

PLAN GOALS

Based on initial input from the public and property owners during the development of this plan, the Goals for the sub-area plan were determined to be:

- Create a framework for regeneration and attraction of private sector investment
- Conceptualize and shape the three-dimensional urban environment
- Define public, semi private public spaces
- Determine the mix of additional uses, density and their physical relationship to each other
- Engage the local community and act as a builder of consensus

PLAN DEVELOPMENT

Visualize

During the initial steps in the visualization phase in the fall of 2020, the study area and influence boundaries were determined, stakeholders were identified, initial committee meetings were conducted and public participation was initiated.

Steering and Technical Review Committees were established to provide expertise and assist develop the plan.

The Steering Committee consisted of representatives of the Planning Commission, Colorado Dept of Transportation, Olde Town Business Improvement District, Chamber, and various community organizations and agencies. Representation on the Technical Committee consisted of staff from Arvada Urban Renewal Authority and several City departments.

The following previous planning documents were reviewed as part of the development of this plan:

- Southeast Arvada Neighborhood Development Plan, 1979
- Arvada City Center Urban Design and Redevelopment Plan, 1980
- Arvada City Center urban renewal Plan, 1981
- Arvada Transit Station Framework Plan, 2007
- Olde Town Station Urban Renewal Plan, 2010
- Olde Town Parking & Transportation Demand Plan, 2010
- Sustain Arvada, 2012
- Comprehensive Plan, 2014
- Design Guidelines for Olde Town Arvada, 2016
- Parks System Master Plan, 2016
- Bicycle Master Plan, 2017
- Wadsworth Corridor Retail Study, 2018
- A Vision for New Town Arvada – Urban Land Institute Report, 2019



Strategize

Phase two of the sub-area plan process focused on high level recommendations to guide future development and achieve the overall vision identified in Phase 1 and included:

- Implementation of community (Public) outreach and presentation plan
- Review of community meeting(s) input and synthesizing of information for staff/committee analysis
- Review and refinement of the project and meeting schedule
- Identification and refinement of recommendations resulting from public, technical committee and steering committee meetings to further develop the plan vision and elements

Realize

The third phase of the plan development focused on the creation of the plan resulting from previous phases, public review and input. This included:

- Drafting a subarea plan document created from the community outreach and committee participation process during the Visualize and Strategize phases for review by parties of interest
- Finalize first draft and presentation of the draft plan for public review and input
- Finalize document for adoption process
- Public hearing and Planning Commission and City Council approvals

SUB-AREA PLAN TIMELINE



EXISTING CONDITIONS

2

IN THIS CHAPTER

- 2.1 Land Use
- 2.2 Transportation and Circulation
- 2.3 Parking
- 2.4 Parks and Open Space,
Infrastructure and Sustainability

EXISTING CONDITIONS

This chapter provides an overview of the existing conditions within the New Town Sub-Area including:

- Land Use
- Transportation and Circulation
- Parking
- Parks and Open Space
- Infrastructure
- Sustainability

EXISTING LAND USE

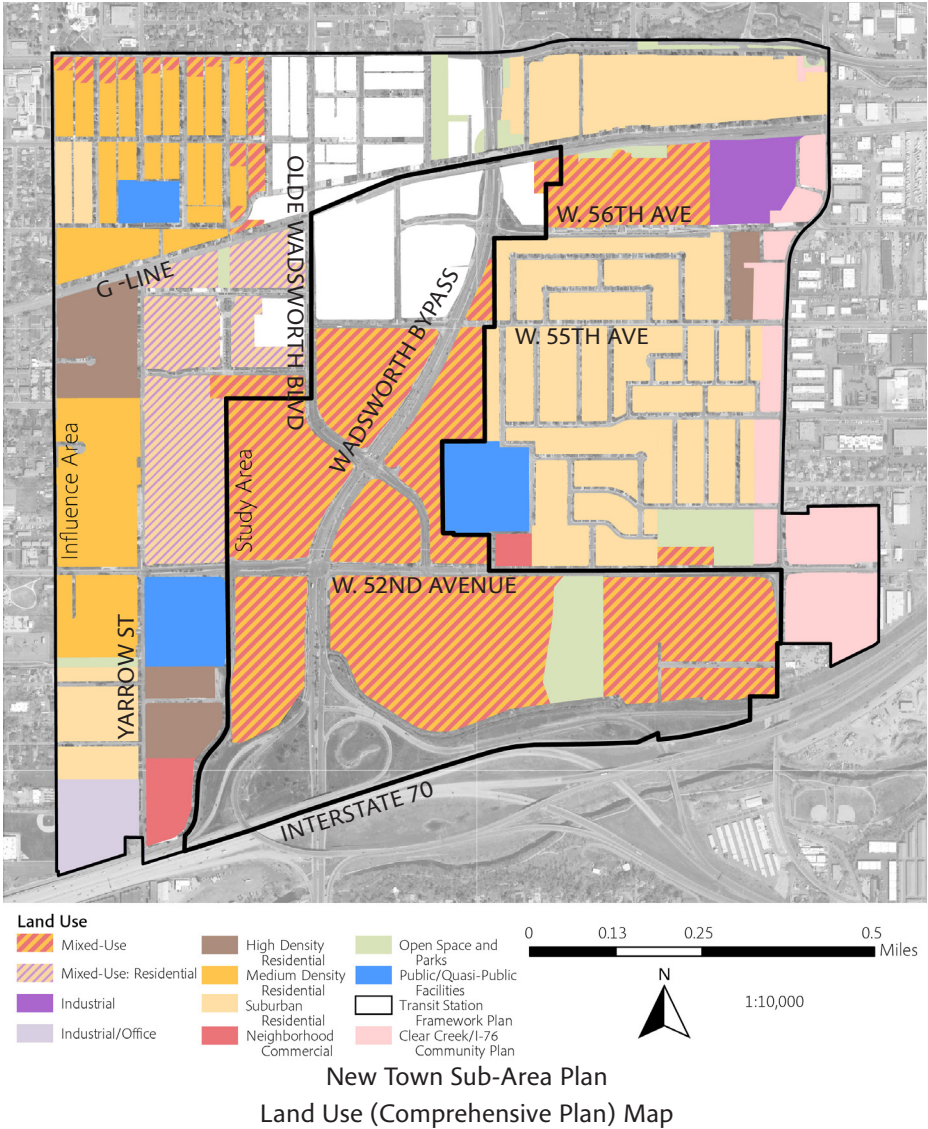
The New Town Sub-area is an essential commercial district with over 1.2 million square feet of commercial space providing 25% of the City’s sales tax revenue. A large theater and major retailers include Costco, Home Depot, and Lowe’s on the west side of Wadsworth Boulevard, and the Arvada Marketplace anchored by Sam’s Club, as well as many smaller retailers and restaurants on the east side.

Commercial development is representative of traditional suburban development with single story construction. The architecture of major anchors in the Sub-Area reflects corporate branding, and in some cases ties into a design theme for other commercial buildings to establish a center identity. Associated with the suburban character of this commercial area are larger fields of parking.

The New Town Sub-Area currently has minimal residential uses. A few single family residences and multifamily units are situated on the northeast and southeast edges of the area. This is changing with construction of a 252 unit multifamily complex in the northern portion of the study area. Residential land uses are generally located within the plan influence area.

The sub-area is bounded on the north by the Regional Transportation District (RTD) G Line, a commuter line which runs from the Ward Road station to Union Station in Downtown Denver. Adjacent to the G Line immediately on the north side of the Sub-area is the Olde Town Commuter Rail Station. Just south of the G Line is the Olde Town Transit Hub which serves the commuter line station, local bus lines, and provides a parking facility. The Hub parking facility provides parking for transit customers as well as parking for the surrounding commercial areas.

No public open spaces exist within the Sub-area, however quasi public “small urban parks” are required to be provided with redevelopment per the City’s Land Development Code in most areas of New Town. A private body of water that is referred to as Columbine Lake, is in private ownership, but is often viewed as an open space asset of the area.



TRANSPORTATION AND CIRCULATION 2.2

THE NEW TOWN SUB-AREA HAS A DIVERSE REGIONAL TRANSPORTATION NETWORK AND IS A PROMINENT ELEMENT OF THE PLAN AREA.

TRANSIT & MULTI-MODAL CONNECTIONS

The regional transportation circulation includes vehicular and multi-modal transit facilities within and adjacent to the plan area. The southern boundary of the sub-area is bordered by federal interstates (I-70 and I-76); state highway 121, Wadsworth Bypass/Boulevard bisects the sub-area; and the BNSF/RTD rail line; and a transit hub facility forms the northern border of the sub-area.

The regional commuter G-Line Arvada Station is located along the rail line north of the sub-area. However, the regional transportation network creates challenges for non-vehicular connectivity within the plan area, such as crossing Wadsworth Bypass as a pedestrian or bicyclist, and accessing adjacent trail systems.

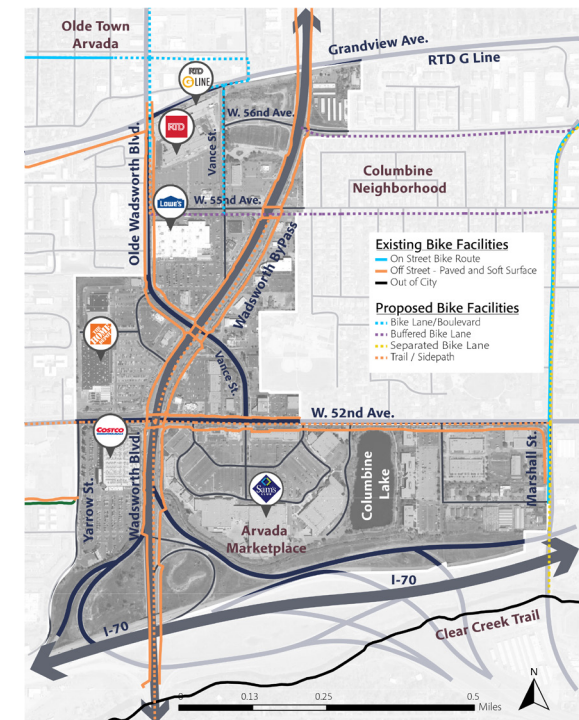
The Regional Transportation District (RTD) provides excellent multi-modal opportunities with bus and commuter rail service throughout the sub-area. The transit facility, Olde Town Transit Hub, is located between Vance Street and Olde Wadsworth Boulevard north of W 56th Avenue. The Hub includes over 600 parking spaces, bus service and supports the Olde Town Transit Station for the G-Line commuter line on the north side of the rail line. The transit system also serves the sub-area with Bus Routes 52, 72, and 76 that offers multiple bus options within and to the surrounding neighborhoods.

Bike and Trail System

The bike system is combined with the existing transportation and sidewalk network through off-street paved paths, off-street unpaved paths and "Share the Road" on-street trails. Paved bike trails are located on Olde Wadsworth Boulevard, Wadsworth Boulevard/Bypass and W. 52nd Avenue and an unpaved trail connects on the east side of the sub area. The bike connection along Wadsworth Boulevard/ByPass is shared with pedestrians next to fast moving vehicles that offers negligible safety from traffic.

The Clear Creek Park and trail system is located south of the sub-area and there are no dedicated trail connections from the subarea. The private Columbine Lake is on the east side of the sub-area on W. 52nd Avenue.

With the exception of Wadsworth Boulevard/Bypass, planned bike routes and future funded bike trail projects are located in the influence areas outside of the plan area.



TRANSPORTATION AND CIRCULATION

2.2

TRANSIT AND MULTI-MODAL CONNECTIONS

Pedestrian Connectivity

The plan area provides pedestrian mobility with sidewalks along major transportation routes and internal streets. Internal streets are primarily paved sidewalks that provide adequate pedestrian access within the subarea and to surrounding areas including historic Olde Town. Olde Wadsworth Boulevard and Vance Street border the Transit Hub and access from within the northern portion of the subarea to Olde Town and Olde Town Transit Station.

Wadsworth Boulevard/Bypass and W. 52nd Avenue are the primary pedestrian connections within the subarea with consistent sidewalk widths and few crossing opportunities that allows limited mobility across these major street corridors. The combination of width, proximity to fast vehicles and limited crossings, Wadsworth Parkway/Bypass is a physical barrier for safe non-vehicular connectivity and access along a major transportation corridor and to surrounding communities.



PARKING

2.3

PARKING

The New Town Sub-Area contains many acres of surface parking as well as the Old Town Transit Hub. The majority of the commercial centers were constructed with large parking fields, most often in the front of the businesses, close to the adjacent streets. Rarely are the parking fields fully occupied, based on observations during the plan development process.

In 2020, the City updated parking requirements to more closely reflect the actual utilization by various uses and to emphasize the use of modes of transportation other than the personal vehicle. When applying the revised

parking requirements contained in the Land Development Code, the New Town Sub-Area contains excess parking for the existing uses in the area.

A surface parking space on average requires 270 square feet of land which equates to over 11 acres that is underutilized and offers an opportunity for redevelopment.



PARKS AND OPEN SPACE, INFRASTRUCTURE AND SUSTAINABILITY

2.4

PARKS AND OPEN SPACE

The New Town Sub Area currently does not have public community parks located within the plan area. Columbine Lake on private property and Foster Park are located to the east of the plan area, Stocke Walter and McIlvoy parks to the north and Griffith Station Park to the west.

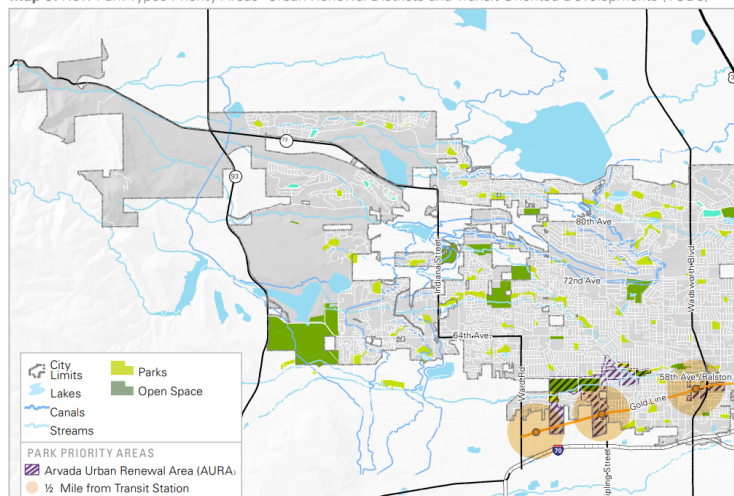
The updated Land Development Code adopted in 2020 requires developers to construct small urban parks. The sub-area plan is also located in a Priority Location for Urban Park types identified in the Arvada Parks System Master Plan. Several small urban parks for multi-family and commercial developments are planned along Wadsworth Parkway/Bypass, east side of Vance Street and 56th Avenue just south of the commuter rail G-line tracks.

PROVIDE URBAN PARK TYPES IN URBANIZING AREAS

Urban Park Type Priority Locations

The map and following criteria table expands Arvada's existing parkland classification for urbanizing areas. These new urban park types will help Arvada maintain a high level of park service as the City's population grows and areas experience denser development. The map shows current location boundaries around transit stations and Arvada Urban Renewal Areas. Additional triggers for these urban park types are listed on the following page.

Map 9: New Park Types Priority Areas- Urban Renewal Districts and Transit Oriented Developments (TODs)



Source: Arvada Master Parks Plan

INFRASTRUCTURE

City Council has provided strategic direction to the Infrastructure work system to complete master plans for water, wastewater, and storm infrastructure by 2023. These plans provide staff with a road map to prioritize work that needs to be done in our water/wastewater systems.

The City team completed the treatment, distribution and sewer master plans in 2021 and 2022 and will complete the raw water master plan in 2023, and the results of the master plans are being used to plan work for immediate, short-term and longer-term needs.

SUSTAINABILITY

The City created the Sustain Arvada Plan in 2012 as a way to honor "Arvada's rich heritage and preserve our resources to foster economic prosperity, environmental stewardship and community vitality today and into the future".

The City is committed to conservation, sustainability and resiliency through many programs, policies and partnerships adopted by the City of Arvada.



"We do not inherit the earth from our ancestors. We borrow it from our children."
—Native American Proverb

February 2012

VISION

3

IN THIS CHAPTER

- 3.1 The Vision and Community Engagement
- 3.2 Community Engagement Summary
Common Themes and Goals

VISION

A vision and implementation plan for the New Town area through the development of sub-area plan strategies and components that encourage, promote and support cohesive and resilient development created with extensive community engagement and input.

THE VISION AND COMMUNITY ENGAGEMENT

3.1

THE VISION

CREATE AN IMPLEMENTATION PLAN FOR THE NEW TOWN AREA THROUGH THE DEVELOPMENT OF SUB-AREA PLAN STRATEGIES AND COMPONENTS THAT ENCOURAGE, PROMOTE AND SUPPORT COHESIVE AND RESILIENT DEVELOPMENT.

CREATE A VIBRANT, CONNECTED, MIXED-USE URBAN COMMUNITY THAT IS COMPATIBLE WITH THE ADJACENT RESIDENTIAL NEIGHBORHOODS AND COMPLIMENTS OLDE TOWN.

COMMUNITY ENGAGEMENT PROCESS

The planning process included extensive community engagement with stakeholders including residents, community members, business owners, property owners, agencies and City staff. There were a variety of public engagement and outreach efforts both in-person and virtual to encourage and promote meaningful input from the community.

This planning effort occurred during varying restrictions and protocols related to the COVID-19 pandemic. Communication tools including mailers, informational videos, publication articles, social media, surveys and a dedicated website were utilized throughout the planning process to maximize community participation and engagement. Multiple high-tech and virtual engagement platforms were used to communicate, engage and collect feedback from the community to provide safe and convenient participation during the planning process. In addition to virtual or on line tools, public open houses were conducted during the pandemic when risk and restrictions allowed in-person community participation.

The initial technical review committee, steering committee and public community meetings introduced the project and provided an opportunity for the public to offer their thoughts about and vision of the area, and identify opportunities and challenges.

Stakeholder Committee

The Steering Committee for this planning effort included community members, Colorado Department of Transportation representative, Planning Commission representative, property owners, business owners and business organizations in and near the sub-area. The Steering Committee met virtually three times throughout the planning process and were instrumental in providing research, analysis of sub-area elements and helping to create recommendations.

Technical Advisory Committee

The Technical Advisory Committee (TAC) for this planning effort included representatives from City departments and Arvada Urban Renewal Authority. The TAC met three times throughout the planning process and provided subject matter expertise, research, analysis and critical feedback on infrastructure feasibility.

Community Meetings

Community meetings were held at key points throughout the planning process to solicit input and guidance from the public (see Appendix). Four Public Open Houses using both virtual and in-person formats occurred to solicit valuable insight and information to develop the sub-area plan. The community meetings were promoted through social media, e-newsletters, e-mail and the City AdvanceArvada.org website.

COMMUNITY ENGAGEMENT SUMMARY

During the community engagement process, (we heard) the public provided comments and responded to community outreach efforts that are summarized in the Appendix.

Community comments and committee input during the development of the plan were used to develop the plan elements and recommendations.



The public, stakeholders and committee input were used to guide and develop the sub-area plan.

COMMUNITY ENGAGEMENT

3.2

EVALUATING COMMUNITY FEEDBACK

A variety of feedback from the community and stakeholders was received throughout the planning process that consisted of responses to questions, surveys and community events. After every committee meeting, community meeting and public engagement event, the project team compiled all the feedback for further evaluation.

Evaluation included the identification of common goals, understanding areas of consensus, opportunities and concern. The development of this plan has been informed and guided by this evaluation process.

COMMON THEMES AND GOALS

Land Use and Redevelopment

- Encourage and promote resilient commercial redevelopment and infill development
- Encourage and promote residential development to support commercial development within New Town and the surrounding community
- Promote diverse housing to support commercial development and surrounding community

Parking

- Examine and evaluate parking
- Ensure sufficient parking to meet the needs of future mixed-use and commercial development, and existing development

Views

- Identify and establish primary view corridors that allow for redevelopment and accommodate the building heights

Connectivity

- Improve bicycle and pedestrian connectivity and safety
- Identify barriers and opportunities for improved connectivity and safety
- Provide accessible and safe connections within the sub-area, to multi-modal facilities and to surrounding neighborhoods

Architectural Design

- Explore the importance of architectural design within the sub-area

Placemaking

- Identify underutilized public spaces that could be improved to benefit both the public and local business community
- Incorporate placemaking strategies that create well connected community gathering spaces

Traffic

- Mitigate traffic impacts through new and improved non-vehicular connections
- Safety

FOCUS ELEMENTS

4

IN THIS CHAPTER

- 4.1 Land Use and Redevelopment
- 4.2 Parking
- 4.3 Views
- 4.4 Connectivity
- 4.5 Design
- 4.6 Infrastructure and Sustainability

FOCUS ELEMENTS

This chapter provides an overview of focus elements developed through the planning process and recommendations for:

- Land Use and Redevelopment
- Parking
- Views
- Connectivity
- Design
 - Architecture
 - Placemaking - Small Urban Parks
 - Streetscape
- Infrastructure
- Sustainability

LAND USE AND REDEVELOPMENT

4.1

IN 2020, THE CITY UPDATED THE LAND DEVELOPMENT CODE AND OFFERED NEW OPPORTUNITIES FOR REDEVELOPMENT WITHIN THE SUB-AREA CONSISTENT WITH THE ARVADA COMPREHENSIVE PLAN AND URBAN LAND INSTITUTE TECHNICAL ADVISORY PANEL REPORT.

POSITIONING FOR REDEVELOPMENT

The Land Development Code update established new zoning districts providing opportunities for urban mixed use that encompasses office, high density residential, retail and light trade/technical uses.

The entire sub-area is zoned for mixed use development. The purpose of the mixed use district is to provide for urban-scale, higher density residential and nonresidential uses, in vertically or horizontally mixed-development on a single parcel or in a master planned area, and located along corridors with frequent bus and rail transit service. The district is intended to encourage higher-density infill development in appropriate locations.

Residential uses permitted in the sub-area include:

- Suburban and Urban Townhomes,
- Multiplexes, and
- Urban Multifamily

Non-residential permitted uses include:

- Retail,
- Office, and
- Light Trade and Technical

Building Heights

Permitted heights within the mixed use zone district vary from 45 to 120 feet; the higher limits for maximum heights permitted are on the south end of the Sub-Area adjacent to the I-70 and I-76 corridors.

Height transition requirements were adopted to protect the adjacent Columbine neighborhood by requiring that building heights transition down to the height of the existing neighborhood as development approaches.

Zoning

In addition to the establishment of the new zoning districts, new parking standards were also adopted in the Land Development Code. All of the sub-area is also covered by parking reduction zones.

Standards were adjusted to be consistent with current development trends and the unique location of the study area in a TOD influence area:

- Multi-family Residential standards are now based on the number of bedrooms
- SF attached standards were slightly reduced
- Restaurant standards are based on square footage rather than the number of seats, and
- Standards for office and retail services were reduced

The update to the Land Development Code and remapping of the City expanded the mixed use zoning for the sub-area allowing residential and commercial land uses throughout the sub-area. Part of the outreach efforts was to explore with the community what types of land uses are important to the success of the area and where they should be focused. Project participants expressed that both residential and commercial development were important to the area.

MIXED-USE

During community outreach, participants expressed commercial development, higher density multi-family residential development and affordable housing as being important to the area.

One comment that was often expressed was the need for a local grocer in the area. This has proven to be challenging for the New Town Sub-Area because larger grocers prefer sites that are more central to higher residential populations within a two mile trade area. The New Town Sub-Area falls within the trade area of already existing large grocers and there are currently only 43 housing units in the sub-area. Smaller grocers are more specialized and have specific retailing points of view that dictates their location. Additional housing units in the immediate area would be essential to potentially entice a grocer to the area.

The proximity to bus and transit lines increase the market possibilities of higher density housing, less reliant on personal vehicular modes of transportation.

Encouraging additional higher density housing could result in attracting attainable housing and the additional population necessary for diverse commercial uses desired by the community.

LAND USE AND REDEVELOPMENT

4.1

POTENTIAL CHARACTER AREAS

Five potential Character Areas were developed using geographic features (i.e. streets) and existing zone (land use) districts in a distinct area within the sub-area.

The potential character areas were created to help the community and stakeholders identify potential land uses and design considerations within the sub-area.

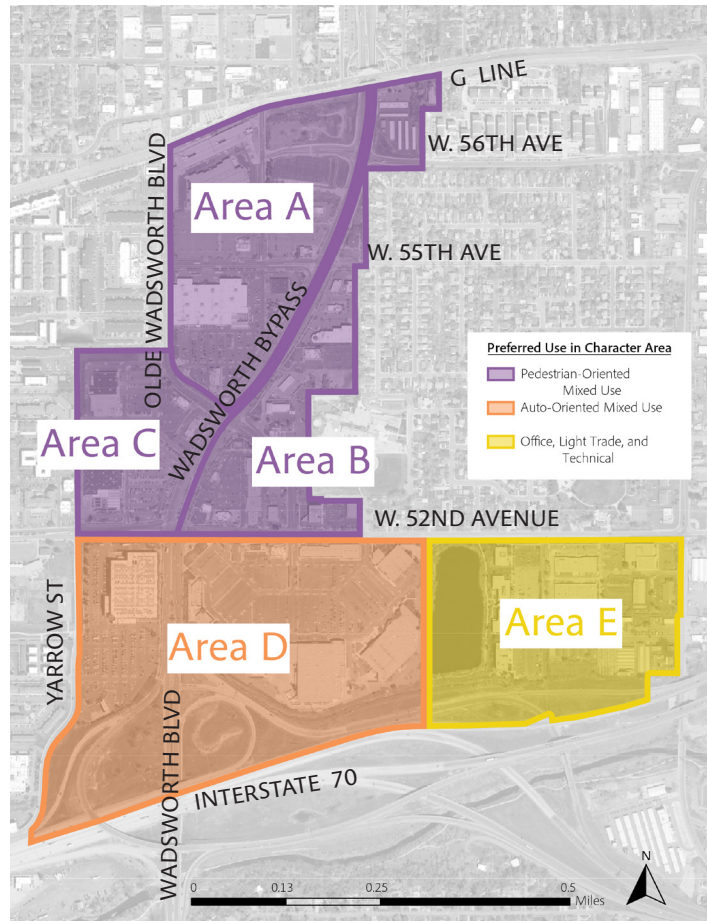
PREFERRED LAND USE AND HEIGHT

Consistent with current prominent uses, community participants specified that the most appropriate predominant land use preferred for each potential Character Area:

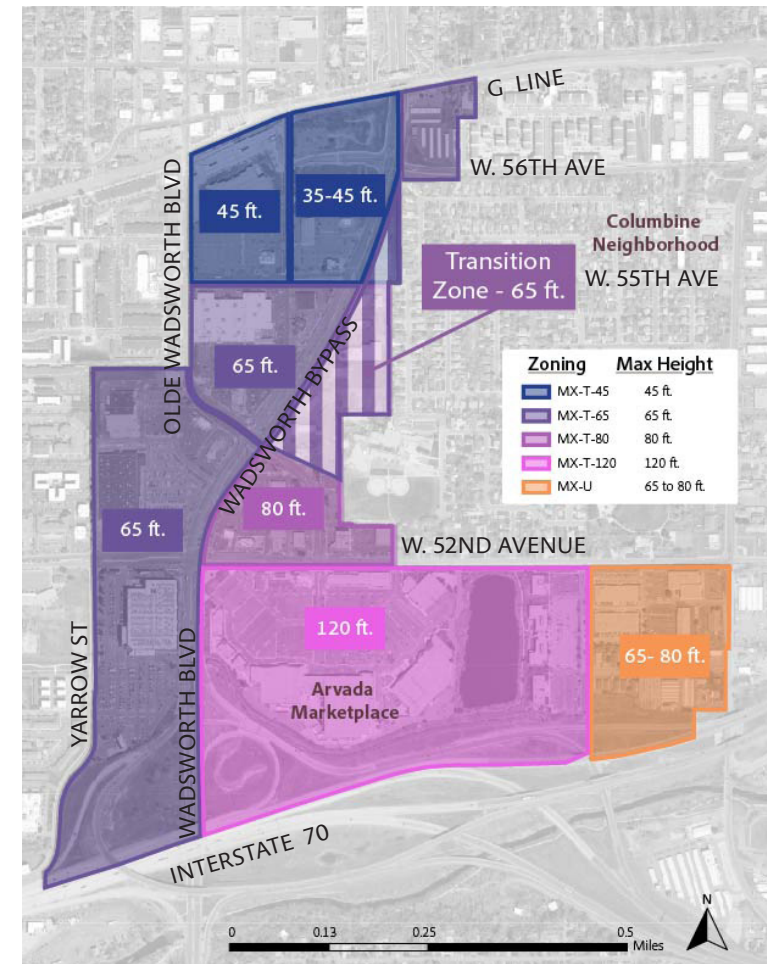
- Character Areas A, B & C is **Pedestrian Oriented Mixed Use**
- Auto Oriented Commercial Use** for Character Area D
- Character Area E is **Office, Light Trade and Technical Uses** within an enclosed building
- Residential Use was an option not identified as the most appropriate predominant land use within a Character Area

Two land use options and a height transition option were presented to the community during the development of the plan. The preferred land use Option 2 with auto-oriented mixed use in Area D and reduced height adjacent to the Columbine neighborhood were selected by the community.

Preferred Land Use - Character Area



Preferred Height Transition Zone



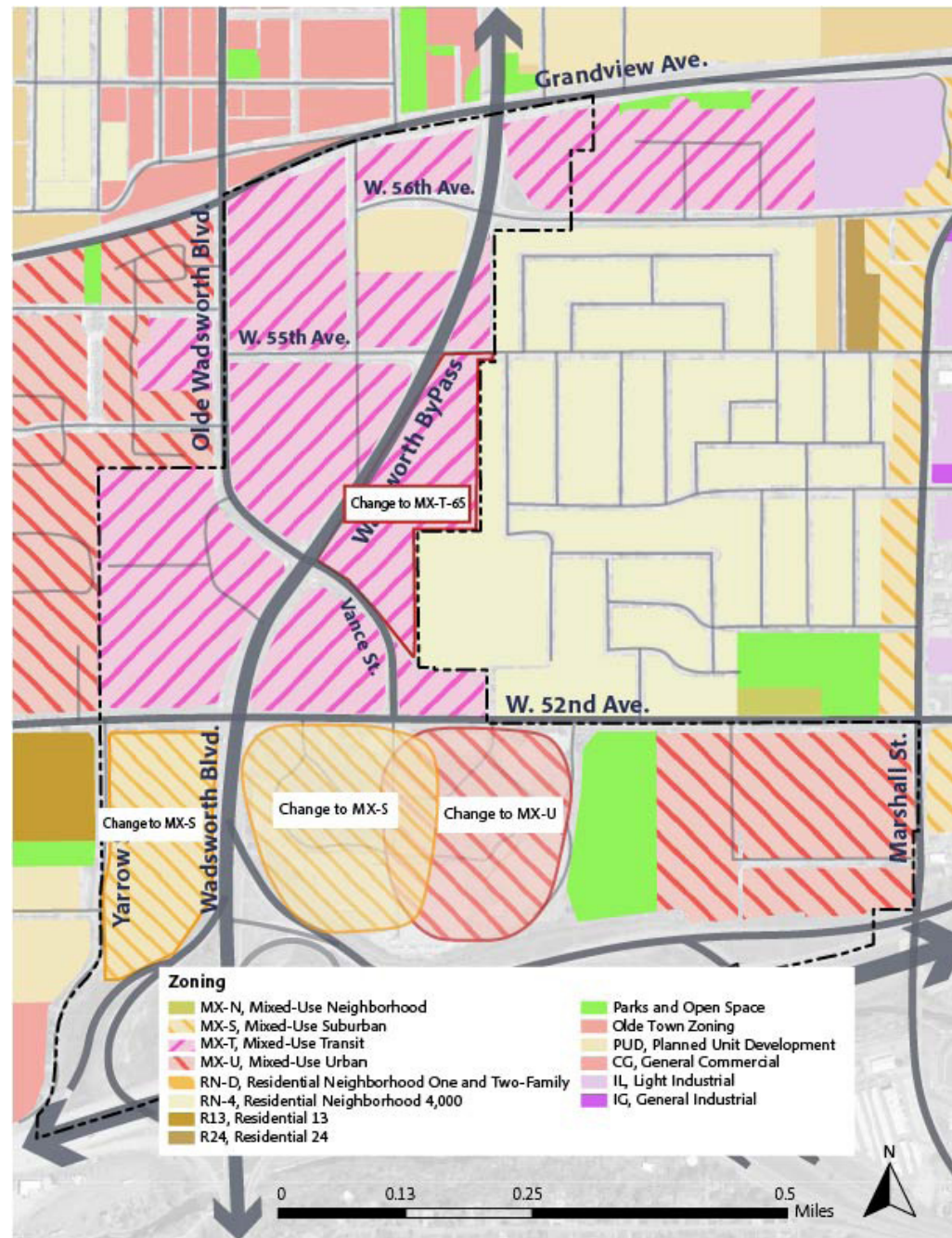
LAND USE AND REDEVELOPMENT

4.1

PREFERRED LAND USE (ZONING) MAP

RECOMMENDATIONS

- » Reduce height at the commercial transition zone located on the east side of Wadsworth Boulevard/ Bypass between W. 53rd and W. 56th Avenues from MX-T 80' to MX-T 65' to improve compatibility to adjacent neighborhoods.
- » Modify Arvada Marketplace development from MX-T 120' to MX-S 120' and/or MX-U 120' to implement the preferred auto-oriented land uses through Land Development Code regulations and Zoning Map.
- » Modify Costco development located south of W. 52nd Avenue between Wadsworth Boulevard and Allison Street from MX-T 65' to MX-S 65' to implement the preferred auto-oriented land uses through Land Development Code regulations and Zoning Map.
- » Methods of encouraging higher density multi-family and affordable housing residential development in the Sub-Area should be a focus of study and possible modifications to the City's development regulations.



PARKING

4.2

LARGE OVER PARKED AREAS IN THE SUB-AREA OFFER AN OPPORTUNITY FOR REDEVELOPMENT.

PARKING

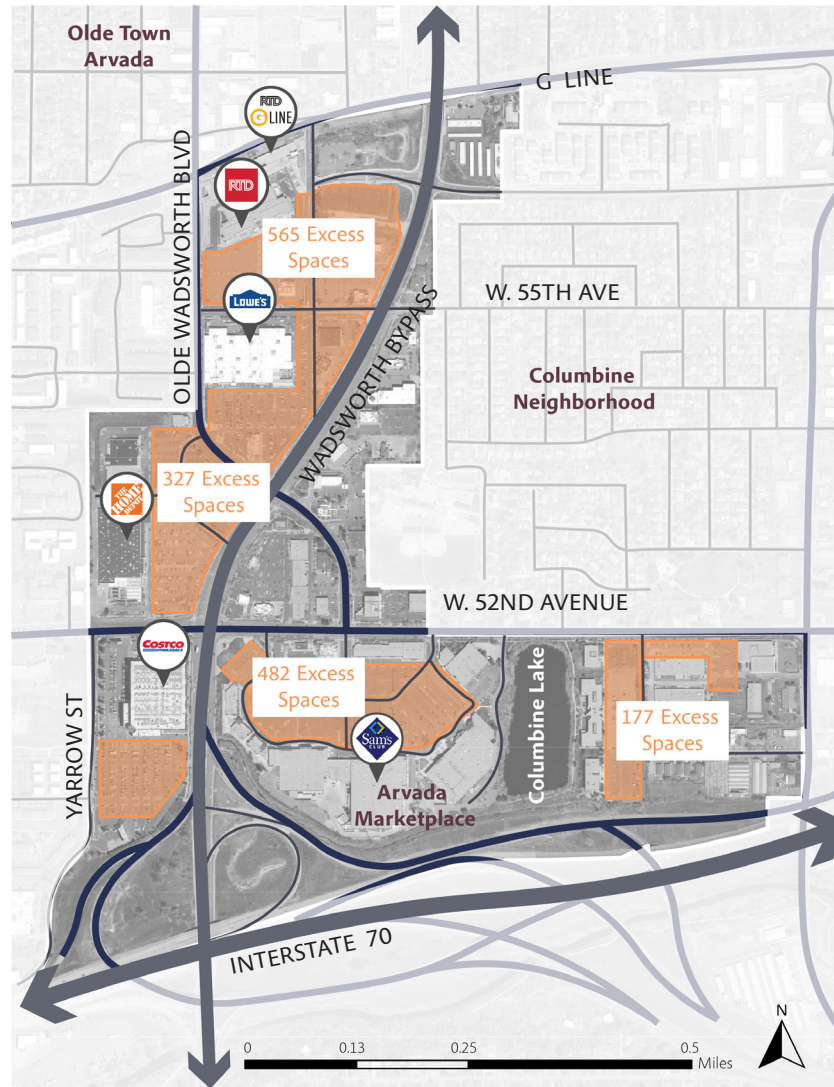
Nearly 60 percent of project participants felt that parking provided for the existing uses in the Sub-Area is excessive. This indicates that the recent reductions to the City's parking requirements are a step in the right direction.

The large over parked areas which currently exist offer an opportunity for redevelopment allowing for additional density and better use of the land.

Encouraging infill parking for mixed use development is warranted to determine if further incremental reductions in parking requirements are appropriate in addition to methods of encouraging conversion of parking for infill as well as structured parking which can free up additional land for redevelopment.

RECOMMENDATIONS

- » Encourage reduced parking and infill development for mixed use development.
- » Each property and development should be evaluated for reduced parking requirements at the time of redevelopment or new development.
- » Increase parking efficiency through a "managed parking" strategy including parking limits, paid parking, and validation systems.



INFILL DEVELOPMENT IN PARKING AREAS - EXAMPLE

Flatirons Crossing Mall, Broomfield, Colorado



- Redevelopment of mix of uses with higher density
- Incorporated within existing buildings and parking areas
- Increased building heights, potential five to six stories up to 135'

VIEWS

4.3

VIEWS

Views from Grandview Street at the south edge of Olde Town have been identified as a significant resource for the community.

The primary point from which the views are critical is from the Olde Town Transit Station platform. Efforts to preserve some views towards Mt. Evans, the Front Range and Downtown Denver

should be a priority when considering redevelopment.

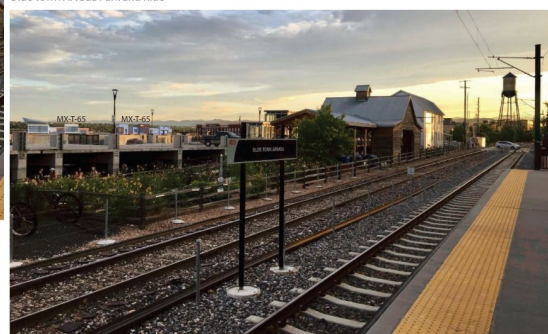
The mixed-use zoning in the New Town Sub-Area permits development heights of 45' to 120'. The permitted heights are situated to preserve these important views. Development simulations illustrate how the views will be preserved should the maximum heights be utilized.

Olde Town Arvada Park and Ride

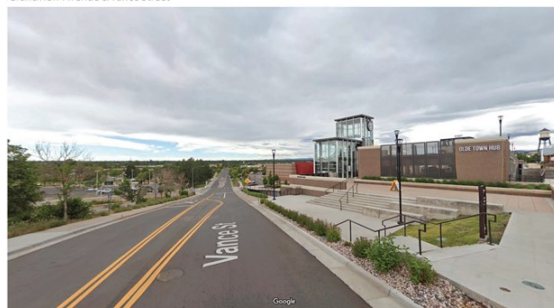


View Corridors from Olde Town Station Platform and Plaza.

Olde Town Arvada Park and Ride

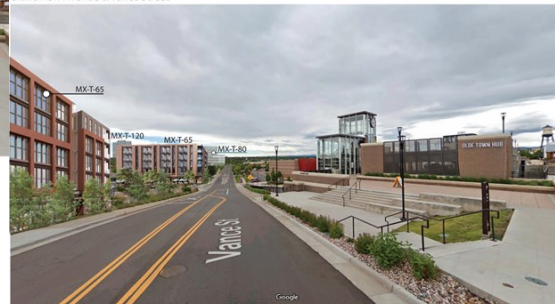


Grandview Avenue & Vance Street

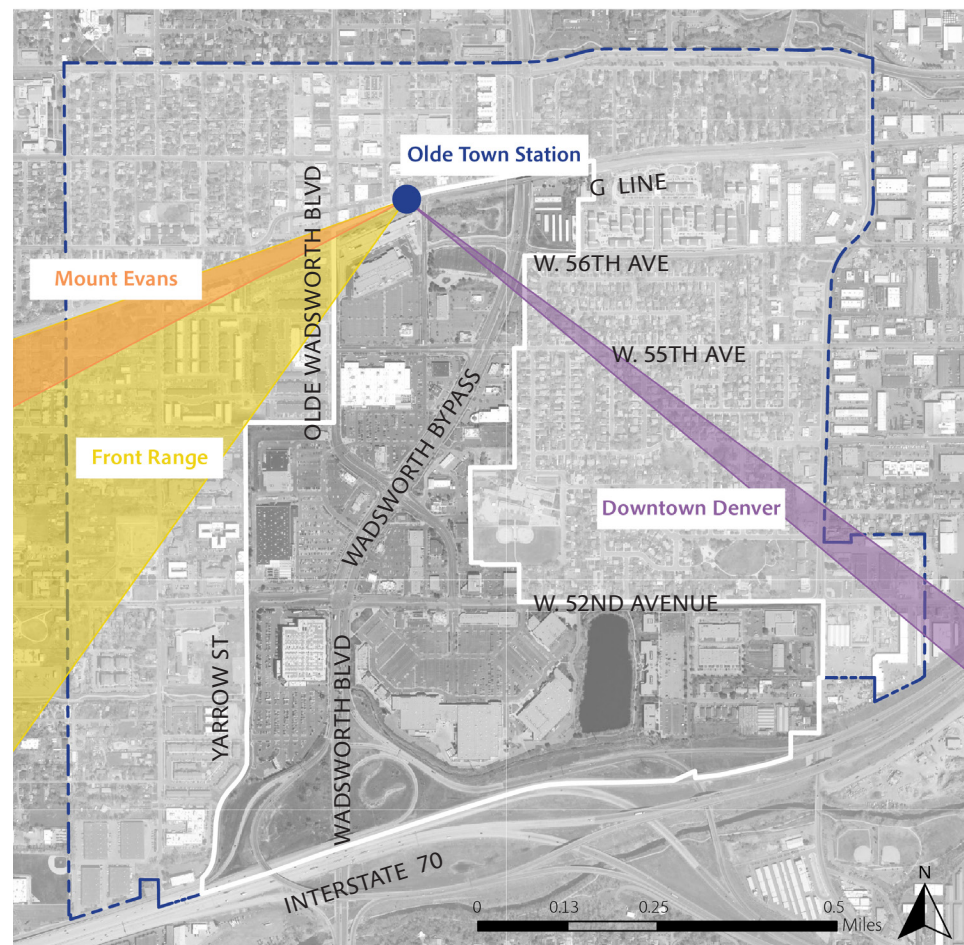


Views without and with simulated development views towards Downtown Denver.

Grandview Avenue & Vance Street



VIEWSHED CORRIDOR MAP



RECOMMENDATION

- » Preserve views from Olde Town Station Transit Platform/Plaza important from this location to view corridors to the south.

CONNECTIVITY

4.4

THE TRANSPORTATION AND CIRCULATION NETWORK IN AND AROUND THE NEW TOWN SUB-AREA CONSISTS OF A DIVERSE MULTI-MODAL TRANSPORTATION SYSTEM CONNECTED BY A COMMUTER RAIL LINE AND EXTENSIVE STREET, BUS, PEDESTRIAN, BICYCLE AND TRAIL SYSTEMS.

CONNECTIVITY

The regional transportation network creates challenges for non-vehicular connectivity within the sub-area, across Wadsworth Boulevard/Bypass, and to trail systems.

A goal of the plan is to identify and improve connectivity that serves all users with a focus on strengthening network opportunities and safety.

Pedestrian

The pedestrian network includes sidewalks and signalized crossings along a highway corridor and streets. A bike system consisting of on-street and off-street paved trails combined with sidewalks and streets located within and surrounding the plan area. An important part of the pedestrian network system as conveyed by the community during the planning process, is connectivity to transportation facilities, area amenities and safety. A focus of the plan is to enhance the sidewalk connections, identify potential trail connections and improve safety.

Wadsworth Boulevard/Bypass corridor is a state highway with high volumes of traffic that bisects the sub-area plan. Current traffic volume is 59,000 vehicles per day and projected to increase to 65,000 vehicles per day by 2035.

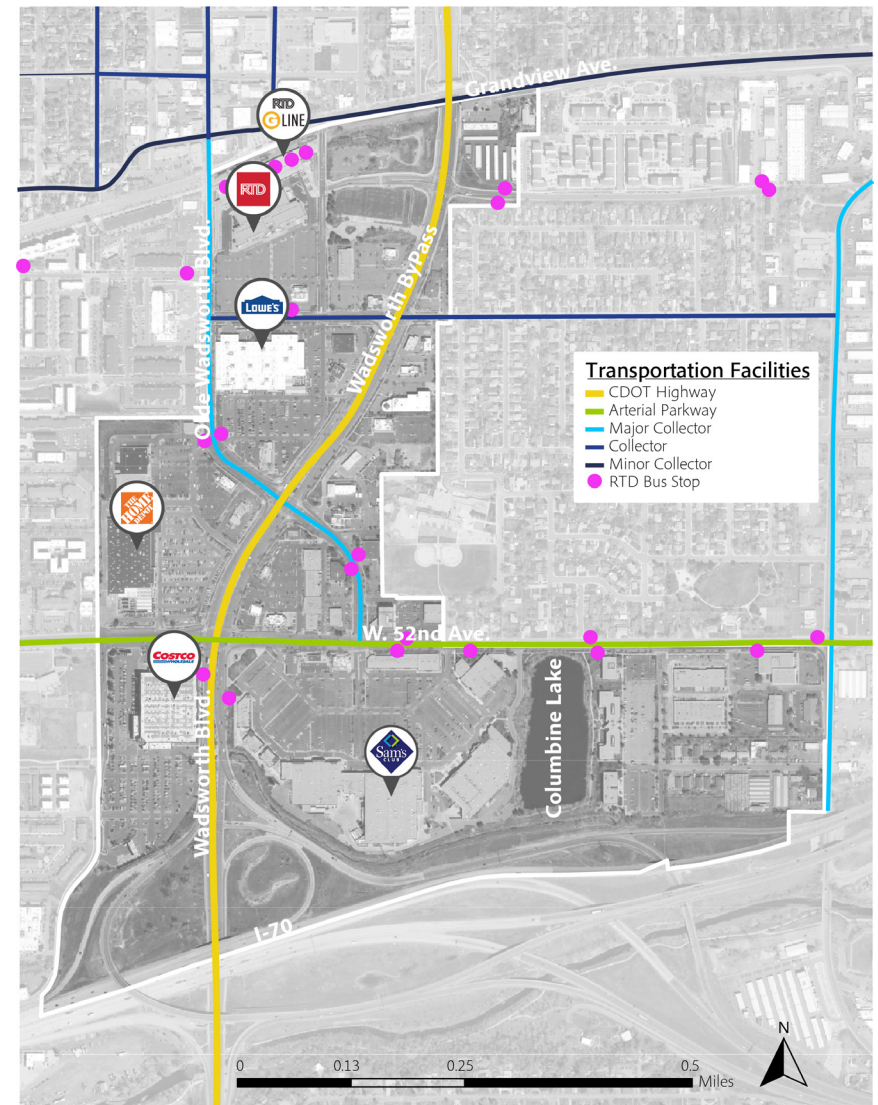
The existing sidewalks and signalized intersections provide pedestrian and bicycle access to, from and within the

plan area. However, the community expressed significant safety concerns with access and shared sidewalks adjacent to fast moving vehicles along this corridor.

Three signalized intersections located at W. 52nd Avenue, Olde Wadsworth Boulevard/Vance Street and W. 56th Avenue are the pedestrian and non-vehicular connections along this portion of the Wadsworth Boulevard/Bypass corridor.

The intersection at W. 55th Avenue and Wadsworth Boulevard/Bypass is signalized, but is designed only for vehicle access and lacks a pedestrian crossing. The closest grade-separated pedestrian crossing north of the three signalized intersections is the Grandview Street Bridge accessible from the Wadsworth Bypass. Project community participants identified the W. 55th Avenue intersection as a key missing connection across Wadsworth Bypass and safer crossing improvements needed along Wadsworth Bypass, as it is the primary access to and from the Columbine neighborhood.

The Wadsworth Bypass is a state highway controlled by the Colorado Department of Transportation (CDOT). Any improvements along the Wadsworth Boulevard/Bypass corridor will require CDOT and City infrastructure coordination.



CONNECTIVITY

4.4

Pedestrian Streets

Streets connecting to Olde Town Arvada and commercial developments in the plan area are located in or near pedestrian and transit oriented areas. Pedestrian Priority Streets are located where pedestrian oriented and "main streets" are desirable.

These streets provide an opportunity to designate "Pedestrian Priority Streets" designed to enhance walkability and pedestrian experience and connections. Pedestrian Priority Streets activate pedestrian and transit oriented areas through varied street and building design elements.

"Creating a pedestrian environment requires considering the dimensions of the human body and the scale of the spaces that people use. Subtle factors, focused on a pleasant environment for the pedestrian, encourage people to walk."
Arvada Transit Framework Plan

Trails

The nearest public open spaces are located north in Olde Town Arvada and along the Ralston Creek Park Trail, and to parks east and west of the sub-area plan boundaries. The regional Clear Creek Trail is just south of Interstate 70/ Interstate 76.

The existing street and circulation patterns provide vehicular and non-vehicular access to the north, east and west. Improving connections to public

amenities including parks was a recurring comment heard from the community.

Enhanced street connections, wayfinding and exploring new trail connections to the Interurban Trail and Clear Creek Trail provides an opportunity to improve and access open space and parks near the sub-area.

The preferred trail system identifies potential new and improved connections to the Interurban Trail and regional Clear Creek Trail. Other linkages on Olde Wadsworth Boulevard, W. 52nd Avenue and Vance Street utilize the existing street network and provide important connections to park and open space opportunities in the area.

RECOMMENDATIONS

- » Work with the Colorado Department of Transportation (CDOT) to evaluate improved pedestrian crossings along Wadsworth Bypass including the intersection at W. 55th Avenue.
- » Remove the southside of W. 52nd east of Wadsworth Boulevard from the pedestrian priority street designation implemented through modification of regulations in the Land Development Code.
- » Street design and trail connectivity implemented through future redevelopment and infrastructure planning.

PREFERRED CONNECTIVITY AND TRAIL SYSTEM MAP



DESIGN

4.5

A FOCUS OF THE PLANNING PROCESS WAS TO ENGAGE WITH THE COMMUNITY TO DETERMINE THE IMPORTANCE OF ARCHITECTURAL AND BUILT ENVIRONMENT DESIGN.

ARCHITECTURAL DESIGN

A Visual Preference Survey (VPS) was conducted to solicit community feedback on architectural design and building form. The VPS of building designs and types including varied heights, was utilized to refine design options within the sub-area.

A majority of the public surveyed agreed that one form of building design is important and there was a strong consensus for this design approach along the western side of Wadsworth Boulevard and Arvada Marketplace development at the southeast corner of W. 52nd Avenue and Wadsworth Boulevard.

The preferred design consistent with community engagement included multiple building styles (modern, traditional) with natural materials such as brick or stone and modern elements as architectural accents.

RECOMMENDATION

- » Develop an architectural guideline document to address architectural design within the sub-area.

Preferred Architectural Design



PLACEMAKING - SMALL URBAN PARKS

A component of developing the sub-area plan is to identify important areas that should be linked together and create opportunities for placemaking that serve as community oriented spaces. In addition, identify the public space opportunities that could benefit the public and local business community.

Community oriented spaces appropriate for New Town area redevelopment may be created with small urban parks linked throughout the sub-area.

An urban park is intended to serve a neighborhood where opportunities for a larger park site is not available. A small Urban Park typically a privately-owned area intended to provide public accessible park and community space within planned urban type developments. Small urban parks may include landscaping, open turf area, public art, shelter or shade structure, play sculptures or play equipment and interpretive display.

Community participants expressed desire for public spaces and connectivity to these community public spaces.

Small Urban Park Examples



DESIGN

4.5

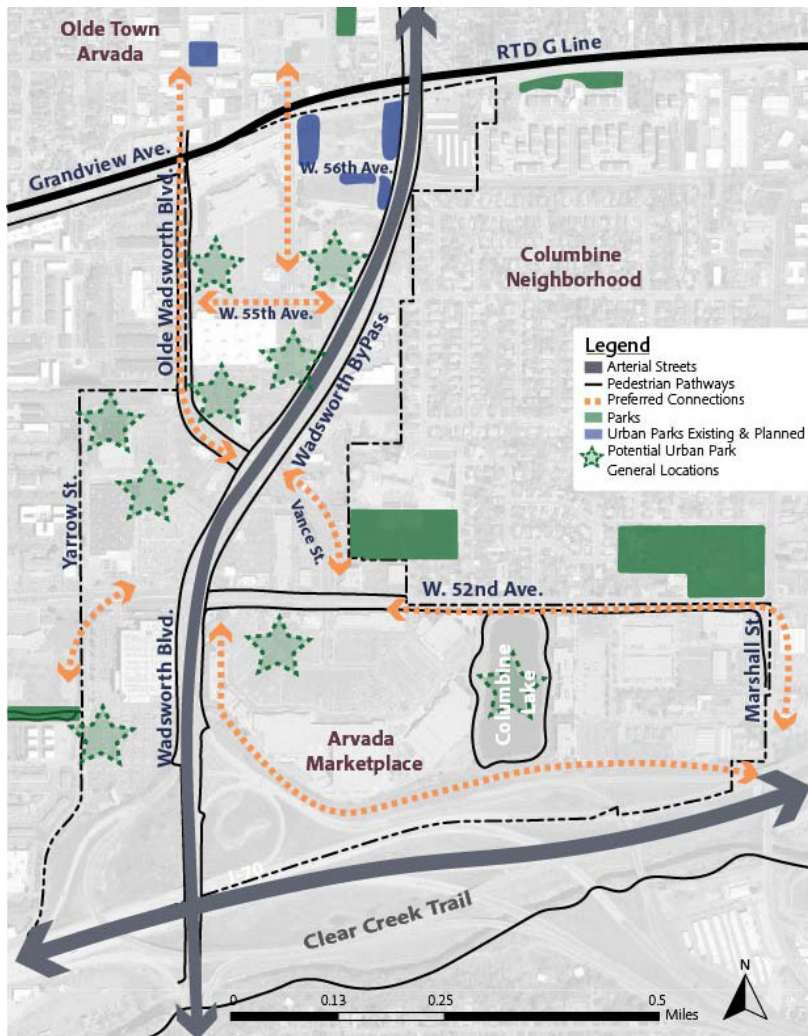
PREFERRED SMALL URBAN PARKS

Preferred small urban park general locations were identified through the planning process and the primary opportunities include south of the RTD Gold Line west of Wadsworth Bypass and the northeast corner of W. 55th Avenue and Olde Wadsworth Boulevard.

RECOMMENDATION

- » The preferred small urban park locations should be considered with new development and redevelopment projects.

PREFERRED SMALL URBAN PARK SYSTEM MAP



STREETSCAPE

Streetscape design enhances the street and pedestrian experience while further defining pedestrian connections within the plan area and to surrounding neighborhoods. Streetscape design elements help create safe pedestrian friendly paths to encourage users, improve walkability and connectivity.

Potential Streetscape Options

Potential streetscape options A and B are designed to improve the pedestrian experience in pedestrian oriented and transit oriented areas with natural elements (i.e. tree lawn, planting, xeriscape) separating the sidewalk from the street.

The preferred option on pedestrian streets of the Land Development Code incorporates tree lawn with trees and other elements that provides shade for the sidewalk area.

Implementation of streetscape designs may occur at the time of new development and redevelopment.

DESIGN

4.5

STREETSCAPE

POTENTIAL STREETSCAPE OPTIONS

Potential Streetscape Option A design includes:

Eight foot area with natural elements of rock with shrubs, ornamental grasses and small trees separating the six to ten foot sidewalk from the street.

Canopy trees recommended.

Potential Streetscape Option B design includes:

Eight foot tree lawn area separating the six to ten foot sidewalk from the street.

Canopy trees recommended.

Potential streets for Streetscape Design Option B include:

- Vance Street between RTD Commuter Gold Line and W. 55th Avenue.
- Future Vance Street as it continues further south to the Lowe's development as a potential pedestrian boulevard connection
- Pedestrian Priority Streets per Land Development Code

RECOMMENDATIONS

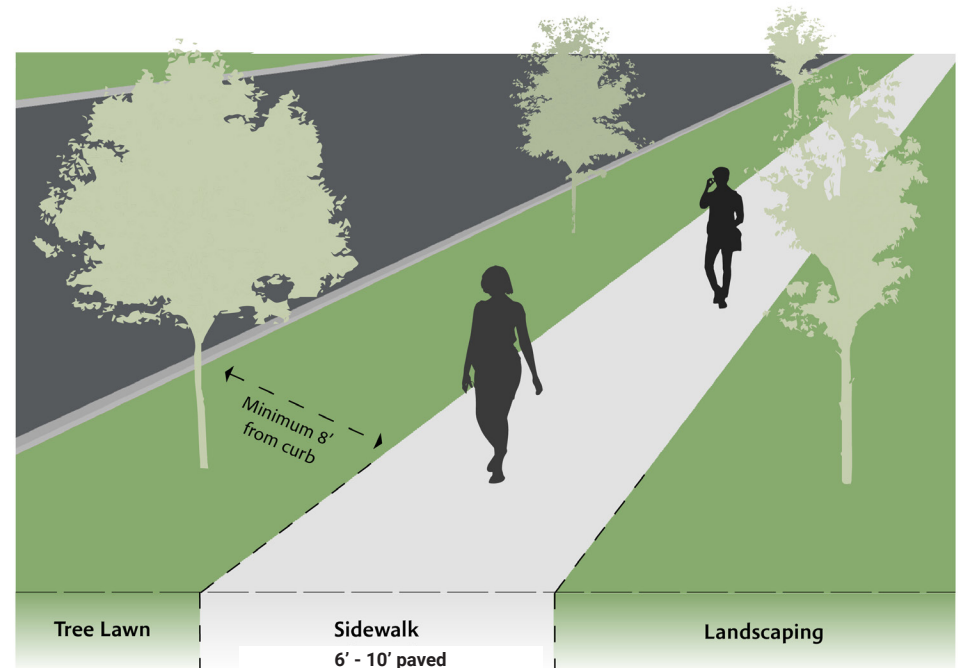
- » Evaluate engineering standards to accomplish the streetscape design.
- » Streetscape Option A preferred design for non Pedestrian Priority Streets.
- » Streetscape Option B preferred design for Pedestrian Priority Streets.

Potential Streetscape Option A



— ▶ Rock with shrubs, ornamental grasses, and small trees

Potential Streetscape Option B



Street widths vary - Streetscape design begins at street curb

INFRASTRUCTURE AND SUSTAINABILITY 4.6

INFRASTRUCTURE

City Council has provided strategic direction to the Infrastructure work system to complete master plans for water, wastewater, and storm infrastructure by 2023. These plans provide staff with a road map to prioritize work that needs to be done in our water/wastewater systems and the master plans are being used to plan work for immediate, short-term and longer-term needs. The ongoing analysis of infrastructure needs and master plan results will guide future redevelopment.

RECOMMENDATION

- » Infrastructure should be evaluated at the time of new development or redevelopment.

SUSTAINABILITY

City Council has provided strategic direction to incorporate conservation, sustainability and resiliency planning in response to environmental resources and climate change. Resiliency refers to the ability of a community to respond, adapt, and recover in a sustainable way in response to the impacts of environmental and climate change. In addition to infrastructure master plans, sustainable practices such as higher density development, green space, multi-modal connectivity, landscape planning and others have been considered in the development of this plan.

RECOMMENDATION

- » Conservation and Sustainability should be evaluated at the time of new development or redevelopment.

IMPLEMENTATION

5

IN THIS CHAPTER

- 5.1 Implementation Strategy and Implementation Matrix

IMPLEMENTATION

The implementation strategies of the sub-area plan were developed through stakeholder, technical expert and community feedback during the plan development process.

The implementation strategies in this chapter are intended to help realize the vision for the sub-area through action items from the plan recommendations and are intended to be specific, yet flexible in order to achieve the vision for each focus element through different methods, when funding is available, or at a time when the political and economic climate best support them.

IMPLEMENTATION

5.1

THESE IMPLEMENTATION STRATEGIES ARE DESIGNED TO REALIZE THE COMMUNITY'S VISION FOR THE NEW TOWN SUB-AREA THROUGH THE SUCCESSFUL COMPLETION OF PLAN RECOMMENDATIONS THROUGH IMPLEMENTATION OF ACTION ITEMS INCLUDED IN THIS PLAN.

IMPLEMENTATION MATRIX

The action items are numbered and organized by the plan focus elements. Key stakeholders are suggested responsible parties and also identify potential champions and partnerships. The implementation time frame anticipates how long it will take to fully complete implementation of the listed action item, but does not prohibit the action item from being started or finished at an earlier time.

ITEM NO.	ACTION ITEM	FOCUS ELEMENT	KEY STAKEHOLDERS	TIME FRAME
1	Change Zoning Map Zone District MX-T 120' to MX-S 120' and/ or MX-U 120' for area located at southeast corner of W. 52nd Avenue and Wadsworth Boulevard known as Arvada Marketplace development	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)
2	Change Zoning Map Zone District MX-T 120' to MX-S 120' and/ or MX-U 120' for area located at southeast corner of W. 52nd Avenue and Wadsworth Boulevard known as Arvada Marketplace development	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)
3	Change Zoning Map Zone District MX-T 65' to MX-S 65' southwest corner of W. 52nd Avenue between Wadsworth Boulevard known as Costco development	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)
4	Focus study and explore Land Development Code modifications to develop methods to encourage higher density multi-family and affordable housing residential development in the sub-area	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)
5	Encourage reduced parking for infill development of mixed use type developments	Parking	City of Arvada, private property owners	Ongoing
6	Evaluate reduced parking requirements at time of redevelopment or new development	Parking	City of Arvada, private property owners	Ongoing
7	Increase parking efficiency through a "managed parking" strategy including parking limits, paid parking, and validation systems	Parking	City of Arvada, private property owners	Ongoing
8	Preserve views from Olde Town Station Transit Platform/Plaza important from this location to the south	Views	City of Arvada, private property owners	Ongoing

ITEM NO.	ACTION ITEM	FOCUS ELEMENT	KEY STAKEHOLDERS	TIME FRAME
9	Remove the south side of W. 52nd Avenue east of Wadsworth Parkway from the Pedestrian Priority Street Designation in the Land Development Code	Connectivity	City of Arvada	Short Term: (0-3 years)
10	Consider street design and multi-modal trail connections within the sub-area plan at the time of redevelopment, new development and infrastructure planning	Connectivity	City of Arvada, private property owners, CDOT	Ongoing
11	Continue work with the Colorado Department of Transportation (CDOT) to improve pedestrian crossings along Wadsworth Bypass including the intersection at W. 55th Avenue.	Connectivity	City of Arvada, CDOT	Ongoing
12	Develop specific Architectural Design Guidelines or Land Development Code regulations to implement the preferred architectural design in the sub-area	Design-Architecture	City of Arvada,	Mid Term: (3 -5 years)
13	Consider preferred small urban park locations with new development or redevelopment	Design-Placemaking	City of Arvada, private property owners	Ongoing
14	Evaluate engineering standards for Streetscape design within the sub-area	Design-Streetscape	City of Arvada, private property owners, CDOT	Ongoing
15	Consider Streetscape Design Option A for Non Pedestrian Priority Streets with new development or redevelopment	Design-Streetscape	City of Arvada, private property owners, CDOT	Ongoing
16	Consider Streetscape Design Option B for Pedestrian Priority Streets with new development or redevelopment	Design-Streetscape	City of Arvada, private property owners, CDOT	Ongoing
17	Evaluate infrastructure needs at time of new development or redevelopment	Infrastructure	City of Arvada, private property owners	Ongoing
18	Evaluate conservation and sustainability methods at time of new development or redevelopment	Sustainability	City of Arvada, private property owners	Ongoing

COMMUNITY ENGAGEMENT OVERVIEW

Community Open House #1

In accordance with safety protocols associated with the COVID-19 pandemic, the first Community Open House was held outside at the Olde Town Hub in September 2020. This meeting served as a kick'-off meeting, an opportunity for the public to learn about the planning process and intent of the sub-area plan.

Community Open House #2

Due to health and safety protocols of the COVID-19 pandemic, the second Community Open House Meeting was held virtually in February 2021. The virtual meeting was an opportunity to present existing conditions and redevelopment potential, solicit area opportunity and challenge feedback, and poll architecture preferences. A visual preference survey was conducted to help focus the community's vision of the area in uniformity of design, massing, building materials and architectural characteristics. A follow up survey asking for area opportunity, challenge and architectural preference input from the community was also provided on the City Speak Up Arvada platform. The results of this meeting and survey was provided to the technical review and steering committees and offered an additional opportunity for stakeholder input.

In addition to online promotional resources, over 2000 postcard notices were mailed to property owners and businesses within the sub-area and influence areas in order to maximize project awareness and participation.

Community Open House #3

The third Community Open House in August 2021, served as an opportunity for the public to explore options and provide further feedback on land use, parking, connectivity, small urban park opportunities and refine preferred architectural design. A subsequent Speak Up Arvada survey with the open house questions and opportunity for comments allowed additional community feedback. The results of this meeting and survey was provided to the technical review and steering committees and offered an additional opportunity for stakeholder input.

Community Open House #4

A fourth in-person Community Open House to present the draft plan framework and recommendations was held in July 2022. The results of this meeting were presented to the Planning Commission and City Council and guided the final draft plan.

Community Open House Presentations and Comments

Visit arvada.org/new-town-sub-area-plan for Community Open House presentations and participant comments.

COMMUNITY ENGAGEMENT SUMMARY

During the community engagement process, (we heard) the public express the following summarized comments categorized by topics. The public and committee input and comments were used to guide and develop the sub-area plan.

Comments

An overview of the community comments during the development of the plan are summarized and organized into topics that were used to develop the plan elements and recommendations.

Land Use

- Residential and Commercial development are important
- Appropriate predominant land use for the area south of W. 52nd Avenue along Wadsworth Blvd is Auto Oriented Commercial Use
- Attainable, diverse and multi-family housing is important
- Retail and commercial development and redevelopment are both opportunity and challenges in the area. Need a grocery store.
- Smaller scale development to help encourage small business
- Walkability and connectivity to area amenities
- Appreciate the City looking to the future and considering pedestrian oriented development and scale of blocks

Design

- One form of building design is generally important especially along Wadsworth Boulevard and Arvada Marketplace development
- Preferred design included multiple building styles (modern, traditional) with natural materials such as brick or stone and modern elements
- Incorporate placemaking strategies to create well connected community gathering spaces. Identify underutilized public spaces to be improved and benefit community.

Transportation and Connectivity

- Wadsworth Boulevard/Bypass traffic
- Improved vehicular and pedestrian connectivity and safety
- Bicycle and pedestrian safety are important
- Identify opportunities for improved connectivity and safety within the study area and surrounding neighborhoods
- Proximity to RTD facility, Gold Strike Station and Olde Town is an area asset

APPENDIX: COMMUNITY ENGAGEMENT A.2

COMMUNITY ENGAGEMENT SUMMARY

Comments - Continued

Parking

- Parking concerns for residents near New Town
- Ensure enough parking to meet the needs of existing development, and future mixed-use and commercial development
- From experiences in the area, survey participants felt that existing parking is primarily excessive (59%). 12% of participants responded that parking is deficient and 29% felt parking is adequate.

Views

- Preserve primary view corridors that allow redevelopment and accommodate building heights

Miscellaneous

- Don't overdevelop
- Public safety concerns

Land Use - Future Redevelopment

- Retail/Commercial businesses and development is very important
- Need for attainable housing and multi-family is important
- Appropriate predominant land use for each potential Character Area (Community Open House Responses)
 - Character Areas A, B, C - Pedestrian Oriented Mixed Use
 - Character Area D - Auto Oriented Commercial
 - Character Area E - Office, Light Trade and Technical (within an enclosed building)

Connectivity - Potential Opportunities

- Improve pedestrian and bicycle connectivity
- Top potential improvements
 - W. 56th Avenue and Wadsworth Bypass
 - W. 55th Avenue and Wadsworth Bypass
 - W. 53rd Avenue and Wadsworth Boulevard/Bypass
 - Along W. 52nd Avenue
 - South of RTD G-Line to Olde Town

Connectivity and Design - Potential Urban Parks

- Connectivity to community open space areas
- Primary potential urban park opportunities
 - Columbine Lake
 - Northeast corner of 55th Avenue and Olde Wadsworth Blvd.
 - South of RTD G-Line west of Wadsworth Bypass

RESOLUTION NO. CP2023-0001

A RESOLUTION BY THE PLANNING COMMISSION FOR THE CITY OF
ARVADA, COLORADO TO AMEND THE 2014 ARVADA
COMPREHENSIVE PLAN TO INCORPORATE THE NEW TOWN
SUB-AREA PLAN

WHEREAS, the City of Arvada adopted a Comprehensive Plan in 2014, which was subsequently amended on various occasions; and

WHEREAS, pursuant to § 8-1-2-2(C) of the Land Development Code, the Planning Commission shall be responsible for adopting land use plans; and

WHEREAS, pursuant to § 8-1-2-1(E)(4) of the Land Development Code, City Council shall ratify, as it determines appropriate, plans for the physical development of the City; and

WHEREAS, the City's Community and Economic Development Department has developed, with extensive public outreach, a sub area plan pertaining to the New Town area.

WHEREAS, pursuant to Chapter 74, Article III, Sections 74-64 and 74-65 of the Arvada City Code, the Planning Commission has held a public hearing as required by law, notice thereof being duly published, and said public hearing being held before the Planning Commission for the City of Arvada on May 2, 2023.

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

Section 1 The Comprehensive Plan is hereby amended by incorporating the New Town Sub-Area Plan and making additional revisions related thereto as referenced or depicted in Exhibit A, attached and incorporated herein.

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 _____ day of _____, 2023.

CITY OF ARVADA PLANNING COMMISSION

Michael P. Griffith
_____, Chairman

ATTEST:

Tim Knapp
_____, Secretary

RATIFIED AND APPROVED this _____ day of _____, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

City of Arvada Community Development Department

PUBLIC HEARING STAFF REPORT

New Town Sub-Area Plan Comprehensive Plan Amendment CP2023-0001

NATURE OF REQUEST

The City of Arvada is requesting approval of a Comprehensive Plan Amendment.

An amendment to the Comprehensive Plan is proposed to incorporate the New Town Sub-Area Plan ("the plan") as part of the document. If adopted, the plan will be considered an element of the Comprehensive Plan and be the City's guiding document for the planning and development of the New Town area.

PUBLIC INVOLVEMENT

Preparation of the plan included extensive public involvement. This process included:

1. Three Steering Committee Meetings comprising of property owners and business owners within the plan area, Planning Commission representative, Olde Town Business Improvement District, Arvada Chamber of Commerce and Colorado Department of Transportation.
2. Three Technical Advisory Committee Meetings comprising of representatives of the City of Arvada and Arvada Urban Renewal Authority.
3. Four Community Open House meetings were held virtually and in person in compliance with COVID-19 protocols. The initial Community Open House was held at the Olde Town Hub, the second was held virtually and the last two were held at the Hilton Garden Inn Arvada.
4. Two Speak Up Arvada community surveys were conducted to get public input during the process.
5. Social media, mailers, a designated website and email address provided information, accepted feedback and promoted community participation.

PUBLIC NOTIFICATION

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

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 and posted on the City website.

PROJECT ANALYSIS

The New Town Sub-Area Plan will further implement the goals and policies of the Comprehensive Plan and previous studies of the area that envisioned the New Town area's potential for mixed uses that support the community in the long-term.

The New Town Sub-Area Plan boundaries are generally located along Wadsworth Boulevard and Bypass from the G-Line track on the north and Interstate 70 on the south. The Arvada Marketplace south of W. 52nd Avenue and commercial, industrial area east of the Marketplace are also included in the plan area.

The Plan:

- Includes an overview of development history and existing conditions
- Includes a narrative of the plan process
- Includes the plan vision and community engagement process
- Includes Focus Elements: Land Use and Redevelopment; Parking; Views; Connectivity; Design; Infrastructure; and Sustainability
- Includes Recommendations and Implementation

The primary vision for the New Town Sub-Area Plan is:

Create a vision and implementation plan for the New Town area through the development of sub area plan strategies and components that encourage, promote and support cohesive and resilient development. Create a vibrant, connected, mixed-use urban community that is compatible with the adjacent residential neighborhoods and compliments Olde Town.

To guide this vision, five plan Goals were developed:

- Create a framework for regeneration and attraction of private sector investment
- Conceptualize and shape the three-dimensional urban environment
- Define public and semi-private public spaces
- Determine the mix of additional uses, density and their physical relationship to each other
- Engage the local community and act as a builder of consensus

The development and completion of this plan supports the following goals and policies of the 2014 Arvada Comprehensive Plan:

- Goal L-3: Encourage development of transit-supportive, higher-density, mixed-use, pedestrian-oriented areas.
- Goal ED-4: Redevelop and revitalize existing commercial and industrial areas.
- Goal T-2: Strengthen the linkage between land use and transportation.

- Goal T-5: Develop safe and comprehensive multi-purpose bicycle, trail, and pedestrian systems.
- and others.

PLAN METHODOLOGY

The New Town Sub-Area Plan was prepared using the following methodology:

1. The development of the plan consisted of a three phase process with extensive community engagement.
Visualize: Initial phase to determine study area and influence boundaries, identify stakeholders, conduct initial committee meetings, identify and initiate public participation, and develop guiding plan goals and vision.
Strategize: Second phase focused on high level recommendations to guide future development and achieve the overall vision identified in the first phase and included research of existing plan documents, continued community engagement, develop ideas and recommendations, identify and refine recommendations, and further develop the plan vision and elements.
Realize: Third phase focused on the creation of the plan resulting from previous phases, public review and included preparation of draft plan document, public review and input of draft plan, and finalize plan for adoption process.
2. Public Engagement: Multiple Technical Advisory Committee (TAC) meetings, Steering Committee meetings, community open houses, and online community surveys.
3. Recommendations: Based on community and stakeholder engagement, developed the vision and recommendations for the sub area and included land use and redevelopment, parking, views, connectivity, design, infrastructure, and sustainability.
4. Implementation: Based on stakeholder, technical expertise and community feedback, implementation strategies were developed to achieve the vision for each focus element.

LAND DEVELOPMENT CODE APPROVAL AND CRITERIA

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, pursuant to Division 8 of the Land Development Code and the approval considerations in Chapter 5 of the Comprehensive Plan, and presents the following findings:

COMPREHENSIVE PLAN AMENDMENT CONSIDERATIONS	STAFF ASSESSMENT
1. The existing Comprehensive Plan and/or any related element thereof is in need of the proposed amendment.	The existing comprehensive plan needs an amendment to incorporate the New Town Sub-Area Plan to further implement the existing plan goals and policies outlined above.

2. The proposed amendment is compatible with the surrounding area and the goals and policies of the Comprehensive Plan.	The amendment is compatible with the surrounding areas of commercial and residential neighborhoods. The amendment is compatible with the goals and policies of the comprehensive plan and seeks to further implement existing plan goals and policies for a specific geographic area in the City.
3. The proposed amendment will have no major negative impacts on transportation, services and facilities.	The proposed amendment will have not have a major negative impact on transportation services and facilities.
4. The proposed amendment will have minimal effect on service provision, including adequacy or availability of urban facilities and services, and is compatible with existing and planned service provision.	The proposed amendment will not have a negative effect on existing or proposed service provision.
5. The proposed amendment, if for an area outside of the City's current municipal boundaries, is consistent with the City's ability to annex property.	The proposed amendment pertains to the New Town area within the City and is not for an annexation.
6. Strict adherence to the existing Comprehensive Plan would result in a situation neither intended nor in keeping with other key elements and policies of the plan.	Strict adherence to the existing comprehensive plan without this amendment will result in not developing a more defined vision and development guidance for a specific area in the City that will further implement the goals and policies of the Comprehensive Plan.
7. The proposed plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Plan and the elements thereof.	This amendment will promote the public welfare within the New Town area and is consistent with the goals and policies of the comprehensive plan.

STAFF RECOMMENDATION

Based on an analysis of the methodology, outcomes, and recommendations of the plan and a review of the 2014 Comprehensive Plan Amendment approval considerations, staff recommends approval of the Comprehensive Plan amendment.

In summary, staff believes that the New Town Sub-Area Plan will further implement the goals and policies of the Comprehensive Plan with a planning document for future planning, development and redevelopment in the New Town area of the City.

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



NEW TOWN SUB-AREA PLAN

May 2023



NEW TOWN SUB-AREA PLAN

PLANNING TEAM

Thomas Cooke, Planning Intern
Cheryl Drake, Senior Planner
Shane Greenburg, Planner II
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TECHNICAL ADVISORY COMMITTEE

John Firouzi, Mobility Planning and Innovation Manager
Darin Delay, Parks and Urban Design Manager
Carrie Espinosa, Manager of Housing Preservation and Resources
Carrie Briscoe, Deputy Director of Arvada Urban Renewal Authority

STEERING COMMITTEE

Michael Griffith, Planning Commission
JoAnn Mattson, Colorado Department of Transportation (CDOT), Region 1
Jordan Rudel, Colorado Department of Transportation (CDOT), Region 1
Debra Shirley, Foster Elementary, Principal
Lori Rosendahl, Jefferson County Housing Authority
Katy Press, KP Consulting and Associates
Joe Hengstler, Olde Town Business Improvement District, Executive Director
Kami Welch, Arvada Chamber of Commerce
Gina Rende, Maly Commercial Realty, Inc.
Kathy Davis, Maly Commercial Realty, Inc.
Otto Maly, Maly Commercial Realty, Inc.
Bill Mosher, Trammell Crow Company
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Lee Ferguson, Trammell Crow Company
Erik Hagevik, Trammell Crow Company
Lee Pearson, Armstrong Capital Development
Steve Wilkie, Royal Oak
Rick Enstrom, Enstrom Candies
Matt Burton, Chick-Fil-A
Sarrah Presnell, Home Depot
Charles Craven, Charlie’s Fly Shop
Dan Williams, Costco
Laurie Hullinger, Costco
Alex Staneski, NewMark Merrill Mountain States
Rick Weller, Armstrong Capital Development

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- 1.2 Local and Development History
- 1.3 Plan Process



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- 2.2 Transportation and Circulation
- 2.3 Parking
- 2.4 Parks and Open Space, and
Infrastructure and Sustainability



VISION

- 3.1 The Vision and Community Engagement
- 3.2 Community Engagement Summary, and
Common Themes and Goals



FOCUS ELEMENT

- 4.1 Land Use and Redevelopment
- 4.2 Parking
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Introduction

The City of Arvada 2014 Comprehensive Plan articulates the community's shared values and vision. The Comprehensive Plan goals and policies help guide development and investment decisions that influence the quality of life in Arvada. The Comprehensive Plan establishes the City's land use pattern, sets the stage for development regulations and standards, and guides the City in funding programs and capital investments by anticipating future tax revenue.

A sub-area plan is a type of long range planning for a specific geographic area within the City and further implements the Comprehensive Plan.

The New Town Sub-area plan focuses on goals and policies for topics such as land use, urban design, architectural design and transportation.

INTRODUCTION & OVERVIEW

1.1

THE SUB-AREA PLANNING EFFORT IMPLEMENTS THE COMPREHENSIVE PLAN BY FURTHER REFINING THE GOALS AND POLICIES FOR THE SUB-AREA INCLUDING LAND USE AND REDEVELOPMENT, ECONOMIC DEVELOPMENT, AND VIBRANT COMMUNITIES AND NEIGHBORHOOD GOALS.

NEW TOWN SUB-AREA PLAN INTRODUCTION & OVERVIEW

The City of Arvada 2014 Comprehensive Plan), ratified by City Council in May of 2020, articulates the community's shared values and vision. Goals and policies help guide development and investment decisions that influence the quality of life in Arvada. The Comprehensive Plan establishes the City's land use pattern, sets the stage for development regulations and standards, and guides the City in funding programs and capital investments by anticipating future tax revenue.

A sub-area plan is a type of long range planning for a specific geographic area within the City and further implements the goals and policies of the Comprehensive Plan.

Arvada, a first ring suburb of Denver, is seeing development of its vacant land resources and has limited ability to expand its boundaries. This means that opportunities for further growth on vacant sites are limited and there is more opportunity for redevelopment of areas that have already been developed. For the New Town area, there are few infill sites available and the majority of the development opportunities will be in redevelopment of existing commercial properties.

The New Town Sub-Area Plan focuses on the area which is generally defined as the area along Wadsworth Boulevard and Bypass between the G Line tracks on the north and Interstate 70 on the south. The Arvada Marketplace shopping center along 52nd Avenue is also included, as are commercial and light industry areas east of the shopping center.



The 2018 Wadsworth Corridor Retail Study was prepared to assess the existing retail corridor and anticipate its future retail viability. The study included the Wadsworth Boulevard corridor area from I-70 to Grandview, prioritized this area for future area planning efforts and concluded that a master plan should be developed that transitions this area into a truly mixed use area with plan elements that support and reinforce each other.

WADSWORTH BOULEVARD RETAIL CORRIDOR STUDY

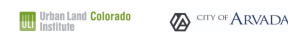


8/16/2018 City of Arvada

Analysis to evaluate and assess the existing retail along the corridor and project future retail viability.



A Report from the Wadsworth Boulevard Technical Advisory Panel (TAP)
By ULI Colorado
May 2-3, 2019



Further analysis of this area was prepared by the Urban Land Institute (ULI) Colorado, Technical Advisory Panel (TAP) in 2019. The "A Vision for New Town Arvada" report concluded that the study area has great potential for a mix of uses that will support the community in the long-term. A diversity of uses and users will allow this area to thrive over time. By adding housing options, community gathering spaces, and connectivity throughout the study area, the City can support local retail and commercial uses that contribute to the City's financial sustainability.

This sub-area plan serves as the master planning document envisioned by these two studies. The plan was developed over approximately eighteen months and included a variety of opportunities for public input and engagement through community meetings, open houses, surveys and Advance Arvada website.

OVERVIEW

NEW TOWN SUB-AREA PLAN MAP

1.1



LOCAL AND DEVELOPMENT HISTORY 1.2

ARVADA RESIDENTS OFTEN BOAST OF THE CITY'S "SMALL-TOWN FEEL." CONSIDERED A FIRST-RING SUBURB OF DENVER, ARVADA'S POPULATION HAS GROWN ALONG WITH THE DENVER METRO AREA.

NEW TOWN LOCAL & DEVELOPMENT HISTORY

The City of Arvada, with a population of 124,402 in 2020, is one of the largest cities in Colorado. The community was founded in 1870 and incorporated in 1904.

Arvada is primarily a suburban residential community with suburban shopping opportunities. Historic Olde Town Arvada, known as the "Jewel of Arvada" is an eclectic historic district with an urban, pedestrian character.

The area around Wadsworth Corridor between I-70 and Grandview Avenue has become a major shopping center of auto-oriented and big box retail, with 1.2 million square feet of commercial space.

However, the way that we shop has changed with increased online shopping and the COVID-19 pandemic accelerated this trend as well as affecting how services and materials are delivered. With this in mind, the long-term viability of shopping centers, and in person retail in general, is a concern.

The New Town Sub-Area plan study area in the southeast portion of the City includes 258.5 acres. It is the retail center of Arvada with a significant portion of sales tax revenue generated by the area's businesses.

Wadsworth Bypass

Wadsworth Bypass, also known as State Highway 121, provides both a major

benefit and a challenge for the study area. The high traffic counts on the arterial increase retail opportunities but at the same time acts as a barrier to pedestrian connectivity.

Olde Town Arvada

North of the study area is Olde Town Arvada, the city's historic downtown and a designated historic district listed on the National Register of Historic Places. Olde Town is a vibrant specialty retail district with restaurants, taverns, shops, cultural facilities and a transit station.

The main retail focus in the area includes four big box retail stores which have regional draws and are neighbors to many smaller retailers and restaurants.

"New Town"

The area directly south of Olde Town and the RTD commuter rail G Line is referred to by many as "New Town" and is the area which is the subject of this sub-area plan. The vision for New Town has long been seen as one that should compliment Olde Town in addition to providing opportunities for development with higher densities.

There is a significant elevation change from Olde Town to New Town which provides views of the mountains and downtown Denver from the Olde Town G Line station and transit station plaza.

Influence Areas

The area immediately surrounding the

New Town Sub-Area, "the influence area", contains the Columbine neighborhood to the east comprised of post war housing dating from the 1950s, Foster Elementary as well as two parks, Foster and Columbine Parks.

The area to the west of the study area is primarily residential, containing some single family units but is primarily medium density housing.

Development & Redevelopment

Shopping areas within New Town have the character of traditional suburban shopping areas, which are auto centric, providing significant fields of parking in front of the retail buildings. Several "gateway" improvements such as the landscaped medians in Wadsworth Boulevard define this entrance to Arvada and create an identity for the area.

The New Town redevelopment efforts began in 1981 with the creation of the Arvada Urban Renewal Authority and the adoption of the Arvada City Center Urban Renewal Plan. Over the next 25 years, this area changed into a vibrant residential and retail area.

Major projects within the New Town area included the development of the commercial centers including Costco, Home Depot, Sam's Club and Lowe's, Harkins Theater and the Olde Town Transit Hub with over 600 parking spaces.

The G Line commuter rail which provides connections between Union Station in Denver to Wheat Ridge, opened in 2019.

The influence area west of the study area has also been the subject of redevelopment efforts including the Arvada Water Tower Village residential community and the Hilton Hotel.

DEMOGRAPHICS

New Town Sub-Area (.40 square mile)

2020 Population - 116 persons

2020 Households - 43

2020 Housing Units - 43

Influence Areas (.77 square mile)

2020 Population - 4,696 persons

2020 Households - 2,253

2020 Housing Units - 2,278

Trends

- Migration in Colorado is strongly related to job growth
- City and Colorado population is growing at a slower rate
- Growth is occurring in concentrated areas
- Increasing Age Population in the City and Colorado impacts the economy, work force, education, housing, transportation and public finance
- City population is Increasing racial and ethnic diversity

PLAN PROCESS

1.3

THE DEVELOPMENT OF THE SUB-AREA PLAN CONSISTED OF A THREE PHASE PROCESS WITH EXTENSIVE COMMUNITY ENGAGEMENT OVER AN EIGHTEEN MONTH PERIOD.

PLAN GOALS

Based on initial input from the public and property owners during the development of this plan, the Goals for the sub-area plan were determined to be:

- Create a framework for regeneration and attraction of private sector investment
- Conceptualize and shape the three-dimensional urban environment
- Define public, semi private public spaces
- Determine the mix of additional uses, density and their physical relationship to each other
- Engage the local community and act as a builder of consensus

PLAN DEVELOPMENT

Visualize

During the initial steps in the visualization phase in the fall of 2020, the study area and influence boundaries were determined, stakeholders were identified, initial committee meetings were conducted and public participation was initiated.

Steering and Technical Review Committees were established to provide expertise and assist develop the plan.

The Steering Committee consisted of representatives of the Planning Commission, Colorado Dept of Transportation, Olde Town Business Improvement District, Chamber, and various community organizations and agencies. Representation on the Technical Committee consisted of staff from Arvada Urban Renewal Authority and several City departments.

The following previous planning documents were reviewed as part of the development of this plan:

- Southeast Arvada Neighborhood Development Plan, 1979
- Arvada City Center Urban Design and Redevelopment Plan, 1980
- Arvada City Center urban renewal Plan, 1981
- Arvada Transit Station Framework Plan, 2007
- Olde Town Station Urban Renewal Plan, 2010
- Olde Town Parking & Transportation Demand Plan, 2010
- Sustain Arvada, 2012
- Comprehensive Plan, 2014
- Design Guidelines for Olde Town Arvada, 2016
- Parks System Master Plan, 2016
- Bicycle Master Plan, 2017
- Wadsworth Corridor Retail Study, 2018
- A Vision for New Town Arvada – Urban Land Institute Report, 2019



Strategize

Phase two of the sub-area plan process focused on high level recommendations to guide future development and achieve the overall vision identified in Phase 1 and included:

- Implementation of community (Public) outreach and presentation plan
- Review of community meeting(s) input and synthesizing of information for staff/committee analysis
- Review and refinement of the project and meeting schedule
- Identification and refinement of recommendations resulting from public, technical committee and steering committee meetings to further develop the plan vision and elements

Realize

The third phase of the plan development focused on the creation of the plan resulting from previous phases, public review and input. This included:

- Drafting a subarea plan document created from the community outreach and committee participation process during the Visualize and Strategize phases for review by parties of interest
- Finalize first draft and presentation of the draft plan for public review and input
- Finalize document for adoption process
- Public hearing and Planning Commission and City Council approvals

SUB-AREA PLAN TIMELINE



EXISTING CONDITIONS

2

IN THIS CHAPTER

- 2.1 Land Use
- 2.2 Transportation and Circulation
- 2.3 Parking
- 2.4 Parks and Open Space,
Infrastructure and Sustainability

EXISTING CONDITIONS

This chapter provides an overview of the existing conditions within the New Town Sub-Area including:

- Land Use
- Transportation and Circulation
- Parking
- Parks and Open Space
- Infrastructure
- Sustainability

EXISTING LAND USE

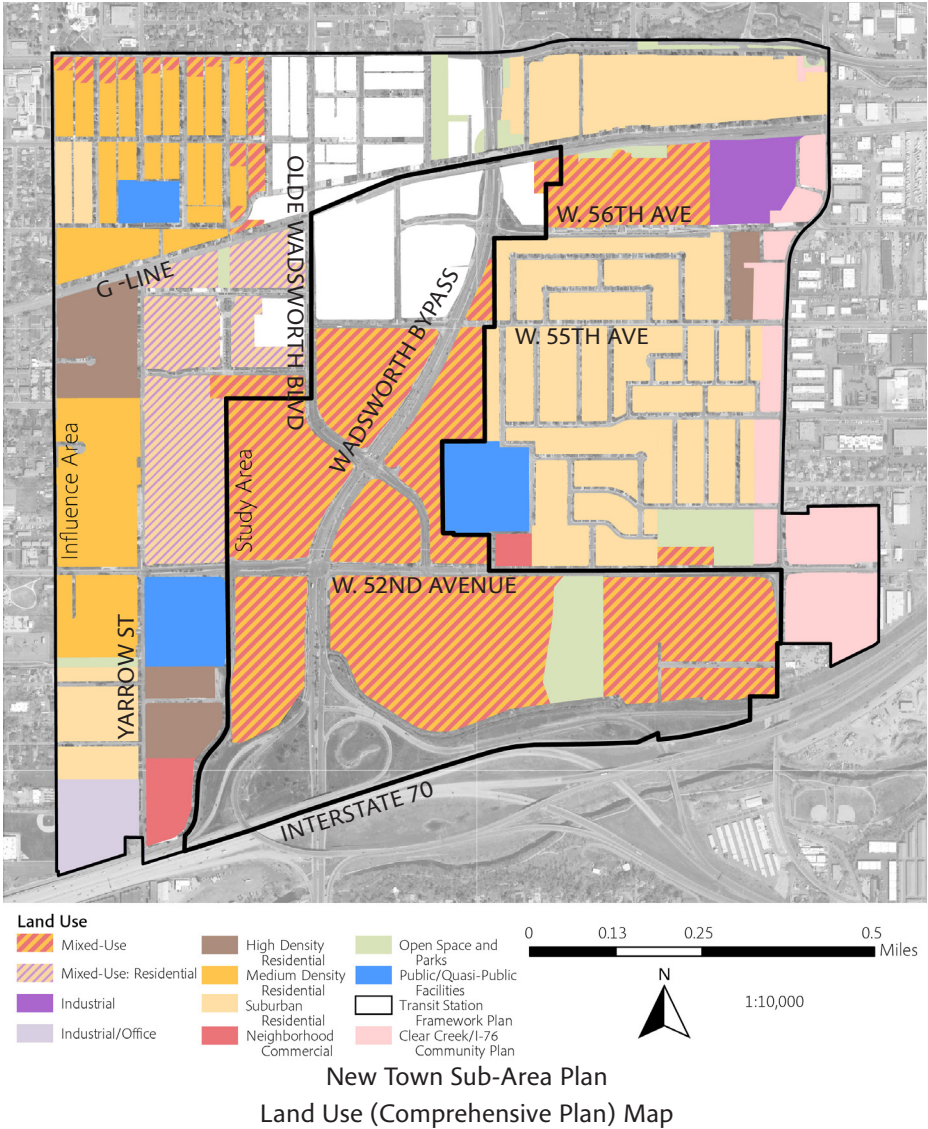
The New Town Sub-area is an essential commercial district with over 1.2 million square feet of commercial space providing 25% of the City’s sales tax revenue. A large theater and major retailers include Costco, Home Depot, and Lowe’s on the west side of Wadsworth Boulevard, and the Arvada Marketplace anchored by Sam’s Club, as well as many smaller retailers and restaurants on the east side.

Commercial development is representative of traditional suburban development with single story construction. The architecture of major anchors in the Sub-Area reflects corporate branding, and in some cases ties into a design theme for other commercial buildings to establish a center identity. Associated with the suburban character of this commercial area are larger fields of parking.

The New Town Sub-Area currently has minimal residential uses. A few single family residences and multifamily units are situated on the northeast and southeast edges of the area. This is changing with construction of a 252 unit multifamily complex in the northern portion of the study area. Residential land uses are generally located within the plan influence area.

The sub-area is bounded on the north by the Regional Transportation District (RTD) G Line, a commuter line which runs from the Ward Road station to Union Station in Downtown Denver. Adjacent to the G Line immediately on the north side of the Sub-area is the Olde Town Commuter Rail Station. Just south of the G Line is the Olde Town Transit Hub which serves the commuter line station, local bus lines, and provides a parking facility. The Hub parking facility provides parking for transit customers as well as parking for the surrounding commercial areas.

No public open spaces exist within the Sub-area, however quasi public “small urban parks” are required to be provided with redevelopment per the City’s Land Development Code in most areas of New Town. A private body of water that is referred to as Columbine Lake, is in private ownership, but is often viewed as an open space asset of the area.



TRANSPORTATION AND CIRCULATION 2.2

THE NEW TOWN SUB-AREA HAS A DIVERSE REGIONAL TRANSPORTATION NETWORK AND IS A PROMINENT ELEMENT OF THE PLAN AREA.

TRANSIT & MULTI-MODAL CONNECTIONS

The regional transportation circulation includes vehicular and multi-modal transit facilities within and adjacent to the plan area. The southern boundary of the sub-area is bordered by federal interstates (I-70 and I-76); state highway 121, Wadsworth Bypass/Boulevard bisects the sub-area; and the BNSF/RTD rail line; and a transit hub facility forms the northern border of the sub-area.

The regional commuter G-Line Arvada Station is located along the rail line north of the sub-area. However, the regional transportation network creates challenges for non-vehicular connectivity within the plan area, such as crossing Wadsworth Bypass as a pedestrian or bicyclist, and accessing adjacent trail systems.

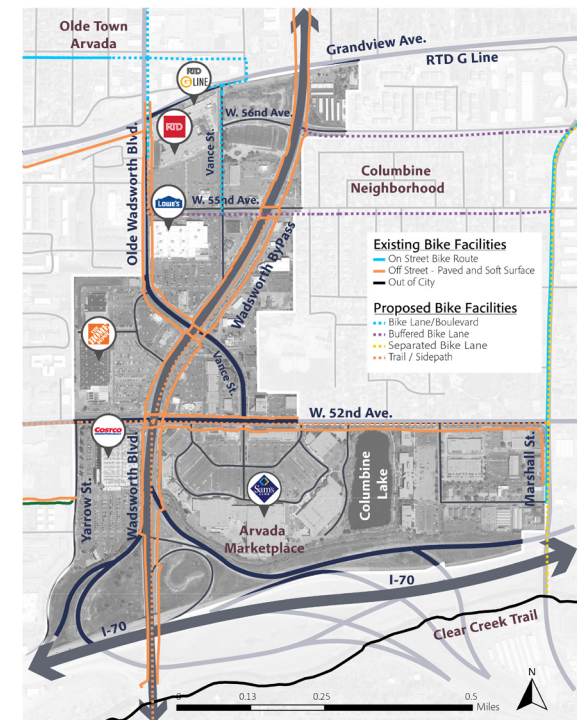
The Regional Transportation District (RTD) provides excellent multi-modal opportunities with bus and commuter rail service throughout the sub-area. The transit facility, Olde Town Transit Hub, is located between Vance Street and Olde Wadsworth Boulevard north of W 56th Avenue. The Hub includes over 600 parking spaces, bus service and supports the Olde Town Transit Station for the G-Line commuter line on the north side of the rail line. The transit system also serves the sub-area with Bus Routes 52, 72, and 76 that offers multiple bus options within and to the surrounding neighborhoods.

Bike and Trail System

The bike system is combined with the existing transportation and sidewalk network through off-street paved paths, off-street unpaved paths and “Share the Road” on-street trails. Paved bike trails are located on Olde Wadsworth Boulevard, Wadsworth Boulevard/Bypass and W. 52nd Avenue and an unpaved trail connects on the east side of the sub area. The bike connection along Wadsworth Boulevard/ByPass is shared with pedestrians next to fast moving vehicles that offers negligible safety from traffic.

The Clear Creek Park and trail system is located south of the sub-area and there are no dedicated trail connections from the subarea. The private Columbine Lake is on the east side of the sub-area on W. 52nd Avenue.

With the exception of Wadsworth Boulevard/Bypass, planned bike routes and future funded bike trail projects are located in the influence areas outside of the plan area.



TRANSPORTATION AND CIRCULATION

2.2

TRANSIT AND MULTI-MODAL CONNECTIONS

Pedestrian Connectivity

The plan area provides pedestrian mobility with sidewalks along major transportation routes and internal streets. Internal streets are primarily paved sidewalks that provide adequate pedestrian access within the subarea and to surrounding areas including historic Olde Town. Olde Wadsworth Boulevard and Vance Street border the Transit Hub and access from within the northern portion of the subarea to Olde Town and Olde Town Transit Station.

Wadsworth Boulevard/Bypass and W. 52nd Avenue are the primary pedestrian connections within the subarea with consistent sidewalk widths and few crossing opportunities that allows limited mobility across these major street corridors. The combination of width, proximity to fast vehicles and limited crossings, Wadsworth Parkway/Bypass is a physical barrier for safe non-vehicular connectivity and access along a major transportation corridor and to surrounding communities.



PARKING

2.3

PARKING

The New Town Sub-Area contains many acres of surface parking as well as the Old Town Transit Hub. The majority of the commercial centers were constructed with large parking fields, most often in the front of the businesses, close to the adjacent streets. Rarely are the parking fields fully occupied, based on observations during the plan development process.

In 2020, the City updated parking requirements to more closely reflect the actual utilization by various uses and to emphasize the use of modes of transportation other than the personal vehicle. When applying the revised

parking requirements contained in the Land Development Code, the New Town Sub-Area contains excess parking for the existing uses in the area.

A surface parking space on average requires 270 square feet of land which equates to over 11 acres that is underutilized and offers an opportunity for redevelopment.



PARKS AND OPEN SPACE, INFRASTRUCTURE AND SUSTAINABILITY

2.4

PARKS AND OPEN SPACE

The New Town Sub Area currently does not have public community parks located within the plan area. Columbine Lake on private property and Foster Park are located to the east of the plan area, Stocke Walter and McIlvoy parks to the north and Griffith Station Park to the west.

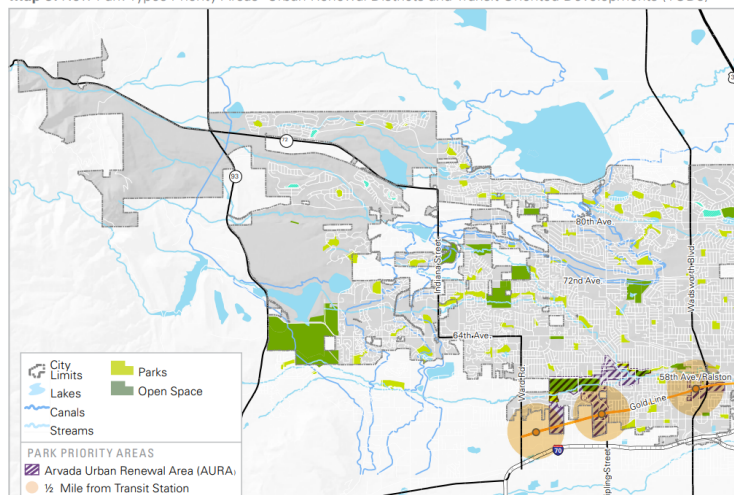
The updated Land Development Code adopted in 2020 requires developers to construct small urban parks. The sub-area plan is also located in a Priority Location for Urban Park types identified in the Arvada Parks System Master Plan. Several small urban parks for multi-family and commercial developments are planned along Wadsworth Parkway/Bypass, east side of Vance Street and 56th Avenue just south of the commuter rail G-line tracks.

PROVIDE URBAN PARK TYPES IN URBANIZING AREAS

Urban Park Type Priority Locations

The map and following criteria table expands Arvada's existing parkland classification for urbanizing areas. These new urban park types will help Arvada maintain a high level of park service as the City's population grows and areas experience denser development. The map shows current location boundaries around transit stations and Arvada Urban Renewal Areas. Additional triggers for these urban park types are listed on the following page.

Map 9: New Park Types Priority Areas- Urban Renewal Districts and Transit Oriented Developments (TODs)



Source: Arvada Master Parks Plan

INFRASTRUCTURE

City Council has provided strategic direction to the Infrastructure work system to complete master plans for water, wastewater, and storm infrastructure by 2023. These plans provide staff with a road map to prioritize work that needs to be done in our water/wastewater systems.

The City team completed the treatment, distribution and sewer master plans in 2021 and 2022 and will complete the raw water master plan in 2023, and the results of the master plans are being used to plan work for immediate, short-term and longer-term needs.

SUSTAINABILITY

The City created the Sustain Arvada Plan in 2012 as a way to honor "Arvada's rich heritage and preserve our resources to foster economic prosperity, environmental stewardship and community vitality today and into the future".

The City is committed to conservation, sustainability and resiliency through many programs, policies and partnerships adopted by the City of Arvada.



"We do not inherit the earth from our ancestors. We borrow it from our children."
—Native American Proverb

February 2012

VISION

3

IN THIS CHAPTER

- 3.1 The Vision and Community Engagement
- 3.2 Community Engagement Summary
Common Themes and Goals

VISION

A vision and implementation plan for the New Town area through the development of sub-area plan strategies and components that encourage, promote and support cohesive and resilient development created with extensive community engagement and input.

THE VISION AND COMMUNITY ENGAGEMENT

3.1

THE VISION

CREATE AN IMPLEMENTATION PLAN FOR THE NEW TOWN AREA THROUGH THE DEVELOPMENT OF SUB-AREA PLAN STRATEGIES AND COMPONENTS THAT ENCOURAGE, PROMOTE AND SUPPORT COHESIVE AND RESILIENT DEVELOPMENT.

CREATE A VIBRANT, CONNECTED, MIXED-USE URBAN COMMUNITY THAT IS COMPATIBLE WITH THE ADJACENT RESIDENTIAL NEIGHBORHOODS AND COMPLIMENTS OLDE TOWN.

COMMUNITY ENGAGEMENT PROCESS

The planning process included extensive community engagement with stakeholders including residents, community members, business owners, property owners, agencies and City staff. There were a variety of public engagement and outreach efforts both in-person and virtual to encourage and promote meaningful input from the community.

This planning effort occurred during varying restrictions and protocols related to the COVID-19 pandemic. Communication tools including mailers, informational videos, publication articles, social media, surveys and a dedicated website were utilized throughout the planning process to maximize community participation and engagement. Multiple high-tech and virtual engagement platforms were used to communicate, engage and collect feedback from the community to provide safe and convenient participation during the planning process. In addition to virtual or on line tools, public open houses were conducted during the pandemic when risk and restrictions allowed in-person community participation.

The initial technical review committee, steering committee and public community meetings introduced the project and provided an opportunity for the public to offer their thoughts about and vision of the area, and identify opportunities and challenges.

Stakeholder Committee

The Steering Committee for this planning effort included community members, Colorado Department of Transportation representative, Planning Commission representative, property owners, business owners and business organizations in and near the sub-area. The Steering Committee met virtually three times throughout the planning process and were instrumental in providing research, analysis of sub-area elements and helping to create recommendations.

Technical Advisory Committee

The Technical Advisory Committee (TAC) for this planning effort included representatives from City departments and Arvada Urban Renewal Authority. The TAC met three times throughout the planning process and provided subject matter expertise, research, analysis and critical feedback on infrastructure feasibility.

Community Meetings

Community meetings were held at key points throughout the planning process to solicit input and guidance from the public (see Appendix). Four Public Open Houses using both virtual and in-person formats occurred to solicit valuable insight and information to develop the sub-area plan. The community meetings were promoted through social media, e-newsletters, e-mail and the City AdvanceArvada.org website.

COMMUNITY ENGAGEMENT SUMMARY

During the community engagement process, (we heard) the public provided comments and responded to community outreach efforts that are summarized in the Appendix.

Community comments and committee input during the development of the plan were used to develop the plan elements and recommendations.



The public, stakeholders and committee input were used to guide and develop the sub-area plan.

COMMUNITY ENGAGEMENT

3.2

EVALUATING COMMUNITY FEEDBACK

A variety of feedback from the community and stakeholders was received throughout the planning process that consisted of responses to questions, surveys and community events. After every committee meeting, community meeting and public engagement event, the project team compiled all the feedback for further evaluation.

Evaluation included the identification of common goals, understanding areas of consensus, opportunities and concern. The development of this plan has been informed and guided by this evaluation process.

COMMON THEMES AND GOALS

Land Use and Redevelopment

- Encourage and promote resilient commercial redevelopment and infill development
- Encourage and promote residential development to support commercial development within New Town and the surrounding community
- Promote diverse housing to support commercial development and surrounding community

Parking

- Examine and evaluate parking
- Ensure sufficient parking to meet the needs of future mixed-use and commercial development, and existing development

Views

- Identify and establish primary view corridors that allow for redevelopment and accommodate the building heights

Connectivity

- Improve bicycle and pedestrian connectivity and safety
- Identify barriers and opportunities for improved connectivity and safety
- Provide accessible and safe connections within the sub-area, to multi-modal facilities and to surrounding neighborhoods

Architectural Design

- Explore the importance of architectural design within the sub-area

Placemaking

- Identify underutilized public spaces that could be improved to benefit both the public and local business community
- Incorporate placemaking strategies that create well connected community gathering spaces

Traffic

- Mitigate traffic impacts through new and improved non-vehicular connections
- Safety

FOCUS ELEMENTS

4

IN THIS CHAPTER

- 4.1 Land Use and Redevelopment
- 4.2 Parking
- 4.3 Views
- 4.4 Connectivity
- 4.5 Design
- 4.6 Infrastructure and Sustainability

FOCUS ELEMENTS

This chapter provides an overview of focus elements developed through the planning process and recommendations for:

- Land Use and Redevelopment
- Parking
- Views
- Connectivity
- Design
 - Architecture
 - Placemaking - Small Urban Parks
 - Streetscape
- Infrastructure
- Sustainability

LAND USE AND REDEVELOPMENT

4.1

IN 2020, THE CITY UPDATED THE LAND DEVELOPMENT CODE AND OFFERED NEW OPPORTUNITIES FOR REDEVELOPMENT WITHIN THE SUB-AREA CONSISTENT WITH THE ARVADA COMPREHENSIVE PLAN AND URBAN LAND INSTITUTE TECHNICAL ADVISORY PANEL REPORT.

POSITIONING FOR REDEVELOPMENT

The Land Development Code update established new zoning districts providing opportunities for urban mixed use that encompasses office, high density residential, retail and light trade/technical uses.

The entire sub-area is zoned for mixed use development. The purpose of the mixed use district is to provide for urban-scale, higher density residential and nonresidential uses, in vertically or horizontally mixed-development on a single parcel or in a master planned area, and located along corridors with frequent bus and rail transit service. The district is intended to encourage higher-density infill development in appropriate locations.

Residential uses permitted in the sub-area include:

- Suburban and Urban Townhomes,
- Multiplexes, and
- Urban Multifamily

Non-residential permitted uses include:

- Retail,
- Office, and
- Light Trade and Technical

Building Heights

Permitted heights within the mixed use zone district vary from 45 to 120 feet; the higher limits for maximum heights permitted are on the south end of the Sub-Area adjacent to the I-70 and I-76 corridors.

Height transition requirements were adopted to protect the adjacent Columbine neighborhood by requiring that building heights transition down to the height of the existing neighborhood as development approaches.

Zoning

In addition to the establishment of the new zoning districts, new parking standards were also adopted in the Land Development Code. All of the sub-area is also covered by parking reduction zones.

Standards were adjusted to be consistent with current development trends and the unique location of the study area in a TOD influence area:

- Multi-family Residential standards are now based on the number of bedrooms
- SF attached standards were slightly reduced
- Restaurant standards are based on square footage rather than the number of seats, and
- Standards for office and retail services were reduced

The update to the Land Development Code and remapping of the City expanded the mixed use zoning for the sub-area allowing residential and commercial land uses throughout the sub-area. Part of the outreach efforts was to explore with the community what types of land uses are important to the success of the area and where they should be focused. Project participants expressed that both residential and commercial development were important to the area.

MIXED-USE

During community outreach, participants expressed commercial development, higher density multi-family residential development and affordable housing as being important to the area.

One comment that was often expressed was the need for a local grocer in the area. This has proven to be challenging for the New Town Sub-Area because larger grocers prefer sites that are more central to higher residential populations within a two mile trade area. The New Town Sub-Area falls within the trade area of already existing large grocers and there are currently only 43 housing units in the sub-area. Smaller grocers are more specialized and have specific retailing points of view that dictates their location. Additional housing units in the immediate area would be essential to potentially entice a grocer to the area.

The proximity to bus and transit lines increase the market possibilities of higher density housing, less reliant on personal vehicular modes of transportation.

Encouraging additional higher density housing could result in attracting attainable housing and the additional population necessary for diverse commercial uses desired by the community.

LAND USE AND REDEVELOPMENT

4.1

POTENTIAL CHARACTER AREAS

Five potential Character Areas were developed using geographic features (i.e. streets) and existing zone (land use) districts in a distinct area within the sub-area.

The potential character areas were created to help the community and stakeholders identify potential land uses and design considerations within the sub-area.

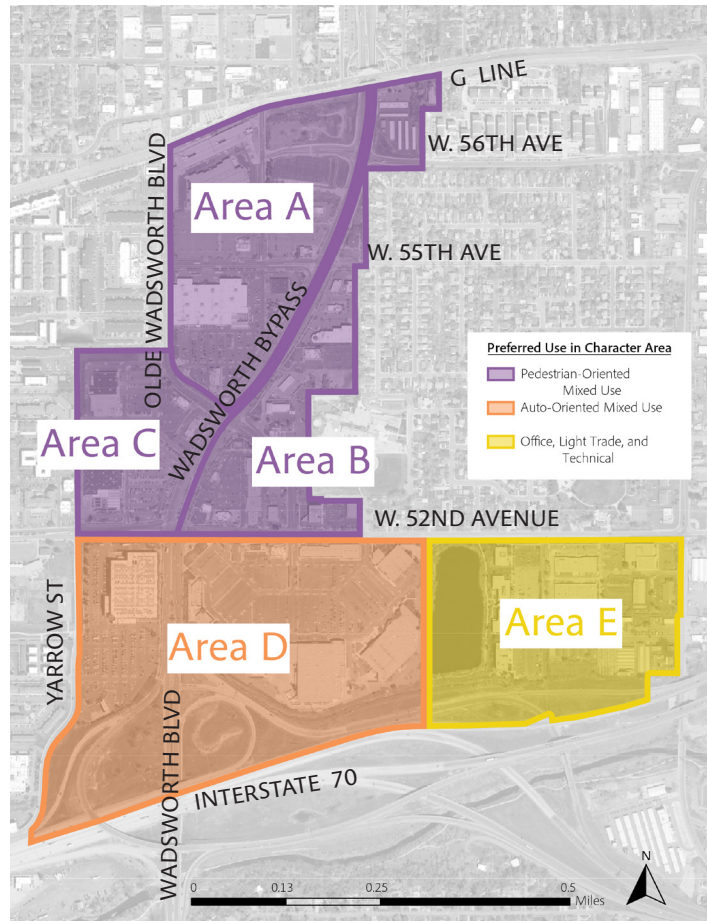
PREFERRED LAND USE AND HEIGHT

Consistent with current prominent uses, community participants specified that the most appropriate predominant land use preferred for each potential Character Area:

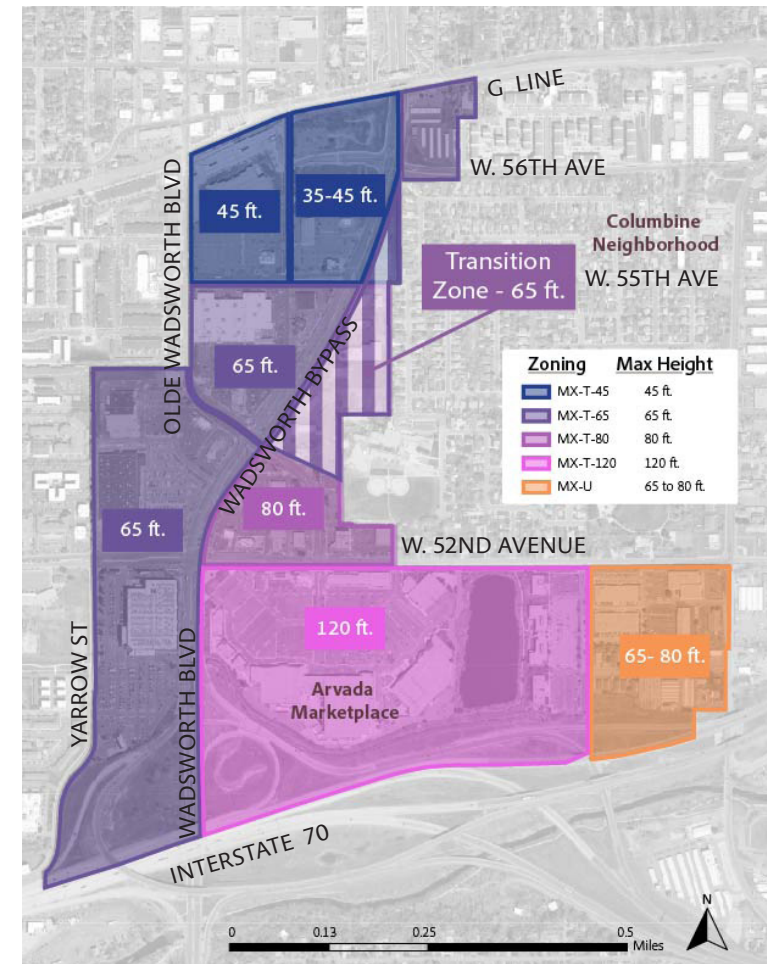
- Character Areas A, B & C is **Pedestrian Oriented Mixed Use**
- Auto Oriented Commercial Use** for Character Area D
- Character Area E is **Office, Light Trade and Technical Uses** within an enclosed building
- Residential Use was an option not identified as the most appropriate predominant land use within a Character Area

Two land use options and a height transition option were presented to the community during the development of the plan. The preferred land use Option 2 with auto-oriented mixed use in Area D and reduced height adjacent to the Columbine neighborhood were selected by the community.

Preferred Land Use - Character Area



Preferred Height Transition Zone



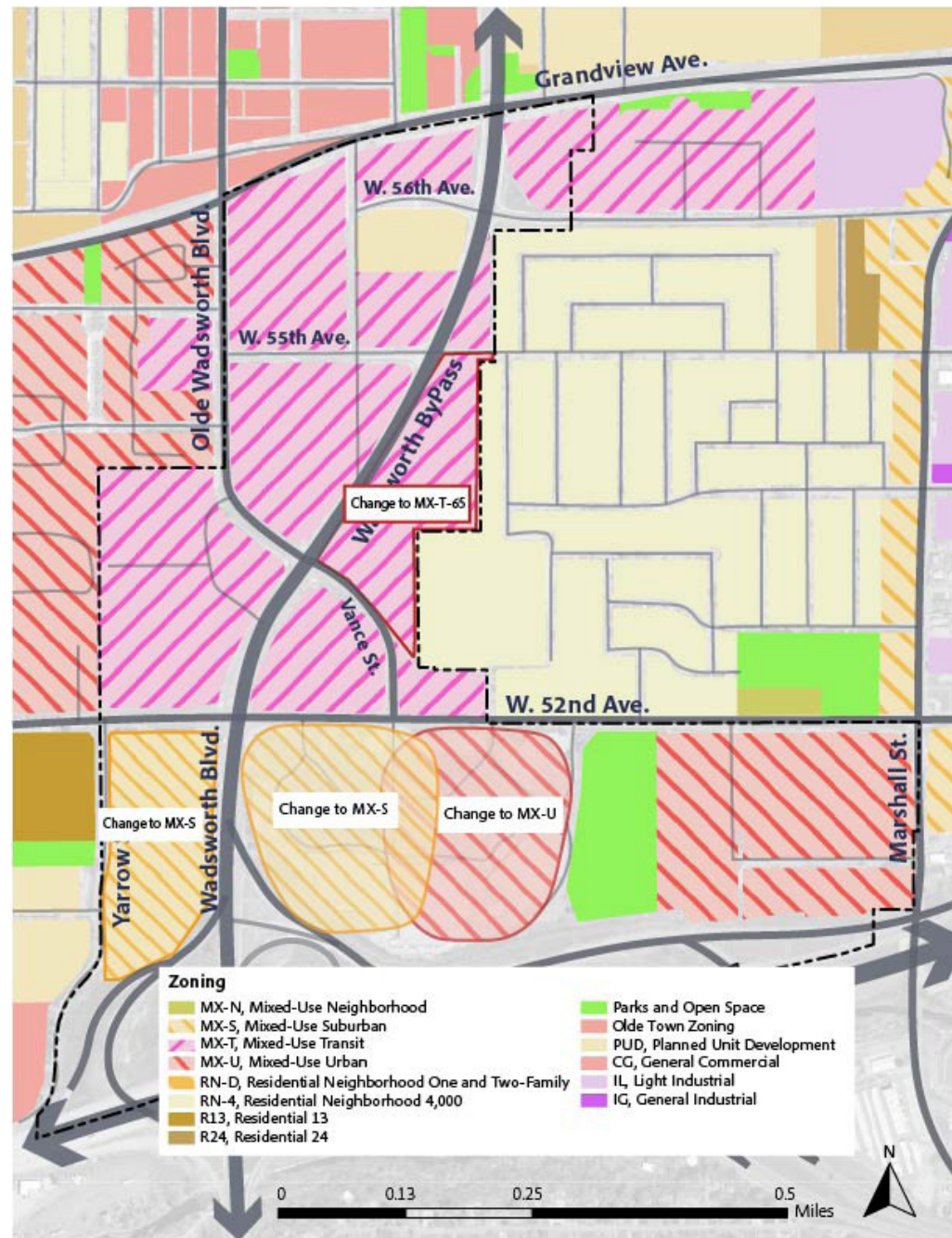
LAND USE AND REDEVELOPMENT

4.1

PREFERRED LAND USE (ZONING) MAP

RECOMMENDATIONS

- » Reduce height at the commercial transition zone located on the east side of Wadsworth Boulevard/ Bypass between W. 53rd and W. 56th Avenues from MX-T 80' to MX-T 65' to improve compatibility to adjacent neighborhoods.
- » Modify Arvada Marketplace development from MX-T 120' to MX-S 120' and/or MX-U 120' to implement the preferred auto-oriented land uses through Land Development Code regulations and Zoning Map.
- » Modify Costco development located south of W. 52nd Avenue between Wadsworth Boulevard and Allison Street from MX-T 65' to MX-S 65' to implement the preferred auto-oriented land uses through Land Development Code regulations and Zoning Map.
- » Methods of encouraging higher density multi-family and affordable housing residential development in the Sub-Area should be a focus of study and possible modifications to the City's development regulations.



PARKING

4.2

LARGE OVER PARKED AREAS IN THE SUB-AREA OFFER AN OPPORTUNITY FOR REDEVELOPMENT.

PARKING

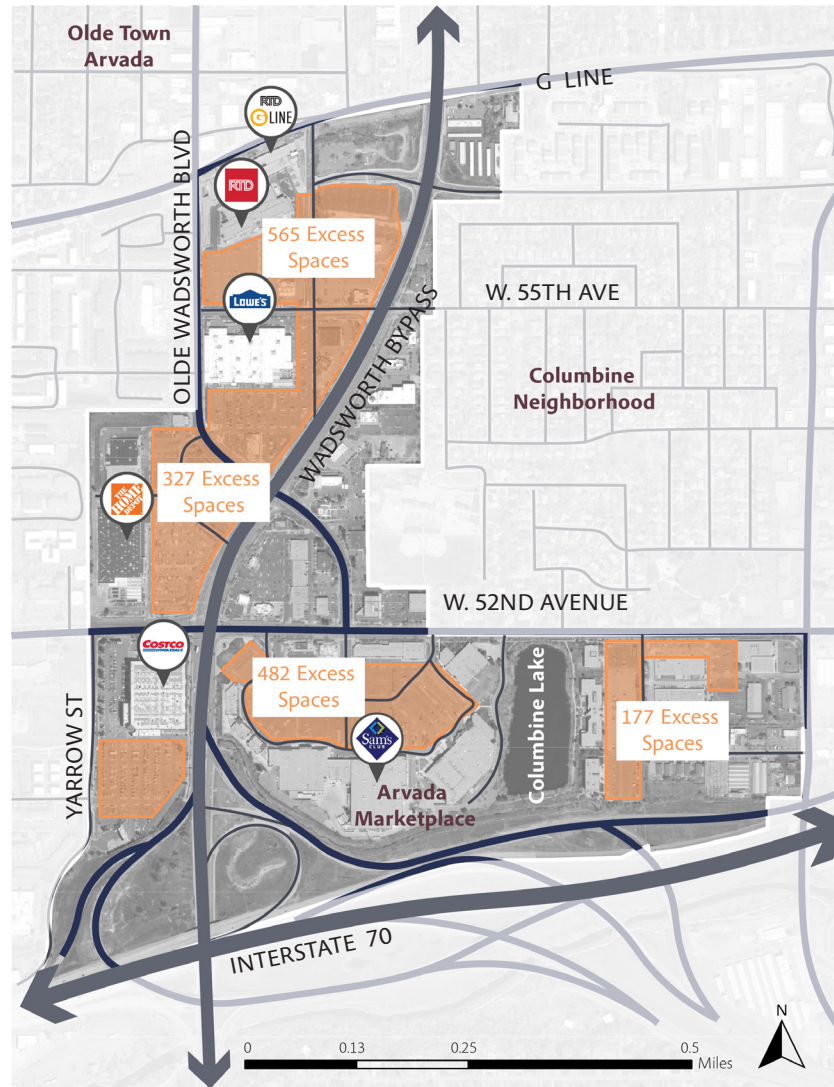
Nearly 60 percent of project participants felt that parking provided for the existing uses in the Sub-Area is excessive. This indicates that the recent reductions to the City's parking requirements are a step in the right direction.

The large over parked areas which currently exist offer an opportunity for redevelopment allowing for additional density and better use of the land.

Encouraging infill parking for mixed use development is warranted to determine if further incremental reductions in parking requirements are appropriate in addition to methods of encouraging conversion of parking for infill as well as structured parking which can free up additional land for redevelopment.

RECOMMENDATIONS

- » Encourage reduced parking and infill development for mixed use development.
- » Each property and development should be evaluated for reduced parking requirements at the time of redevelopment or new development.
- » Increase parking efficiency through a "managed parking" strategy including parking limits, paid parking, and validation systems.



INFILL DEVELOPMENT IN PARKING AREAS - EXAMPLE

Flatirons Crossing Mall, Broomfield, Colorado



- Redevelopment of mix of uses with higher density
- Incorporated within existing buildings and parking areas
- Increased building heights, potential five to six stories up to 135'

VIEWS

4.3

VIEWS

Views from Grandview Street at the south edge of Olde Town have been identified as a significant resource for the community.

The primary point from which the views are critical is from the Olde Town Transit Station platform. Efforts to preserve some views towards Mt. Evans, the Front Range and Downtown Denver

should be a priority when considering redevelopment.

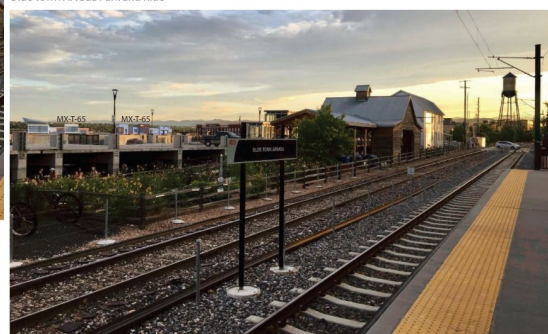
The mixed-use zoning in the New Town Sub-Area permits development heights of 45' to 120'. The permitted heights are situated to preserve these important views. Development simulations illustrate how the views will be preserved should the maximum heights be utilized.

Olde Town Arvada Park and Ride

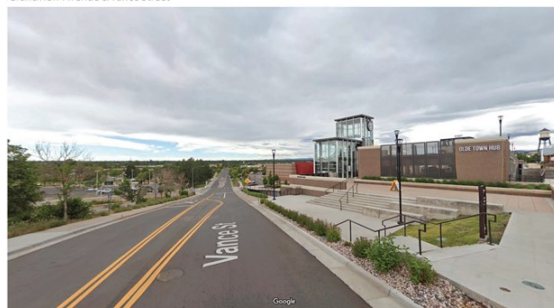


View Corridors from Olde Town Station Platform and Plaza.

Olde Town Arvada Park and Ride

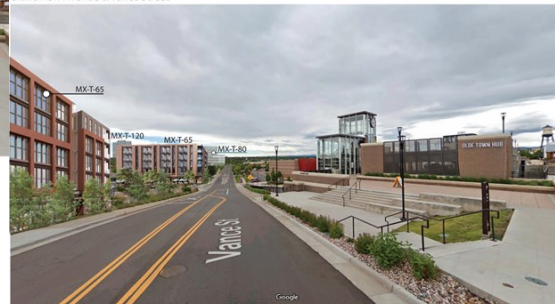


Grandview Avenue & Vance Street

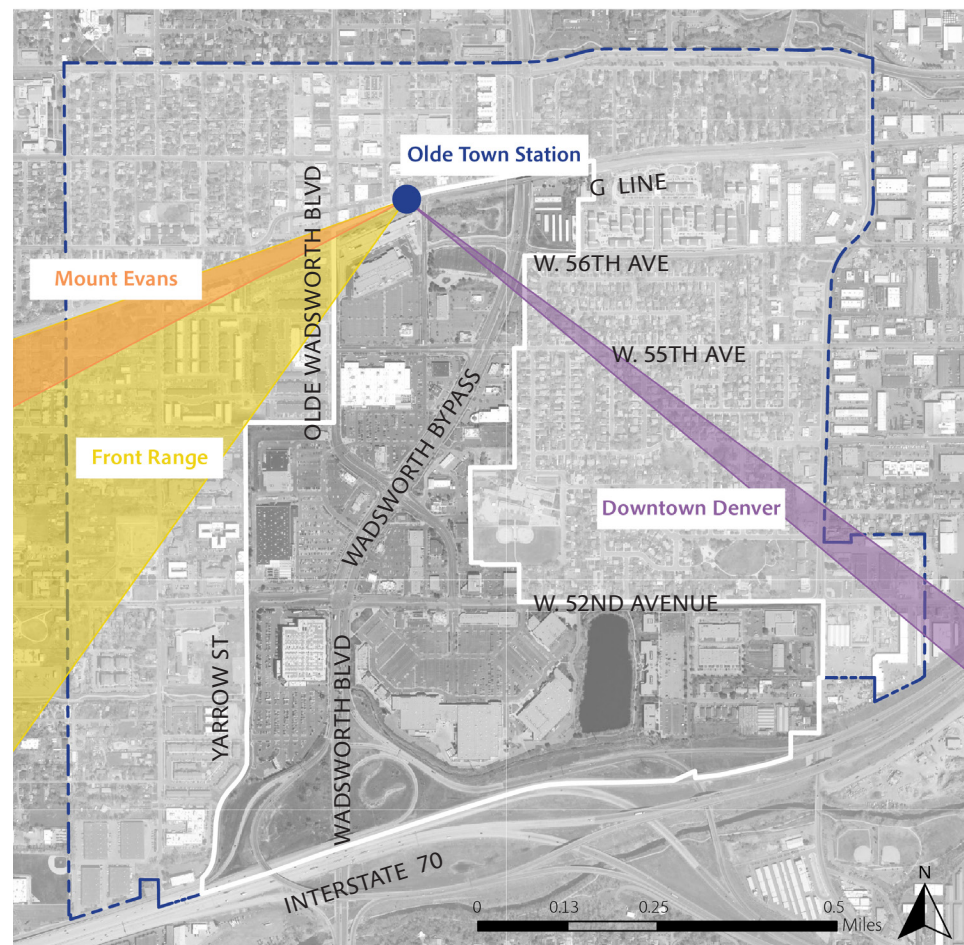


Views without and with simulated development views towards Downtown Denver.

Grandview Avenue & Vance Street



VIEWSHED CORRIDOR MAP



RECOMMENDATION

- » Preserve views from Olde Town Station Transit Platform/Plaza important from this location to view corridors to the south.

CONNECTIVITY

4.4

THE TRANSPORTATION AND CIRCULATION NETWORK IN AND AROUND THE NEW TOWN SUB-AREA CONSISTS OF A DIVERSE MULTI-MODAL TRANSPORTATION SYSTEM CONNECTED BY A COMMUTER RAIL LINE AND EXTENSIVE STREET, BUS, PEDESTRIAN, BICYCLE AND TRAIL SYSTEMS.

CONNECTIVITY

The regional transportation network creates challenges for non-vehicular connectivity within the sub-area, across Wadsworth Boulevard/Bypass, and to trail systems.

A goal of the plan is to identify and improve connectivity that serves all users with a focus on strengthening network opportunities and safety.

Pedestrian

The pedestrian network includes sidewalks and signalized crossings along a highway corridor and streets. A bike system consisting of on-street and off-street paved trails combined with sidewalks and streets located within and surrounding the plan area. An important part of the pedestrian network system as conveyed by the community during the planning process, is connectivity to transportation facilities, area amenities and safety. A focus of the plan is to enhance the sidewalk connections, identify potential trail connections and improve safety.

Wadsworth Boulevard/Bypass corridor is a state highway with high volumes of traffic that bisects the sub-area plan. Current traffic volume is 59,000 vehicles per day and projected to increase to 65,000 vehicles per day by 2035.

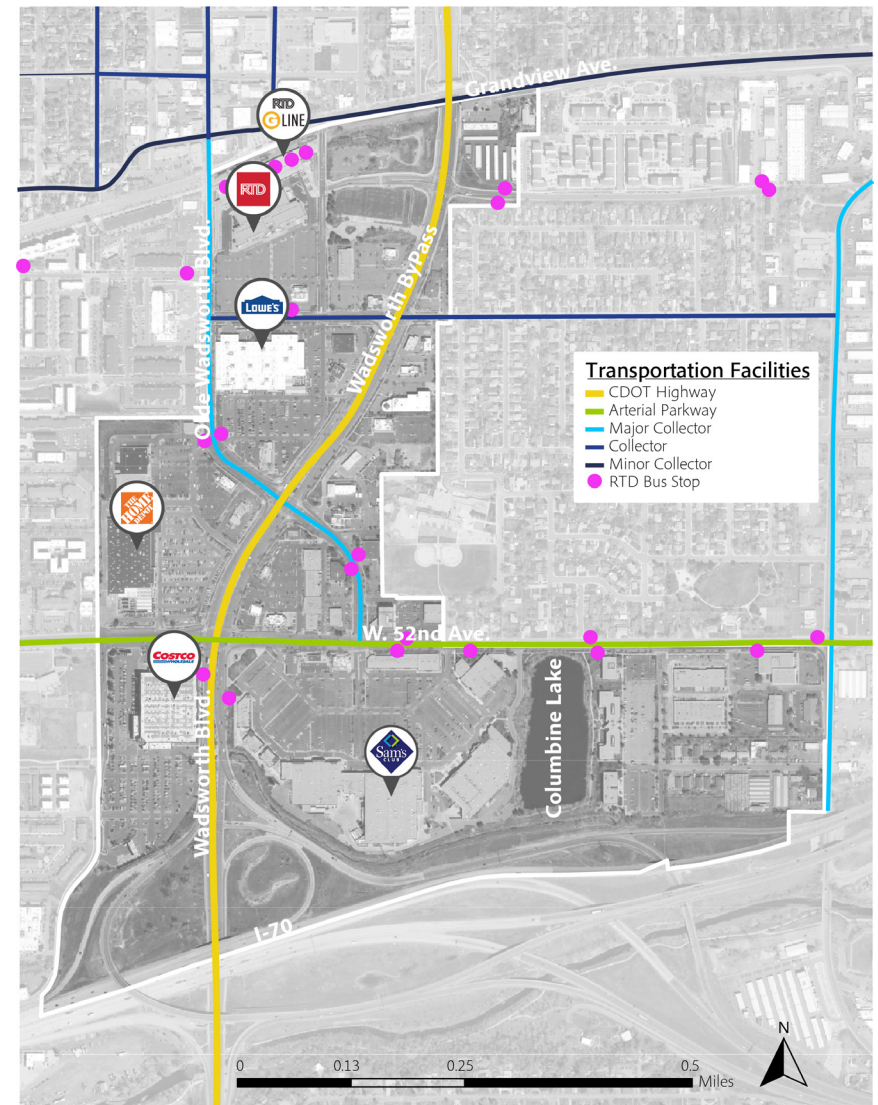
The existing sidewalks and signalized intersections provide pedestrian and bicycle access to, from and within the

plan area. However, the community expressed significant safety concerns with access and shared sidewalks adjacent to fast moving vehicles along this corridor.

Three signalized intersections located at W. 52nd Avenue, Olde Wadsworth Boulevard/Vance Street and W. 56th Avenue are the pedestrian and non-vehicular connections along this portion of the Wadsworth Boulevard/Bypass corridor.

The intersection at W. 55th Avenue and Wadsworth Boulevard/Bypass is signalized, but is designed only for vehicle access and lacks a pedestrian crossing. The closest grade-separated pedestrian crossing north of the three signalized intersections is the Grandview Street Bridge accessible from the Wadsworth Bypass. Project community participants identified the W. 55th Avenue intersection as a key missing connection across Wadsworth Bypass and safer crossing improvements needed along Wadsworth Bypass, as it is the primary access to and from the Columbine neighborhood.

The Wadsworth Bypass is a state highway controlled by the Colorado Department of Transportation (CDOT). Any improvements along the Wadsworth Boulevard/Bypass corridor will require CDOT and City infrastructure coordination.



CONNECTIVITY

4.4

Pedestrian Streets

Streets connecting to Olde Town Arvada and commercial developments in the plan area are located in or near pedestrian and transit oriented areas. Pedestrian Priority Streets are located where pedestrian oriented and "main streets" are desirable.

These streets provide an opportunity to designate "Pedestrian Priority Streets" designed to enhance walkability and pedestrian experience and connections. Pedestrian Priority Streets activate pedestrian and transit oriented areas through varied street and building design elements.

"Creating a pedestrian environment requires considering the dimensions of the human body and the scale of the spaces that people use. Subtle factors, focused on a pleasant environment for the pedestrian, encourage people to walk."
Arvada Transit Framework Plan

Trails

The nearest public open spaces are located north in Olde Town Arvada and along the Ralston Creek Park Trail, and to parks east and west of the sub-area plan boundaries. The regional Clear Creek Trail is just south of Interstate 70/ Interstate 76.

The existing street and circulation patterns provide vehicular and non-vehicular access to the north, east and west. Improving connections to public

amenities including parks was a recurring comment heard from the community.

Enhanced street connections, wayfinding and exploring new trail connections to the Interurban Trail and Clear Creek Trail provides an opportunity to improve and access open space and parks near the sub-area.

The preferred trail system identifies potential new and improved connections to the Interurban Trail and regional Clear Creek Trail. Other linkages on Olde Wadsworth Boulevard, W. 52nd Avenue and Vance Street utilize the existing street network and provide important connections to park and open space opportunities in the area.

RECOMMENDATIONS

- » Work with the Colorado Department of Transportation (CDOT) to evaluate improved pedestrian crossings along Wadsworth Bypass including the intersection at W. 55th Avenue.
- » Remove the southside of W. 52nd east of Wadsworth Boulevard from the pedestrian priority street designation implemented through modification of regulations in the Land Development Code.
- » Street design and trail connectivity implemented through future redevelopment and infrastructure planning.

PREFERRED CONNECTIVITY AND TRAIL SYSTEM MAP



DESIGN

4.5

A FOCUS OF THE PLANNING PROCESS WAS TO ENGAGE WITH THE COMMUNITY TO DETERMINE THE IMPORTANCE OF ARCHITECTURAL AND BUILT ENVIRONMENT DESIGN.

ARCHITECTURAL DESIGN

A Visual Preference Survey (VPS) was conducted to solicit community feedback on architectural design and building form. The VPS of building designs and types including varied heights, was utilized to refine design options within the sub-area.

A majority of the public surveyed agreed that one form of building design is important and there was a strong consensus for this design approach along the western side of Wadsworth Boulevard and Arvada Marketplace development at the southeast corner of W. 52nd Avenue and Wadsworth Boulevard.

The preferred design consistent with community engagement included multiple building styles (modern, traditional) with natural materials such as brick or stone and modern elements as architectural accents.

RECOMMENDATION

- » Develop an architectural guideline document to address architectural design within the sub-area.

Preferred Architectural Design



PLACEMAKING - SMALL URBAN PARKS

A component of developing the sub-area plan is to identify important areas that should be linked together and create opportunities for placemaking that serve as community oriented spaces. In addition, identify the public space opportunities that could benefit the public and local business community.

Community oriented spaces appropriate for New Town area redevelopment may be created with small urban parks linked throughout the sub-area.

An urban park is intended to serve a neighborhood where opportunities for a larger park site is not available. A small Urban Park typically a privately-owned area intended to provide public accessible park and community space within planned urban type developments. Small urban parks may include landscaping, open turf area, public art, shelter or shade structure, play sculptures or play equipment and interpretive display.

Community participants expressed desire for public spaces and connectivity to these community public spaces.

Small Urban Park Examples



DESIGN

4.5

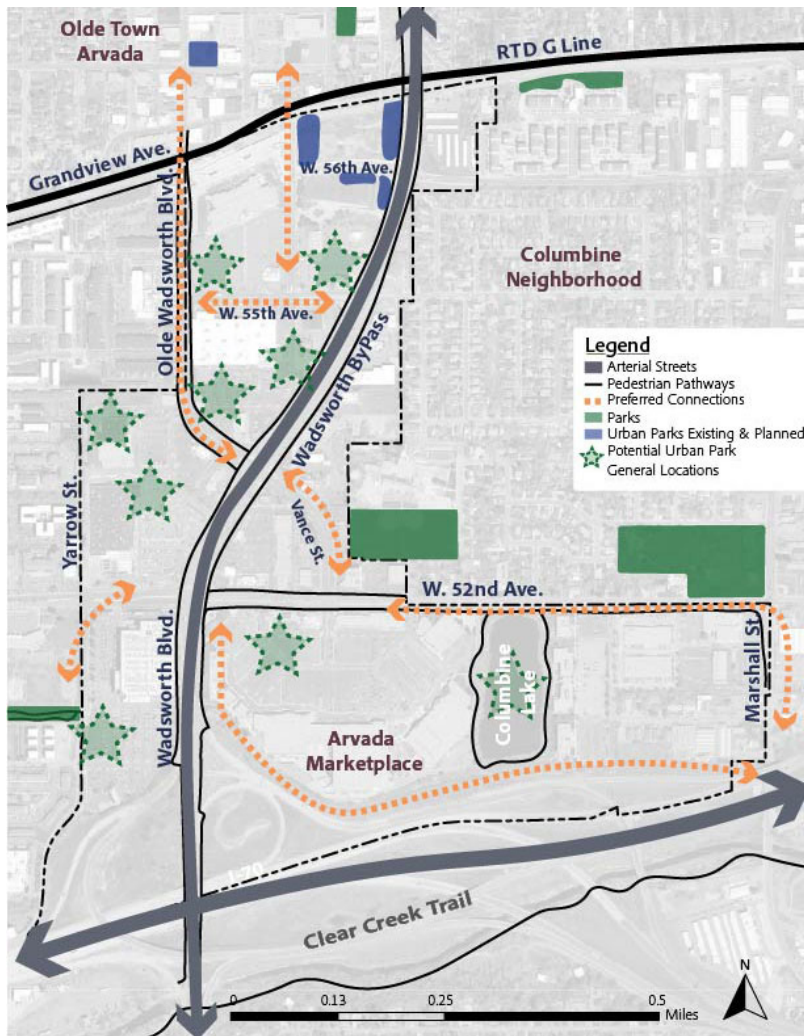
PREFERRED SMALL URBAN PARKS

Preferred small urban park general locations were identified through the planning process and the primary opportunities include south of the RTD Gold Line west of Wadsworth Bypass and the northeast corner of W. 55th Avenue and Olde Wadsworth Boulevard.

RECOMMENDATION

- » The preferred small urban park locations should be considered with new development and redevelopment projects.

PREFERRED SMALL URBAN PARK SYSTEM MAP



STREETSCAPE

Streetscape design enhances the street and pedestrian experience while further defining pedestrian connections within the plan area and to surrounding neighborhoods. Streetscape design elements help create safe pedestrian friendly paths to encourage users, improve walkability and connectivity.

Potential Streetscape Options

Potential streetscape options A and B are designed to improve the pedestrian experience in pedestrian oriented and transit oriented areas with natural elements (i.e. tree lawn, planting, xeriscape) separating the sidewalk from the street.

The preferred option on pedestrian streets of the Land Development Code incorporates tree lawn with trees and other elements that provides shade for the sidewalk area.

Implementation of streetscape designs may occur at the time of new development and redevelopment.

DESIGN

4.5

STREETSCAPE

POTENTIAL STREETSCAPE OPTIONS

Potential Streetscape Option A design includes:

Eight foot area with natural elements of rock with shrubs, ornamental grasses and small trees separating the six to ten foot sidewalk from the street.

Canopy trees recommended.

Potential Streetscape Option B design includes:

Eight foot tree lawn area separating the six to ten foot sidewalk from the street.

Canopy trees recommended.

Potential streets for Streetscape Design Option B include:

- Vance Street between RTD Commuter Gold Line and W. 55th Avenue.
- Future Vance Street as it continues further south to the Lowe's development as a potential pedestrian boulevard connection
- Pedestrian Priority Streets per Land Development Code

RECOMMENDATIONS

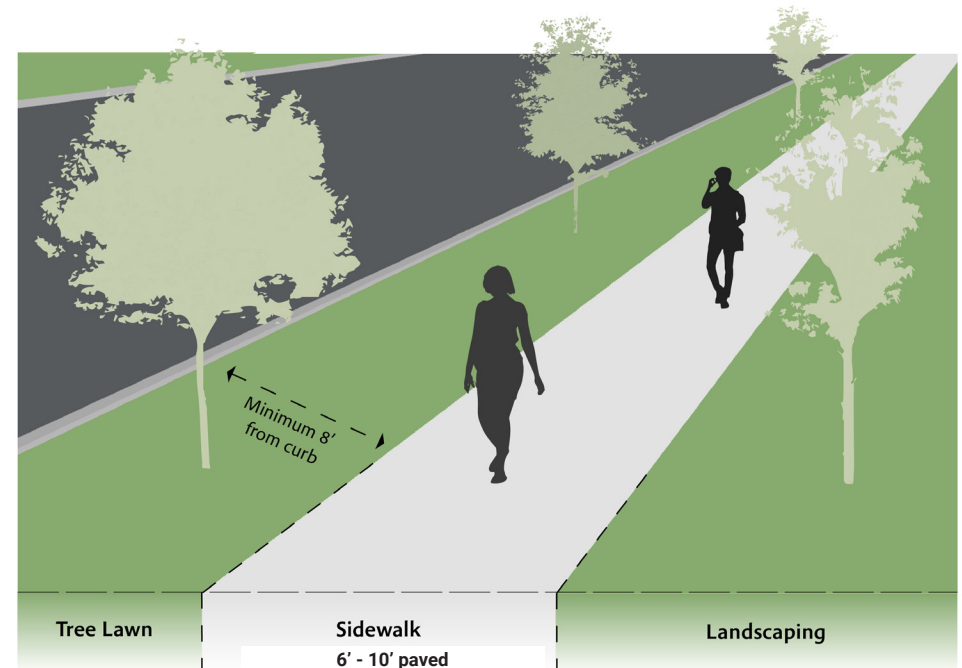
- » Evaluate engineering standards to accomplish the streetscape design.
- » Streetscape Option A preferred design for non Pedestrian Priority Streets.
- » Streetscape Option B preferred design for Pedestrian Priority Streets.

Potential Streetscape Option A



— ▶ Rock with shrubs, ornamental grasses, and small trees

Potential Streetscape Option B



Street widths vary - Streetscape design begins at street curb

INFRASTRUCTURE AND SUSTAINABILITY 4.6

INFRASTRUCTURE

City Council has provided strategic direction to the Infrastructure work system to complete master plans for water, wastewater, and storm infrastructure by 2023. These plans provide staff with a road map to prioritize work that needs to be done in our water/wastewater systems and the master plans are being used to plan work for immediate, short-term and longer-term needs. The ongoing analysis of infrastructure needs and master plan results will guide future redevelopment.

RECOMMENDATION

- » Infrastructure should be evaluated at the time of new development or redevelopment.

SUSTAINABILITY

City Council has provided strategic direction to incorporate conservation, sustainability and resiliency planning in response to environmental resources and climate change. Resiliency refers to the ability of a community to respond, adapt, and recover in a sustainable way in response to the impacts of environmental and climate change. In addition to infrastructure master plans, sustainable practices such as higher density development, green space, multi-modal connectivity, landscape planning and others have been considered in the development of this plan.

RECOMMENDATION

- » Conservation and Sustainability should be evaluated at the time of new development or redevelopment.

IMPLEMENTATION

5

IN THIS CHAPTER

- 5.1 Implementation Strategy and Implementation Matrix

IMPLEMENTATION

The implementation strategies of the sub-area plan were developed through stakeholder, technical expert and community feedback during the plan development process.

The implementation strategies in this chapter are intended to help realize the vision for the sub-area through action items from the plan recommendations and are intended to be specific, yet flexible in order to achieve the vision for each focus element through different methods, when funding is available, or at a time when the political and economic climate best support them.

IMPLEMENTATION

5.1

THESE IMPLEMENTATION STRATEGIES ARE DESIGNED TO REALIZE THE COMMUNITY'S VISION FOR THE NEW TOWN SUB-AREA THROUGH THE SUCCESSFUL COMPLETION OF PLAN RECOMMENDATIONS THROUGH IMPLEMENTATION OF ACTION ITEMS INCLUDED IN THIS PLAN.

IMPLEMENTATION MATRIX

The action items are numbered and organized by the plan focus elements. Key stakeholders are suggested responsible parties and also identify potential champions and partnerships. The implementation time frame anticipates how long it will take to fully complete implementation of the listed action item, but does not prohibit the action item from being started or finished at an earlier time.

ITEM NO.	ACTION ITEM	FOCUS ELEMENT	KEY STAKEHOLDERS	TIME FRAME
1	Change Zoning Map Zone District MX-T 120' to MX-S 120' and/or MX-U 120' for area located at southeast corner of W. 52nd Avenue and Wadsworth Boulevard known as Arvada Marketplace development	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)
2	Change Zoning Map Zone District MX-T 120' to MX-S 120' and/or MX-U 120' for area located at southeast corner of W. 52nd Avenue and Wadsworth Boulevard known as Arvada Marketplace development	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)
3	Change Zoning Map Zone District MX-T 65' to MX-S 65' southwest corner of W. 52nd Avenue between Wadsworth Boulevard known as Costco development	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)
4	Focus study and explore Land Development Code modifications to develop methods to encourage higher density multi-family and affordable housing residential development in the sub-area	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)
5	Encourage reduced parking for infill development of mixed use type developments	Parking	City of Arvada, private property owners	Ongoing
6	Evaluate reduced parking requirements at time of redevelopment or new development	Parking	City of Arvada, private property owners	Ongoing
7	Increase parking efficiency through a "managed parking" strategy including parking limits, paid parking, and validation systems	Parking	City of Arvada, private property owners	Ongoing
8	Preserve views from Olde Town Station Transit Platform/Plaza important from this location to the south	Views	City of Arvada, private property owners	Ongoing

ITEM NO.	ACTION ITEM	FOCUS ELEMENT	KEY STAKEHOLDERS	TIME FRAME
9	Remove the south side of W. 52nd Avenue east of Wadsworth Parkway from the Pedestrian Priority Street Designation in the Land Development Code	Connectivity	City of Arvada	Short Term: (0-3 years)
10	Consider street design and multi-modal trail connections within the sub-area plan at the time of redevelopment, new development and infrastructure planning	Connectivity	City of Arvada, private property owners, CDOT	Ongoing
11	Continue work with the Colorado Department of Transportation (CDOT) to improve pedestrian crossings along Wadsworth Bypass including the intersection at W. 55th Avenue.	Connectivity	City of Arvada, CDOT	Ongoing
12	Develop specific Architectural Design Guidelines or Land Development Code regulations to implement the preferred architectural design in the sub-area	Design-Architecture	City of Arvada,	Mid Term: (3 -5 years)
13	Consider preferred small urban park locations with new development or redevelopment	Design-Placemaking	City of Arvada, private property owners	Ongoing
14	Evaluate engineering standards for Streetscape design within the sub-area	Design-Streetscape	City of Arvada, private property owners, CDOT	Ongoing
15	Consider Streetscape Design Option A for Non Pedestrian Priority Streets with new development or redevelopment	Design-Streetscape	City of Arvada, private property owners, CDOT	Ongoing
16	Consider Streetscape Design Option B for Pedestrian Priority Streets with new development or redevelopment	Design-Streetscape	City of Arvada, private property owners, CDOT	Ongoing
17	Evaluate infrastructure needs at time of new development or redevelopment	Infrastructure	City of Arvada, private property owners	Ongoing
18	Evaluate conservation and sustainability methods at time of new development or redevelopment	Sustainability	City of Arvada, private property owners	Ongoing

COMMUNITY ENGAGEMENT OVERVIEW

Community Open House #1

In accordance with safety protocols associated with the COVID-19 pandemic, the first Community Open House was held outside at the Olde Town Hub in September 2020. This meeting served as a kick'-off meeting, an opportunity for the public to learn about the planning process and intent of the sub-area plan.

Community Open House #2

Due to health and safety protocols of the COVID-19 pandemic, the second Community Open House Meeting was held virtually in February 2021. The virtual meeting was an opportunity to present existing conditions and redevelopment potential, solicit area opportunity and challenge feedback, and poll architecture preferences. A visual preference survey was conducted to help focus the community's vision of the area in uniformity of design, massing, building materials and architectural characteristics. A follow up survey asking for area opportunity, challenge and architectural preference input from the community was also provided on the City Speak Up Arvada platform. The results of this meeting and survey was provided to the technical review and steering committees and offered an additional opportunity for stakeholder input.

In addition to online promotional resources, over 2000 postcard notices were mailed to property owners and businesses within the sub-area and influence areas in order to maximize project awareness and participation.

Community Open House #3

The third Community Open House in August 2021, served as an opportunity for the public to explore options and provide further feedback on land use, parking, connectivity, small urban park opportunities and refine preferred architectural design. A subsequent Speak Up Arvada survey with the open house questions and opportunity for comments allowed additional community feedback. The results of this meeting and survey was provided to the technical review and steering committees and offered an additional opportunity for stakeholder input.

Community Open House #4

A fourth in-person Community Open House to present the draft plan framework and recommendations was held in July 2022. The results of this meeting were presented to the Planning Commission and City Council and guided the final draft plan.

Community Open House Presentations and Comments

Visit arvada.org/new-town-sub-area-plan for Community Open House presentations and participant comments.

COMMUNITY ENGAGEMENT SUMMARY

During the community engagement process, (we heard) the public express the following summarized comments categorized by topics. The public and committee input and comments were used to guide and develop the sub-area plan.

Comments

An overview of the community comments during the development of the plan are summarized and organized into topics that were used to develop the plan elements and recommendations.

Land Use

- Residential and Commercial development are important
- Appropriate predominant land use for the area south of W. 52nd Avenue along Wadsworth Blvd is Auto Oriented Commercial Use
- Attainable, diverse and multi-family housing is important
- Retail and commercial development and redevelopment are both opportunity and challenges in the area. Need a grocery store.
- Smaller scale development to help encourage small business
- Walkability and connectivity to area amenities
- Appreciate the City looking to the future and considering pedestrian oriented development and scale of blocks

Design

- One form of building design is generally important especially along Wadsworth Boulevard and Arvada Marketplace development
- Preferred design included multiple building styles (modern, traditional) with natural materials such as brick or stone and modern elements
- Incorporate placemaking strategies to create well connected community gathering spaces. Identify underutilized public spaces to be improved and benefit community.

Transportation and Connectivity

- Wadsworth Boulevard/Bypass traffic
- Improved vehicular and pedestrian connectivity and safety
- Bicycle and pedestrian safety are important
- Identify opportunities for improved connectivity and safety within the study area and surrounding neighborhoods
- Proximity to RTD facility, Gold Strike Station and Olde Town is an area asset

APPENDIX: COMMUNITY ENGAGEMENT A.2

COMMUNITY ENGAGEMENT SUMMARY

Comments - Continued

Parking

- Parking concerns for residents near New Town
- Ensure enough parking to meet the needs of existing development, and future mixed-use and commercial development
- From experiences in the area, survey participants felt that existing parking is primarily excessive (59%). 12% of participants responded that parking is deficient and 29% felt parking is adequate.

Views

- Preserve primary view corridors that allow redevelopment and accommodate building heights

Miscellaneous

- Don't overdevelop
- Public safety concerns

Land Use - Future Redevelopment

- Retail/Commercial businesses and development is very important
- Need for attainable housing and multi-family is important
- Appropriate predominant land use for each potential Character Area (Community Open House Responses)
 - Character Areas A, B, C - Pedestrian Oriented Mixed Use
 - Character Area D - Auto Oriented Commercial
 - Character Area E - Office, Light Trade and Technical (within an enclosed building)

Connectivity - Potential Opportunities

- Improve pedestrian and bicycle connectivity
- Top potential improvements
 - W. 56th Avenue and Wadsworth Bypass
 - W. 55th Avenue and Wadsworth Bypass
 - W. 53rd Avenue and Wadsworth Boulevard/Bypass
 - Along W. 52nd Avenue
 - South of RTD G-Line to Olde Town

Connectivity and Design - Potential Urban Parks

- Connectivity to community open space areas
- Primary potential urban park opportunities
 - Columbine Lake
 - Northeast corner of 55th Avenue and Olde Wadsworth Blvd.
 - South of RTD G-Line west of Wadsworth Bypass

Comprehensive Plan Amendment New Town Sub-Area Plan

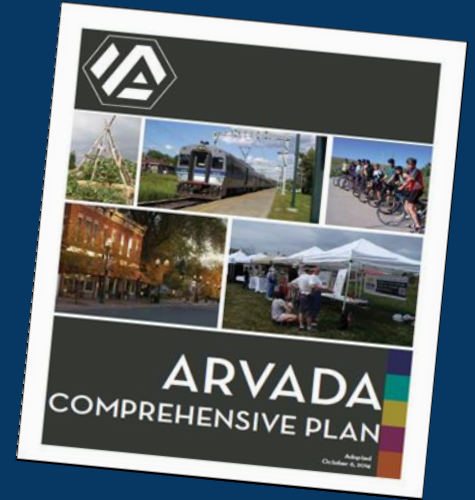
City Council
June 5, 2023



We Dream Big and Deliver

Comprehensive Plan

- Comprehensive Plan adopted in October, 2014 and the Policies and Goals guide the development of the City.
- New Town Sub-Area Plan supports following goals:
 - Goal L-3: Encourage development of transit-supportive, higher-density, mixed-use, pedestrian-oriented areas.
 - Goal ED-4: Redevelop and revitalize existing commercial and industrial areas.
 - Goal T-2: Strengthen the linkage between land use and transportation.
 - Goal T-5: Develop safe and comprehensive multi-purpose bicycle, trail, and pedestrian systems.
 - and others



New Town Sub-Area Plan

Project Overview

- Project initiated in 2020
- Relevant City Plans - Comprehensive Plan; Arvada Transit Station Framework Plan; Olde Town Station Urban Renewal Plan; Parks System Master Plan; and “ A Vision for New Town Arvada”, Urban Land Institute Report
- Community Engagement and Stakeholder Participation
 - Technical Advisory Committee - 3 meetings
 - Steering Committee - 3 meetings
 - Community Open Houses - One virtual and 3 in-person
 - Online Community Surveys - 2 Speak Up Surveys
- Creates a long term vision for future development and redevelopment in the New Town area of the City.

New Town Sub-Area Plan

Study Area

Study Area

.40 Square Mile (258.5 Acres)

Influence Area

.77 Square Mile (492.8 Acres)

Focus Elements

Land Use

Parking

Views

Connectivity

Design

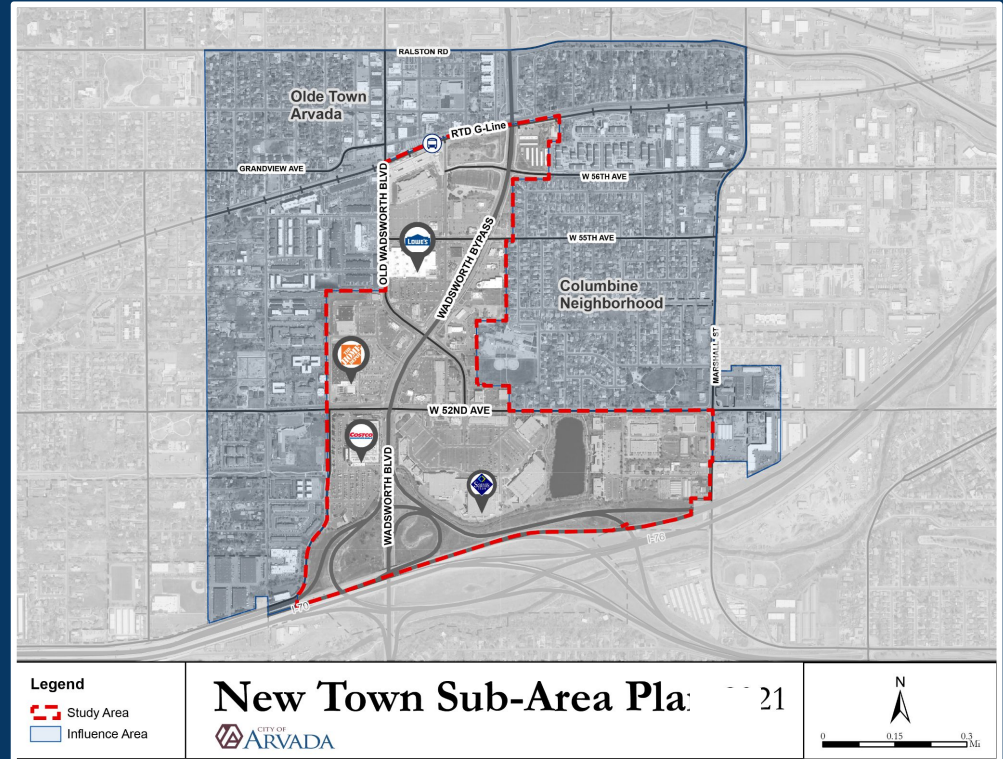
Architecture

Placemaking - Small Urban Parks

Streetscape

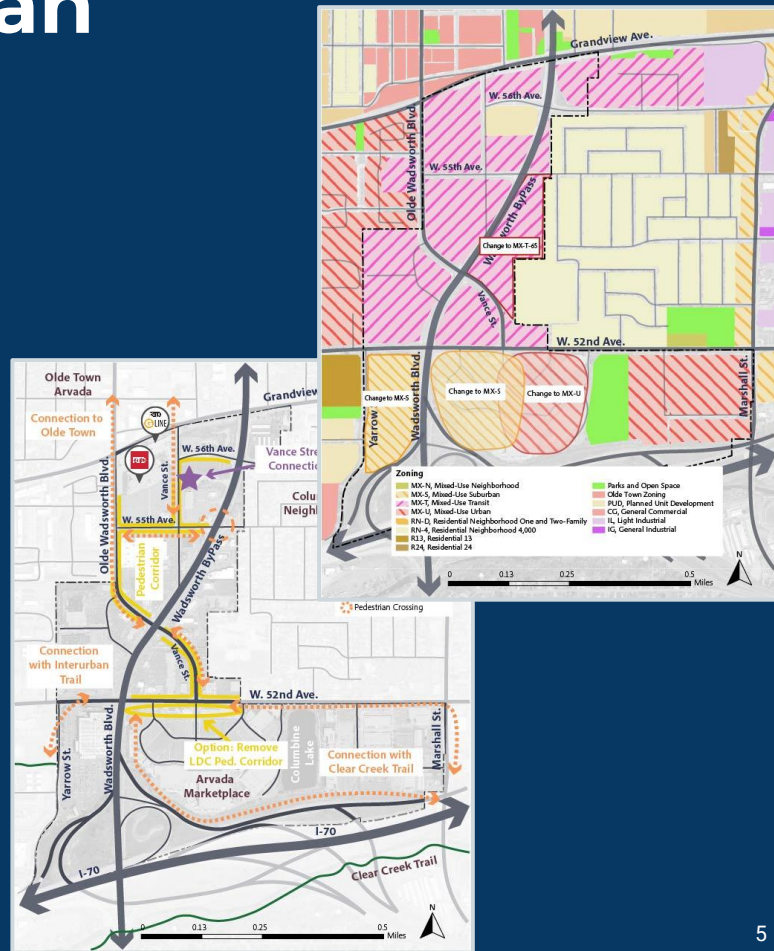
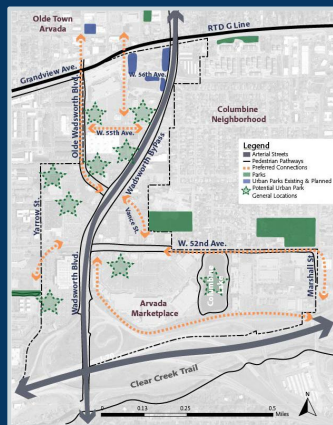
Infrastructure

Sustainability



New Town Sub-Area Plan Recommendations

- Preferred Land Use
- Parking and Viewshed Corridor
- Pedestrian and Trail Connectivity
- Design : Preferred Architecture, Small Urban Parks & Streetscape Options
- Infrastructure & Sustainability



New Town Sub-Area Plan Implementation Strategies

Implementation Matrix

- Action Item
- Focus Element
- Key Stakeholders
- Anticipated Timeline

ITEM NO.	ACTION ITEM	FOCUS ELEMENT	KEY STAKEHOLDERS	TIME FRAME	ITEM NO.	ACTION ITEM	FOCUS ELEMENT	KEY STAKEHOLDERS	TIME FRAME
1	Change Zoning Map Zone District MX-T 120' to MX-S 120' and/or MX-U 120' for area located at southeast corner of W. 52nd Avenue and Wadsworth Boulevard known as Arvada Marketplace development	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)	9	Remove the south side of W. 52nd Avenue east of Wadsworth Parkway from the Pedestrian Priority Street Designation in the Land Development Code	Connectivity	City of Arvada	Short Term: (0-3 years)
2	Change Zoning Map Zone District MX-T 120' to MX-S 120' and/or MX-U 120' for area located at southeast corner of W. 52nd Avenue and Wadsworth Boulevard known as Arvada Marketplace development	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)	10	Consider street design and multi-modal trail connections within the sub-area plan at the time of redevelopment, new development and infrastructure planning	Connectivity	City of Arvada, private property owners, CDOT	Ongoing
3	Change Zoning Map Zone District MX-T 65' to MX-S 65' southwest corner of W. 52nd Avenue between Wadsworth Boulevard known as Costco development	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)	11	Continue work with the Colorado Department of Transportation (CDOT) to improve pedestrian crossings along Wadsworth Bypass including the intersection at W. 55th Avenue.	Connectivity	City of Arvada, CDOT	Ongoing
4	Focus study and explore Land Development Code modifications to develop methods to encourage higher density multi-family and affordable housing residential development in the sub-area	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)	12	Develop specific Architectural Design Guidelines or Land Development Code regulations to implement the preferred architectural design in the sub-area	Design-Architecture	City of Arvada,	Mid Term: (3 - 5 years)
5	Encourage reduced parking for infill development of mixed use type developments	Parking	City of Arvada, private property owners	Ongoing	13	Consider preferred small urban park locations with new development or redevelopment	Design-Placemaking	City of Arvada, private property owners	Ongoing
6	Evaluate reduced parking requirements at time of redevelopment or new development	Parking	City of Arvada, private property owners	Ongoing	14	Evaluate engineering standards for Streetscape design within the sub-area	Design-Streetscape	City of Arvada, private property owners, CDOT	Ongoing
7	Increase parking efficiency through a "managed parking" strategy including parking limits, paid parking, and validation systems	Parking	City of Arvada, private property owners	Ongoing	15	Consider Streetscape Design Option A for Non Pedestrian Priority Streets with new development or redevelopment	Design-Streetscape	City of Arvada, private property owners, CDOT	Ongoing
8	Preserve views from Olde Town Station Transit Platform/Plaza important from this location to the south	Views	City of Arvada, private property owners	Ongoing	16	Consider Streetscape Design Option B for Pedestrian Priority Streets with new development or redevelopment	Design-Streetscape	City of Arvada, private property owners, CDOT	Ongoing
					17	Evaluate infrastructure needs at time of new development or redevelopment	Infrastructure	City of Arvada, private property owners	Ongoing
					18	Evaluate conservation and sustainability methods at time of new development or redevelopment	Sustainability	City of Arvada, private property owners	Ongoing

Planning Commission Action

Voted 7 to 0 in approval of Resolution at a public hearing held on May 2, 2023

Questions?



NEW TOWN SUB-AREA PLAN

May 2023



NEW TOWN SUB-AREA PLAN

PLANNING TEAM

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Darin Delay, Parks and Urban Design Manager
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Rick Enstrom, Enstrom Candies
Matt Burton, Chick-Fil-A
Sarrah Presnell, Home Depot
Charles Craven, Charlie's Fly Shop
Dan Williams, Costco
Laurie Hullinger, Costco
Alex Staneski, NewMark Merrill Mountain States
Rick Weller, Armstrong Capital Development

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- 1.2 Local and Development History
- 1.3 Plan Process



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- 2.3 Parking
- 2.4 Parks and Open Space,
Infrastructure and Sustainability



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- 3.1 The Vision, Community Engagement Process
and Summary
- 3.2 Evaluating Community Feedback and
Common Themes and Goals



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- 4.2 Parking
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INTRODUCTION

1

IN THIS CHAPTER

- 1.1 Introduction and Overview
- 1.2 Local and Development History
- 1.3 Plan Process

Introduction

The City of Arvada 2014 Comprehensive Plan articulates the community's shared values and vision. The Comprehensive Plan goals and policies help guide development and investment decisions that influence the quality of life in Arvada. The Comprehensive Plan establishes the City's land use pattern, sets the stage for development regulations and standards, and guides the City in funding programs and capital investments by anticipating future tax revenue.

A sub-area plan is a type of long range planning for a specific geographic area within the City and further implements the Comprehensive Plan.

The New Town Sub-area plan focuses on goals and policies for topics such as land use, urban design, architectural design and transportation.

INTRODUCTION & OVERVIEW

1.1

THE SUB-AREA PLANNING EFFORT IMPLEMENTS THE COMPREHENSIVE PLAN BY FURTHER REFINING THE GOALS AND POLICIES FOR THE SUB-AREA INCLUDING LAND USE AND REDEVELOPMENT, ECONOMIC DEVELOPMENT, AND VIBRANT COMMUNITIES AND NEIGHBORHOOD GOALS.

NEW TOWN SUB-AREA PLAN INTRODUCTION & OVERVIEW

The City of Arvada 2014 Comprehensive Plan), ratified by City Council in May of 2020, articulates the community's shared values and vision. Goals and policies help guide development and investment decisions that influence the quality of life in Arvada. The Comprehensive Plan establishes the City's land use pattern, sets the stage for development regulations and standards, and guides the City in funding programs and capital investments by anticipating future tax revenue.

A sub-area plan is a type of long range planning for a specific geographic area within the City and further implements the goals and policies of the Comprehensive Plan.

Arvada, a first ring suburb of Denver, is seeing development of its vacant land resources and has limited ability to expand its boundaries. This means that opportunities for further growth on vacant sites are limited and there is more opportunity for redevelopment of areas that have already been developed. For the New Town area, there are few infill sites available and the majority of the development opportunities will be in redevelopment of existing commercial properties.

The New Town Sub-Area Plan focuses on the area which is generally defined as the area along Wadsworth Boulevard and Bypass between the G Line tracks on the north and Interstate 70 on the south. The Arvada Marketplace shopping center along 52nd Avenue is also included, as are commercial and light industry areas east of the shopping center.



The 2018 Wadsworth Corridor Retail Study was prepared to assess the existing retail corridor and anticipate its future retail viability. The study included the Wadsworth Boulevard corridor area from I-70 to Grandview, prioritized this area for future area planning efforts and concluded that a master plan should be developed that transitions this area into a truly mixed use area with plan elements that support and reinforce each other.

WADSWORTH BOULEVARD RETAIL CORRIDOR STUDY

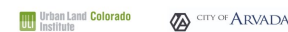


8/16/2018 City of Arvada

Analysis to evaluate and assess the existing retail along the corridor and project future retail viability.



A Report from the Wadsworth Boulevard Technical Advisory Panel (TAP)
By ULI Colorado
May 2-3, 2019



Further analysis of this area was prepared by the Urban Land Institute (ULI) Colorado, Technical Advisory Panel (TAP) in 2019. The "A Vision for New Town Arvada" report concluded that the study area has great potential for a mix of uses that will support the community in the long-term. A diversity of uses and users will allow this area to thrive over time. By adding housing options, community gathering spaces, and connectivity throughout the study area, the City can support local retail and commercial uses that contribute to the City's financial sustainability.

This sub-area plan serves as the master planning document envisioned by these two studies. The plan was developed over approximately eighteen months and included a variety of opportunities for public input and engagement through community meetings, open houses, surveys and Advance Arvada website.

OVERVIEW

1.1

NEW TOWN SUB-AREA PLAN MAP



LOCAL AND DEVELOPMENT HISTORY 1.2

ARVADA RESIDENTS OFTEN BOAST OF THE CITY'S "SMALL-TOWN FEEL." CONSIDERED A FIRST-RING SUBURB OF DENVER, ARVADA'S POPULATION HAS GROWN ALONG WITH THE DENVER METRO AREA.

NEW TOWN LOCAL & DEVELOPMENT HISTORY

The City of Arvada, with a population of 124,402 in 2020, is one of the largest cities in Colorado. The community was founded in 1870 and incorporated in 1904.

Arvada is primarily a suburban residential community with suburban shopping opportunities. Historic Olde Town Arvada, known as the "Jewel of Arvada" is an eclectic historic district with an urban, pedestrian character.

The area around Wadsworth Corridor between I-70 and Grandview Avenue has become a major shopping center of auto-oriented and big box retail, with 1.2 million square feet of commercial space.

However, the way that we shop has changed with increased online shopping and the COVID-19 pandemic accelerated this trend as well as affecting how services and materials are delivered. With this in mind, the long-term viability of shopping centers, and in person retail in general, is a concern.

The New Town Sub-Area plan study area in the southeast portion of the City includes 258.5 acres. It is the retail center of Arvada with a significant portion of sales tax revenue generated by the area's businesses.

Wadsworth Bypass

Wadsworth Bypass, also known as State Highway 121, provides both a major

benefit and a challenge for the study area. The high traffic counts on the arterial increase retail opportunities but at the same time acts as a barrier to pedestrian connectivity.

Olde Town Arvada

North of the study area is Olde Town Arvada, the city's historic downtown and a designated historic district listed on the National Register of Historic Places. Olde Town is a vibrant specialty retail district with restaurants, taverns, shops, cultural facilities and a transit station.

The main retail focus in the area includes four big box retail stores which have regional draws and are neighbors to many smaller retailers and restaurants.

"New Town"

The area directly south of Olde Town and the RTD commuter rail G Line is referred to by many as "New Town" and is the area which is the subject of this sub-area plan. The vision for New Town has long been seen as one that should compliment Olde Town in addition to providing opportunities for development with higher densities.

There is a significant elevation change from Olde Town to New Town which provides views of the mountains and downtown Denver from the Olde Town G Line station and transit station plaza.

Influence Areas

The area immediately surrounding the

New Town Sub-Area, "the influence area", contains the Columbine neighborhood to the east comprised of post war housing dating from the 1950s, Foster Elementary as well as two parks, Foster and Columbine Parks.

The area to the west of the study area is primarily residential, containing some single family units but is primarily medium density housing.

Development & Redevelopment

Shopping areas within New Town have the character of traditional suburban shopping areas, which are auto centric, providing significant fields of parking in front of the retail buildings. Several "gateway" improvements such as the landscaped medians in Wadsworth Boulevard define this entrance to Arvada and create an identity for the area.

The New Town redevelopment efforts began in 1981 with the creation of the Arvada Urban Renewal Authority and the adoption of the Arvada City Center Urban Renewal Plan. Over the next 25 years, this area changed into a vibrant residential and retail area.

Major projects within the New Town area included the development of the commercial centers including Costco, Home Depot, Sam's Club and Lowe's, Harkins Theater and the Olde Town Transit Hub with over 600 parking spaces.

The G Line commuter rail which provides connections between Union Station in Denver to Wheat Ridge, opened in 2019.

The influence area west of the study area has also been the subject of redevelopment efforts including the Arvada Water Tower Village residential community and the Hilton Hotel.

DEMOGRAPHICS

New Town Sub-Area (.40 square mile)

2020 Population - 116 persons

2020 Households - 43

2020 Housing Units - 43

Influence Areas (.77 square mile)

2020 Population - 4,696 persons

2020 Households - 2,253

2020 Housing Units - 2,278

Trends

- Migration in Colorado is strongly related to job growth
- City and Colorado population is growing at a slower rate
- Growth is occurring in concentrated areas
- Increasing Age Population in the City and Colorado impacts the economy, work force, education, housing, transportation and public finance
- City population is Increasing racial and ethnic diversity

PLAN PROCESS

1.3

THE DEVELOPMENT OF THE SUB-AREA PLAN CONSISTED OF A THREE PHASE PROCESS WITH EXTENSIVE COMMUNITY ENGAGEMENT OVER AN EIGHTEEN MONTH PERIOD.

PLAN GOALS

Based on initial input from the public and property owners during the development of this plan, the Goals for the sub-area plan were determined to be:

- Create a framework for regeneration and attraction of private sector investment
- Conceptualize and shape the three-dimensional urban environment
- Define public, semi private public spaces
- Determine the mix of additional uses, density and their physical relationship to each other
- Engage the local community and act as a builder of consensus

PLAN DEVELOPMENT

Visualize

During the initial steps in the visualization phase in the fall of 2020, the study area and influence boundaries were determined, stakeholders were identified, initial committee meetings were conducted and public participation was initiated.

Steering and Technical Review Committees were established to provide expertise and assist develop the plan.

The Steering Committee consisted of representatives of the Planning Commission, Colorado Dept of Transportation, Olde Town Business Improvement District, Chamber, and various community organizations and agencies. Representation on the Technical Committee consisted of staff from Arvada Urban Renewal Authority and several City departments.

The following previous planning documents were reviewed as part of the development of this plan:

- Southeast Arvada Neighborhood Development Plan, 1979
- Arvada City Center Urban Design and Redevelopment Plan, 1980
- Arvada City Center urban renewal Plan, 1981
- Arvada Transit Station Framework Plan, 2007
- Olde Town Station Urban Renewal Plan, 2010
- Olde Town Parking & Transportation Demand Plan, 2010
- Sustain Arvada, 2012
- Comprehensive Plan, 2014
- Design Guidelines for Olde Town Arvada, 2016
- Parks System Master Plan, 2016
- Bicycle Master Plan, 2017
- Wadsworth Corridor Retail Study, 2018
- A Vision for New Town Arvada - Urban Land Institute Report, 2019



Strategize

Phase two of the sub-area plan process focused on high level recommendations to guide future development and achieve the overall vision identified in Phase 1 and included:

- Implementation of community (Public) outreach and presentation plan
- Review of community meeting(s) input and synthesizing of information for staff/committee analysis
- Review and refinement of the project and meeting schedule
- Identification and refinement of recommendations resulting from public, technical committee and steering committee meetings to further develop the plan vision and elements

Realize

The third phase of the plan development focused on the creation of the plan resulting from previous phases, public review and input. This included:

- Drafting a subarea plan document created from the community outreach and committee participation process during the Visualize and Strategize phases for review by parties of interest
- Finalize first draft and presentation of the draft plan for public review and input
- Finalize document for adoption process
- Public hearing and Planning Commission and City Council approvals

SUB-AREA PLAN TIMELINE



EXISTING CONDITIONS

2

IN THIS CHAPTER

- 2.1 Land Use
- 2.2 Transportation and Circulation
- 2.3 Parking
- 2.4 Parks and Open Space,
Infrastructure and Sustainability

EXISTING CONDITIONS

This chapter provides an overview of the existing conditions within the New Town Sub-Area including:

- Land Use
- Transportation and Circulation
- Parking
- Parks and Open Space
- Infrastructure
- Sustainability

LAND USE

2.1

EXISTING LAND USE

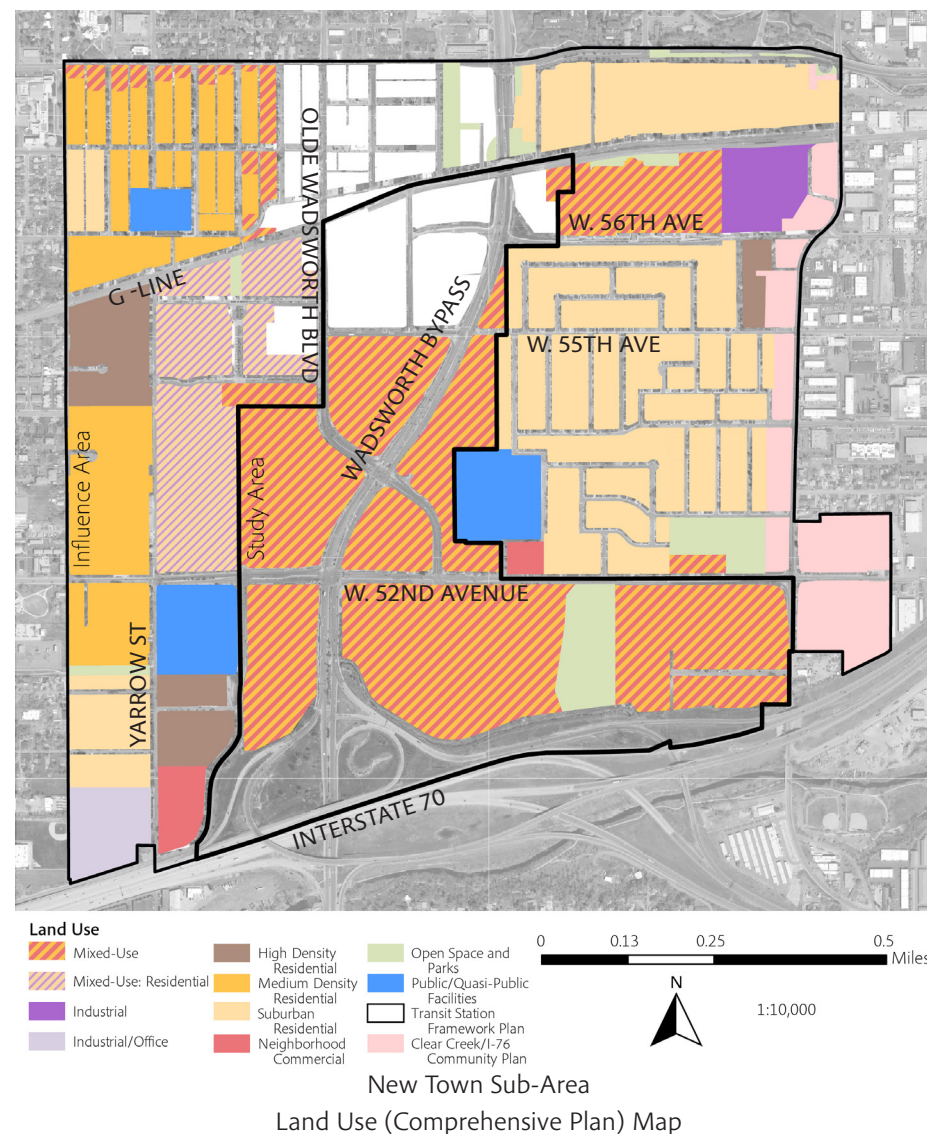
The New Town Sub-area is an essential commercial district with over 1.2 million square feet of commercial space providing 25% of the City's sales tax revenue. A large theater and major retailers include Costco, Home Depot, and Lowe's on the west side of Wadsworth Boulevard, and the Arvada Marketplace anchored by Sam's Club, as well as many smaller retailers and restaurants on the east side.

Commercial development is representative of traditional suburban development with single story construction. The architecture of major anchors in the Sub-Area reflects corporate branding, and in some cases ties into a design theme for other commercial buildings to establish a center identity. Associated with the suburban character of this commercial area are larger fields of parking.

The New Town Sub-Area currently has minimal residential uses. A few single family residences and multifamily units are situated on the northeast and southeast edges of the area. This is changing with construction of a 252 unit multifamily complex in the northern portion of the study area. Residential land uses are generally located within the plan influence area.

The sub-area is bounded on the north by the Regional Transportation District (RTD) G Line, a commuter line which runs from the Ward Road station to Union Station in Downtown Denver. Adjacent to the G Line immediately on the north side of the Sub-area is the Olde Town Commuter Rail Station. Just south of the G Line is the Olde Town Transit Hub which serves the commuter line station, local bus lines, and provides a parking facility. The Hub parking facility provides parking for transit customers as well as parking for the surrounding commercial areas.

No public open spaces exist within the Sub-area, however quasi public "small urban parks" are required to be provided with redevelopment per the City's Land Development Code in most areas of New Town. A private body of water that is referred to as Columbine Lake, is in private ownership, but is often viewed as an open space asset of the area.



TRANSPORTATION AND CIRCULATION 2.2

THE NEW TOWN SUB-AREA HAS A DIVERSE REGIONAL TRANSPORTATION NETWORK AND IS A PROMINENT ELEMENT OF THE PLAN AREA.

TRANSIT & MULTI-MODAL CONNECTIONS

The regional transportation circulation includes vehicular and multi-modal transit facilities within and adjacent to the plan area. The southern boundary of the sub-area is bordered by federal interstates (I-70 and I-76); state highway 121, Wadsworth Bypass/Boulevard bisects the sub-area; and the BNSF/RTD rail line; and a transit hub facility forms the northern border of the sub-area.

The regional commuter G-Line Arvada Station is located along the rail line north of the sub-area. However, the regional transportation network creates challenges for non-vehicular connectivity within the plan area, such as crossing Wadsworth Bypass as a pedestrian or bicyclist, and accessing adjacent trail systems.

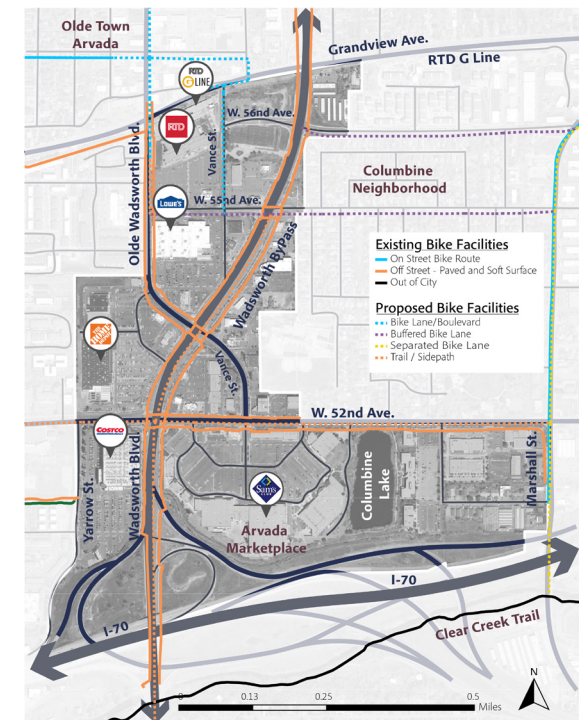
The Regional Transportation District (RTD) provides excellent multi-modal opportunities with bus and commuter rail service throughout the sub-area. The transit facility, Olde Town Transit Hub, is located between Vance Street and Olde Wadsworth Boulevard north of W 56th Avenue. The Hub includes over 600 parking spaces, bus service and supports the Olde Town Transit Station for the G-Line commuter line on the north side of the rail line. The transit system also serves the sub-area with Bus Routes 52, 72, and 76 that offers multiple bus options within and to the surrounding neighborhoods.

Bike and Trail System

The bike system is combined with the existing transportation and sidewalk network through off-street paved paths, off-street unpaved paths and "Share the Road" on-street trails. Paved bike trails are located on Olde Wadsworth Boulevard, Wadsworth Boulevard/Bypass and W. 52nd Avenue and an unpaved trail connects on the east side of the sub area. The bike connection along Wadsworth Boulevard/ByPass is shared with pedestrians next to fast moving vehicles that offers negligible safety from traffic.

The Clear Creek Park and trail system is located south of the sub-area and there are no dedicated trail connections from the subarea. The private Columbine Lake is on the east side of the sub-area on W. 52nd Avenue.

With the exception of Wadsworth Boulevard/Bypass, planned bike routes and future funded bike trail projects are located in the influence areas outside of the plan area.



TRANSPORTATION AND CIRCULATION

2.2

TRANSIT AND MULTI-MODAL CONNECTIONS

Pedestrian Connectivity

The plan area provides pedestrian mobility with sidewalks along major transportation routes and internal streets. Internal streets are primarily paved sidewalks that provide adequate pedestrian access within the subarea and to surrounding areas including historic Olde Town. Olde Wadsworth Boulevard and Vance Street border the Transit Hub and access from within the northern portion of the subarea to Olde Town and Olde Town Transit Station.

Wadsworth Boulevard/Bypass and W. 52nd Avenue are the primary pedestrian connections within the subarea with consistent sidewalk widths and few crossing opportunities that allows limited mobility across these major street corridors. The combination of width, proximity to fast vehicles and limited crossings, Wadsworth Parkway/Bypass is a physical barrier for safe non-vehicular connectivity and access along a major transportation corridor and to surrounding communities.



PARKING

2.3

PARKING

The New Town Sub-Area contains many acres of surface parking as well as the Old Town Transit Hub. The majority of the commercial centers were constructed with large parking fields, most often in the front of the businesses, close to the adjacent streets. Rarely are the parking fields fully occupied, based on observations during the plan development process.

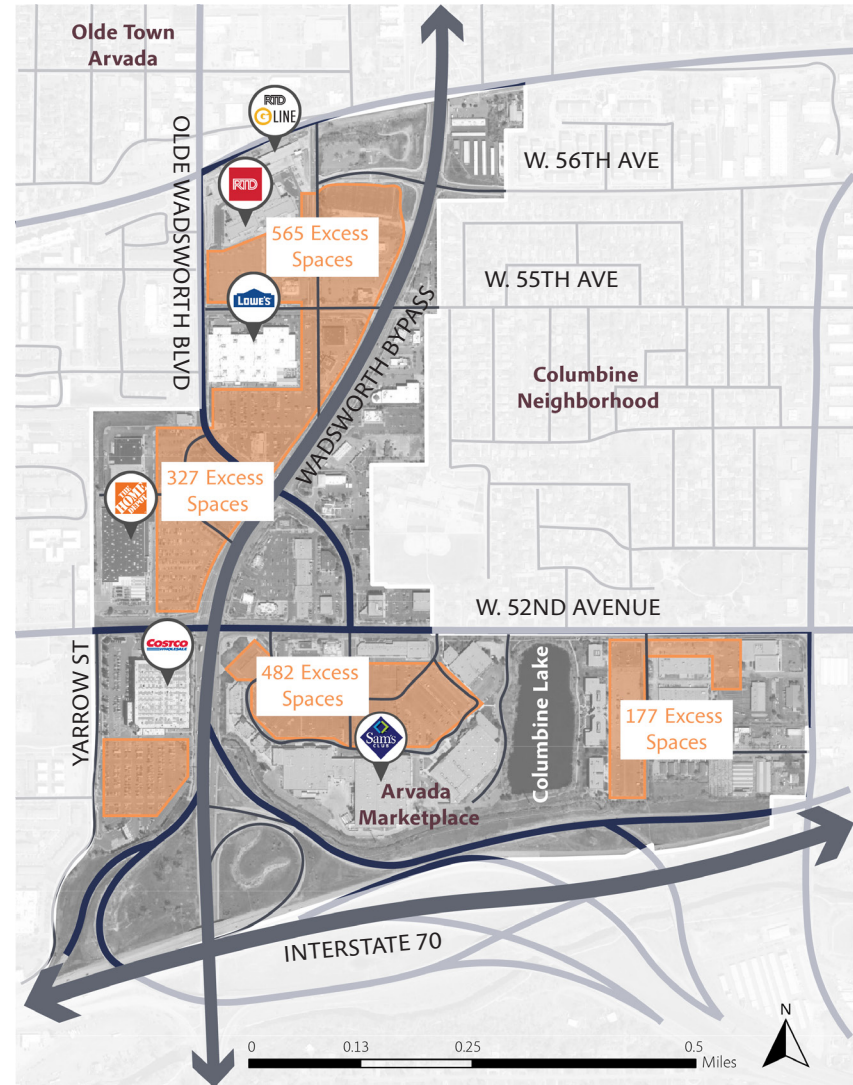
In 2020, the City updated parking requirements to more closely reflect the actual utilization by various uses and to emphasize the use of modes of transportation other than the personal vehicle. When applying the revised

parking requirements contained in the Land Development Code, the New Town Sub-Area contains excess parking for the existing uses in the area.

A surface parking space on average requires 270 square feet of land which equates to over 11 acres that is underutilized and offers an opportunity for redevelopment.



Olde Wadsworth Blvd. looking south



PARKS AND OPEN SPACE, INFRASTRUCTURE AND SUSTAINABILITY 2.4

PARKS AND OPEN SPACE

The New Town Sub Area currently does not have public community parks located within the plan area. Columbine Lake on private property and Foster Park are located to the east of the plan area, Stocke Walter and McIlvoy parks to the north and Griffith Station Park to the west.

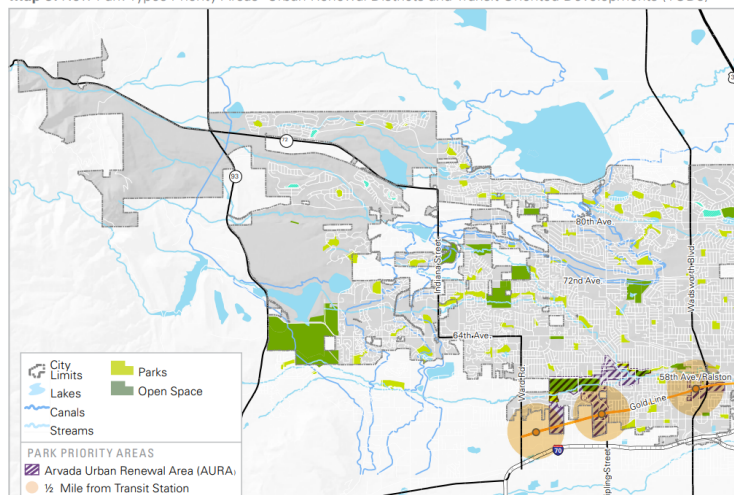
The updated Land Development Code adopted in 2020 requires developers to construct small urban parks. The sub-area plan is also located in a Priority Location for Urban Park types identified in the Arvada Parks System Master Plan. Several small urban parks for multi-family and commercial developments are planned along Wadsworth Parkway/Bypass, east side of Vance Street and 56th Avenue just south of the commuter rail G-line tracks.

PROVIDE URBAN PARK TYPES IN URBANIZING AREAS

Urban Park Type Priority Locations

The map and following criteria table expands Arvada's existing parkland classification for urbanizing areas. These new urban park types will help Arvada maintain a high level of park service as the City's population grows and areas experience denser development. The map shows current location boundaries around transit stations and Arvada Urban Renewal Areas. Additional triggers for these urban park types are listed on the following page.

Map 9: New Park Types Priority Areas- Urban Renewal Districts and Transit Oriented Developments (TODs)



Source: Arvada Master Parks Plan

INFRASTRUCTURE

City Council has provided strategic direction to the Infrastructure work system to complete master plans for water, wastewater, and storm infrastructure by 2023. These plans provide staff with a road map to prioritize work that needs to be done in our water/wastewater systems.

The City team completed the treatment, distribution and sewer master plans in 2021 and 2022 and will complete the raw water master plan in 2023, and the results of the master plans are being used to plan work for immediate, short-term and longer-term needs.

SUSTAINABILITY

The City created the Sustain Arvada Plan in 2012 as a way to honor "Arvada's rich heritage and preserve our resources to foster economic prosperity, environmental stewardship and community vitality today and into the future".

The City is committed to conservation, sustainability and resiliency through many programs, policies and partnerships adopted by the City of Arvada.



"We do not inherit the earth from our ancestors. We borrow it from our children."
~Native American Proverb

February 2012

VISION

3

IN THIS CHAPTER

- 3.1 The Vision and Community Engagement
- 3.2 Community Engagement Summary
Common Themes and Goals

VISION

A vision and implementation plan for the New Town area through the development of sub-area plan strategies and components that encourage, promote and support cohesive and resilient development created with extensive community engagement and input.

THE VISION AND COMMUNITY ENGAGEMENT

3.1

THE VISION

CREATE AN IMPLEMENTATION PLAN FOR THE NEW TOWN AREA THROUGH THE DEVELOPMENT OF SUB-AREA PLAN STRATEGIES AND COMPONENTS THAT ENCOURAGE, PROMOTE AND SUPPORT COHESIVE AND RESILIENT DEVELOPMENT. CREATE A VIBRANT, CONNECTED, MIXED-USE URBAN COMMUNITY THAT IS COMPATIBLE WITH THE ADJACENT RESIDENTIAL NEIGHBORHOODS AND COMPLIMENTS OLDE TOWN.

COMMUNITY ENGAGEMENT PROCESS

The planning process included extensive community engagement with stakeholders including residents, community members, business owners, property owners, agencies and City staff. There were a variety of public engagement and outreach efforts both in-person and virtual to encourage and promote meaningful input from the community.

This planning effort occurred during varying restrictions and protocols related to the COVID-19 pandemic. Communication tools including mailers, informational videos, publication articles, social media, surveys and a dedicated website were utilized throughout the planning process to maximize community participation and engagement. Multiple high-tech and virtual engagement platforms were used to communicate, engage and collect feedback from the community to provide safe and convenient participation during the planning process. In addition to virtual or on line tools, public open houses were conducted during the pandemic when risk and restrictions allowed in-person community participation.

The initial technical review committee, steering committee and public community meetings introduced the project and provided an opportunity for the public to offer their thoughts about and vision of the area, and identify opportunities and challenges.

Stakeholder Committee

The Steering Committee for this planning effort included community members, Colorado Department of Transportation representative, Planning Commission representative, property owners, business owners and business organizations in and near the sub-area. The Steering Committee met virtually three times throughout the planning process and were instrumental in providing research, analysis of sub-area elements and helping to create recommendations.

Technical Advisory Committee

The Technical Advisory Committee (TAC) for this planning effort included representatives from City departments and Arvada Urban Renewal Authority. The TAC met three times throughout the planning process and provided subject matter expertise, research, analysis and critical feedback on infrastructure feasibility.

Community Meetings

Community meetings were held at key points throughout the planning process to solicit input and guidance from the public (see Appendix). Four Public Open Houses using both virtual and in-person formats occurred to solicit valuable insight and information to develop the sub-area plan. The community meetings were promoted through social media, e-newsletters, e-mail and the City AdvanceArvada.org website.

COMMUNITY ENGAGEMENT SUMMARY

During the community engagement process, (we heard) the public provided comments and responded to community outreach efforts that are summarized in the Appendix.

Community comments and committee input during the development of the plan were used to develop the plan elements and recommendations.



The public, stakeholders and committee input were used to guide and develop the sub-area plan.

COMMUNITY ENGAGEMENT

3.2

EVALUATING COMMUNITY FEEDBACK

A variety of feedback from the community and stakeholders was received throughout the planning process that consisted of responses to questions, surveys and community events. After every committee meeting, community meeting and public engagement event, the project team compiled all the feedback for further evaluation.

Evaluation included the identification of common goals, understanding areas of consensus, opportunities and concern. The development of this plan has been informed and guided by this evaluation process.

COMMON THEMES AND GOALS

Land Use and Redevelopment

- Encourage and promote resilient commercial redevelopment and infill development
- Encourage and promote residential development to support commercial development within New Town and the surrounding community
- Promote diverse housing to support commercial development and surrounding community

Parking

- Examine and evaluate parking
- Ensure sufficient parking to meet the needs of future mixed-use and commercial development, and existing development

Views

- Identify and establish primary view corridors that allow for redevelopment and accommodate the building heights

Connectivity

- Improve bicycle and pedestrian connectivity and safety
- Identify barriers and opportunities for improved connectivity and safety
- Provide accessible and safe connections within the sub-area, to multi-modal facilities and to surrounding neighborhoods

Architectural Design

- Explore the importance of architectural design within the sub-area

Placemaking

- Identify underutilized public spaces that could be improved to benefit both the public and local business community
- Incorporate placemaking strategies that create well connected community gathering spaces

Traffic

- Mitigate traffic impacts through new and improved non-vehicular connections
- Safety

FOCUS ELEMENTS

4

IN THIS CHAPTER

- 4.1 Land Use and Redevelopment
- 4.2 Parking
- 4.3 Views
- 4.4 Connectivity
- 4.5 Design
- 4.6 Infrastructure and Sustainability

FOCUS ELEMENTS

This chapter provides an overview of focus elements developed through the planning process and recommendations for:

- Land Use and Redevelopment
- Parking
- Views
- Connectivity
- Design
 - Architecture
 - Placemaking - Small Urban Parks
 - Streetscape
- Infrastructure
- Sustainability

LAND USE AND REDEVELOPMENT

4.1

IN 2020, THE CITY UPDATED THE LAND DEVELOPMENT CODE AND OFFERED NEW OPPORTUNITIES FOR REDEVELOPMENT WITHIN THE SUB-AREA CONSISTENT WITH THE ARVADA COMPREHENSIVE PLAN AND URBAN LAND INSTITUTE TECHNICAL ADVISORY PANEL REPORT.

POSITIONING FOR REDEVELOPMENT

The Land Development Code update established new zoning districts providing opportunities for urban mixed use that encompasses office, high density residential, retail and light trade/technical uses.

The entire sub-area is zoned for mixed use development. The purpose of the mixed use district is to provide for urban-scale, higher density residential and nonresidential uses, in vertically or horizontally mixed-development on a single parcel or in a master planned area, and located along corridors with frequent bus and rail transit service. The district is intended to encourage higher-density infill development in appropriate locations.

Residential uses permitted in the sub-area include:

- Suburban and Urban Townhomes,
- Multiplexes, and
- Urban Multifamily

Non-residential permitted uses include:

- Retail,
- Office, and
- Light Trade and Technical

Building Heights

Permitted heights within the mixed use zone district vary from 45 to 120 feet; the higher limits for maximum heights permitted are on the south end of the Sub-Area adjacent to the I-70 and I-76 corridors.

Height transition requirements were adopted to protect the adjacent Columbine neighborhood by requiring that building heights transition down to the height of the existing neighborhood as development approaches.

Zoning

In addition to the establishment of the new zoning districts, new parking standards were also adopted in the Land Development Code. All of the sub-area is also covered by parking reduction zones.

Standards were adjusted to be consistent with current development trends and the unique location of the study area in a TOD influence area:

- Multi-family Residential standards are now based on the number of bedrooms
- SF attached standards were slightly reduced
- Restaurant standards are based on square footage rather than the number of seats, and
- Standards for office and retail services were reduced

MIXED-USE

The update to the Land Development Code and remapping of the City expanded the mixed use zoning for the sub-area allowing residential and commercial land uses throughout the sub-area. Part of the outreach efforts was to explore with the community what types of land uses are important to the success of the area and where they should be focused. Project participants expressed that both residential and commercial development were important to the area.

During community outreach, participants expressed commercial development, higher density multi-family residential development and affordable housing as being important to the area.

One comment that was often expressed was the need for a local grocer in the area. This has proven to be challenging for the New Town Sub-Area because larger grocers prefer sites that are more central to higher residential populations within a two mile trade area. The New Town Sub-Area falls within the trade area of already existing large grocers and there are currently only 43 housing units in the sub-area. Smaller grocers are more specialized and have specific retailing points of view that dictates their location. Additional housing units in the immediate area would be essential to potentially entice a grocer to the area.

The proximity to bus and transit lines increase the market possibilities of higher density housing, less reliant on personal vehicular modes of transportation.

Encouraging additional higher density housing could result in attracting attainable housing and the additional population necessary for diverse commercial uses desired by the community.

LAND USE AND REDEVELOPMENT

4.1

POTENTIAL CHARACTER AREAS

Five potential Character Areas were developed using geographic features (i.e. streets) and existing zone (land use) districts in a distinct area within the sub-area.

The potential character areas were created to help the community and stakeholders identify potential land uses and design considerations within the sub-area.

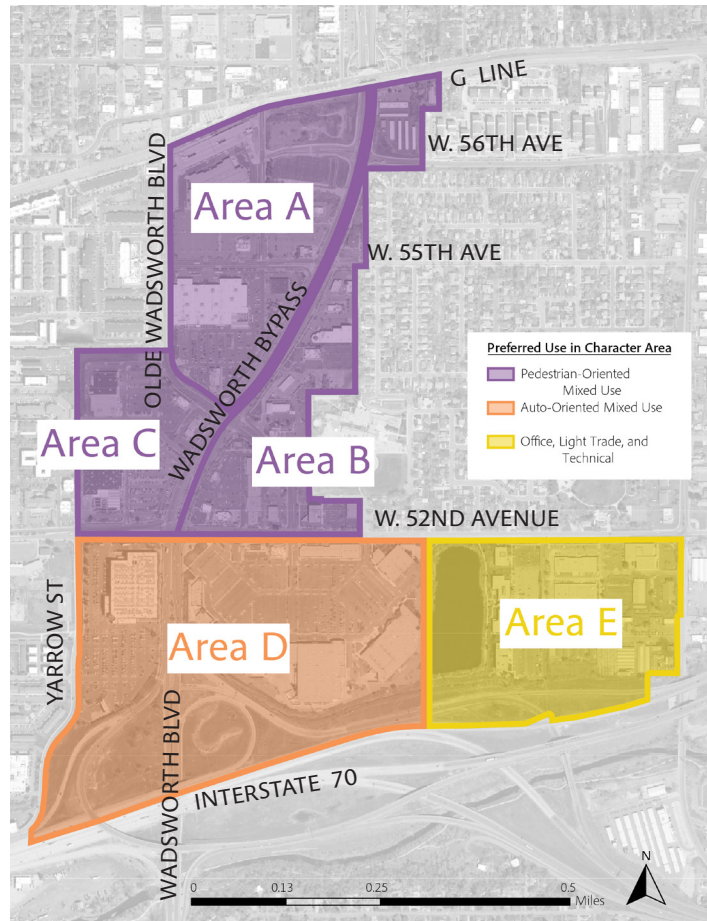
PREFERRED LAND USE AND HEIGHT

Consistent with current prominent uses, community participants specified that the most appropriate predominant land use preferred for each potential Character Area:

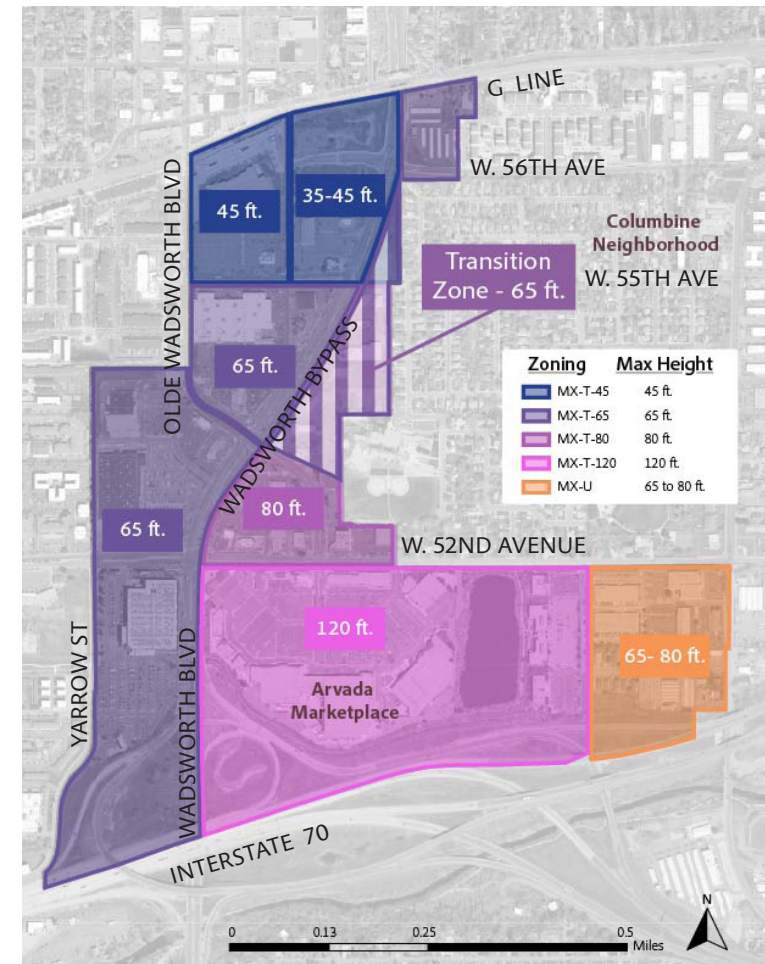
- Character Areas A, B & C is **Pedestrian Oriented Mixed Use**
- Auto Oriented Commercial Use** for Character Area D
- Character Area E is **Office, Light Trade and Technical Uses** within an enclosed building
- Residential Use was an option not identified as the most appropriate predominant land use within a Character Area

Two land use options and a height transition option were presented to the community during the development of the plan. The preferred land use Option 2 with auto-oriented mixed use in Area D and reduced height adjacent to the Columbine neighborhood were selected by the community.

Preferred Land Use - Character Area



Preferred Height Transition Zone



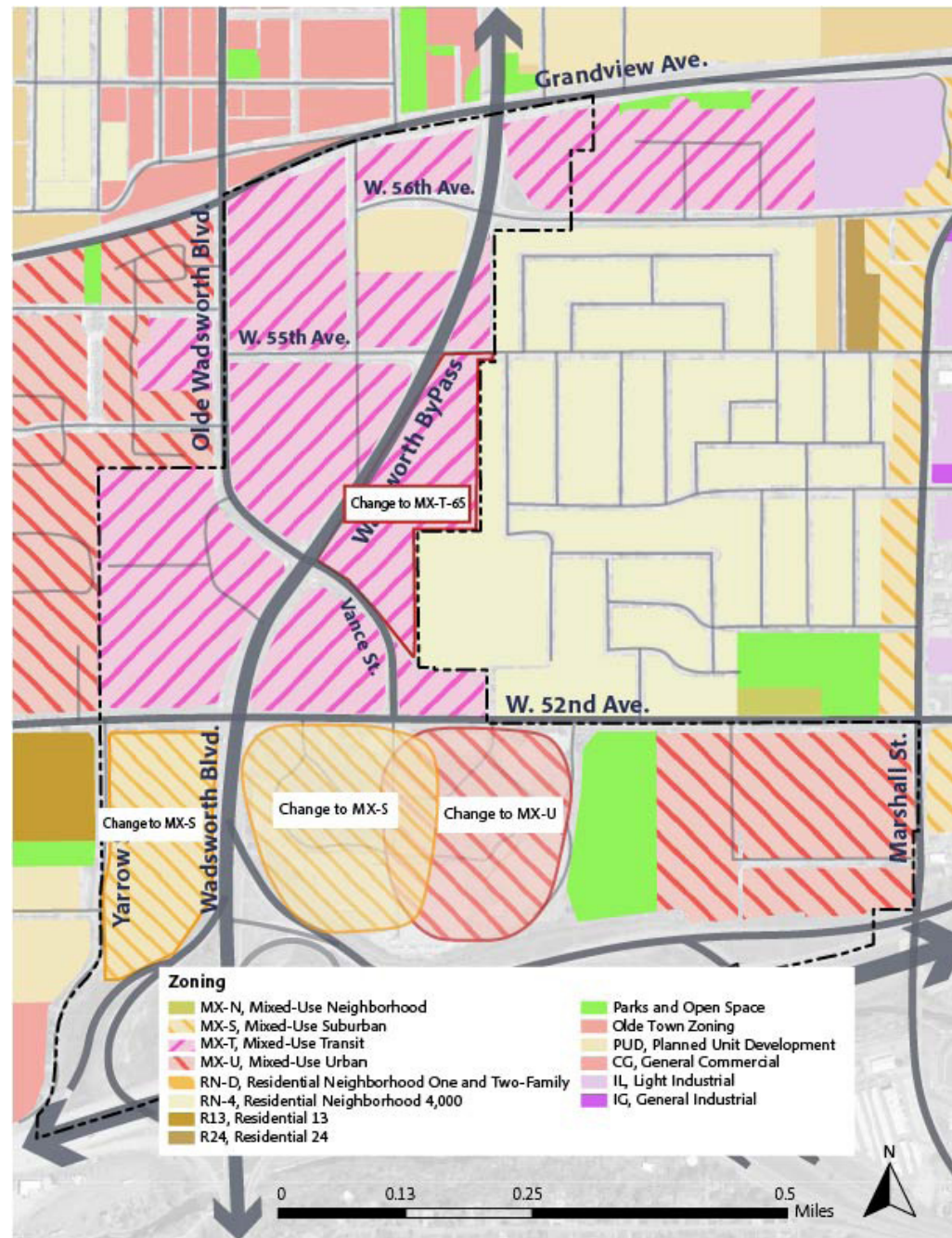
LAND USE AND REDEVELOPMENT

4.1

RECOMMENDATIONS

- » Reduce height at the commercial transition zone located on the east side of Wadsworth Boulevard/ Bypass between W. 53rd and W. 56th Avenues from MX-T 80' to MX-T 65' to improve compatibility to adjacent neighborhoods.
- » Modify Arvada Marketplace development from MX-T 120' to MX-S 120' and/or MX-U 120' to implement the preferred auto-oriented land uses through Land Development Code regulations and Zoning Map.
- » Modify Costco development located south of W. 52nd Avenue between Wadsworth Boulevard and Allison Street from MX-T 65' to MX-S 65' to implement the preferred auto-oriented land uses through Land Development Code regulations and Zoning Map.
- » Methods of encouraging higher density multi-family and affordable housing residential development in the Sub-Area should be a focus of study and possible modifications to the City's development regulations.

PREFERRED LAND USE (ZONING) MAP



PARKING

4.2

LARGE OVER PARKED AREAS IN THE SUB-AREA OFFER AN OPPORTUNITY FOR REDEVELOPMENT.

PARKING

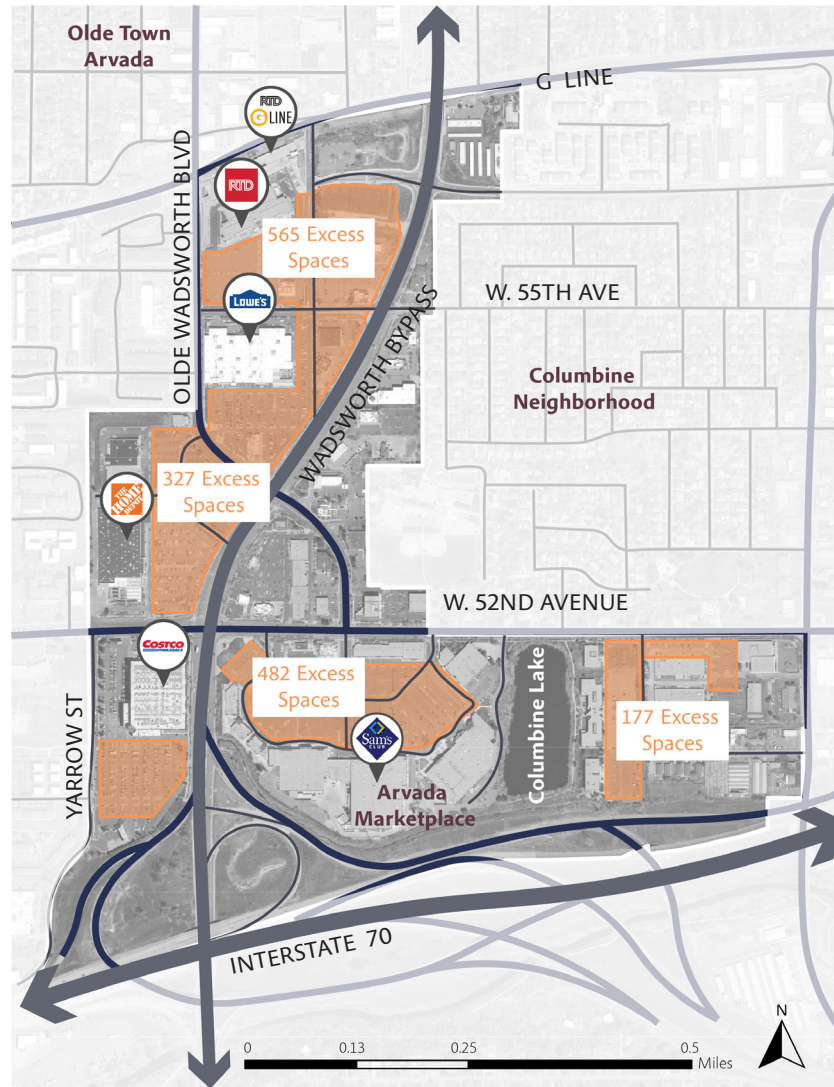
Nearly 60 percent of project participants felt that parking provided for the existing uses in the Sub-Area is excessive. This indicates that the recent reductions to the City's parking requirements are a step in the right direction.

The large over parked areas which currently exist offer an opportunity for redevelopment allowing for additional density and better use of the land.

Encouraging infill parking for mixed use development is warranted to determine if further incremental reductions in parking requirements are appropriate in addition to methods of encouraging conversion of parking for infill as well as structured parking which can free up additional land for redevelopment.

RECOMMENDATIONS

- » Encourage reduced parking and infill development for mixed use development.
- » Each property and development should be evaluated for reduced parking requirements at the time of redevelopment or new development.
- » Increase parking efficiency through a "managed parking" strategy including parking limits, paid parking, and validation systems.



INFILL DEVELOPMENT IN PARKING AREAS - EXAMPLE

Flatirons Crossing Mall, Broomfield, Colorado



- Redevelopment of mix of uses with higher density
- Incorporated within existing buildings and parking areas
- Increased building heights, potential five to six stories up to 135'

VIEWS

4.3

VIEWS

Views from Grandview Street at the south edge of Olde Town have been identified as a significant resource for the community.

The primary point from which the views are critical is from the Olde Town Transit Station platform. Efforts to preserve some views towards Mt. Evans, the Front Range and Downtown Denver

should be a priority when considering redevelopment.

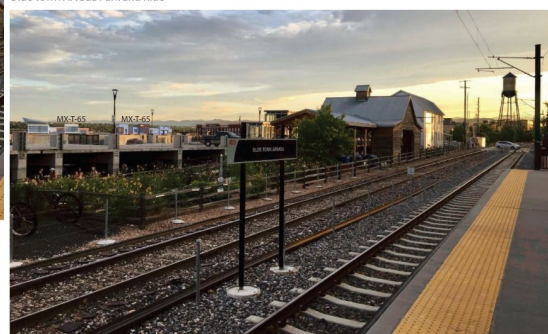
The mixed-use zoning in the New Town Sub-Area permits development heights of 45' to 120'. The permitted heights are situated to preserve these important views. Development simulations illustrate how the views will be preserved should the maximum heights be utilized.

Olde Town Arvada Park and Ride

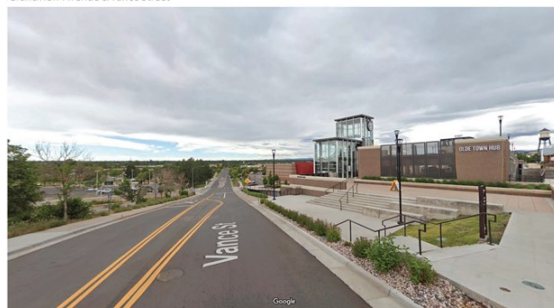


View Corridors from Olde Town Station Platform and Plaza.

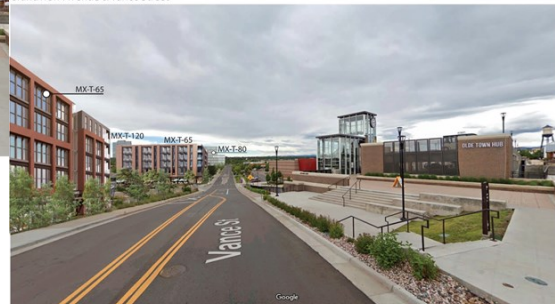
Olde Town Arvada Park and Ride



Grandview Avenue & Vance Street

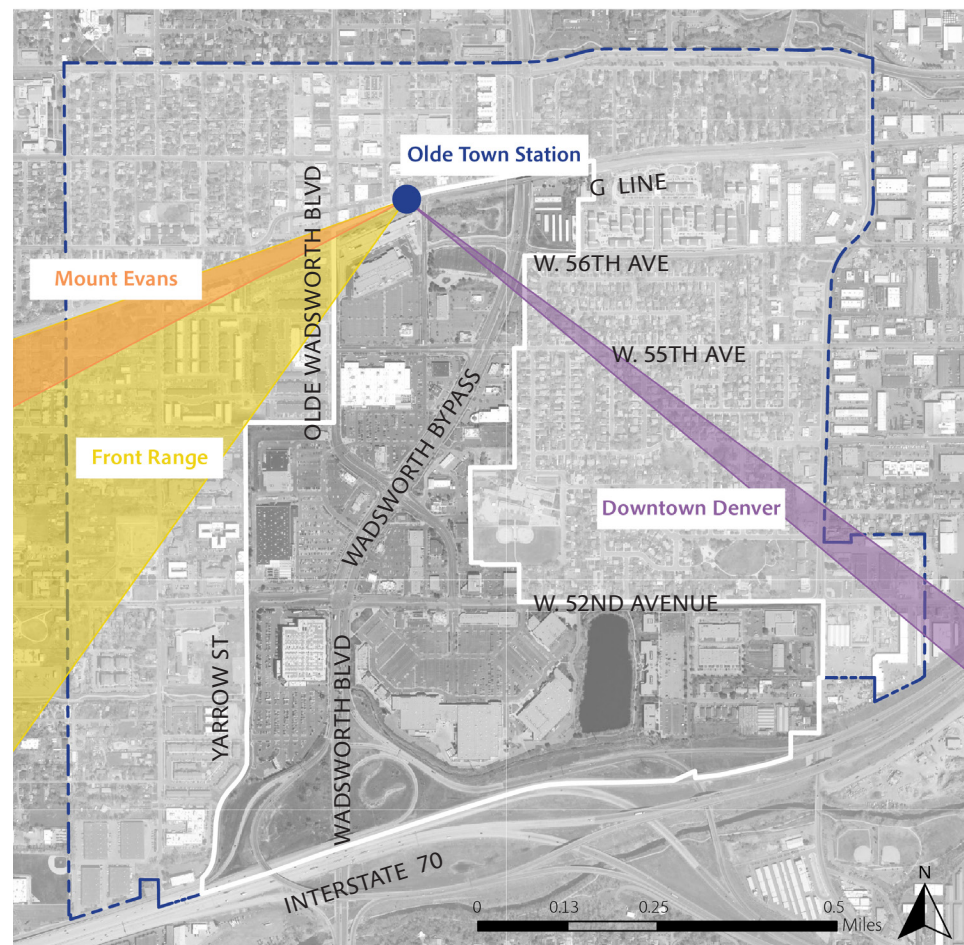


Grandview Avenue & Vance Street



Views without and with simulated development views towards Downtown Denver.

VIEWSHED CORRIDOR MAP



RECOMMENDATION

- » Preserve views from Olde Town Station Transit Platform/Plaza important from this location to view corridors to the south.

CONNECTIVITY

4.4

THE TRANSPORTATION AND CIRCULATION NETWORK IN AND AROUND THE NEW TOWN SUB-AREA CONSISTS OF A DIVERSE MULTI-MODAL TRANSPORTATION SYSTEM CONNECTED BY A COMMUTER RAIL LINE AND EXTENSIVE STREET, BUS, PEDESTRIAN, BICYCLE AND TRAIL SYSTEMS.

CONNECTIVITY

The regional transportation network creates challenges for non-vehicular connectivity within the sub-area, across Wadsworth Boulevard/Bypass, and to trail systems.

A goal of the plan is to identify and improve connectivity that serves all users with a focus on strengthening network opportunities and safety.

Pedestrian

The pedestrian network includes sidewalks and signalized crossings along a highway corridor and streets. A bike system consisting of on-street and off-street paved trails combined with sidewalks and streets located within and surrounding the plan area. An important part of the pedestrian network system as conveyed by the community during the planning process, is connectivity to transportation facilities, area amenities and safety. A focus of the plan is to enhance the sidewalk connections, identify potential trail connections and improve safety.

Wadsworth Boulevard/Bypass corridor is a state highway with high volumes of traffic that bisects the sub-area plan. Current traffic volume is 59,000 vehicles per day and projected to increase to 65,000 vehicles per day by 2035.

The existing sidewalks and signalized intersections provide pedestrian and bicycle access to, from and within the

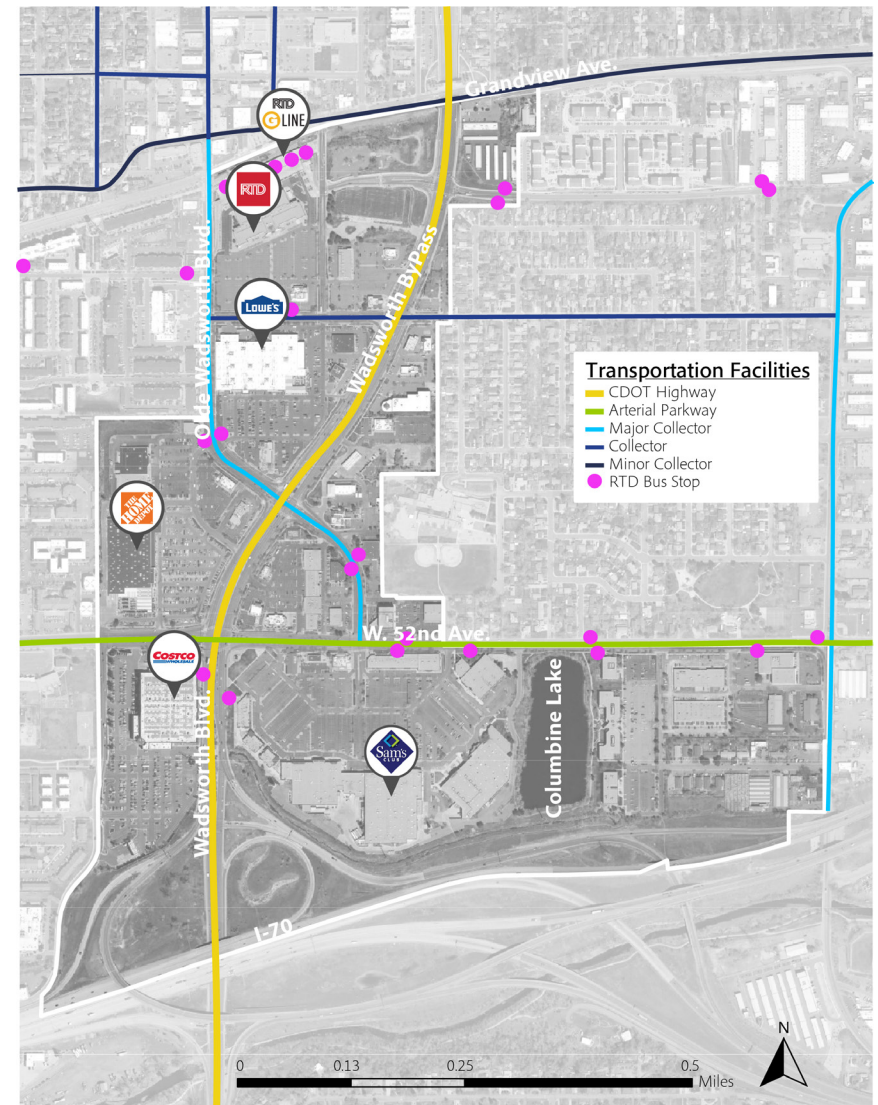
plan area. However, the community expressed significant safety concerns with access and shared sidewalks adjacent to fast moving vehicles along this corridor.

Three signalized intersections located at W. 52nd Avenue, Olde Wadsworth Boulevard/Vance Street and W. 56th Avenue are the pedestrian and non-vehicular connections along this portion of the Wadsworth Boulevard/Bypass corridor.

The intersection at W. 55th Avenue and Wadsworth Boulevard/Bypass is signalized, but is designed only for vehicle access and lacks a pedestrian crossing. The closest grade-separated pedestrian crossing north of the three signalized intersections is the Grandview Street Bridge accessible from the Wadsworth Bypass. Project community participants identified the W. 55th Avenue intersection as a key missing connection across Wadsworth Bypass and safer crossing improvements needed along Wadsworth Bypass, as it is the primary access to and from the Columbine neighborhood.

The Wadsworth Bypass is a state highway controlled by the Colorado Department of Transportation (CDOT). Any improvements along the Wadsworth Boulevard/Bypass corridor will require CDOT and City infrastructure coordination.

Existing Transportation Facilities



CONNECTIVITY

4.4

Pedestrian Streets

Streets connecting to Olde Town Arvada and commercial developments in the plan area are located in or near pedestrian and transit oriented areas. Pedestrian Priority Streets are located where pedestrian oriented and “main streets” are desirable.

These streets provide an opportunity to designate “Pedestrian Priority Streets” designed to enhance walkability and pedestrian experience and connections. Pedestrian Priority Streets activate pedestrian and transit oriented areas through varied street and building design elements.

“Creating a pedestrian environment requires considering the dimensions of the human body and the scale of the spaces that people use. Subtle factors, focused on a pleasant environment for the pedestrian, encourage people to walk.”
Arvada Transit Framework Plan

Trails

The nearest public open spaces are located north in Olde Town Arvada and along the Ralston Creek Park Trail, and to parks east and west of the sub-area plan boundaries. The regional Clear Creek Trail is just south of Interstate 70/ Interstate 76.

The existing street and circulation patterns provide vehicular and non-vehicular access to the north, east and west. Improving connections to public

amenities including parks was a recurring comment heard from the community.

Enhanced street connections, wayfinding and exploring new trail connections to the Interurban Trail and Clear Creek Trail provides an opportunity to improve and access open space and parks near the sub-area.

The preferred trail system identifies potential new and improved connections to the Interurban Trail and regional Clear Creek Trail. Other linkages on Olde Wadsworth Boulevard, W. 52nd Avenue and Vance Street utilize the existing street network and provide important connections to park and open space opportunities in the area.

RECOMMENDATIONS

- » Work with the Colorado Department of Transportation (CDOT) to evaluate improved pedestrian crossings along Wadsworth Bypass including the intersection at W. 55th Avenue.
- » Remove the southside of W. 52nd east of Wadsworth Boulevard from the pedestrian priority street designation implemented through modification of regulations in the Land Development Code.
- » Street design and trail connectivity implemented through future redevelopment and infrastructure planning.

PREFERRED CONNECTIVITY AND TRAIL SYSTEM MAP



DESIGN

4.5

A FOCUS OF THE PLANNING PROCESS WAS TO ENGAGE WITH THE COMMUNITY TO DETERMINE THE IMPORTANCE OF ARCHITECTURAL AND BUILT ENVIRONMENT DESIGN.

ARCHITECTURAL DESIGN

A Visual Preference Survey (VPS) was conducted to solicit community feedback on architectural design and building form. The VPS of building designs and types including varied heights, was utilized to refine design options within the sub-area.

A majority of the public surveyed agreed that one form of building design is important and there was a strong consensus for this design approach along the western side of Wadsworth Boulevard and Arvada Marketplace development at the southeast corner of W. 52nd Avenue and Wadsworth Boulevard.

The preferred design consistent with community engagement included multiple building styles (modern, traditional) with natural materials such as brick or stone and modern elements as architectural accents.

RECOMMENDATION

- » Develop an architectural guideline document to address architectural design within the sub-area.

Preferred Architectural Design



PLACEMAKING - SMALL URBAN PARKS

A component of developing the sub-area plan is to identify important areas that should be linked together and create opportunities for placemaking that serve as community oriented spaces. In addition, identify the public space opportunities that could benefit the public and local business community.

Community oriented spaces appropriate for New Town area redevelopment may be created with small urban parks linked throughout the sub-area.

An urban park is intended to serve a neighborhood where opportunities for a larger park site is not available. A small Urban Park typically a privately-owned area intended to provide public accessible park and community space within planned urban type developments. Small urban parks may include landscaping, open turf area, public art, shelter or shade structure, play sculptures or play equipment and interpretive display.

Community participants expressed desire for public spaces and connectivity to these community public spaces.

Small Urban Park Examples



DESIGN

4.5

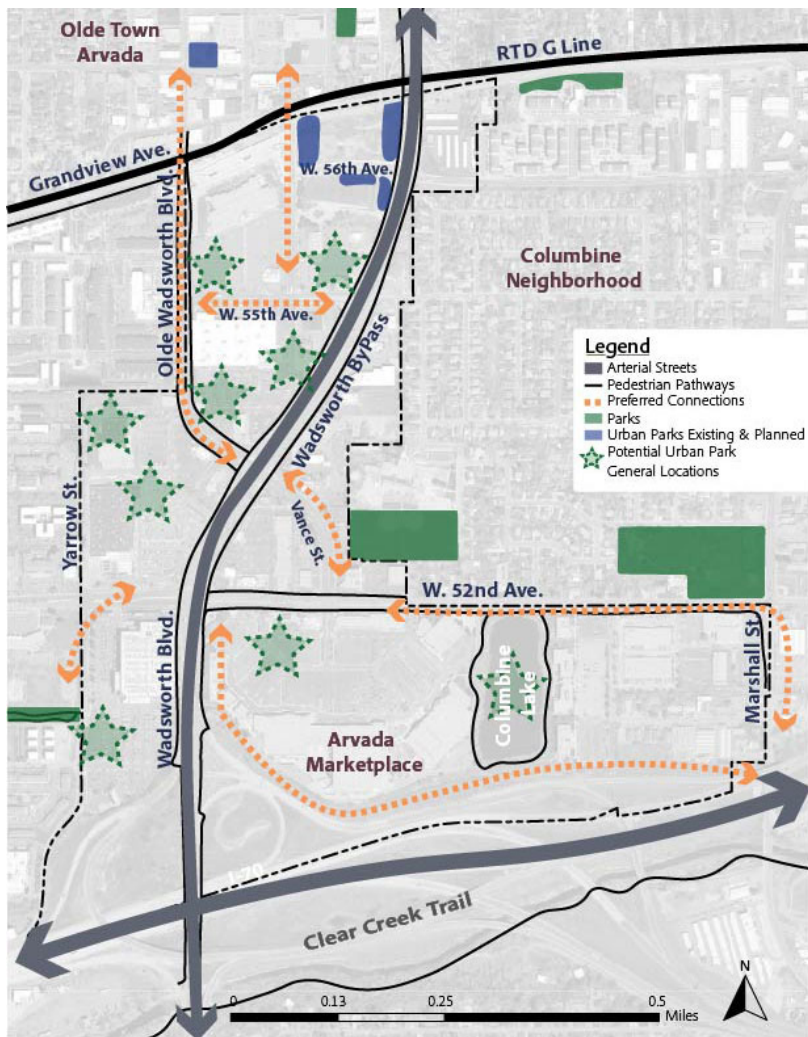
PREFERRED SMALL URBAN PARKS

Preferred small urban park general locations were identified through the planning process and the primary opportunities include south of the RTD Gold Line west of Wadsworth Bypass and the northeast corner of W. 55th Avenue and Olde Wadsworth Boulevard.

RECOMMENDATION

- » The preferred small urban park locations should be considered with new development and redevelopment projects.

PREFERRED SMALL URBAN PARK SYSTEM MAP



STREETSCAPE

Streetscape design enhances the street and pedestrian experience while further defining pedestrian connections within the plan area and to surrounding neighborhoods. Streetscape design elements help create safe pedestrian friendly paths to encourage users, improve walkability and connectivity.

Potential Streetscape Options

Potential streetscape options A and B are designed to improve the pedestrian experience in pedestrian oriented and transit oriented areas with natural elements (i.e. tree lawn, planting, xeriscape) separating the sidewalk from the street.

The preferred option on pedestrian streets of the Land Development Code incorporates tree lawn with trees and other elements that provides shade for the sidewalk area.

Implementation of streetscape designs may occur at the time of new development and redevelopment.

DESIGN

4.5

STREETSCAPE

POTENTIAL STREETSCAPE OPTIONS

Potential Streetscape Option A design includes:

Eight foot area with natural elements of rock with shrubs, ornamental grasses and small trees separating the six to ten foot sidewalk from the street.

Canopy trees recommended.

Potential Streetscape Option B design includes:

Eight foot tree lawn area separating the six to ten foot sidewalk from the street.

Canopy trees recommended.

Potential streets for Streetscape Design Option B include:

- Vance Street between RTD Commuter Gold Line and W. 55th Avenue.
- Future Vance Street as it continues further south to the Lowe's development as a potential pedestrian boulevard connection
- Pedestrian Priority Streets per Land Development Code

RECOMMENDATIONS

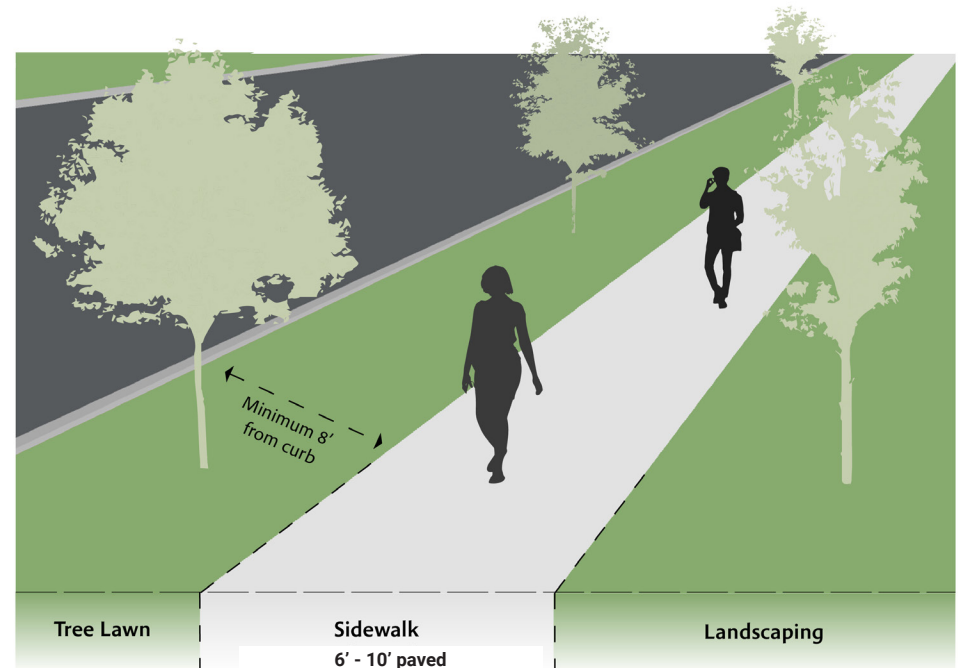
- » Evaluate engineering standards to accomplish the streetscape design.
- » Streetscape Option A preferred design for non Pedestrian Priority Streets.
- » Streetscape Option B preferred design for Pedestrian Priority Streets.

Potential Streetscape Option A



— ▶ Rock with shrubs, ornamental grasses, and small trees

Potential Streetscape Option B



Street widths vary - Streetscape design begins at street curb

INFRASTRUCTURE AND SUSTAINABILITY 4.6

INFRASTRUCTURE

City Council has provided strategic direction to the Infrastructure work system to complete master plans for water, wastewater, and storm infrastructure by 2023. These plans provide staff with a road map to prioritize work that needs to be done in our water/wastewater systems and the master plans are being used to plan work for immediate, short-term and longer-term needs. The ongoing analysis of infrastructure needs and master plan results will guide future redevelopment.

RECOMMENDATION

- » Infrastructure should be evaluated at the time of new development or redevelopment.

SUSTAINABILITY

City Council has provided strategic direction to incorporate conservation, sustainability and resiliency planning in response to environmental resources and climate change. Resiliency refers to the ability of a community to respond, adapt, and recover in a sustainable way in response to the impacts of environmental and climate change. In addition to infrastructure master plans, sustainable practices such as higher density development, green space, multi-modal connectivity, landscape planning and others have been considered in the development of this plan.

RECOMMENDATION

- » Conservation and Sustainability should be evaluated at the time of new development or redevelopment.

IMPLEMENTATION

5

IN THIS CHAPTER

- 5.1 Implementation Strategy and Implementation Matrix

IMPLEMENTATION

The implementation strategies of the sub-area plan were developed through stakeholder, technical expert and community feedback during the plan development process.

The implementation strategies in this chapter are intended to help realize the vision for the sub-area through action items from the plan recommendations and are intended to be specific, yet flexible in order to achieve the vision for each focus element through different methods, when funding is available, or at a time when the political and economic climate best support them.

IMPLEMENTATION

5.1

THESE IMPLEMENTATION STRATEGIES ARE DESIGNED TO REALIZE THE COMMUNITY'S VISION FOR THE NEW TOWN SUB-AREA THROUGH THE SUCCESSFUL COMPLETION OF PLAN RECOMMENDATIONS THROUGH IMPLEMENTATION OF ACTION ITEMS INCLUDED IN THIS PLAN.

IMPLEMENTATION MATRIX

The action items are numbered and organized by the plan focus elements. Key stakeholders are suggested responsible parties and also identify potential champions and partnerships. The implementation time frame anticipates how long it will take to fully complete implementation of the listed action item, but does not prohibit the action item from being started or finished at an earlier time.

ITEM NO.	ACTION ITEM	FOCUS ELEMENT	KEY STAKEHOLDERS	TIME FRAME
1	Change Zoning Map Zone District MX-T 120' to MX-S 120' and/or MX-U 120' for area located at southeast corner of W. 52nd Avenue and Wadsworth Boulevard known as Arvada Marketplace development	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)
2	Change Zoning Map Zone District MX-T 120' to MX-S 120' and/or MX-U 120' for area located at southeast corner of W. 52nd Avenue and Wadsworth Boulevard known as Arvada Marketplace development	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)
3	Change Zoning Map Zone District MX-T 65' to MX-S 65' southwest corner of W. 52nd Avenue between Wadsworth Boulevard known as Costco development	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)
4	Focus study and explore Land Development Code modifications to develop methods to encourage higher density multi-family and affordable housing residential development in the sub-area	Land Use and Redevelopment	City of Arvada, private property owners	Short Term: (0-3 years)
5	Encourage reduced parking for infill development of mixed use type developments	Parking	City of Arvada, private property owners	Ongoing
6	Evaluate reduced parking requirements at time of redevelopment or new development	Parking	City of Arvada, private property owners	Ongoing
7	Increase parking efficiency through a "managed parking" strategy including parking limits, paid parking, and validation systems	Parking	City of Arvada, private property owners	Ongoing
8	Preserve views from Olde Town Station Transit Platform/Plaza important from this location to the south	Views	City of Arvada, private property owners	Ongoing

ITEM NO.	ACTION ITEM	FOCUS ELEMENT	KEY STAKEHOLDERS	TIME FRAME
9	Remove the south side of W. 52nd Avenue east of Wadsworth Parkway from the Pedestrian Priority Street Designation in the Land Development Code	Connectivity	City of Arvada	Short Term: (0-3 years)
10	Consider street design and multi-modal trail connections within the sub-area plan at the time of redevelopment, new development and infrastructure planning	Connectivity	City of Arvada, private property owners, CDOT	Ongoing
11	Continue work with the Colorado Department of Transportation (CDOT) to improve pedestrian crossings along Wadsworth Bypass including the intersection at W. 55th Avenue.	Connectivity	City of Arvada, CDOT	Ongoing
12	Develop specific Architectural Design Guidelines or Land Development Code regulations to implement the preferred architectural design in the sub-area	Design-Architecture	City of Arvada,	Mid Term: (3 -5 years)
13	Consider preferred small urban park locations with new development or redevelopment	Design-Placemaking	City of Arvada, private property owners	Ongoing
14	Evaluate engineering standards for Streetscape design within the sub-area	Design-Streetscape	City of Arvada, private property owners, CDOT	Ongoing
15	Consider Streetscape Design Option A for Non Pedestrian Priority Streets with new development or redevelopment	Design-Streetscape	City of Arvada, private property owners, CDOT	Ongoing
16	Consider Streetscape Design Option B for Pedestrian Priority Streets with new development or redevelopment	Design-Streetscape	City of Arvada, private property owners, CDOT	Ongoing
17	Evaluate infrastructure needs at time of new development or redevelopment	Infrastructure	City of Arvada, private property owners	Ongoing
18	Evaluate conservation and sustainability methods at time of new development or redevelopment	Sustainability	City of Arvada, private property owners	Ongoing

APPENDIX: COMMUNITY ENGAGEMENT

A.1

COMMUNITY ENGAGEMENT OVERVIEW

Community Open House #1

In accordance with safety protocols associated with the COVID-19 pandemic, the first Community Open House was held outside at the Olde Town Hub in September 2020. This meeting served as a kick'-off meeting, an opportunity for the public to learn about the planning process and intent of the sub-area plan.

Community Open House #2

Due to health and safety protocols of the COVID-19 pandemic, the second Community Open House Meeting was held virtually in February 2021. The virtual meeting was an opportunity to present existing conditions and redevelopment potential, solicit area opportunity and challenge feedback, and poll architecture preferences. A visual preference survey was conducted to help focus the community's vision of the area in uniformity of design, massing, building materials and architectural characteristics. A follow up survey asking for area opportunity, challenge and architectural preference input from the community was also provided on the City Speak Up Arvada platform. The results of this meeting and survey was provided to the technical review and steering committees and offered an additional opportunity for stakeholder input.

In addition to online promotional resources, over 2000 postcard notices were mailed to property owners and businesses within the sub-area and influence areas in order to maximize project awareness and participation.

Community Open House #3

The third Community Open House in August 2021, served as an opportunity for the public to explore options and provide further feedback on land use, parking, connectivity, small urban park opportunities and refine preferred architectural design. A subsequent Speak Up Arvada survey with the open house questions and opportunity for comments allowed additional community feedback. The results of this meeting and survey was provided to the technical review and steering committees and offered an additional opportunity for stakeholder input.

Community Open House #4

A fourth in-person Community Open House to present the draft plan framework and recommendations was held in July 2022. The results of this meeting were presented to the Planning Commission and City Council and guided the final draft plan.

Community Open House Presentations and Comments

Visit arvada.org/new-town-sub-area-plan for Community Open House presentations and participant comments.

COMMUNITY ENGAGEMENT SUMMARY

During the community engagement process, (we heard) the public express the following summarized comments categorized by topics. The public and committee input and comments were used to guide and develop the sub-area plan.

Comments

An overview of the community comments during the development of the plan are summarized and organized into topics that were used to develop the plan elements and recommendations.

Land Use

- Residential and Commercial development are important
- Appropriate predominant land use for the area south of W. 52nd Avenue along Wadsworth Blvd is Auto Oriented Commercial Use
- Attainable, diverse and multi-family housing is important
- Retail and commercial development and redevelopment are both opportunity and challenges in the area. Need a grocery store.
- Smaller scale development to help encourage small business
- Walkability and connectivity to area amenities
- Appreciate the City looking to the future and considering pedestrian oriented development and scale of blocks

Design

- One form of building design is generally important especially along Wadsworth Boulevard and Arvada Marketplace development
- Preferred design included multiple building styles (modern, traditional) with natural materials such as brick or stone and modern elements
- Incorporate placemaking strategies to create well connected community gathering spaces. Identify underutilized public spaces to be improved and benefit community.

Transportation and Connectivity

- Wadsworth Boulevard/Bypass traffic
- Improved vehicular and pedestrian connectivity and safety
- Bicycle and pedestrian safety are important
- Identify opportunities for improved connectivity and safety within the study area and surrounding neighborhoods
- Proximity to RTD facility, Gold Strike Station and Olde Town is an area asset

APPENDIX: COMMUNITY ENGAGEMENT A.2

COMMUNITY ENGAGEMENT SUMMARY

Comments - Continued

Parking

- Parking concerns for residents near New Town
- Ensure enough parking to meet the needs of existing development, and future mixed-use and commercial development
- From experiences in the area, survey participants felt that existing parking is primarily excessive (59%). 12% of participants responded that parking is deficient and 29% felt parking is adequate.

Views

- Preserve primary view corridors that allow redevelopment and accommodate building heights

Miscellaneous

- Don't overdevelop
- Public safety concerns

Land Use - Future Redevelopment

- Retail/Commercial businesses and development is very important
- Need for attainable housing and multi-family is important
- Appropriate predominant land use for each potential Character Area (Community Open House Responses)
 - Character Areas A, B, C - Pedestrian Oriented Mixed Use
 - Character Area D - Auto Oriented Commercial
 - Character Area E - Office, Light Trade and Technical (within an enclosed building)

Connectivity - Potential Opportunities

- Improve pedestrian and bicycle connectivity
- Top potential improvements
 - W. 56th Avenue and Wadsworth Bypass
 - W. 55th Avenue and Wadsworth Bypass
 - W. 53rd Avenue and Wadsworth Boulevard/Bypass
 - Along W. 52nd Avenue
 - South of RTD G-Line to Olde Town

Connectivity and Design - Potential Urban Parks

- Connectivity to community open space areas
- Primary potential urban park opportunities
 - Columbine Lake
 - Northeast corner of 55th Avenue and Olde Wadsworth Blvd.
 - South of RTD G-Line west of Wadsworth Bypass



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
9.B.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: CP2023-0002, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan to Incorporate the Northwest Arvada Sub-Area Plan

Report in Brief

The City of Arvada is requesting approval of a Comprehensive Plan Amendment. An amendment to the Comprehensive Plan is proposed to incorporate the Northwest Arvada Sub-Area Plan (“the plan”) as part of the document. If adopted, the plan will be considered an element of the Comprehensive Plan and be the City’s guiding document for the planning and development of the Northwest area.

The Arvada Team recommends that the Council ratifies CP2023-0002 a Resolution by the Planning Commission for the City of Arvada, Colorado to amend the 2014 Arvada Comprehensive Plan to incorporate the Northwest Sub-area Plan.

Financial Impact

There is no fiscal impact to the city.

Background

The Northwest Arvada Sub-Area Plan will further implement the goals and policies of the Comprehensive Plan and previous studies of the area to encourage and support sustainable community development. The Northwest Arvada Sub-Area Plan was prepared with extensive community engagement using the following methodology:

1. The development of the plan consisted of a three phase process with extensive community engagement.

Visualize: Initial phase to determine study area and influence boundaries, identify stakeholders, conduct initial committee meetings, identify and initiate public participation, and develop guiding plan goals and vision.

Strategize: Second phase focused on high level recommendations to guide future development and achieve the overall vision identified in the first phase and included research of existing plan documents, continued community engagement, develop ideas and recommendations, identify and refine recommendations, and further develop the plan vision and elements.

Realize: Third phase focused on the creation of the plan resulting from previous phases, public review and included preparation of draft plan document, public review and input of draft plan, and finalize plan for adoption process.

2. Public Engagement: Multiple Technical Advisory Committee (TAC) meetings, Steering Committee meetings, community open houses, and online community surveys.
3. Recommendations: Based on community and stakeholder engagement, developed the vision and recommendations for the sub-area and included land use, connectivity, design, infrastructure, and sustainability.
4. Implementation: Based on stakeholder, technical expertise and community feedback, implementation strategies were developed to achieve the vision for each focus element.

Discussion

The following table summarizes the Comprehensive Plan considerations and staff’s findings and assessment.

COMPREHENSIVE PLAN AMENDMENT CONSIDERATIONS		STAFF ASSESSMENT
1. The existing Comprehensive Plan and/or any related element thereof is in need of the proposed amendment.		The existing comprehensive plan needs an amendment to incorporate the Northwest Arvada Sub-Area Plan to further implement the existing plan goals and policies outlined above.
1. The proposed amendment is compatible with the surrounding area and the goals and policies of the Comprehensive Plan.		The amendment is compatible with the surrounding areas of commercial and residential neighborhoods. The amendment is compatible with the goals and policies of the comprehensive plan and seeks to further implement existing plan goals and policies for a specific geographic area in the City.
1. The proposed amendment will have no major negative impacts on transportation, services and facilities.		The proposed amendment will have not have a major negative impact on transportation services and facilities.
1. The proposed amendment will have minimal effect on service provision, including adequacy or availability of urban facilities and services, and is compatible with existing and planned service provision.		The proposed amendment will not have a negative effect on existing or proposed service provision.
1. The proposed amendment, if for an area outside of the City's current municipal boundaries, is consistent with the		The proposed amendment pertains to the northwest area of the City and is not for an annexation.

City's ability to annex property.	
1. Strict adherence to the existing Comprehensive Plan would result in a situation neither intended nor in keeping with other key elements and policies of the plan.	Strict adherence to the existing comprehensive plan without this amendment will result in not developing a more defined vision and development guidance for a specific area in the City that will further implement the goals and policies of the Comprehensive Plan.
1. The proposed plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Plan and the elements thereof.	This amendment will promote the public welfare within the Northwest Arvada area and is consistent with the goals and policies of the comprehensive plan.

Public Contact

In addition to posting on the City Council agenda, Preparation of the plan included extensive public involvement.

This process included:

1. Three Steering Committee Meetings comprising of property owners and business owners within the plan area, Planning Commission representative, Homeowner Associations and Metro Districts.
2. Three Technical Advisory Committee Meetings comprising of representatives of the City of Arvada, Colorado Department of Transportation, and Jefferson Parkway Public Highway Authority.
3. Four Community Open House meetings were held virtually and in person in compliance with COVID-19 protocols. The initial Community Open House was held at Whisper Creek Park, the second was held virtually, the Whisper Creek Community Station and lastly at Village of Five Parks Depot.
4. Two Speak Up Arvada community surveys were conducted to get public input during the process.
5. Social media, a designated website and email address provided information, accepted feedback and promoted community participation.

Commission Recommendation

On May 2, 2023 the Planning Commission voted (7 to 0) to approve an amendment to the 2014 Arvada Comprehensive Plan to Incorporate the Northwest Arvada Sub-Area Plan.

Strategic Alignment

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

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada Team recommends that the City Council Ratify CP2023-0002, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan to Incorporate the Northwest Arvada Sub-Area Plan.

Suggested Motion:

I move that CP2023-0002, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan to Incorporate the Northwest Arvada Sub-Area Plan, be (ratified and approved)(rejected).

This motion is based on the findings of fact and required conditions (if any) adopted by the 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:

Heidi Van Gieson, Administrative Specialist

Reviewed by:

Approved by:

Patty McCartney, Long Range Planner	5/15/2023
Josie Suk, Development Systems and Administrative Manager	5/16/2023
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Ryan Stachelski, Director of Community and Economic Development	5/17/2023
Gail Walker, Legal Specialist-Contracts	5/17/2023
Emily Grogg, Senior Assistant City Attorney	5/18/2023
Rachel Morris, City Attorney	5/22/2023
Linda Haley, Deputy City Manager	5/22/2023
Lorie Gillis, City Manager	5/24/2023

Enclosure, exhibits & attachments required to support the report

EXHIBIT A
RESOLUTION NO. CP2023-0002

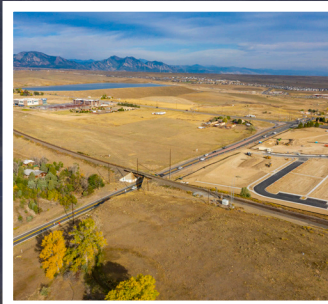
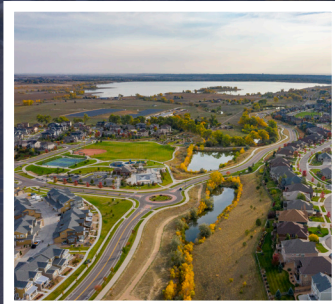
**A RESOLUTION BY THE PLANNING COMMISSION FOR THE
CITY OF ARVADA, COLORADO TO AMEND THE 2014 ARVADA
COMPREHENSIVE PLAN TO INCORPORATE THE NORTHWEST
ARVADA SUB-AREA PLAN**



NORTHWEST ARVADA

SUB-AREA PLAN

MAY 2023



2023 NORTHWEST ARVADA SUB-AREA PLAN

Acknowledgements

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 Christina Barkley, Leyden Rock Homeowner Association
 Tim McAndrew, Village of Five Parks Master Homeowners Association
 Aaron Monaco, Village of Five Parks Master Homeowners Association

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 Steven Parker, Arvada Fire Department
 Lance Henkel, Arvada Parks Golf and Hospitality Services Department
 Dave Snelling, Arvada Police Department
 Eric Lewin, Arvada Public Utilities Department
 Ben Sawaya, Arvada Public Utilities Department
 John Firouzi, Arvada Transportation Department
 Bill Ray, Jefferson Parkway Public Highway Authority

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Chapter 1

INTRODUCTION

Sub-area planning focuses on a specific geographic area in the City to create goals and policies for topics such as land use, urban design, connectivity and others. A sub-area plan provides a guide for development and redevelopment of the area over the next 20 years.

The purpose of developing a sub-area plan in this area is to create a long-term vision and implementation plan for resilient and sustainable community development in the northwest area of the City.

IN THIS CHAPTER

- 1.1 Plan Introduction, Project Overview
Local and Development History
- 1.2 Demographic and Sub-Area Data
- 1.3 Sub-Area Plan Map
- 1.4 Plan Process

PLAN INTRODUCTION

1.1

The Northwest Arvada Sub-Area plan serves as the master planning document envisioned to further implement the Comprehensive Plan.

The City of Arvada 2014 Comprehensive Plan, ratified by City Council in May of 2020, articulates the community's shared values and vision. The Comprehensive Plan Goals and policies help guide development and investment decisions that influence the quality of life in Arvada.

Arvada is experiencing development of its vacant land resources and has limited ability to expand its boundaries which are up against neighboring communities and open spaces. The Northwest Arvada area is a more recently developed part of the City that has vacant and unincorporated Jefferson County properties available for future development. However, there are currently limited resources in this area due to water supply and infrastructure constraints that restricts new development opportunities.

A sub-area plan is a type of long range planning for a limited geographic area within the City. Sub-area plans are created for key economic development areas throughout the community in order to maintain a sustainable and resilient place to live, work, and play.

This sub-area plan will be developed in two phases. Phase I area will focus on topics including land use, design and transportation. The Phase 2 area will only focus on Land Use and other topics such as urban design and transportation will be determined later.

NORTHWEST ARVADA SUB-AREA

The Northwest Arvada sub-area focuses on two areas generally located along State Highway 72 in the area east of Highway (SH) 93 to Indiana Street and along Indiana Street between the railroad right-of-way on the south and the City boundary on the north. The Sub-area plan consists of two areas defined as Phase I and Phase 2. The sub-area is located both within the City and Unincorporated Jefferson County.

The Influence Areas located on the perimeter of the sub-area boundaries include Candelas, Whisper Creek, Whisper Village, Village of Five Parks, Leyden Rock and Leyden Ranch communities. These outlying communities and neighborhoods have been identified for public participation and connectivity to the sub-area.

The Phase 1 area will be the primary study area of developing the sub-area plan. The initial development of the sub-area plan will include land use discussion for the Phase 2 area with the remaining detailed elements such as design, connectivity and transportation for Phase 2 will be determined later.

A portion of the sub-area is in the Jefferson Center Urban Renewal Area established in 2003 and is a 60-acre site that includes the Plains End Power Plant. The 2032-acre Northwest Arvada Urban Renewal Area was created in 2010 and includes the Candelas development.

A new Land Development Code (LDC), Zoning Map and Comprehensive Plan Amendments associated with the updated LDC were approved in 2022. The new LDC and Zoning Map updated zoning districts

included mixed use districts for the City including within the sub-area plan study area.

This sub-area plan serves as the master



Indiana Street and Railroad Line Intersection looking northwest

planning document. The plan was accomplished over eighteen months and included a variety of opportunities for public input.



View from Indiana Street looking east

LOCAL AND DEVELOPMENT HISTORY

The City of Arvada, with a population of 124,402 in 2020, is one the largest Cities in Colorado and projected to have a population of approximately 141,187 by 2035. The community was founded in 1870 and incorporated in 1904. Arvada is primarily a suburban residential community with suburban shopping opportunities.

The sub-area planning area is bounded north of SH 72 and to the west of Indiana Street, both major corridors for regional traffic to the adjacent front range cities of Golden, Boulder, Westminster and Broomfield. The area immediately surrounding the Northwest Arvada sub-area, "the influence area", contains the Candelas, Wild Grass/Whisper Creek Village of Five Parks, Leyden Rock and Leyden Ranch neighborhoods developed within the last twenty years. On-going construction for residential development continues in Candelas.

Retail and commercial uses are recent additions to the neighborhoods and include King Soopers Marketplace store, medical offices and other neighborhood retail, services and restaurants. The Candelas Retail Study determined that this area's reliance upon auto centric commercial uses and design "leaves out the opportunity for this area to develop with new retailing concepts and inclusion of integrated open space, environment rich amenities, etc.". The promotion of retail diversity and design concepts like a walkable mixed use community can provide a healthier retailing environment in the area.

Unincorporated Jefferson County properties south of SH 72 are primarily industrial uses and a handful of single family residential parcels. The Welton Reservoir located west of the Phase 1 Study area is owned and operated by Consolidated Mutual Water supplying water to the cities of Lakewood and Arvada. Welton Reservoir is filled with water originating from Clear Creek watershed supplemented by high mountain reservoirs that collect snowmelt runoff.

DEMOGRAPHICS AND SUB-AREA DATA

1.2

NORTHWEST ARVADA SUB-AREA

Phase 1 Area

- 587 Acres
- Housing Units - about 120 homes
- Commercial - about 25 commercial spaces
- 2020 Population - about 324 persons

Phase 2 Area

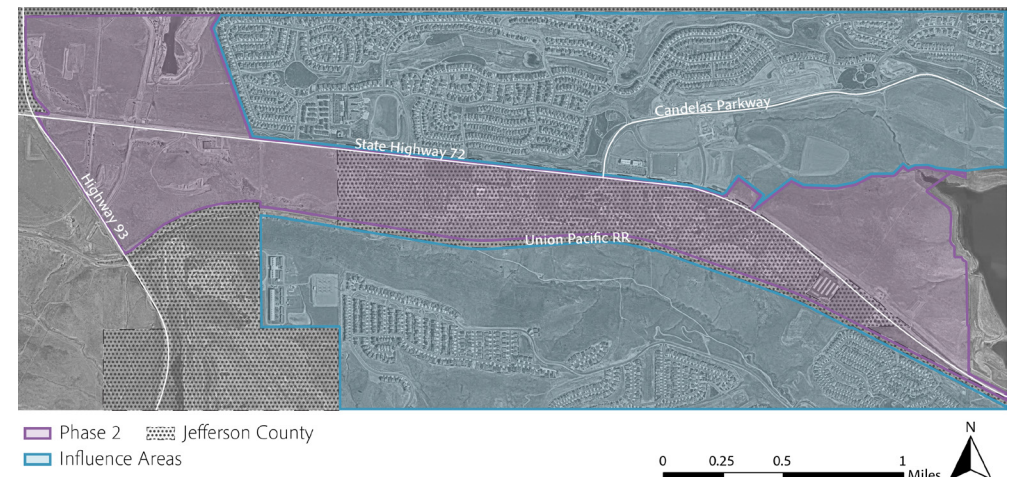
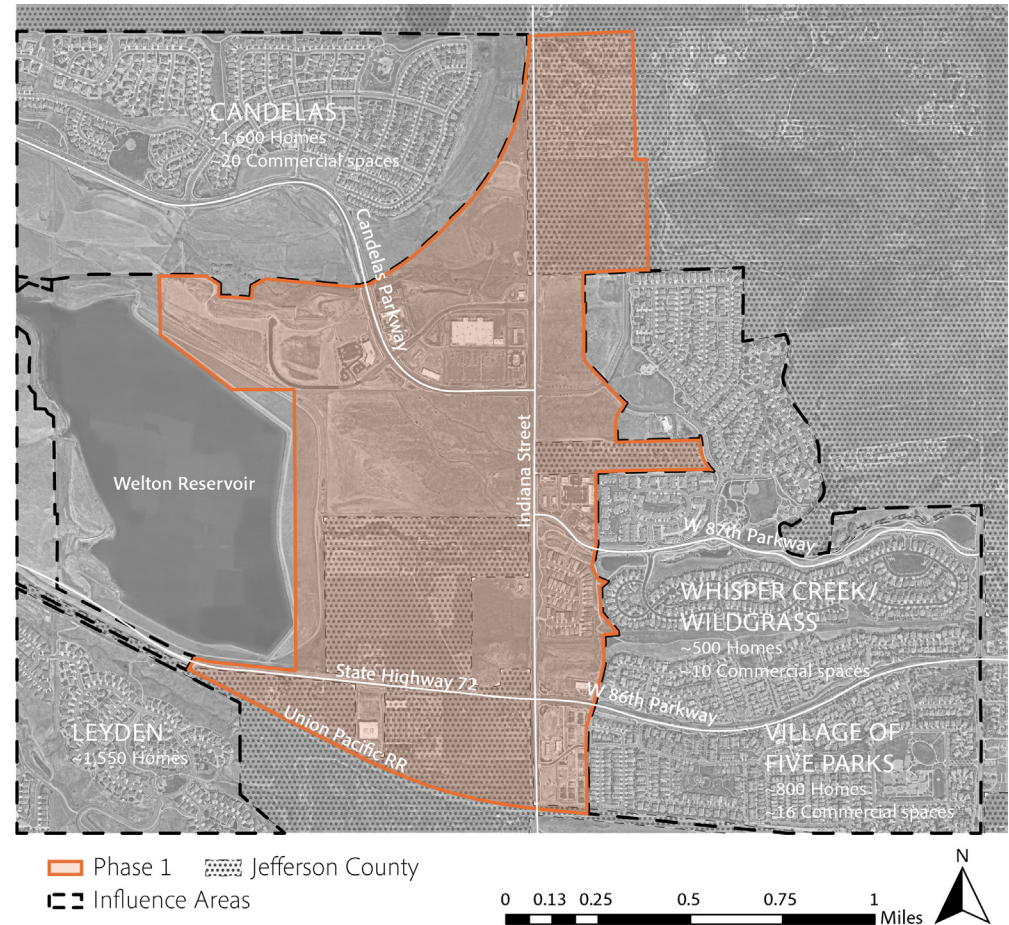
- 696 Acres
- Housing Units - about 10 homes
- 2020 Population - about 27 persons
- Commercial and industrial developments

Influence Areas

- Housing Units - about 4,600 homes
- Commercial - about 25 commercial spaces with more spaces in planning phase or under construction
- 2020 Population - about 12,420 persons
- 14 City parks and 4 Metro District parks
- 18 miles of trails
- 2 public schools
- 1 police community station and 1 fire station

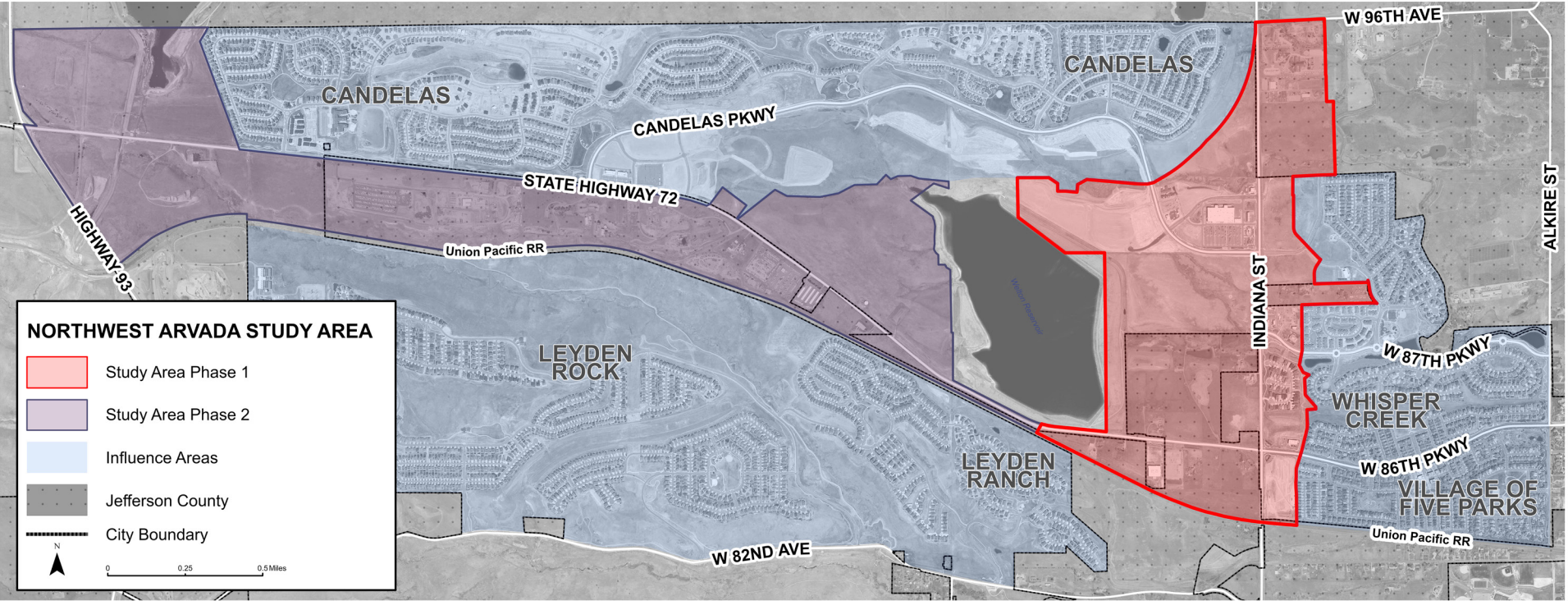
DEMOGRAPHIC TRENDS

- Migration in Colorado is strongly related to job growth
- City and Colorado population is growing at a slower rate
- Growth is occurring in concentrated areas
- Increasing Age Population in the City and Colorado impacts the economy, work force, education, housing, transportation and public finance
- Increasing racial and ethnic diversity



NORTHWEST ARVADA SUB-AREA PLAN MAP

1.3



PLAN PROCESS

1.4

The development of the sub-area plan consisted of three phases and extensive community engagement over a period of eighteen months. The plan goals were drafted during the initial phase to help guide the community's vision for the Northwest area.

GOALS

Based on initial input from the public and property owners during the development of this plan, the Goals for this sub-area plan were:

- Create a framework for regeneration and attraction of private sector investment;
- Conceptualize and shape the three-dimensional urban environment ;
- Define public, semi private public spaces and opportunities;
- Determine the mix of uses, density and their physical relationship to each other in the Phase 1 and Phase 2 areas; and
- Engage the local community and acting as a builder of consensus

PLAN DEVELOPMENT

Visualize

During the initial steps in the visualization phase in the fall of 2020, the study and influence boundaries were determined, stakeholders were identified, initial committee meetings were conducted and public participation was initiated.

Steering and Technical Review Committees were established to provide expertise and oversee the study. The **Steering Committee** consisted of representatives

of the Planning Commission, Colorado Dept of Transportation, Jefferson Parkway Authority, Union Pacific Railroad, Homeowner Associations, community members, property and business owners.

Representation on the **Technical Committee** consisted of staff from Community and Economic Development, Transportation, Parks and Open Space, Public Safety and Utilities.

Previous planning documents addressing the study and influence areas were identified including:

- Sustain Arvada, 2012
- Comprehensive Plan, 2014
- Arvada Parks System Master Plan, 2016
- Bicycle Master Plan, 2017
- Final Report for the City of Arvada, Colorado on Candelas Development, 2018
- Candelas Retail Study, 2019

The sub-area planning effort further implements the Comprehensive Plan by further refining the goals and policies of the comprehensive plan for the sub-area including Land Use and Redevelopment, Economic Development; Multi-Modal Transportation Plan; and Vibrant Communities and Neighborhoods Goals.



Strategize

The second phase of the project focused on high level recommendations to guide future development and achieve the overall vision identified in first phase and included:

- Implementation of community (Public) outreach and presentation plan;
- Review of community meeting(s) input and synthesizing of information for staff/committee analysis;
- Review and refinement of the project and meeting schedule; and
- Identification and refinement of recommendations resulting from public, technical committee and steering committee meetings to further develop the plan vision and elements.

Realize

The third phase of the plan focuses on the development of the subarea plan resulting from previous phases, public review and input, and adoption. This included:

- Drafting a subarea plan document created from the community outreach and committee participation process during the Visualize and Strategize phases for review by parties of interest;
- Finalization of the first draft and presentation of the draft plan for public review and input;
- Finalize document for adoption process; and
- Public hearing and Planning Commission and City Council approvals.

SUB-AREA PLAN TIMELINE



Chapter 2

EXISTING CONDITIONS

This chapter provides an overview of the existing conditions within the New Town Sub-Area including:

- Land Use and Development Patterns
 - Phase 1 Area
 - Phase 2 Area
- Market/Retail Study Analysis
- Transportation and Circulation
 - Vehicular & Multi-Modal
 - Bike and Trail System
 - Pedestrian Connectivity
 - Jefferson Parkway
- Parks and Open Space
 - Phase 1 Area
 - Infrastructure
 - Sustainability

IN THIS CHAPTER

- 2.1 Land Use and Development Patterns
- 2.2 Market/Retail Study Analysis
- 2.3 Transportation and Circulation
- 2.4 Parks and Open Space, Infrastructure and Sustainability

MARKET/RETAIL STUDY ANALYSIS

2.2

"The desired outcome for this area is to identify and create unifying land use strategies and implementation elements that encourages/promotes and supports sustainable community development to further implement the goals and policies of the Comprehensive Plan."

Candelas Retail Study

The Candelas Retail Study prepared in 2019 assessed the viability of sustainable retail opportunities along the Indiana Street corridor and feasibility of additional commercial trade in this area. The study included the Indiana Corridor north of the Union Pacific Railroad line to W. 96th Avenue to the north.

The Study summarized the commercial and retail viability of this area as follows:

- There is too much retail zoning for the area to support
- Residential growth is limited and will not be enough to support the amount of retail zoning
- The retail zoning is strung along Indiana diminishing opportunity for a comprehensive retailing area that builds off itself
- The City must find its "next act" with retail by letting go of the concept of "more is better" and shift to embracing different scale and elements
- Embrace mixed use elements to create retail vibrancy

Candelas Retail Study Update

In 2020, the City conducted an update to the Candelas Retail Study that centered on three distinct areas within the Phase 1 and Phase 2 areas anticipated to meet the differing needs of the residential population moving into this area.

The Candelas Retail Study Update summarized that the population numbers for the commercial/retail trade area in this area is not yet mature and developers are catering to "auto-centric" retailers that can rely on pass-by traffic along with the lighter population to support their developments. Even at full maturity, if new residential opportunities are not created, the trade area is considered "light" with a population base of less than 20,000 people.

Prior to the Covid 19 pandemic, the retail and restaurant industry were experiencing significant disruption for several years. During the pandemic, the acceleration of online shopping profoundly impacted retail further. Consumers have dramatically shifted their shopping to online and e-commerce innovations which used to be a small part of their business. The e-commerce business has grown dramatically for many retailers. During 2020, the pandemic online shopping accelerated consumer behavior five to ten years.



The updated Study identifies that the desired outcome for this area is to identify and create unifying land use strategies and implementation elements that encourages/promotes and supports sustainable community development to further implement the goals and policies of the Comprehensive Plan.

The desired objective is to create a walkable, mixed use area(s) along the Northwest Indiana Street Corridor to create retail vibrancy with concepts of place making, higher-density residential development and neighborhood commercial /retail developments cohesive with the existing and developing communities.

The placement of public/open spaces, appropriately scaled retail buildings, and parking designed in such a way to blend with the adjacent residential neighborhoods. Higher density residential use marries well with the newer retailing concepts while providing a backdrop for an enhanced, sustainable retail environment, developed with creative and distinct place making elements at the same time increasing the number of households to support retail development.

TRANSPORTATION AND CIRCULATION

2.3

VEHICULAR AND MULTI-MODAL

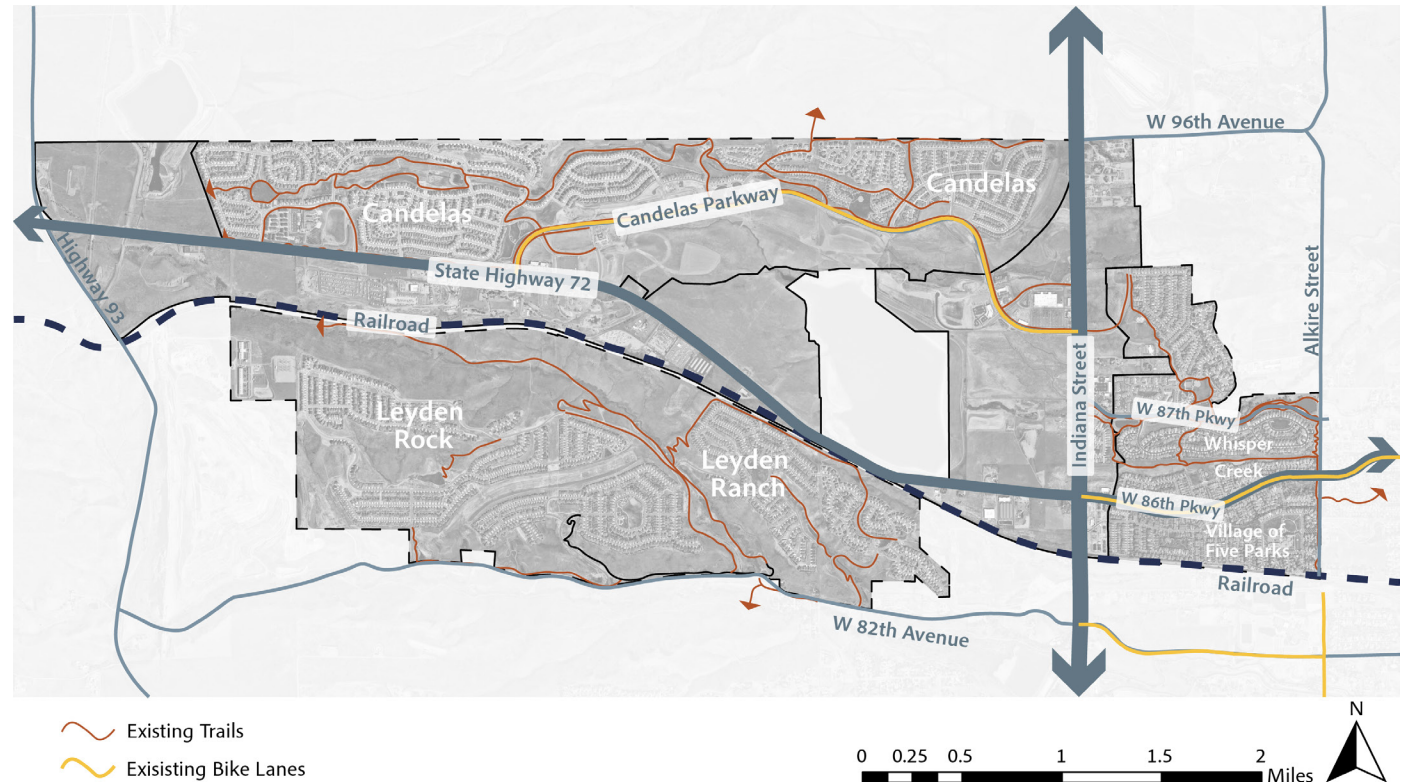
The Northwest Sub-area regional transportation network is an important element of the Phase 1 area.

The transportation network includes a state highway and street system within and surrounding the plan area. The Indiana Street corridor bisects the Phase 1 area and is a primary multimodal connection through the sub-area, community and region. Candelas Parkway, W. 86th Parkway, W. 87th Avenue and W. 96th Avenue provide additional multimodal connectivity within the sub-area and surrounding areas.

Indiana Street becomes part of State Highway 72 south of the intersection at Highway 72/ W. 86th Parkway. At this intersection, Highway 72 continues west and links to Highway 93. A Union Pacific railroad line is located on the south side of the sub-area and the railroad bridge width at Indiana Street inhibits street improvements to accommodate the multimodal needs and traffic. This portion of Indiana Street is a state highway and is controlled by the Colorado Department of Transportation.

Regional Transportation Department (RTD) does not provide bus service in the sub-area.

The regional transportation network and emphasis for vehicular modes of transportation creates challenges for non-vehicular connectivity within the plan area, across Indiana Street, and to trail systems.

**BIKE AND TRAIL SYSTEM**

The trail system in the sub-area and influence areas is more than 18 miles designed for multiple users including equestrian, pedestrian and bicycle.

The bike system incorporates the street, sidewalk and trail network with on-street paved, off-street paved and off-street unpaved paths. Bike trails are located on Candelas Parkway, W. 86th Parkway and Indiana Street and are also combined with the sidewalk and trail network. In some areas such as Indiana Street and Highway 72, bikers share sidewalks with pedestrians or streets adjacent to fast moving vehicles and offers minimal safety from traffic.

The bike and trail system is disrupted by incomplete connections along Indiana Street, Highway 72 and underdeveloped areas within the sub-area.

PEDESTRIAN CONNECTIVITY

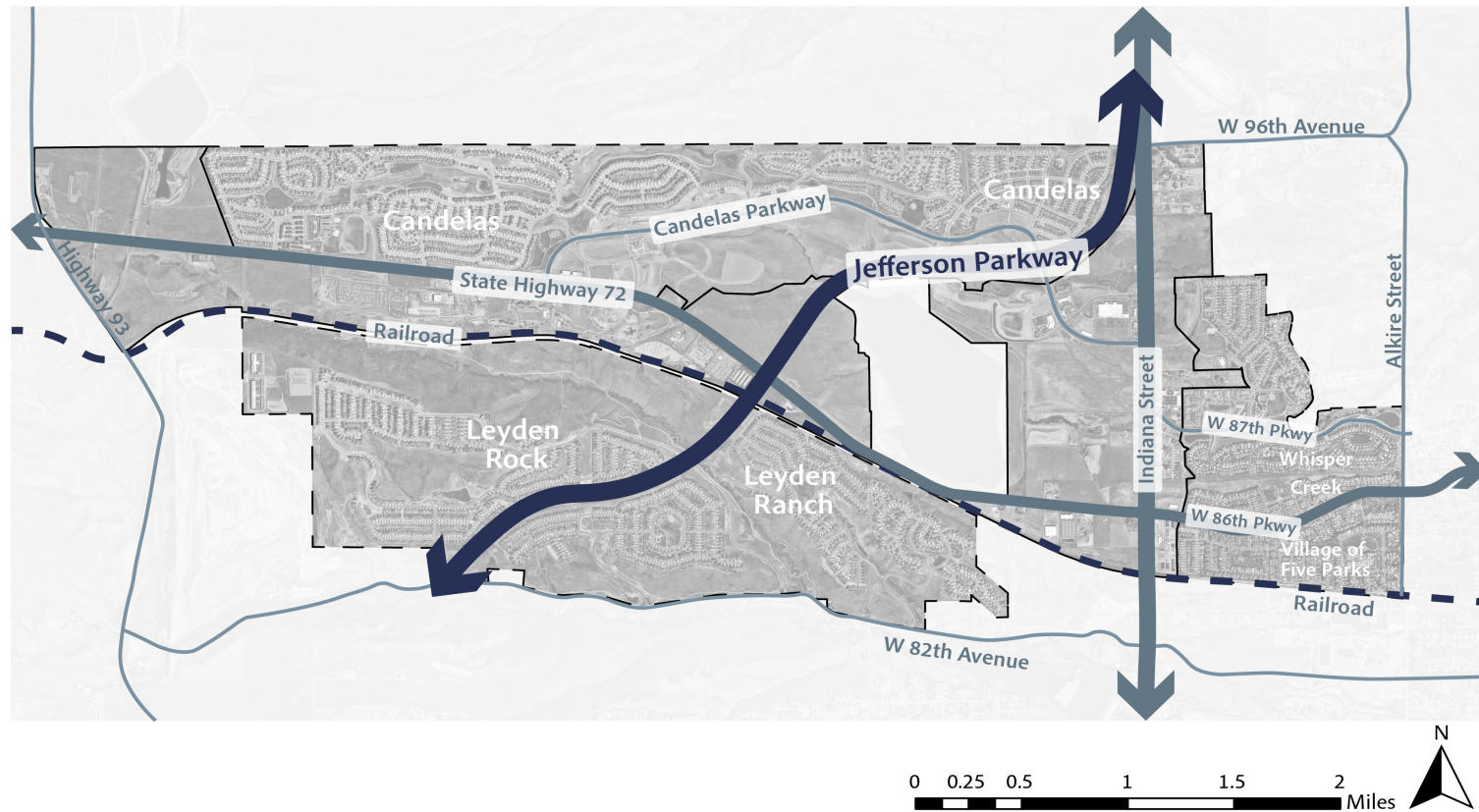
The plan area provides pedestrian mobility with sidewalks along major transportation routes and internal streets. Internal streets with sidewalks and trails provide pedestrian access within the sub-area and to surrounding areas.

Indiana Street and Highway 72 are the primary pedestrian connections within the sub-area with inconsistent sidewalk connections and very few crossing opportunities that allows limited mobility

across these major street corridors.

The combination of width, proximity to fast vehicles, limited crossings and incomplete connections, Indiana Street is a physical barrier for safe non-vehicular connectivity and access along a major transportation corridor.

Similar to the bike and trail system, pedestrian mobility and access is disrupted by incomplete connections along Indiana Street, Highway 72 and underdeveloped areas within the sub-area.



JEFFERSON PARKWAY

The Jefferson Parkway is a privately-funded, publicly-owned regional toll road that has been planned for decades to improve regional connectivity, enhance regional mobility, relocating traffic off of local roads and generate economic vitality for local communities.

Ownership of the Jefferson Parkway resides with the Jefferson Parkway Public Highway Authority with a selected concessionaire to be responsible for operations and maintenance.

The Jefferson Parkway was first proposed in the late 1960s when Congress

authorized the first studies for a highway system to encircle metro Denver. Since then, the C-470, E-470 and Northwest Parkway have been built to support this vision. In the absence of federal or state funds to build the roadway, the Jefferson Parkway Public Highway Authority (JPPHA) was created in 2008 with the mission to finish 10-miles of new construction to be the Jefferson Parkway.

Residential communities and retail developments like Leyden Rock and Candelas are built around the Jefferson Parkway alignment and dedicated right of

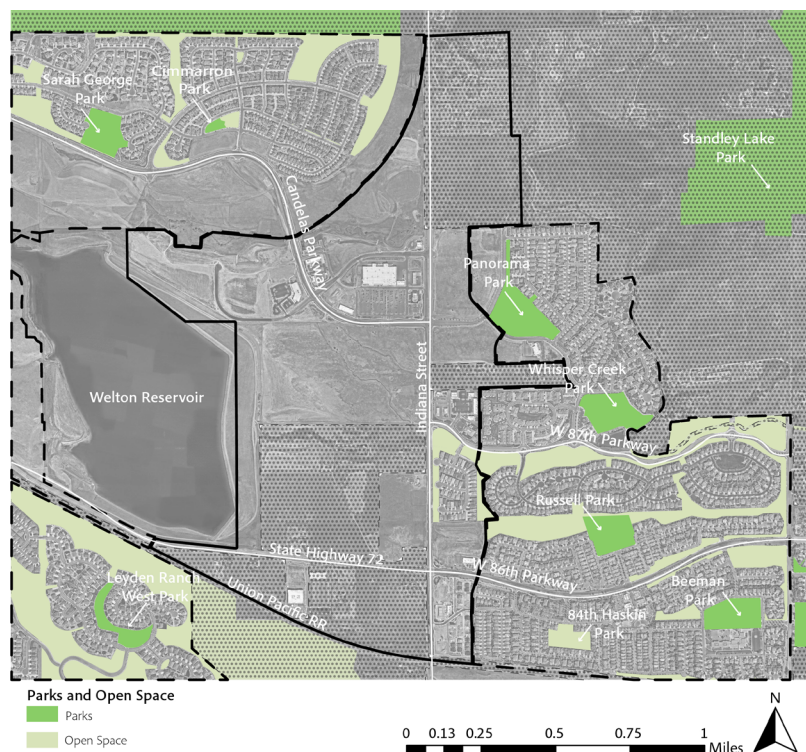
way.

The Parkway is designed to ease traffic congestion on arterial streets like Indiana Street, Wadsworth Boulevard, SH 93 and more. The ultimate design for how the Parkway connects to these streets will be identified through the procurement process.

PARKS AND OPEN SPACE, INFRASTRUCTURE AND SUSTAINABILITY

2.4

PARKS AND OPEN SPACE



The Northwest Arvada sub-area includes open space and trail connections to the surrounding influence areas. The surrounding residential communities located in the influence area have an extensive park and open space system with fourteen City Parks, four Metro District Parks and eighteen miles of trails. These parks and trails are accessed to and from the sub-area via street, sidewalk and trail connections.

INFRASTRUCTURE

Water, Sanitary and Stormwater Service

City Council has provided strategic direction to the Infrastructure work system to complete master plans for water, wastewater, and storm infrastructure by 2023. These plans provide staff with a roadmap to prioritize work that needs to be done in our water/wastewater systems.

The City team completed the treatment, distribution and sewer master plans in 2021 and 2022 and will complete the raw water master plan in 2023, and the results of the master plans are being used to plan work for immediate, short-term and longer-term needs.

City Fiber Optic Network

The City of Arvada completed a Conduit Master Plan in 2017 that evaluated and identified the total number of miles, number of years for build out and construction costs.

The Master Plan concluded that approximately 66 miles of conduits needed to be installed to improve connectivity, redundancy, and security for schools and fire stations. As of January, 2021, 49.6 miles of conduit have been completed in the first four years at a cost of 4 million dollars.

SUSTAINABILITY

The City created the Sustain Arvada Plan in 2012 as a way to honor "Arvada's rich heritage and preserve our resources to foster economic prosperity, environmental stewardship and community vitality today and into the future". The City is committed to conservation, sustainability and resiliency through many programs, policies and partnerships adopted by the the City of Arvada.



"We do not inherit the earth
from our ancestors.
We borrow it
from our children."
—Native American Proverb

February 2012

Chapter 3

VISION

Create a vision and implementation plan through the development of sub-area strategies and components that encourage, promote and support cohesive and resilient/adaptable development in the northwest area of the City.

IN THIS CHAPTER

- 3.1 The Vision and Community Engagement
- 3.2 Community Engagement Summary and Common Themes and Goals

THE VISION AND COMMUNITY ENGAGEMENT 3.1

CREATE A PLAN TO FURTHER IMPLEMENT THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN THROUGH THE DEVELOPMENT OF SUB-AREA PLAN STRATEGIES AND COMPONENTS THAT ENCOURAGE, PROMOTE AND SUPPORT COHESIVE AND RESILIENT/ADAPTABLE DEVELOPMENT WITH THE EXISTING AND DEVELOPING COMMUNITIES IN THE NORTHWEST AREA OF THE CITY.

COMMUNITY ENGAGEMENT

The planning process included extensive community engagement with stakeholders including residents, community members, business owners, property owners, agencies and City staff. There were a variety of public engagement and outreach efforts both in-person and virtual to encourage and promote meaningful input from the community.

This planning effort occurred during varying restrictions and protocols related to the COVID-19 pandemic. Communication tools including informational videos, publication articles, social media, surveys and a dedicated website were utilized throughout the planning process to maximize community participation and engagement. Multiple high-tech and virtual engagement platforms were used to communicate, engage and collect feedback from the

community to provide safe and convenient participation during the planning process. In addition to virtual or on line tools, public open houses were conducted during the pandemic when risk and restrictions allowed in-person community participation.

The community, Stakeholder Steering Committee and Technical Advisory Committee guidance and play an important role during the planning process to develop the plan.

The technical review committee, steering committee and public community meetings were conducted throughout the development of the plan to introduce the project, identify opportunities and challenges, create the plan vision, and develop the plan framework and recommendations.



Community Meetings

Community meetings were held at key points throughout the planning process to solicit input and guidance from the public (see Appendix). Four public Open Houses using both virtual and in-person formats occurred to solicit valuable insight and information to develop the sub-area plan. During the development of the plan, community engagement and meetings were held in accordance with safety protocols associated with the COVID-19 pandemic. The community meetings were promoted through social media, e-newsletters, e-mail, mailers and the City AdvanceArvada.org website.



Stakeholder Committee

The Steering Committee for this planning effort included community members, a Planning Commission representative, Colorado Department of Transportation, Consolidated Mutual Water District, Metro District and Homeowner representatives, property owners, and business owners in and near the subarea.

The Steering Committee met virtually three times throughout the planning process and were instrumental in providing research, analysis, technical support and helping to create recommendations. Technical

Technical Advisory Committee

The Technical Advisory Committee (TAC) for this planning effort included representatives from City of Arvada departments and Jefferson Parkway Public Highway Authority.

The TAC met virtually three times throughout the planning process and provided subject matter expertise, research, analysis and critical feedback on infrastructure feasibility.

COMMUNITY ENGAGEMENT SUMMARY

During the community engagement process, (we heard) the public provided comments and responded to community outreach efforts that are summarized in the Appendix.

An overview of community and committee comments during the development of the plan were used to develop the sub-area plan framework and recommendations.

EVALUATING COMMUNITY FEEDBACK

A variety of feedback from the community and stakeholders was received throughout the planning process that consisted of responses to questions, surveys and community events.

After every committee meeting, community meeting and public engagement event, the project team compiled all the feedback for further evaluation. Evaluation included the identification of common goals, understanding areas of consensus, opportunities and concern. The development of this plan has been informed and guided by this evaluation process.

The development of the sub-area plan has been informed and guided by a variety of community feedback and extensive evaluation throughout the plan process.

COMMON THEMES AND GOALS

Land Use

- Identify and create unifying land use strategies that promotes and supports sustainable community development
- Encourage and promote resilient commercial and retail development
- Plan for balanced mix of commercial and residential land uses

Placemaking

- Incorporate placemaking strategies and identify potential locations that create well connected commercial community gathering spaces

Connectivity

- Improve pedestrian and non-vehicular connectivity and safety within the sub-area, to commercial areas and residential communities
- Identify barriers and opportunities for improved connectivity and safety
- Provide accessible and safe connections within the sub-area, to multi-modal facilities and to surrounding neighborhoods

Design

- Improve the visual appearance of the Indiana corridor and State Highway 72
- Establish gateway image or area identity

Traffic

- Mitigate traffic impacts through new and improved non-vehicular connections
- Safety

4

Focus Element

Chapter 4

FOCUS ELEMENT

This chapter provides an overview of focus elements developed through the planning process and recommendations for:

- Land Use
- Connectivity
 - Potential Trail System
- Design
 - Placemaking
 - Streetscape
 - Entrance Gateway
- Infrastructure
- Sustainability

IN THIS CHAPTER

- 4.1 Land Use
- 4.2 Connectivity
- 4.3 Design
- 4.4 Infrastructure and Sustainability

LAND USE

4.1

The existing land use pattern is influenced by the Comprehensive Plan, Land Development Code and approved Planned Unit Development standards.

OVERVIEW

The City updated the Land Development Code (LDC) in 2020 and the update offered new opportunities for development. New zoning districts were established providing opportunities for mixed use that encompasses office, higher density residential, retail and light trade/technical uses.

The Northwest area consists of mainly low-density residential uses and neighborhood-services commercial retail, industrial uses along Indiana Street and State Highway 72.

Unincorporated properties within Jefferson County must meet County plans and code requirements. These properties are in the North Plains planning area and within the Arvada's Comprehensive Plan future land use areas. When eligible and if there is a desire to be incorporated into the City, property owners can apply to annex and zone into the City of Arvada.

The last 20 years, developments were primarily the development of suburban residential neighborhoods. The residential subdivision developments include the Village of Five Parks, Wild Grass and Whisper Creek, Leyden Rock and Leyden Ranch and Candelas. Commercial and retail developments have been constructed and additional commercial retail developments along the Indiana Street corridor and State Highway 72.

The update to the Land Development Code and remapping of the City expanded mixed use zoning in the City and along the Indiana Street corridor.

Part of the outreach efforts of the planning process was to explore with the community land uses preferred in the sub-area. A diverse response of comments were shared by the community and included: mixed use developments with commercial and residential uses; both higher residential housing and no more housing; varied commercial, retail and restaurant use options; attainable housing; mixed use with community feel; retain open areas; and more open space.

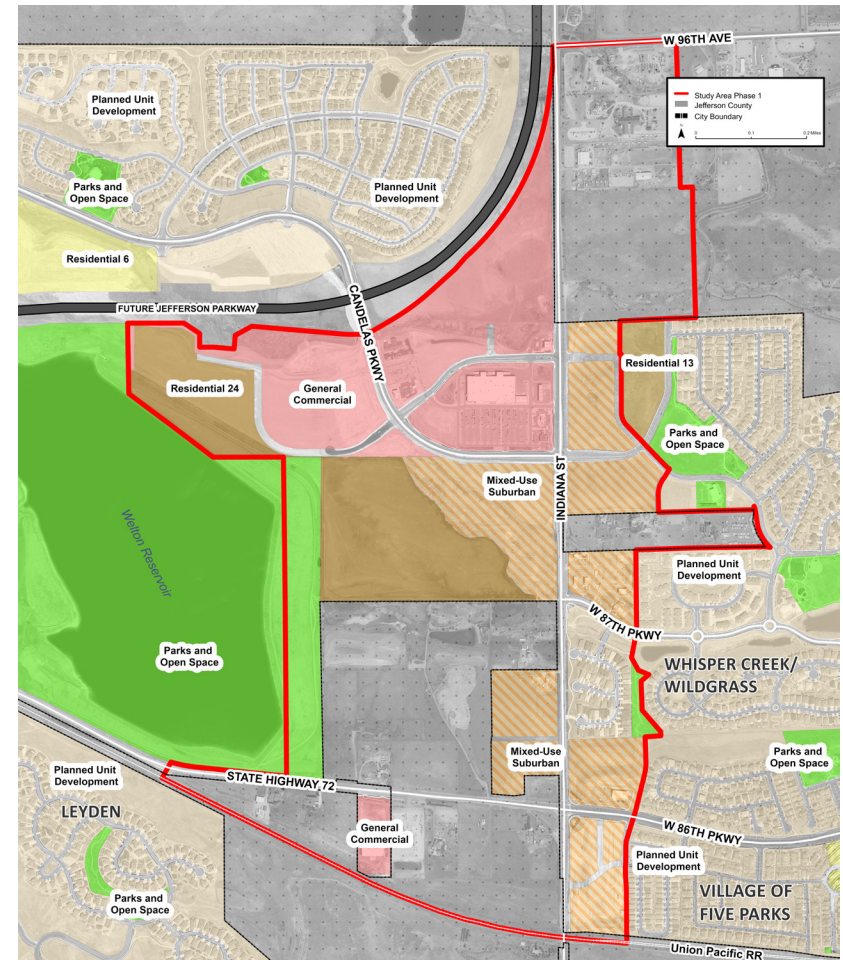
Zoning (Land Development Code) regulates the types of uses that are allowed within defined districts. Zone districts often have maximum residential densities as well as general design requirements for certain uses.

PHASE 1

Phase 1 is bordered by low-density residential neighborhoods to the north and east, auto oriented commercial and office spaces along Indiana Street, open space to the west, and undeveloped land south of the railroad.

LAND USE (ZONING)

PHASE 1



COMMERCIAL

CG - Commercial General allows for most types of retail as well as office and restaurant uses; 45' max height limit

RESIDENTIAL

R6 - up to 6 dwelling units per acre allows for a variety of housing not apartments; 35' max height
 R13 - up to 13 dwelling units per acre allows for a variety of housing including apartments; 35' max height
 R24 - up to 24 dwelling units per acre allows for a variety of housing including apartments; 35' max height
 PUD - Planned Unit Development unique neighborhood plans with mix of single-family, duplex, and townhomes

MIXED-USE

MX-N - Mixed-Use Neighborhood mix of lower-density, walkable, residential and commercial spaces; 35' max height
 MX-S - Mixed-Use Suburban neighborhood and community-serving centers with variety of housing including apartments; 45' max height limit

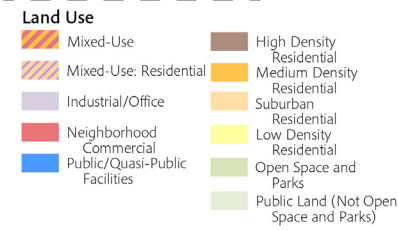
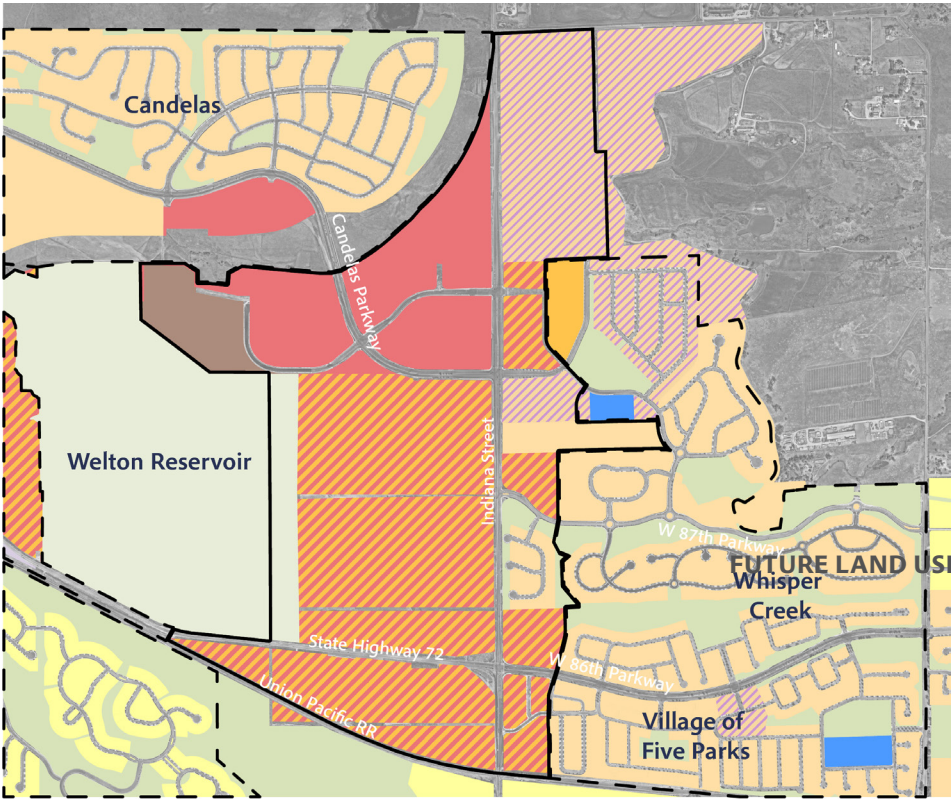
OPEN SPACE

OS - Open Space public parks, nature preserves, recreation facilities, waterways, and trails

LAND USE: PHASE 1

4.1

FUTURE LAND USE



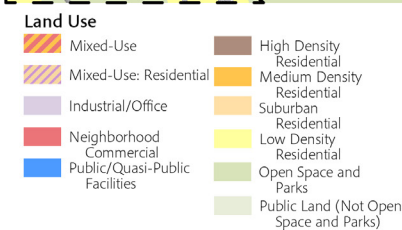
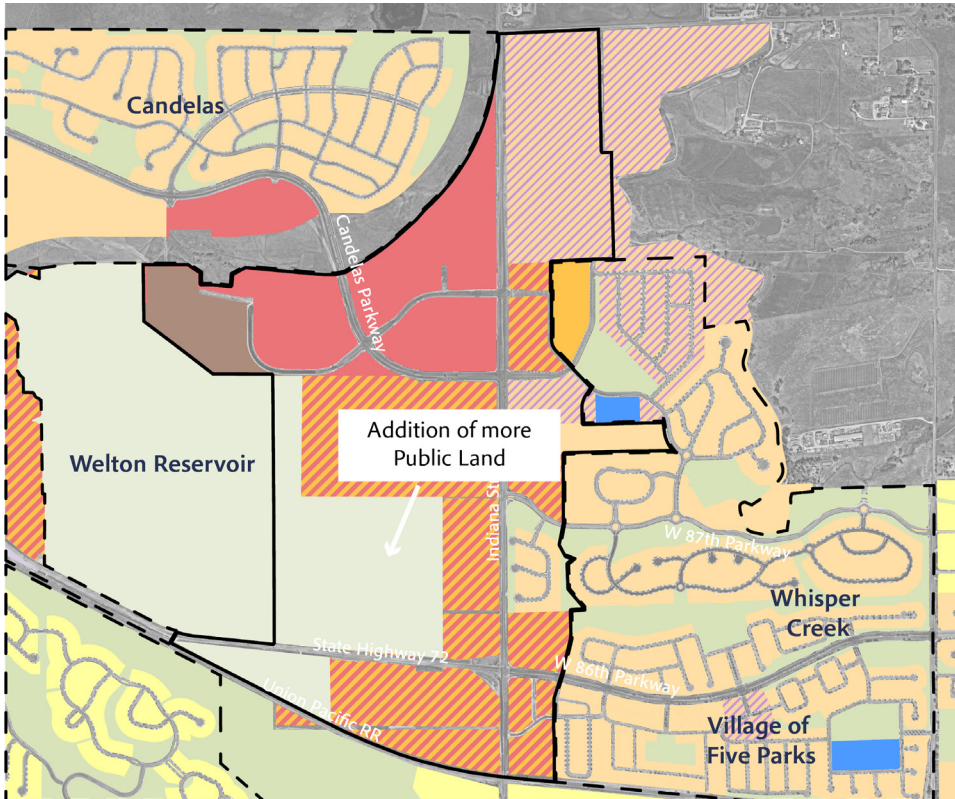
EXISTING FUTURE LAND USE MAP
COMPREHENSIVE PLAN

PREFERRED FUTURE LAND USE

PHASE 1

An opportunity to increase public lands east of Welton Reservoir with the purchase of land by Consolidated Mutual Water District on the north side of Highway 72 was presented during the planning process.

The existing future land use designation for the potential public land area is Mixed Use and located in Unincorporated Jefferson County. The preferred land use change would increase the desired open space area in the sub-area.



PREFERRED FUTURE LAND USE MAP
COMPREHENSIVE PLAN

In order to implement the potential land use from mixed use to public lands for this area in the County, the future land use map in the Comprehensive Plan should be evaluated.

RECOMMENDATION

- » Comprehensive Plan, Future Land Use map, change from mixed use to public lands for the unincorporated areas located on the north side of highway 72 east of the Welton Reservoir.

LAND USE: PHASE 2

4.1

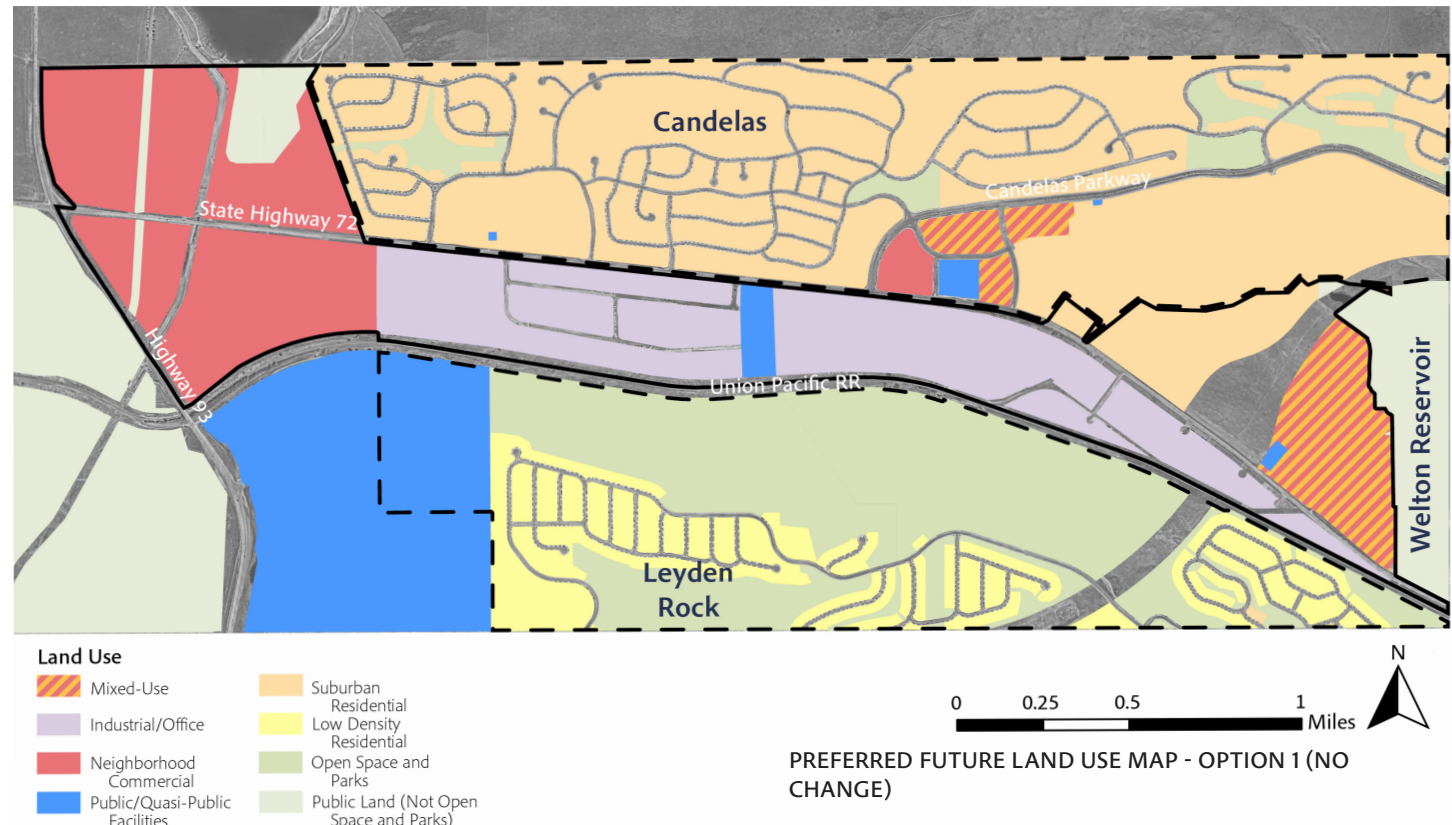
FUTURE LAND USE

PHASE 2

The existing land uses within the Phase 2 area are industrial, heavy industry, manufacturing, outdoor storage, major utilities and single family homes developed in both the City and Jefferson County.

Properties in the City are zoned General Commercial, Light Industrial and General Industrial. During the planning process, the community feedback for land use in the Phase 2 area was varied. The project plan participants responded that existing industrial zoning was not appropriate by a small margin (51%) and 49% responded maybe or yes that industrial zoning was appropriate. Whereas, Mixed Use had the highest response rate followed by Commercial and Light Industrial as the primary land uses the community would like considered for potential future development in the Phase 2 area.

The long-term effects of the coronavirus pandemic could boost industrial land uses as e-commerce continues to boom. E-commerce will be the biggest catalyst for both demand and change.



PREFERRED FUTURE LAND USE

Two future land use options for the Phase 2 area were evaluated by the community, Planning Commission and City Council in developing the recommendations of the plan.

Option 1 - No future land use change

Option 2 - Change future land use Industrial areas to Mixed Use

Option 1 was generally the preferred land use option for future development in this area.

RECOMMENDATION

- » **Support Future Land Use Option 1 with no change to industrial use areas within Phase 2 of the sub-area plan.**

CONNECTIVITY: PHASE 1

4.2

A goal of the plan is to identify and improve connectivity that serves all users with a focus on strengthening the existing network opportunities and safety.

OVERVIEW

The transportation and circulation network in and around the New Town Sub-area consists of a varied transportation system connected by regional highways, streets, sidewalks, bicycle and trail systems.

The regional transportation network and scattered underdeveloped properties along the system, creates challenges for non-vehicular connectivity within the plan area, across Indiana Street and Highway 72.

PHASE 1

The multimodal network in and around the sub-area has an extensive sidewalk and trail system for a diverse group of users. While there is an extensive multimodal network, sidewalks and multipurpose trails in the Phase 1 area (including horses), they are not continuous along Indiana Street and connecting streets. The missing sidewalk and multipurpose trail connections and gaps are primarily along frontages of properties that are vacant or underdeveloped in the City and Unincorporated Jefferson County.

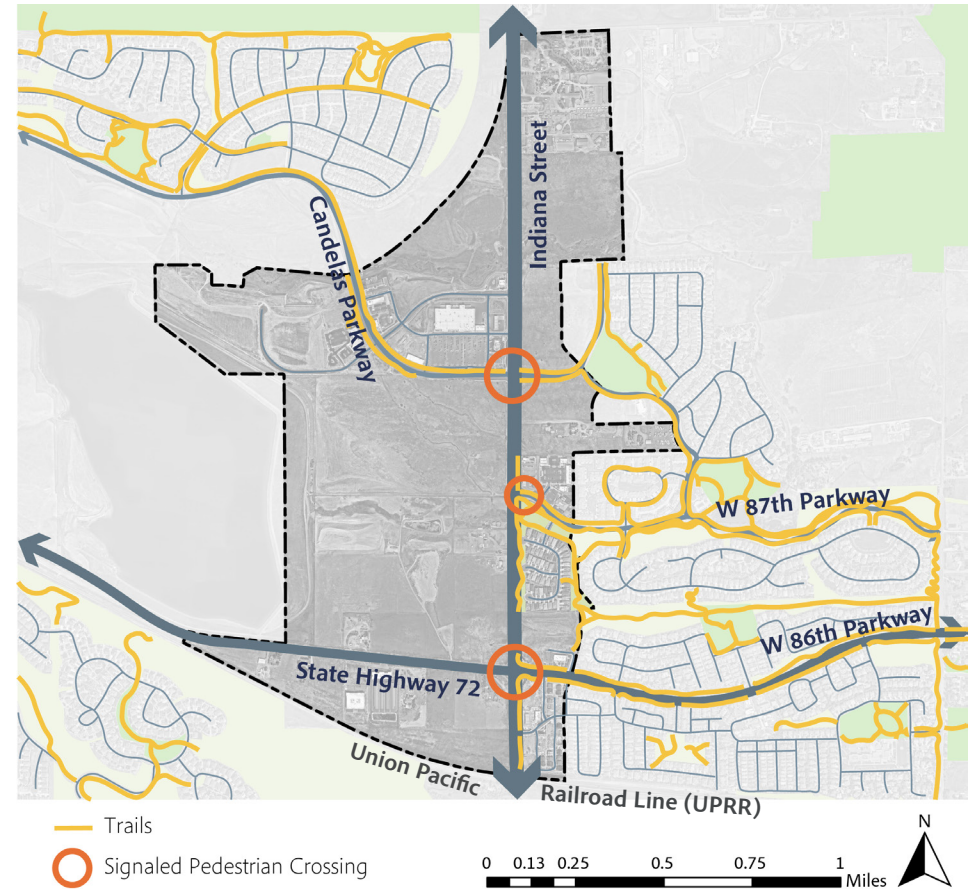
An important part of the multimodal system, as conveyed by the community during the planning process, is to have consistent connectivity to residential neighborhoods, commercial areas along Indiana Street, and to include a safe environment for all users.

A focus of the plan is to enhance the

sidewalk connections, identify potential trail connections, and improve safety.

The Indiana Street corridor and State Highway 72 serve as the primary street connectors for the Phase 1 area, surrounding communities and region. Indiana Street experiences occasional high volumes of traffic and bisects the sub-area creating a challenging barrier for multimodal pathways to cross without the use of signalized intersections. A partially constructed below grade multipurpose trail at Indiana Street and W. 87th Parkway is a planned connection across Indiana Street. The existing sidewalks and signalized intersections provide limited pedestrian and bicycle access to, from and within the Phase 1 area.

Phase 1 area includes properties located in Unincorporated Jefferson County and Highway 72 is a state highway controlled by the Colorado Department of Transportation (CDOT). Depending on location, street and multimodal improvements on Indiana Street or Highway 72 will require CDOT, Jefferson County and City infrastructure coordination. Any improvements of the Indiana Street and UPRR bridge overpass will also require Union Pacific Railroad coordination and approval. In addition, sidewalk and off-street trail improvements are determined at the time a property is developed or redeveloped.



RECOMMENDATION

- » Support street design and improvements for the UPRR bridge overpass on Indiana Street, through future funding opportunities, development and infrastructure planning.

CONNECTIVITY: PHASE 1 & PHASE 2

4.2

Potential Trails Map

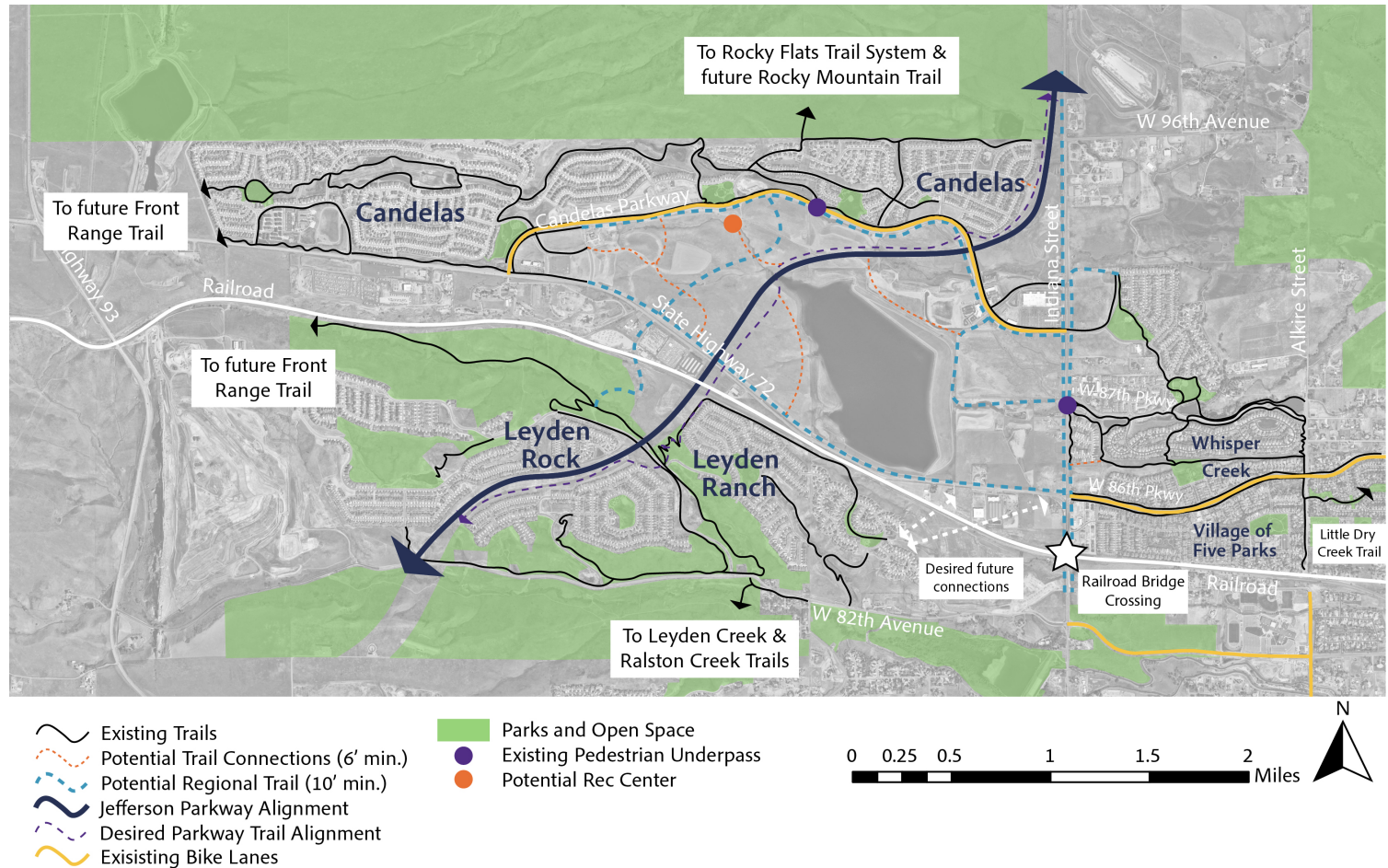
The existing trail system and identifying key locations to improve the multimodal network for the Phase 1 area was evaluated during the planning process.

A Potential Trails Map for potential trails and connections in the Phase 1 area was developed. Recognizing that the trail system serves the surrounding neighborhood and region, potential trails and connections for the Phase 2 area are also shown on the map. Priority items for the Trails system are:

- Complete multi purpose trail connection at W. 87th Parkway and Indiana Street to the west
- Explore trail opportunities for underdeveloped areas
- Explore trail system from the Candelas community to Leyden community
- Support trail connectivity to future regional Front Range Trail

RECOMMENDATION:

- » **Street design and trail connectivity improvements for the multi-modal system implemented through future development and infrastructure planning.**



DESIGN: PHASE 1

4.3

PLACEMAKING - COMMERCIAL AND COMMUNITY PLACE

In response to initial community feedback wanting more local restaurants, shops and spaces to gather in the sub-area, a focus of the plan was to identify and find ways to create a sense of place with economic influence.

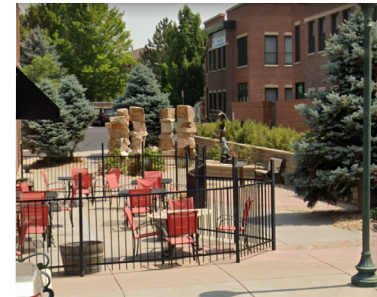
The project team used the term 'quality places' to determine placemaking opportunities in this area. Quality places are defined as active, unique locations or spaces that are visually attractive, interesting, people oriented and walkable with mixed uses. Placemaking elements such as fountains, plazas, parks, connectivity to amenities can create a community activated space that compliments and supports commercial and retail uses.

Common placemaking design elements include:

- Outdoor dining and recreational spaces
- Removed from heavy and fast traffic
- Pedestrian refuge
- Connected to a trail system - easy access for pedestrians and cyclists
- Active and unique commercial spaces with limited office
- Creation of a draw, destination, or hub space



Community "Placemaking" Word Cloud

COMMERCIAL WITH COMMUNITY PLACE EXAMPLES**Five Parks, Arvada, Colorado**

Design Elements:

- Retail first floor with mixed uses on upper stories
- Parking behind buildings
- Connected by plazas and to neighborhood trails and parks
- Public space for events and an amphitheater
- Amenities including tree lined walkways, pedestrian-only alleys, outdoor dining, lighting, public art
- Furnishing and placemaking elements add to the "eyes on the street", make the space feel safe and inviting for visitors

Bradburn, Westminster, Colorado

Design Elements:

- Development offers distinct neighborhoods including pedestrian-friendly downtown commercial center
- Designed to be a place where people can live and work while retaining traditional neighborhood characteristics
- Focused on efficient land use with schools parks, retail and neighborhood services

CoorsTek, Golden Colorado

Thriving Mixed-Use, Walkable District
9TH & WASHINGTON AVE, FACING NORTH

- Proposed Mixed Use walkable district with connectivity to surrounding communities

DESIGN: PHASE 1

4.3

PHASE 1

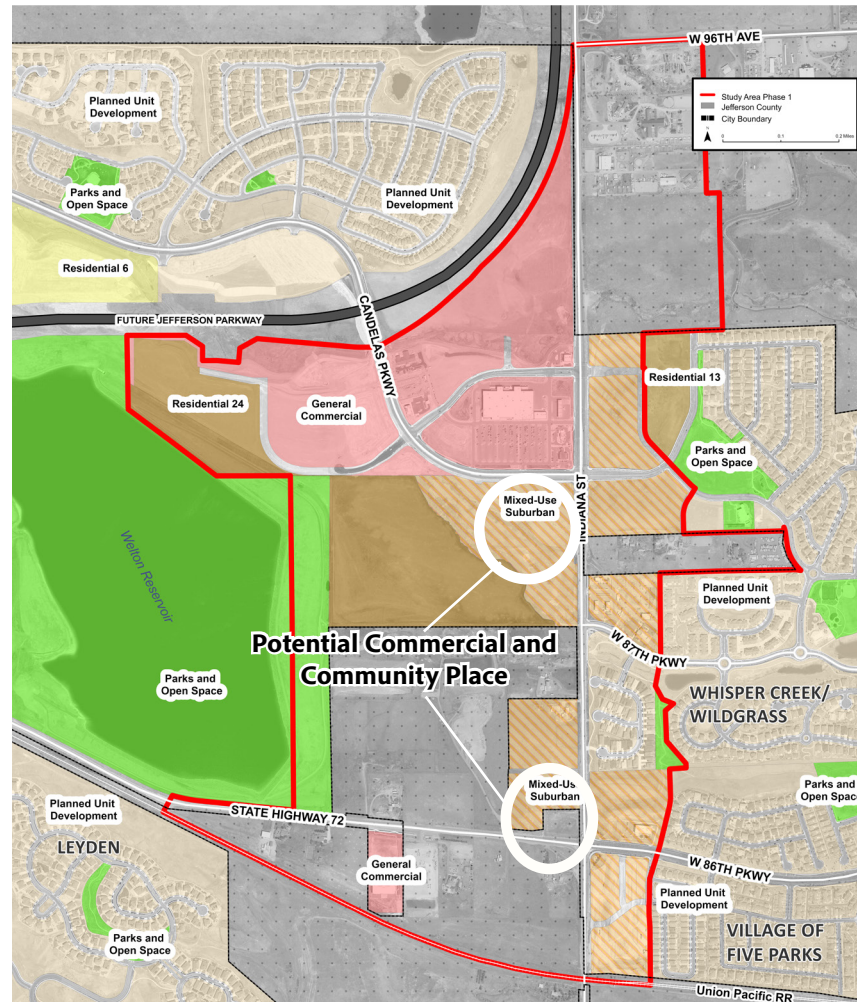
During the planning process, the community participants expressed a desire for more neighborhood focused commercial and retail uses within the Phase 1 area. A new commercial and community place could be developed in the existing General Commercial and Mixed-Use Suburban zone districts along the Indiana Street corridor.

Potential Commercial and Community Place

A survey early in the process requested the community to identify appropriate locations for a commercial and community place development. The top three locations identified by community were included in a subsequent survey.

The community participants responded with the best option for a potential commercial and community space development at the southwest corner of Indiana Street and Candelas Parkway and secondly, at the northwest corner of Indiana Street and W. 86th Parkway. The third option location generally located at the southwest corner of Candelas Parkway and W. 91st Avenue was not considered further as it is currently under construction for the Candelas Medical Office development.

In order to implement the desired commercial with community space type of development, future developments at the southwest corner of Indiana Street and Candelas Parkway and northwest area of Highway 72 and Indiana Street should be considered for this type of development.



RECOMMENDATION:

- » The overall design and elements to create a commercial development with community space(s) should be considered with new development projects at the southwest corner of Indiana Street and Candelas Parkway; northwest area of Highway 72 and Indiana Street; and within the sub-area.

A Streetscape Design with landscaping options along primary street corridors are designed to improve the pedestrian and vehicular experience.

STREETSCAPE

PHASE 1

A Streetscape Design with landscaping options along primary street corridors are designed to improve the pedestrian and vehicular experience.

The streetscape design for the Phase 1 area includes natural features (i.e. tree lawn, planting, xeriscape) with multi-purpose paths separated from the street to enhance the pedestrian experience and improve safety. The streetscape design is consistent and complements existing developments along Highway 72 and Indiana Street.

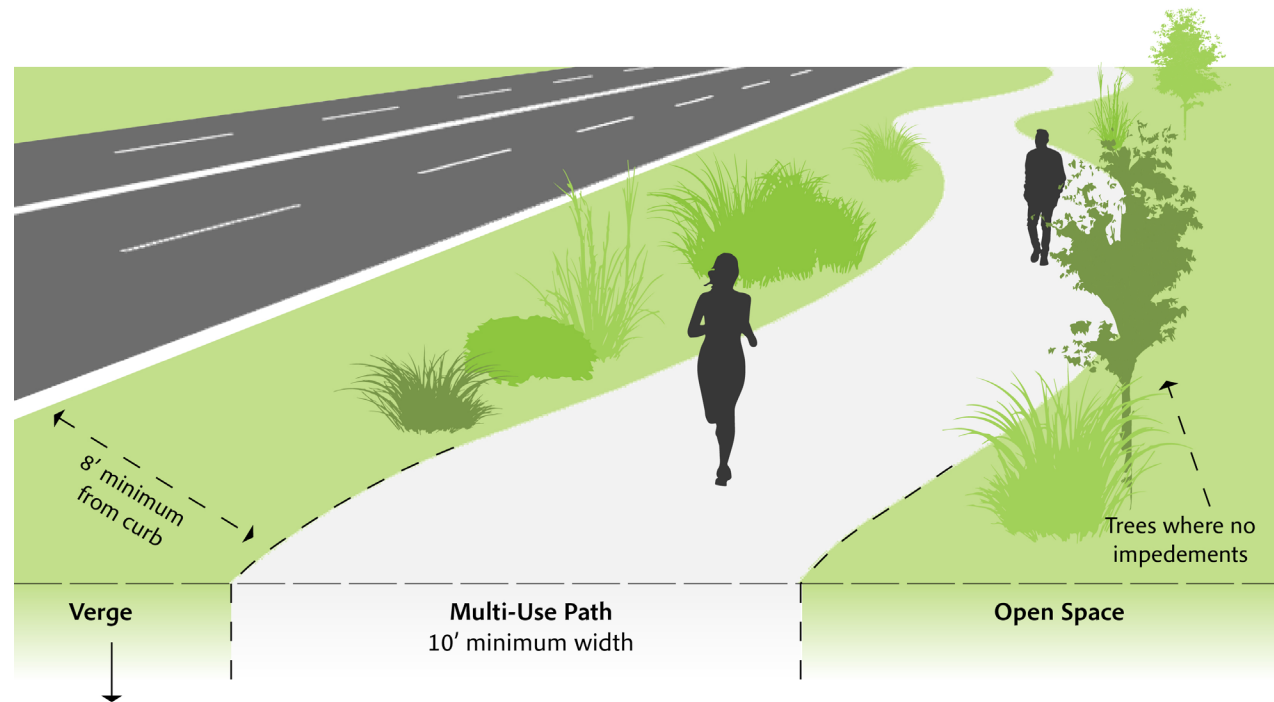
Three landscape options for the streetscape allows flexibility of verge and open space design elements appropriate for street frontage of future development.

Potential streets for this Streetscape Design and within the Phase 1 Area include:

- Highway 72
- Indiana Street

RECOMMENDATION:

- » Evaluate engineering standards to accomplish the streetscape design.



Landscaping Options

1. Preferred

- Low grow seed mix with 50% wildflower mix
- Mowed, maintained, and irrigated

2. Non-prescriptive

- Taller ornamental grasses with short grass and low grow shrubs

3. True Xeriscape

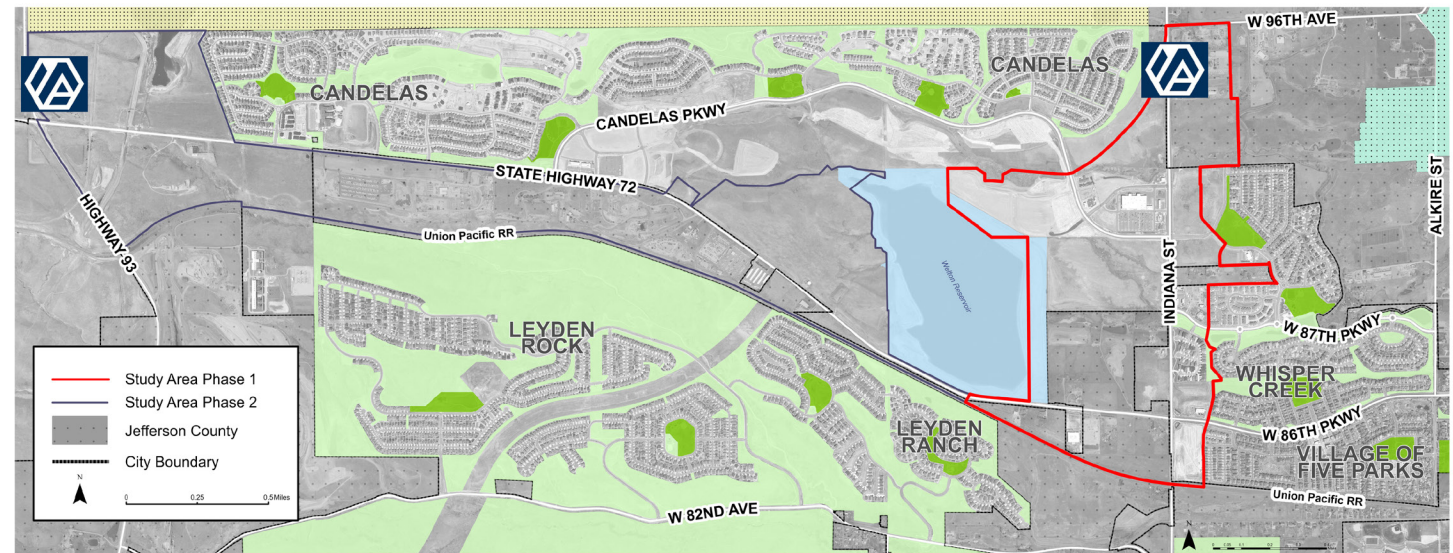
- Rock with 75% vegetative cover
- Mix of ornamental grasses and shrubs

Roadway widths vary - Streetscape design begins from street curb

DESIGN: PHASE 1 & PHASE 2

4.3

GATEWAY

**PHASE 1 and PHASE 2**

During the community engagement process, several members of the community in northwest Arvada indicated they feel disconnected from the rest of the City and would like to identify this area as part of Arvada.

Currently there is no formal signage when entering the City in this area and the sub-area team has identified several potential entry sign locations on Indiana Street and near Highway 93. The community responded in support of City entry signage at these locations.

RECOMMENDATION:

- » The preferred city entry sign locations should be considered with new development projects.

INFRASTRUCTURE

City Council has provided strategic direction to the Infrastructure work system to complete master plans for water, wastewater, and storm infrastructure by 2023. These plans provide staff with a road map to prioritize work that needs to be done in our water/wastewater systems and the master plans are being used to plan work for immediate, short-term and longer-term needs.

The ongoing analysis of infrastructure needs and master plan results will guide future redevelopment.

RECOMMENDATION:

- » Infrastructure will be evaluated at the time of new development or redevelopment.

SUSTAINABILITY

City Council has provided strategic direction to incorporate conservation, sustainability and resiliency planning in response to environmental resources and climate change. Resiliency refers to the ability of a community to respond, adapt, and recover in a sustainable way in response to the impacts of environmental and climate change.

In addition to infrastructure master plans, sustainable practices such as more green space area, multimodal connectivity, landscape planning and others have been considered in the development of this plan.

RECOMMENDATION:

- » Conservation and sustainability will be evaluated at the time of new development or redevelopment.

Chapter 5

IMPLEMENTATION

The implementation strategies of the plan were developed through stakeholder, technical expert and community feedback during the plan development process.

The implementation strategies in this chapter are intended to help realize the vision for the sub-area through action items from the plan recommendations and are intended to be specific, yet flexible in order to achieve the vision for each focus element through different methods, when funding is available, or at a time when the political and economic climate best support them.

IN THIS CHAPTER

5.1 Implementation Strategy and Matrix

IMPLEMENTATION STRATEGY & MATRIX

5.1

These implementation strategies are designed to realize the community's vision for the Northwest Arvada Sub-area through the successful completion of plan elements through implementation of recommendations included in this plan.

IMPLEMENTATION MATRIX

The action items are numbered and organized by the plan focus elements. Key stakeholders are suggested responsible parties and also identify potential champions and partnerships. The implementation time frame anticipates how long it will take to fully complete implementation of the listed action item, but does not prohibit the action item from being started or finished at an earlier time.

ITEM NO.	ACTION ITEM	FOCUS ELEMENT	PHASE AREA	KEY STAKEHOLDERS	TIME FRAME
1	Change Comprehensive Plan Future Land Use Map from Mixed Use to Public Land for unincorporated areas located on the north side of Highway 72 east of the Welton Reservoir	Land Use	One	City of Arvada, Consolidated Mutual Water District (CMWD)	Plan Adoption
2	Maintain Industrial Use areas in Phase 2 area	Land Use	Two	City of Arvada, private property owners	
3	Complete the multipurpose trail connection at W. 87th Parkway and Indiana Street to the west	Connectivity	One	City of Arvada, private property owners	Short and Mid Term: (1-5 years)
4	Explore trail opportunities for underdeveloped areas	Connectivity	One and Two	City of Arvada, Jefferson County, private property owners, Union Pacific Railroad (UPRR), Colorado Dept. of Transportation (CDOT), Jefferson Parkway	Mid Term: (3-5 years)
5	Trail system from the Candelas community to Leyden community	Connectivity	Two	City of Arvada, Jefferson County, private property owners, UPRR, CDOT, Jefferson Parkway	Mid Term: (1-5 years)
6	Trail connectivity to future regional Front Range Trail	Connectivity	Two	City of Arvada, Jefferson County, private property owners, UPRR, CDOT	Ongoing
7	Street design and trail connection improvements for multimodal system through future development and infrastructure planning	Connectivity	One and Two	City of Arvada, Jefferson County, private property owners, UPRR, CDOT, Jefferson Parkway	Ongoing
8	Support street design and improvements at the UPRR bridge overpass on Indiana Street, through future funding opportunities, development and infrastructure planning.	Connectivity	One	City of Arvada, Jefferson County, private property owners, UPRR, and CDOT	Ongoing

ITEM NO.	ACTION ITEM	FOCUS ELEMENT	PHASE AREA	KEY STAKEHOLDERS	TIME FRAME
9	Commercial with community space type of development at southwest corner of Indiana Street and Candelas Parkway	Design - Placemaking	One	City of Arvada, private property owners	Short and Mid Term: (1-5 years)
10	Commercial with community space type of development at northwest area of Highway 72 and Indiana Street	Design - Placemaking	One	City of Arvada, private property owners	Short and Mid Term: (1-5 years)
11	Consider commercial with community space type of development for future development or redevelopment within the sub-area	Design - Placemaking	One	City of Arvada, private property owners	Ongoing
12	Evaluate engineering standards for Streetscape design on Highway 72 and Indiana Street	Design - Streetscape	One and Two	City of Arvada, Jefferson County, CDOT	Short Term: (1-3 years)
13	Consider city entry sign locations at Highway 93 and W. 96th Avenue and Indiana Street with new development projects	Design - Gateway	One and Two	City of Arvada, private property owners	Ongoing
14	Evaluate infrastructure needs at time of new development or redevelopment	Infrastructure	One and Two	City of Arvada, private property owners	Ongoing
15	Evaluate conservation and sustainability methods at time of new development or redevelopment	Sustainability	One and Two	City of Arvada, private property owners	Ongoing

COMMUNITY ENGAGEMENT OVERVIEW

Community Open House #1

In accordance with safety protocols associated with the COVID-19 pandemic, the first Community Open House was held at the Whisper Creek City Park in October 2020. This meeting served as a kick'-off meeting, an opportunity for the public to learn about the sub-area plan elements, planning process and intent of the sub-area plan. Online promotional resources and social media were used to promote the open house.

Community Open House #2

Due to health and safety protocols of the COVID-19 pandemic, the second Community Open House Meeting was held virtually in March, 2021 and community members virtually attended. The virtual meeting was an opportunity to report common themes from the first open house, present existing conditions, solicit area opportunity and challenge feedback, and poll appropriate land use preferences. A follow up survey asking for area opportunity, challenge and land use preference input from the community was also provided on the City Speak Up Arvada platform. The results of this meeting and survey was provided to the technical review and steering committees and offered an additional opportunity for stakeholder input.

Community Open House #3

The third Community Open House in July 2021, served as an opportunity for the public to explore options and provide further feedback on potential commercial and community place, connectivity, potential trail network, and placemaking. A subsequent Speak Up Arvada survey with the open house questions and opportunity for comments allowed additional community feedback. The results of this meeting and survey was provided to the technical review and steering committees and offered an opportunity for stakeholder input.

Community Open House #4

A fourth in-person Community Open House to present the draft plan recommendations was held in July 2022. The results of the open house were presented at Planning Commission and City Council workshops in August 2022 and feedback was used to develop the draft final plan.

Community Open House Presentations and Comments

Visit arvada.org/new-town-sub-area-plan for Community Open House presentations and participant responses.

COMMUNITY ENGAGEMENT SUMMARY

During the community engagement process, (we heard) the public expressed the following summarized comments that are categorized by topics. The public and committee input and comments were used to guide and develop the sub-area plan.

Comments

An overview of the community comments during the development of the plan are summarized and organized into the following topics that were used to develop the plan elements and recommendations.

Land Use and Design

- Neighborhood focused retail and commercial uses like restaurants in the area
- More affordable housing options
- More open space, parks, trails and community amenities
- Mixed opinions about the scale of future residential development
- Reduce Industrial Uses in Phase 2 area
- Create a place people want to live within, want to come to and want to experience.
- Protect views

Transportation and Connectivity

- Improve traffic congestion, signalization and street infrastructure to support existing development and future growth.
- More pedestrian and bike trails
- Pedestrian and bike access and connectivity along Indiana Street
- Widen railroad bridge on Indiana Street.
- Public transportation alternatives

Miscellaneous

- Water resource management, sustainability and drought impact concerns for landscaping and development
- Reduce light pollution
- Infrastructure to support current and future development.
- Community identity as part of Arvada

COMMUNITY ENGAGEMENT SUMMARY

Survey and Meeting Presentation Overview

Placemaking - Phase 1

What is Placemaking?

- Create a sense of place defined as 'quality places' that are active, unique locations, interesting, visually attractive, people-friendly, safe, and walkable with mixed uses.
- Community neighborhood amenities and gathering places
- Placemaking and quality spaces
- Need for commercial and community place
- Community identity as part of Arvada
- Community strongly supported the installation of City entry signage at near Highway 93 and Highway 72 and north city boundary at Indiana Street and W.. 96th Avenue

What placemaking means to Northwest Arvada?



City Entry Locations

- Several members of the community in northwest Arvada have expressed that they feel disconnected from the rest of the City and it would be beneficial to identify this area as part of the City with signage.
- Two potential entry locations for signage were identified and the installation of the signage in these locations was strongly supported by the community.

Connectivity - Phase 1

Existing and Potential Trail System

- Pedestrian and bike trails throughout this area to better connect to existing neighborhoods and future development
- Pedestrian safety concerns and need for connections along Indiana Street
- Improve nonvehicular connectivity across Indiana Street and Highway 72
- Need for nonvehicular connection from Candelas to Leyden Rock

RESOLUTION NO. CP2023-0002

A RESOLUTION BY THE PLANNING COMMISSION FOR THE CITY OF
ARVADA, COLORADO TO AMEND THE 2014 ARVADA
COMPREHENSIVE PLAN TO INCORPORATE THE
NORTHWEST ARVADA SUB-AREA PLAN

WHEREAS, the City of Arvada adopted a Comprehensive Plan in 2014, which was subsequently amended on various occasions; and

WHEREAS, pursuant to § 8-1-2-2(C) of the Land Development Code, the Planning Commission shall be responsible for adopting land use plans; and

WHEREAS, pursuant to § 8-1-2-1(E)(4) of the Land Development Code, City Council shall ratify, as it determines appropriate, plans for the physical development of the City; and

WHEREAS, the City's Community and Economic Development Department has developed, with extensive public outreach, a sub area plan pertaining to the Northwest Arvada area.

WHEREAS, pursuant to Chapter 74, Article III, Sections 74-64 and 74-65 of the Arvada City Code, the Planning Commission has held a public hearing as required by law, notice thereof being duly published, and said public hearing being held before the Planning Commission for the City of Arvada on May 2, 2023.

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

Section 1 The Comprehensive Plan is hereby amended by incorporating the Northwest Arvada Sub-Area Plan and making additional revisions related thereto as referenced or depicted in Exhibit A, attached and incorporated herein.

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 _____ day of _____, 2023.

CITY OF ARVADA PLANNING COMMISSION

Michael P. Griffith
_____, Chairman

ATTEST:

Tim Knapp
_____, Secretary

RATIFIED AND APPROVED this _____ day of _____, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

City of Arvada Community Development Department

PUBLIC HEARING STAFF REPORT

Northwest Arvada Sub-Area Plan Comprehensive Plan Amendment CP2023-0002

NATURE OF REQUEST

The City of Arvada is requesting approval of a Comprehensive Plan Amendment.

An amendment to the Comprehensive Plan is proposed to incorporate the Northwest Arvada Sub-Area Plan (“the plan”) as part of the document. If adopted, the plan will be considered an element of the Comprehensive Plan and be the City’s guiding document for the planning and development of the Northwest area.

PUBLIC INVOLVEMENT

Preparation of the plan included extensive public involvement. This process included:

1. Three Steering Committee Meetings comprising of property owners and business owners within the plan area, Planning Commission representative, Homeowner Associations and Metro Districts.
2. Three Technical Advisory Committee Meetings comprising of representatives of the City of Arvada, Colorado Department of Transportation, and Jefferson Parkway Public Highway Authority.
3. Four Community Open House meetings were held virtually and in person in compliance with COVID-19 protocols. The initial Community Open House was held at Whisper Creek Park, the second was held virtually, the Whisper Creek Community Station and lastly at Village of Five Parks Depot.
4. Two Speak Up Arvada community surveys were conducted to get public input during the process.
5. Social media, a designated website and email address provided information, accepted feedback and promoted community participation.

PUBLIC NOTIFICATION

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

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 and posted on the City website.

PROJECT ANALYSIS

The Northwest Arvada Sub-Area Plan will further implement the goals and policies of the Comprehensive Plan and previous studies of the area to encourage and support sustainable community development.

The Northwest Arvada Sub-Area Plan focuses on two areas generally located along State Highway 72 in the area east of State Highway 93 to Indiana Street and along Indiana Street between the railroad right-of-way on the south and the City boundary on the north. The plan consists of two areas defined as Phase 1 and Phase 2 located within the City and Unincorporated Jefferson County. The Phase 1 area focuses on land use, design and transportation. The Phase 2 area focuses on land use and connectivity.

The Plan:

- Includes an overview of local development history and existing conditions
- Includes a narrative of the plan process
- Includes the plan vision and community engagement process
- Includes Focus Elements: Land Use; Connectivity; Design; Infrastructure; and Sustainability
- Includes Recommendations and Implementation

The primary vision for the Northwest Arvada Sub-Area Plan is:

Create a plan to further implement the goals and policies of the Comprehensive Plan through the development of sub-area plan strategies and components that encourage, promote and support cohesive and resilient/adaptable development with the existing and developing communities in the northwest area of the City.

To guide this vision, five plan Goals were developed:

- Create a framework for regeneration and attraction of private sector investment
- Conceptualize and shape the three-dimensional urban environment
- Define public and semi-private public spaces
- Determine the mix of uses, density and their physical relationship to each other in the Phase 1 and Phase 2 areas
- Engage the local community and act as a builder of consensus

The development and completion of this plan supports the following goals and policies of the 2014 Arvada Comprehensive Plan:

- Goal ED-3: Plan for well-located, high-quality commercial developments
- Goal ED-4: Redevelop and revitalize existing commercial and industrial areas.

- Goal CC-2: Establish and maintain Arvada's distinct qualities and small-town identity.
 - Policy CC-2.3: City Gateways
- Goal T-5: Develop safe and comprehensive multi-purpose bicycle, trail, and pedestrian systems.
- and others

PLAN METHODOLOGY

The Northwest Arvada Sub-Area Plan was prepared using the following methodology:

1. The development of the plan consisted of a three phase process with extensive community engagement.
Visualize: Initial phase to determine study area and influence boundaries, identify stakeholders, conduct initial committee meetings, identify and initiate public participation, and develop guiding plan goals and vision.
Strategize: Second phase focused on high level recommendations to guide future development and achieve the overall vision identified in the first phase and included research of existing plan documents, continued community engagement, develop ideas and recommendations, identify and refine recommendations, and further develop the plan vision and elements.
Realize: Third phase focused on the creation of the plan resulting from previous phases, public review and included preparation of draft plan document, public review and input of draft plan, and finalize plan for adoption process.
2. Public Engagement: Multiple Technical Advisory Committee (TAC) meetings, Steering Committee meetings, community open houses, and online community surveys.
3. Recommendations: Based on community and stakeholder engagement, developed the vision and recommendations for the sub-area and included land use, connectivity, design, infrastructure, and sustainability.
4. Implementation: Based on stakeholder, technical expertise and community feedback, implementation strategies were developed to achieve the vision for each focus element.

LAND DEVELOPMENT CODE APPROVAL AND CRITERIA

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, pursuant to Division 8 of the Land Development Code and the approval considerations in Chapter 5 of the Comprehensive Plan, and presents the following findings:

COMPREHENSIVE PLAN AMENDMENT CONSIDERATIONS		STAFF ASSESSMENT
1. The existing Comprehensive Plan and/or any related element thereof is in need of		The existing comprehensive plan needs an amendment to incorporate the Northwest

the proposed amendment.	Arvada Sub-Area Plan to further implement the existing plan goals and policies outlined above.
2. The proposed amendment is compatible with the surrounding area and the goals and policies of the Comprehensive Plan.	The amendment is compatible with the surrounding areas of commercial and residential neighborhoods. The amendment is compatible with the goals and policies of the comprehensive plan and seeks to further implement existing plan goals and policies for a specific geographic area in the City.
3. The proposed amendment will have no major negative impacts on transportation, services and facilities.	The proposed amendment will have not have a major negative impact on transportation services and facilities.
4. The proposed amendment will have minimal effect on service provision, including adequacy or availability of urban facilities and services, and is compatible with existing and planned service provision.	The proposed amendment will not have a negative effect on existing or proposed service provision.
5. The proposed amendment, if for an area outside of the City's current municipal boundaries, is consistent with the City's ability to annex property.	The proposed amendment pertains to the northwest area of the City and is not for an annexation.
6. Strict adherence to the existing Comprehensive Plan would result in a situation neither intended nor in keeping with other key elements and policies of the plan.	Strict adherence to the existing comprehensive plan without this amendment will result in not developing a more defined vision and development guidance for a specific area in the City that will further implement the goals and policies of the Comprehensive Plan.
7. The proposed plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Plan and the elements thereof.	This amendment will promote the public welfare within the Northwest Arvada area and is consistent with the goals and policies of the comprehensive plan.

STAFF RECOMMENDATION

Based on an analysis of the methodology, outcomes, and recommendations of the plan and a review of the 2014 Comprehensive Plan Amendment approval considerations, staff recommends approval of the Comprehensive Plan amendment.

In summary, staff believes that the Northwest Arvada Sub-Area Plan will further implement the goals and policies of the Comprehensive Plan with a planning document for future planning, development and redevelopment in the northwest area of the City.

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



CED Boards and Commission <cedboardsandcommission@arvada.org>

NW Sub Area Comments for meeting on 5/2

1 message

Lynn Clemen

Mon, May 1, 2023 at 2:53 PM

To: cedboardsandcommission@arvada.org

Hi -

I am Lynn Clemens, President of West Wood Villas HOA, a condo community just south of the NW Sub Area. Our community is about 1/2 mile from Indiana St.

I have two concerns about the proposals being considered by Arvada.

1. There is an industrial area that is right in the middle of the Sub Area. The City Staff and Council want to keep it industrial. I am opposed to this and I think **Option 2 - Change future land use Industrial areas to Mixed Use** should be adopted. I agree with the community respondents on this issue.

Industrial uses these days do not belong near residential. There is no guarantee as to how much traffic will be generated, in addition to light, air and noise pollution - possibly on a 24/7 basis. In addition industrial traffic could include a multitude of big semi-trucks that will endanger the surrounding residential communities.

If a trucking distribution center should decide this is an opportune location - where will all the trucks go to park while waiting for a truck bay to open up? Surely, the residents will not want these trucks to park on their residential streets. Again, will residents want noisy trucks up and down Indiana St. on a 24/7 timeframe?

2. **I'm not in favor of changing the LDC to allow pocket neighborhoods** - dropping small scale commercial endeavors into established neighborhoods. What you are really establishing are "pocket commercial areas" in well-established neighborhoods. How many residents want a commercial business (or even a Bed and Breakfast) right next to them? Commercial businesses bring traffic which would be a problem for residential areas and the children that live there.

In addition to traffic there would be noise, extra lights in parking areas, parking areas that might attract groups of teens to congregate (making this a safety issue), possibly odors/trash if it were a restaurant that chose to settle in a residential area.

Adding this to the LDC would open the entire city of Arvada to this kind of "pocket commercial areas" - and there are many undeveloped small pieces of land - surrounded on three sides by homes that could then be faced with all of the issues surrounding a commercial business.

Please do not consider adding this undue commercialization to our established neighborhoods.

Thank you,
Lynn Clemens
[6292 Kilmer Loop, Unit 202](#)

Arvada, CO 80403

Comprehensive Plan Amendment Northwest Arvada Sub-Area Plan

City Council
June 5, 2023



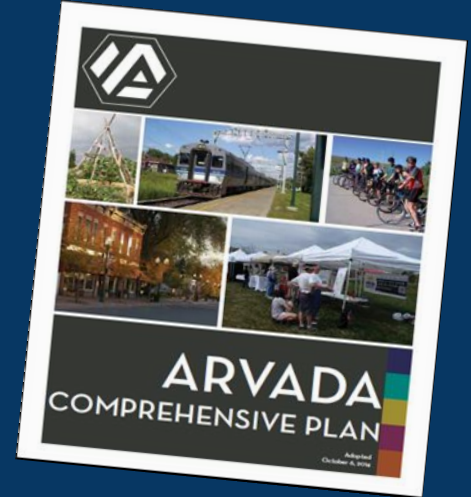
We Dream Big and Deliver

Comprehensive Plan

- Comprehensive Plan adopted in October, 2014 and the Policies and Goals guide the development of the City.
- Northwest Arvada Sub-Area Plan supports following goals:
 - o Goal ED-3: Plan for well-located, high-quality commercial developments
 - o Goal ED-4: Redevelop and revitalize existing commercial and industrial areas.
 - o Goal CC-2: Establish and maintain Arvada's distinct qualities and small-town identity.

Policy CC-2.3: City Gateways

- o Goal T-5: Develop safe and comprehensive multi-purpose bicycle, trail, and pedestrian systems.
- o and others



Northwest Arvada Sub-Area Plan

Project Overview

- Project initiated in 2020
- Relevant City Plans - Comprehensive Plan; Parks System Master Plan; Bicycle Master Plan; and Candelas Retail Study
- Community Engagement and Stakeholder Participation
 - Technical Advisory Committee - 3 meetings
 - Steering Committee - 3 meetings
 - Community Open Houses - One virtual and 3 in-person
 - Online Community Surveys - 2 Speak Up Surveys
- Creates a long term vision for future development and redevelopment to encourage and support sustainable community development in the northwest area of the City

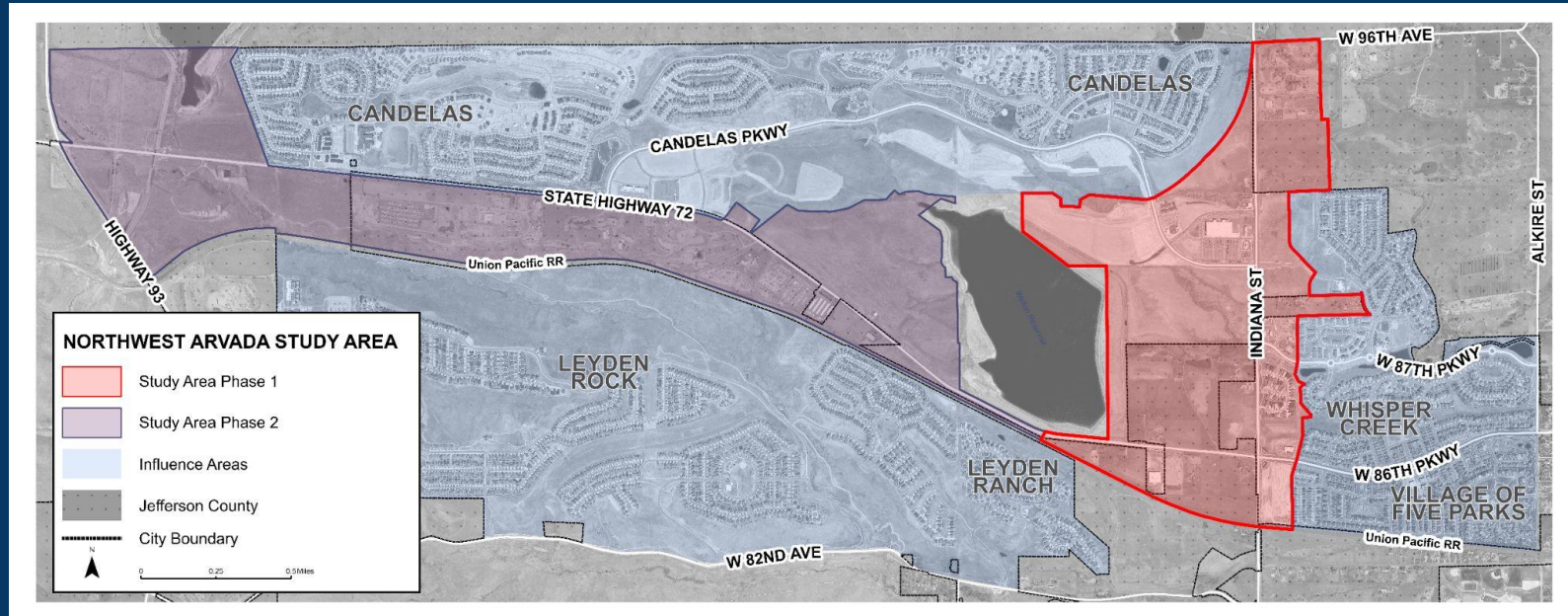
Northwest Arvada Sub-Area Plan

PHASE 2

Hwy 72 between
Welton Reservoir and Hwy 93

PHASE 1

Indiana Street between
W 96th Ave and Union Pacific RR



Northwest Arvada Sub-Area Plan

Phase 1 Area

.92 Square Mile (587 Acres)

Phase 2 Area

1.1 Square Mile (696 Acres)

Focus Elements

Land Use

Connectivity

Potential Trail System

Design

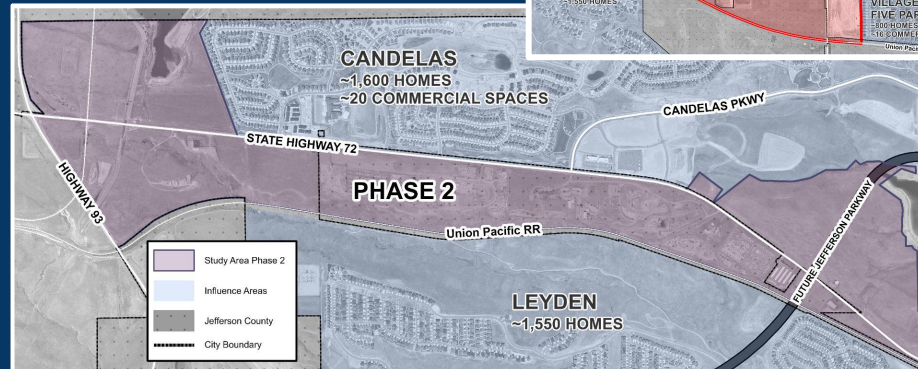
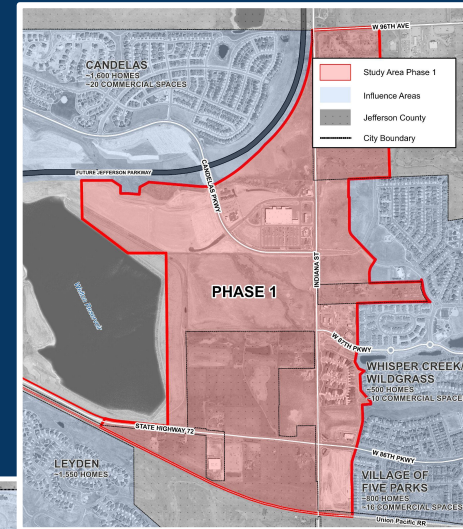
Placemaking

Streetscape

Entrance Gateway

Infrastructure

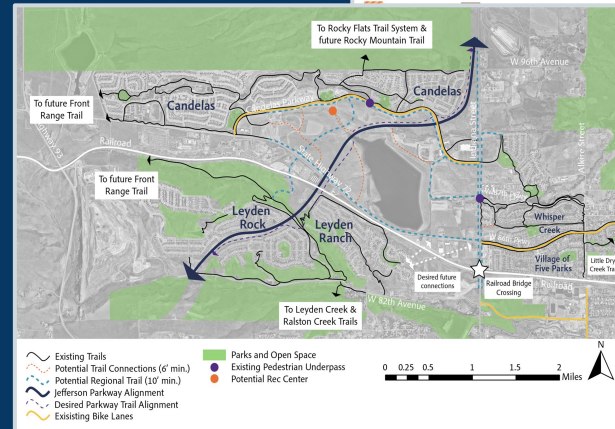
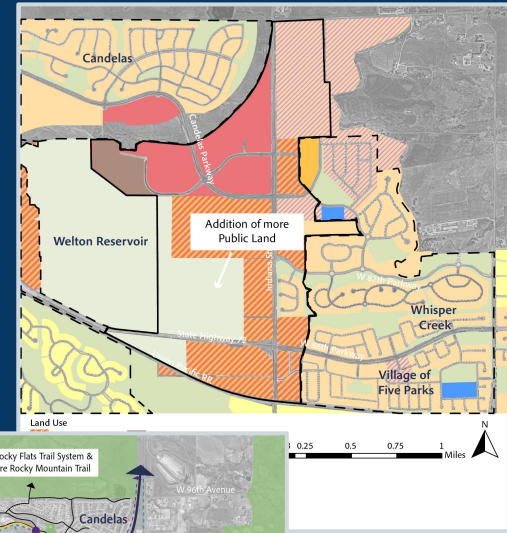
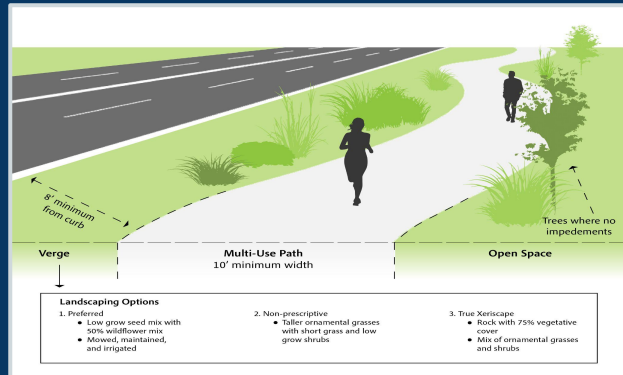
Sustainability



Northwest Arvada Sub-Area Plan

Recommendations

- Preferred Future Land Use
- Connectivity: Indiana St/UPPR Bridge and Potential Trail System
- Potential Commercial & Community Place
- Design: Streetscape and Gateway Entrances
- Infrastructure & Sustainability



Northwest Arvada Sub-Area Plan Implementation Strategies

Implementation Matrix

- Action Item
- Focus Element
- Phase Area
- Key Stakeholders
- Anticipated Timeline

ITEM NO.	ACTION ITEM	FOCUS ELEMENT	PHASE AREA	KEY STAKEHOLDERS	TIME FRAME	ITEM NO.	ACTION ITEM	FOCUS ELEMENT	PHASE AREA	KEY STAKEHOLDERS	TIME FRAME
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Planning Commission Action

Voted 7 to 0 in approval of Resolution at a public hearing held on May 2, 2023

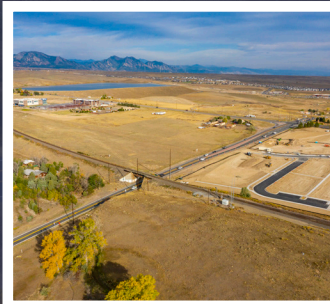
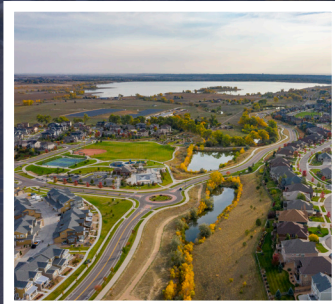
Questions?



NORTHWEST ARVADA

SUB-AREA PLAN

MAY 2023



2023 NORTHWEST ARVADA
SUB-AREA PLAN

Acknowledgements

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Steve Nading, Candelas Point LLC
Gregg Bradbury, Church Ranch Companies
Charlie McKay, Church Ranch Companies
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Joe Dunn, Cresco Properties
Bill Fortune, Fortune Enterprises
Kevin Thomas, Fortune Enterprises
Katy Press, KP Consulting and Associates
Linda Lacy
Paul Duncan, Pie Consulting and Engineering
Ben Myers, Tebo Development
Glenn Ribble, The Ribble Group
Ken Tom, Union Pacific Railroad

HOMEOWNER ASSOCIATIONS
AND METRO DISTRICTS

Camryn Chisolm, Candelas Homeowner Association
Traci McDonald, Candelas Metro District, Cimmaron
Rachel Fifer, Candelas Metro District, Vauxmont
Christina Barkley, Leyden Rock Homeowner Association
Tim McAndrew, Village of Five Parks Master Homeowners Association
Aaron Monaco, Village of Five Parks Master Homeowners Association

TECHNICAL ADVISORY
COMMITTEE

Daniel Riley, Arvada Economic Development Department, Director
Steven Parker, Arvada Fire Department
Lance Henkel, Arvada Parks Golf and Hospitality Services Department
Dave Snelling, Arvada Police Department
Eric Lewin, Arvada Public Utilities Department
Ben Sawaya, Arvada Public Utilities Department
John Firouzi, Arvada Transportation Department
Bill Ray, Jefferson Parkway Public Highway Authority

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Chapter 1

INTRODUCTION

Sub-area planning focuses on a specific geographic area in the City to create goals and policies for topics such as land use, urban design, connectivity and others. A sub-area plan provides a guide for development and redevelopment of the area over the next 20 years.

The purpose of developing a sub-area plan in this area is to create a long-term vision and implementation plan for resilient and sustainable community development in the northwest area of the City.

IN THIS CHAPTER

- 1.1 Plan Introduction, Sub-Area Overview, Local and Development History
- 1.2 Demographics and Sub-Area Data
- 1.3 Sub-Area Plan Map
- 1.4 Plan Process

PLAN INTRODUCTION

1.1

The Northwest Arvada Sub-Area plan serves as the master planning document envisioned to further implement the Comprehensive Plan.

The City of Arvada 2014 Comprehensive Plan, ratified by City Council in May of 2020, articulates the community's shared values and vision. The Comprehensive Plan Goals and policies help guide development and investment decisions that influence the quality of life in Arvada.

Arvada is experiencing development of its vacant land resources and has limited ability to expand its boundaries which are up against neighboring communities and open spaces. The Northwest Arvada area is a more recently developed part of the City that has vacant and unincorporated Jefferson County properties available for future development. However, there are currently limited resources in this area due to water supply and infrastructure constraints that restricts new development opportunities.

A sub-area plan is a type of long range planning for a limited geographic area within the City. Sub-area plans are created for key economic development areas throughout the community in order to maintain a sustainable and resilient place to live, work, and play.

This sub-area plan will be developed in two phases. Phase I area will focus on topics including land use, design and transportation. The Phase 2 area will only focus on Land Use and other topics such as urban design and transportation will be determined later.

SUB-AREA OVERVIEW

The Northwest Arvada sub-area focuses on two areas generally located along State Highway 72 in the area east of Highway (SH) 93 to Indiana Street and along Indiana Street between the railroad right-of-way on the south and the City boundary on the north. The Sub-area plan consists of two areas defined as Phase I and Phase 2. The sub-area is located both within the City and Unincorporated Jefferson County.

The Influence Areas located on the perimeter of the sub-area boundaries include Candelas, Whisper Creek, Whisper Village, Village of Five Parks, Leyden Rock and Leyden Ranch communities. These outlying communities and neighborhoods have been identified for public participation and connectivity to the sub-area.

The Phase 1 area will be the primary study area of developing the sub-area plan. The initial development of the sub-area plan will include land use discussion for the Phase 2 area with the remaining detailed elements such as design, connectivity and transportation for Phase 2 will be determined later.

A portion of the sub-area is in the Jefferson Center Urban Renewal Area established in 2003 and is a 60-acre site that includes the Plains End Power Plant. The 2032-acre Northwest Arvada Urban Renewal Area was created in 2010 and includes the Candelas development.

A new Land Development Code (LDC), Zoning Map and Comprehensive Plan Amendments associated with the updated LDC were approved in 2022. The new LDC and Zoning Map updated zoning districts

included mixed use districts for the City including within the sub-area plan study area.

This sub-area plan serves as the master



Indiana Street and Railroad Line Intersection looking northwest

planning document. The plan was accomplished over eighteen months and included a variety of opportunities for public input.



View from Indiana Street looking east

LOCAL AND DEVELOPMENT HISTORY

The City of Arvada, with a population of 124,402 in 2020, is one the largest Cities in Colorado and projected to have a population of approximately 141,187 by 2035. The community was founded in 1870 and incorporated in 1904. Arvada is primarily a suburban residential community with suburban shopping opportunities.

The sub-area planning area is bounded north of SH 72 and to the west of Indiana Street, both major corridors for regional traffic to the adjacent front range cities of Golden, Boulder, Westminster and Broomfield. The area immediately surrounding the Northwest Arvada sub-area, "the influence area", contains the Candelas, Wild Grass/Whisper Creek Village of Five Parks, Leyden Rock and Leyden Ranch neighborhoods developed within the last twenty years. On-going construction for residential development continues in Candelas.

Retail and commercial uses are recent additions to the neighborhoods and include King Soopers Marketplace store, medical offices and other neighborhood retail, services and restaurants. The Candelas Retail Study determined that this area's reliance upon auto centric commercial uses and design "leaves out the opportunity for this area to develop with new retailing concepts and inclusion of integrated open space, environment rich amenities, etc.". The promotion of retail diversity and design concepts like a walkable mixed use community can provide a healthier retailing environment in the area.

Unincorporated Jefferson County properties south of SH 72 are primarily industrial uses and a handful of single family residential parcels. The Welton Reservoir located west of the Phase 1 Study area is owned and operated by Consolidated Mutual Water supplying water to the cities of Lakewood and Arvada. Welton Reservoir is filled with water originating from Clear Creek watershed supplemented by high mountain reservoirs that collect snowmelt runoff.

DEMOGRAPHICS AND SUB-AREA DATA

1.2

NORTHWEST ARVADA SUB-AREA

Phase 1 Area

- 587 Acres
- Housing Units - about 120 homes
- Commercial - about 25 commercial spaces
- 2020 Population - about 324 persons

Phase 2 Area

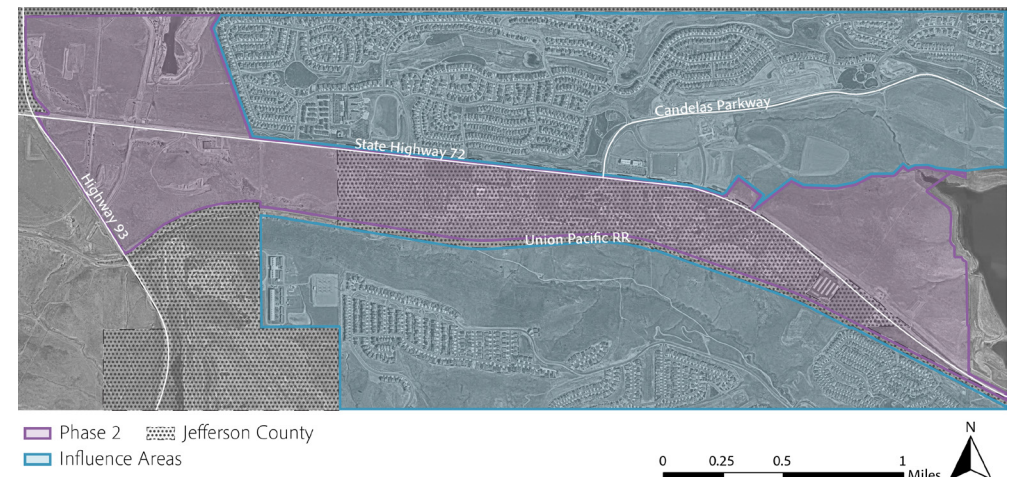
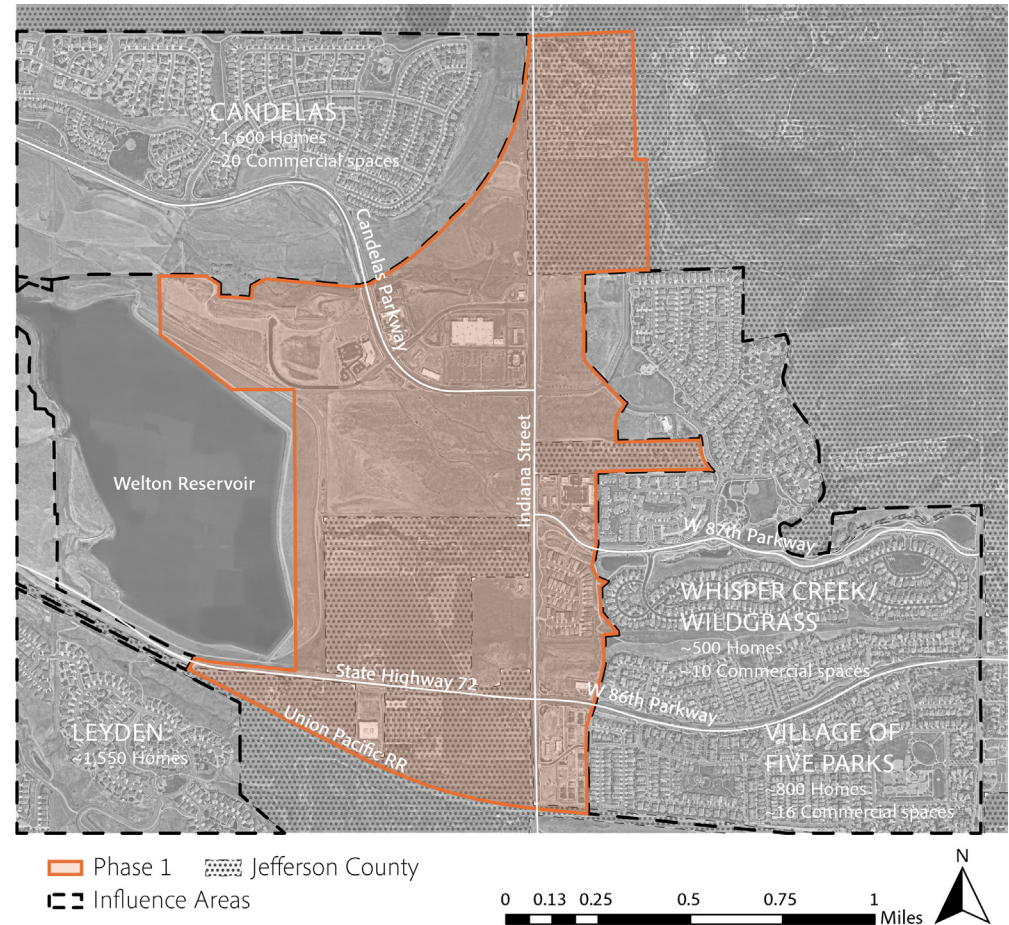
- 696 Acres
- Housing Units - about 10 homes
- 2020 Population - about 27 persons
- Commercial and industrial developments

Influence Areas

- Housing Units - about 4,600 homes
- Commercial - about 25 commercial spaces with more spaces in planning phase or under construction
- 2020 Population - about 12,420 persons
- 14 City parks and 4 Metro District parks
- 18 miles of trails
- 2 public schools
- 1 police community station and 1 fire station

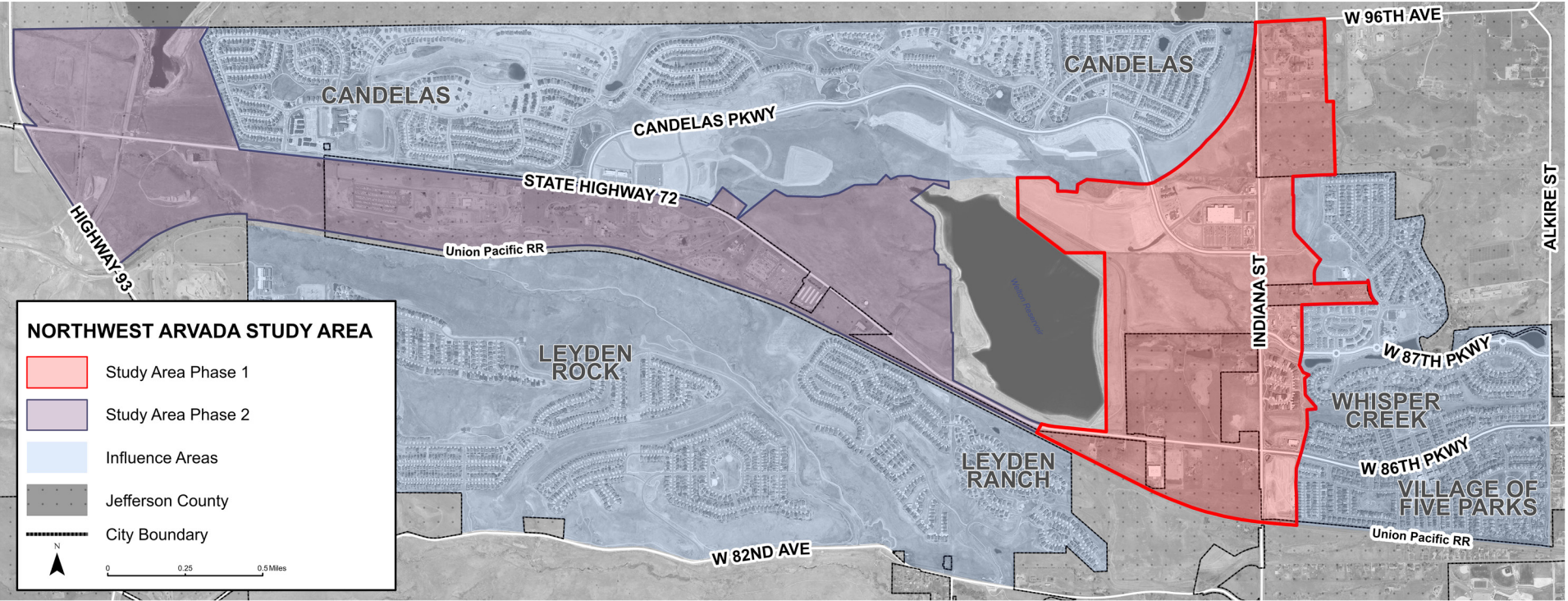
DEMOGRAPHIC TRENDS

- Migration in Colorado is strongly related to job growth
- City and Colorado population is growing at a slower rate
- Growth is occurring in concentrated areas
- Increasing Age Population in the City and Colorado impacts the economy, work force, education, housing, transportation and public finance
- Increasing racial and ethnic diversity



NORTHWEST ARVADA SUB-AREA PLAN MAP

1.3



PLAN PROCESS

1.4

The development of the sub-area plan consisted of three phases and extensive community engagement over a period of eighteen months. The plan goals were drafted during the initial phase to help guide the community's vision for the Northwest area.

GOALS

Based on initial input from the public and property owners during the development of this plan, the Goals for this sub-area plan were:

- Create a framework for regeneration and attraction of private sector investment;
- Conceptualize and shape the three-dimensional urban environment ;
- Define public, semi private public spaces and opportunities;
- Determine the mix of uses, density and their physical relationship to each other in the Phase 1 and Phase 2 areas; and
- Engage the local community and acting as a builder of consensus

PLAN DEVELOPMENT

Visualize

During the initial steps in the visualization phase in the fall of 2020, the study and influence boundaries were determined, stakeholders were identified, initial committee meetings were conducted and public participation was initiated.

Steering and Technical Review Committees were established to provide expertise and oversee the study. The **Steering Committee** consisted of representatives

of the Planning Commission, Colorado Dept of Transportation, Jefferson Parkway Authority, Union Pacific Railroad, Homeowner Associations, community members, property and business owners.

Representation on the **Technical Committee** consisted of staff from Community and Economic Development, Transportation, Parks and Open Space, Public Safety and Utilities.

Previous planning documents addressing the study and influence areas were identified including:

- Sustain Arvada, 2012
- Comprehensive Plan, 2014
- Arvada Parks System Master Plan, 2016
- Bicycle Master Plan, 2017
- Final Report for the City of Arvada, Colorado on Candelas Development, 2018
- Candelas Retail Study, 2019

The sub-area planning effort further implements the Comprehensive Plan by further refining the goals and policies of the comprehensive plan for the sub-area including Land Use and Redevelopment, Economic Development; Multi-Modal Transportation Plan; and Vibrant Communities and Neighborhoods Goals.



Strategize

The second phase of the project focused on high level recommendations to guide future development and achieve the overall vision identified in first phase and included:

- Implementation of community (Public) outreach and presentation plan;
- Review of community meeting(s) input and synthesizing of information for staff/committee analysis;
- Review and refinement of the project and meeting schedule; and
- Identification and refinement of recommendations resulting from public, technical committee and steering committee meetings to further develop the plan vision and elements.

Realize

The third phase of the plan focuses on the development of the subarea plan resulting from previous phases, public review and input, and adoption. This included:

- Drafting a subarea plan document created from the community outreach and committee participation process during the Visualize and Strategize phases for review by parties of interest;
- Finalization of the first draft and presentation of the draft plan for public review and input;
- Finalize document for adoption process; and
- Public hearing and Planning Commission and City Council approvals.

SUB-AREA PLAN TIMELINE



Chapter 2

EXISTING CONDITIONS

This chapter provides an overview of the existing conditions within the New Town Sub-Area including:

- Land Use and Development Patterns
 - Phase 1 Area
 - Phase 2 Area
- Market/Retail Study Analysis
- Transportation and Circulation
 - Vehicular & Multi-Modal
 - Bike and Trail System
 - Pedestrian Connectivity
 - Jefferson Parkway
- Parks and Open Space
 - Phase 1 Area
 - Infrastructure
 - Sustainability

IN THIS CHAPTER

- 2.1 Land Use and Development Patterns
- 2.2 Market/Retail Study Analysis
- 2.3 Transportation and Circulation
- 2.4 Parks and Open Space, Infrastructure and Sustainability

MARKET/RETAIL STUDY ANALYSIS

2.2

"The desired outcome for this area is to identify and create unifying land use strategies and implementation elements that encourages/promotes and supports sustainable community development to further implement the goals and policies of the Comprehensive Plan."

Candelas Retail Study

The Candelas Retail Study prepared in 2019 assessed the viability of sustainable retail opportunities along the Indiana Street corridor and feasibility of additional commercial trade in this area. The study included the Indiana Corridor north of the Union Pacific Railroad line to W. 96th Avenue to the north.

The Study summarized the commercial and retail viability of this area as follows:

- There is too much retail zoning for the area to support
- Residential growth is limited and will not be enough to support the amount of retail zoning
- The retail zoning is strung along Indiana diminishing opportunity for a comprehensive retailing area that builds off itself
- The City must find its "next act" with retail by letting go of the concept of "more is better" and shift to embracing different scale and elements
- Embrace mixed use elements to create retail vibrancy

Candelas Retail Study Update

In 2020, the City conducted an update to the Candelas Retail Study that centered on three distinct areas within the Phase 1 and Phase 2 areas anticipated to meet the differing needs of the residential population moving into this area.

The Candelas Retail Study Update summarized that the population numbers for the commercial/retail trade area in this area is not yet mature and developers are catering to "auto-centric" retailers that can rely on pass-by traffic along with the lighter population to support their developments. Even at full maturity, if new residential opportunities are not created, the trade area is considered "light" with a population base of less than 20,000 people.

Prior to the Covid 19 pandemic, the retail and restaurant industry were experiencing significant disruption for several years. During the pandemic, the acceleration of online shopping profoundly impacted retail further. Consumers have dramatically shifted their shopping to online and e-commerce innovations which used to be a small part of their business. The e-commerce business has grown dramatically for many retailers. During 2020, the pandemic online shopping accelerated consumer behavior five to ten years.



The updated Study identifies that the desired outcome for this area is to identify and create unifying land use strategies and implementation elements that encourages/promotes and supports sustainable community development to further implement the goals and policies of the Comprehensive Plan.

The desired objective is to create a walkable, mixed use area(s) along the Northwest Indiana Street Corridor to create retail vibrancy with concepts of place making, higher-density residential development and neighborhood commercial /retail developments cohesive with the existing and developing communities.

The placement of public/open spaces, appropriately scaled retail buildings, and parking designed in such a way to blend with the adjacent residential neighborhoods. Higher density residential use marries well with the newer retailing concepts while providing a backdrop for an enhanced, sustainable retail environment, developed with creative and distinct place making elements at the same time increasing the number of households to support retail development.

TRANSPORTATION AND CIRCULATION

2.3

VEHICULAR AND MULTI-MODAL

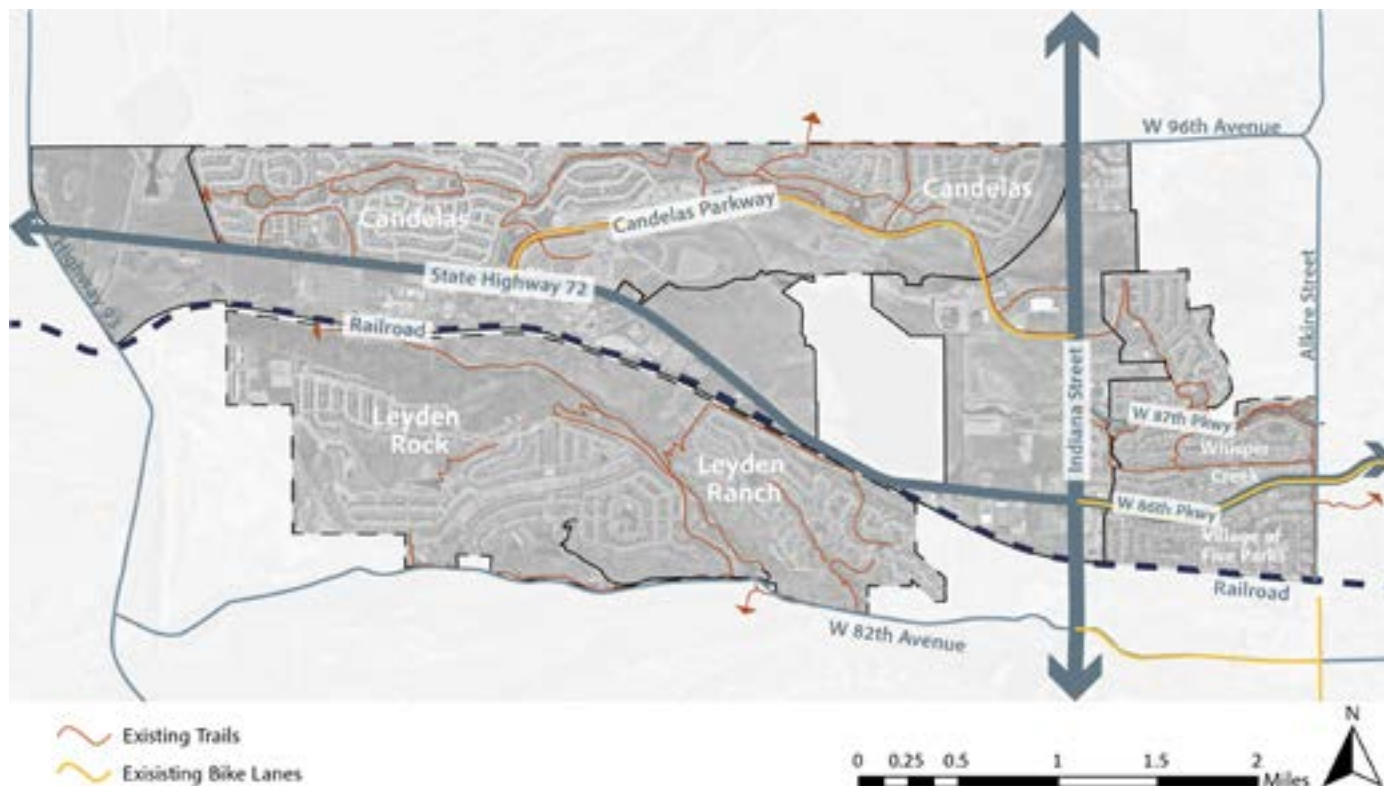
The Northwest Sub-area regional transportation network is an important element of the Phase 1 area.

The transportation network includes a state highway and street system within and surrounding the plan area. The Indiana Street corridor bisects the Phase 1 area and is a primary multimodal connection through the sub-area, community and region. Candelas Parkway, W. 86th Parkway, W. 87th Avenue and W. 96th Avenue provide additional multimodal connectivity within the sub-area and surrounding areas.

Indiana Street becomes part of State Highway 72 south of the intersection at Highway 72/ W. 86th Parkway. At this intersection, Highway 72 continues west and links to Highway 93. A Union Pacific railroad line is located on the south side of the sub-area and the railroad bridge width at Indiana Street inhibits street improvements to accommodate the multimodal needs and traffic. This portion of Indiana Street is a state highway and is controlled by the Colorado Department of Transportation.

Regional Transportation Department (RTD) does not provide bus service in the sub-area.

The regional transportation network and emphasis for vehicular modes of transportation creates challenges for non-vehicular connectivity within the plan area, across Indiana Street, and to trail systems.

**BIKE AND TRAIL SYSTEM**

The trail system in the sub-area and influence areas is more than 18 miles designed for multiple users including equestrian, pedestrian and bicycle.

The bike system incorporates the street, sidewalk and trail network with on-street paved, off-street paved and off-street unpaved paths. Bike trails are located on Candelas Parkway, W. 86th Parkway and Indiana Street and are also combined with the sidewalk and trail network. In some areas such as Indiana Street and Highway 72, bikers share sidewalks with pedestrians or streets adjacent to fast moving vehicles and offers minimal safety from traffic.

The bike and trail system is disrupted by incomplete connections along Indiana Street, Highway 72 and underdeveloped areas within the sub-area.

PEDESTRIAN CONNECTIVITY

The plan area provides pedestrian mobility with sidewalks along major transportation routes and internal streets. Internal streets with sidewalks and trails provide pedestrian access within the sub-area and to surrounding areas.

Indiana Street and Highway 72 are the primary pedestrian connections within the sub-area with inconsistent sidewalk connections and very few crossing opportunities that allows limited mobility

across these major street corridors.

The combination of width, proximity to fast vehicles, limited crossings and incomplete connections, Indiana Street is a physical barrier for safe non-vehicular connectivity and access along a major transportation corridor.

Similar to the bike and trail system, pedestrian mobility and access is disrupted by incomplete connections along Indiana Street, Highway 72 and underdeveloped areas within the sub-area.



JEFFERSON PARKWAY

The Jefferson Parkway is a privately-funded, publicly-owned regional toll road that has been planned for decades to improve regional connectivity, enhance regional mobility, relocating traffic off of local roads and generate economic vitality for local communities.

Ownership of the Jefferson Parkway resides with the Jefferson Parkway Public Highway Authority with a selected concessionaire to be responsible for operations and maintenance.

The Jefferson Parkway was first proposed in the late 1960s when Congress

authorized the first studies for a highway system to encircle metro Denver. Since then, the C-470, E-470 and Northwest Parkway have been built to support this vision. In the absence of federal or state funds to build the roadway, the Jefferson Parkway Public Highway Authority (JPPHA) was created in 2008 with the mission to finish 10-miles of new construction to be the Jefferson Parkway.

Residential communities and retail developments like Leyden Rock and Candelas are built around the Jefferson Parkway alignment and dedicated right of

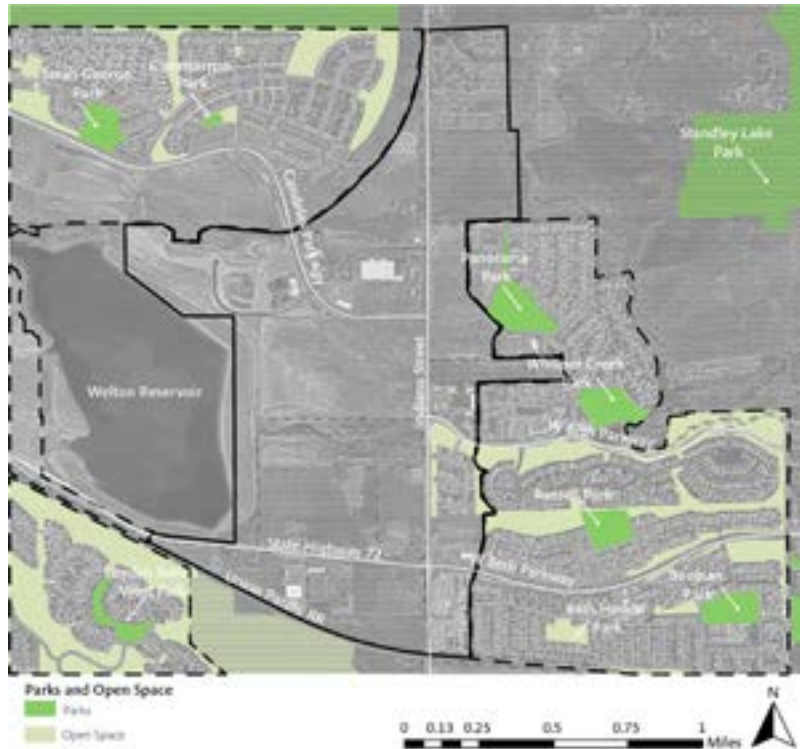
way.

The Parkway is designed to ease traffic congestion on arterial streets like Indiana Street, Wadsworth Boulevard, SH 93 and more. The ultimate design for how the Parkway connects to these streets will be identified through the procurement process.

PARKS AND OPEN SPACE, INFRASTRUCTURE AND SUSTAINABILITY

2.4

PARKS AND OPEN SPACE



The Northwest Arvada sub-area includes open space and trail connections to the surrounding influence areas. The surrounding residential communities located in the influence area have an extensive park and open space system with fourteen City Parks, four Metro District Parks and eighteen miles of trails. These parks and trails are accessed to and from the sub-area via street, sidewalk and trail connections.

INFRASTRUCTURE

Water, Sanitary and Stormwater Service

City Council has provided strategic direction to the Infrastructure work system to complete master plans for water, wastewater, and storm infrastructure by 2023. These plans provide staff with a roadmap to prioritize work that needs to be done in our water/wastewater systems.

The City team completed the treatment, distribution and sewer master plans in 2021 and 2022 and will complete the raw water master plan in 2023, and the results of the master plans are being used to plan work for immediate, short-term and longer-term needs.

City Fiber Optic Network

The City of Arvada completed a Conduit Master Plan in 2017 that evaluated and identified the total number of miles, number of years for build out and construction costs.

The Master Plan concluded that approximately 66 miles of conduits needed to be installed to improve connectivity, redundancy, and security for schools and fire stations. As of January, 2021, 49.6 miles of conduit have been completed in the first four years at a cost of 4 million dollars.

SUSTAINABILITY

The City created the Sustain Arvada Plan in 2012 as a way to honor "Arvada's rich heritage and preserve our resources to foster economic prosperity, environmental stewardship and community vitality today and into the future". The City is committed to conservation, sustainability and resiliency through many programs, policies and partnerships adopted by the the City of Arvada.



Chapter 3

VISION

Create a vision and implementation plan through the development of sub-area strategies and components that encourage, promote and support cohesive and resilient/adaptable development in the northwest area of the City.

IN THIS CHAPTER

- 3.1 The Vision and Community Engagement
- 3.2 Community Engagement Summary and Common Themes and Goals

THE VISION AND COMMUNITY ENGAGEMENT 3.1

CREATE A PLAN TO FURTHER IMPLEMENT THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN THROUGH THE DEVELOPMENT OF SUB-AREA PLAN STRATEGIES AND COMPONENTS THAT ENCOURAGE, PROMOTE AND SUPPORT COHESIVE AND RESILIENT/ADAPTABLE DEVELOPMENT WITH THE EXISTING AND DEVELOPING COMMUNITIES IN THE NORTHWEST AREA OF THE CITY.

COMMUNITY ENGAGEMENT PROCESS

The planning process included extensive community engagement with stakeholders including residents, community members, business owners, property owners, agencies and City staff. There were a variety of public engagement and outreach efforts both in-person and virtual to encourage and promote meaningful input from the community.

This planning effort occurred during varying restrictions and protocols related to the COVID-19 pandemic. Communication tools including informational videos, publication articles, social media, surveys and a dedicated website were utilized throughout the planning process to maximize community participation and engagement. Multiple high-tech and virtual engagement platforms were used to communicate, engage and collect feedback from the

community to provide safe and convenient participation during the planning process. In addition to virtual or on line tools, public open houses were conducted during the pandemic when risk and restrictions allowed in-person community participation.

The community, Stakeholder Steering Committee and Technical Advisory Committee guidance and play an important role during the planning process to develop the plan.

The technical review committee, steering committee and public community meetings were conducted throughout the development of the plan to introduce the project, identify opportunities and challenges, create the plan vision, and develop the plan framework and recommendations.



Community Meetings

Community meetings were held at key points throughout the planning process to solicit input and guidance from the public (see Appendix). Four public Open Houses using both virtual and in-person formats occurred to solicit valuable insight and information to develop the sub-area plan. During the development of the plan, community engagement and meetings were held in accordance with safety protocols associated with the COVID-19 pandemic. The community meetings were promoted through social media, e-newsletters, e-mail, mailers and the City AdvanceArvada.org website.

Stakeholder Committee

The Steering Committee for this planning effort included community members, a Planning Commission representative, Colorado Department of Transportation, Consolidated Mutual Water District, Metro District and Homeowner representatives, property owners, and business owners in and near the subarea.

The Steering Committee met virtually three times throughout the planning process and were instrumental in providing research, analysis, technical support and helping to create recommendations. Technical

Technical Advisory Committee

The Technical Advisory Committee (TAC) for this planning effort included representatives from City of Arvada departments and Jefferson Parkway Public Highway Authority.

The TAC met virtually three times throughout the planning process and provided subject matter expertise, research, analysis and critical feedback on infrastructure feasibility.

COMMUNITY ENGAGEMENT SUMMARY

During the community engagement process, (we heard) the public provided comments and responded to community outreach efforts that are summarized in the Appendix.

An overview of community and committee comments during the development of the plan were used to develop the sub-area plan framework and recommendations.

EVALUATING COMMUNITY FEEDBACK

A variety of feedback from the community and stakeholders was received throughout the planning process that consisted of responses to questions, surveys and community events.

After every committee meeting, community meeting and public engagement event, the project team compiled all the feedback for further evaluation. Evaluation included the identification of common goals, understanding areas of consensus, opportunities and concern. The development of this plan has been informed and guided by this evaluation process.

The development of the sub-area plan has been informed and guided by a variety of community feedback and extensive evaluation throughout the planning process.

COMMON THEMES AND GOALS

Land Use

- Identify and create unifying land use strategies that promotes and supports sustainable community development
- Encourage and promote resilient commercial and retail development
- Plan for balanced mix of commercial and residential land uses

Placemaking

- Incorporate placemaking strategies and identify potential locations that create well connected commercial community gathering spaces

Connectivity

- Improve pedestrian and non-vehicular connectivity and safety within the sub-area, to commercial areas and residential communities
- Identify barriers and opportunities for improved connectivity and safety
- Provide accessible and safe connections within the sub-area, to multi-modal facilities and to surrounding neighborhoods

Design

- Improve the visual appearance of the Indiana corridor and State Highway 72
- Establish gateway image or area identity

Traffic

- Mitigate traffic impacts through new and improved non-vehicular connections
- Safety

4

Focus Elements

Chapter 4

FOCUS ELEMENTS

This chapter provides an overview of focus elements developed through the planning process and recommendations for:

- Land Use
- Connectivity
 - Potential Trail System
- Design
 - Placemaking
 - Streetscape
 - Gateway
- Infrastructure
- Sustainability

IN THIS CHAPTER

- 4.1 Land Use
- 4.2 Connectivity
- 4.3 Design
- 4.4 Infrastructure and Sustainability

LAND USE

4.1

The existing land use pattern is influenced by the Comprehensive Plan, Land Development Code and approved Planned Unit Development standards.

OVERVIEW

The City updated the Land Development Code (LDC) in 2020 and the update offered new opportunities for development. New zoning districts were established providing opportunities for mixed use that encompasses office, higher density residential, retail and light trade/technical uses.

The Northwest area consists of mainly low-density residential uses and neighborhood-services commercial retail, industrial uses along Indiana Street and State Highway 72.

Unincorporated properties within Jefferson County must meet County plans and code requirements. These properties are in the North Plains planning area and within the Arvada's Comprehensive Plan future land use areas. When eligible and if there is a desire to be incorporated into the City, property owners can apply to annex and zone into the City of Arvada.

The last 20 years, developments were primarily the development of suburban residential neighborhoods. The residential subdivision developments include the Village of Five Parks, Wild Grass and Whisper Creek, Leyden Rock and Leyden Ranch and Candelas. Commercial and retail developments have been constructed and additional commercial retail developments along the Indiana Street corridor and State Highway 72.

The update to the Land Development Code and remapping of the City expanded mixed use zoning in the City and along the Indiana Street corridor.

Part of the outreach efforts of the planning process was to explore with the community land uses preferred in the sub-area. A diverse response of comments were shared by the community and included: mixed use developments with commercial and residential uses; both higher residential housing and no more housing; varied commercial, retail and restaurant use options; attainable housing; mixed use with community feel; retain open areas; and more open space.

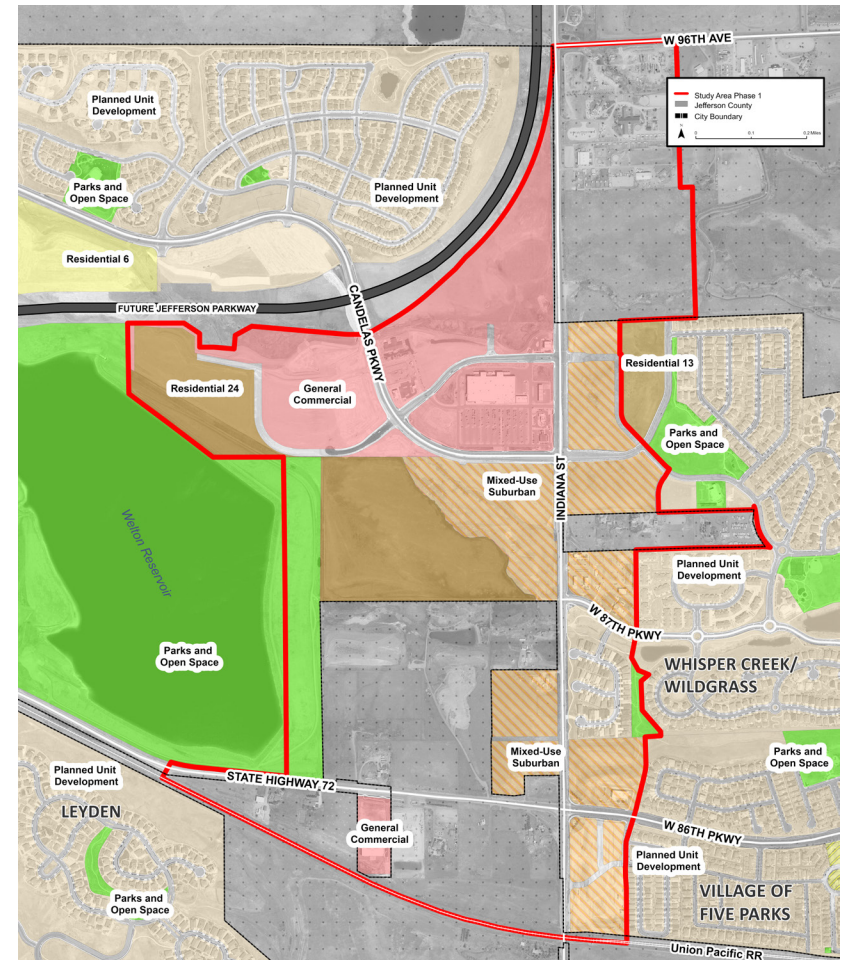
Zoning (Land Development Code) regulates the types of uses that are allowed within defined districts. Zone districts often have maximum residential densities as well as general design requirements for certain uses.

PHASE 1

Phase 1 is bordered by low-density residential neighborhoods to the north and east, auto oriented commercial and office spaces along Indiana Street, open space to the west, and undeveloped land south of the railroad.

LAND USE (ZONING)

PHASE 1



COMMERCIAL

CG - Commercial General allows for most types of retail as well as office and restaurant uses; 45' max height limit

RESIDENTIAL

R6 - up to 6 dwelling units per acre allows for a variety of housing not apartments; 35' max height
R13 - up to 13 dwelling units per acre allows for a variety of housing including apartments; 35' max height
R24 - up to 24 dwelling units per acre allows for a variety of housing including apartments; 35' max height
PUD - Planned Unit Development unique neighborhood plans with mix of single-family, duplex, and townhomes

MIXED-USE

MX-N - Mixed-Use Neighborhood mix of lower-density, walkable, residential and commercial spaces; 35' max height
MX-S - Mixed-Use Suburban neighborhood and community-serving centers with variety of housing including apartments; 45' max height limit

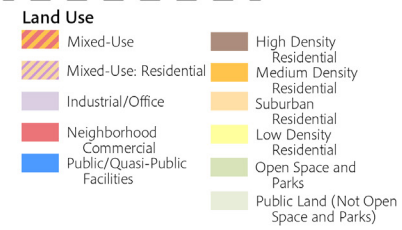
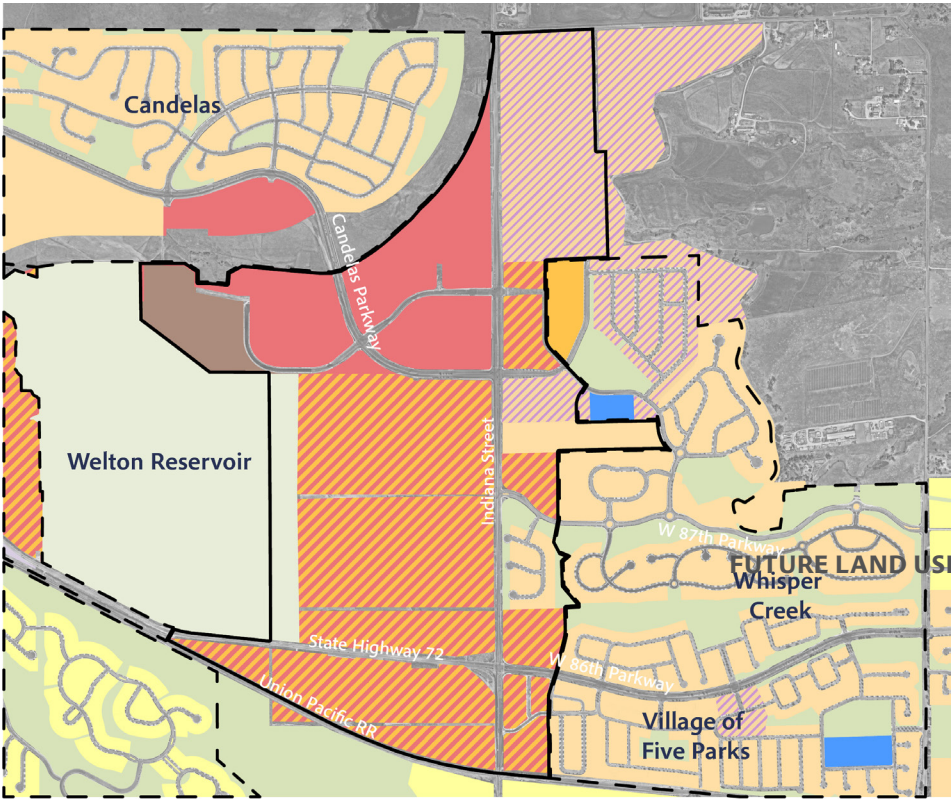
OPEN SPACE

OS - Open Space public parks, nature preserves, recreation facilities, waterways, and trails

LAND USE: PHASE 1

4.1

FUTURE LAND USE



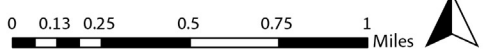
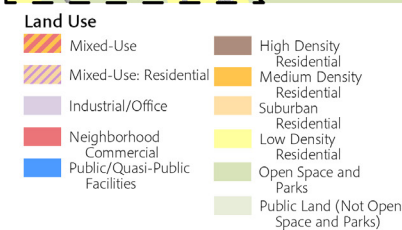
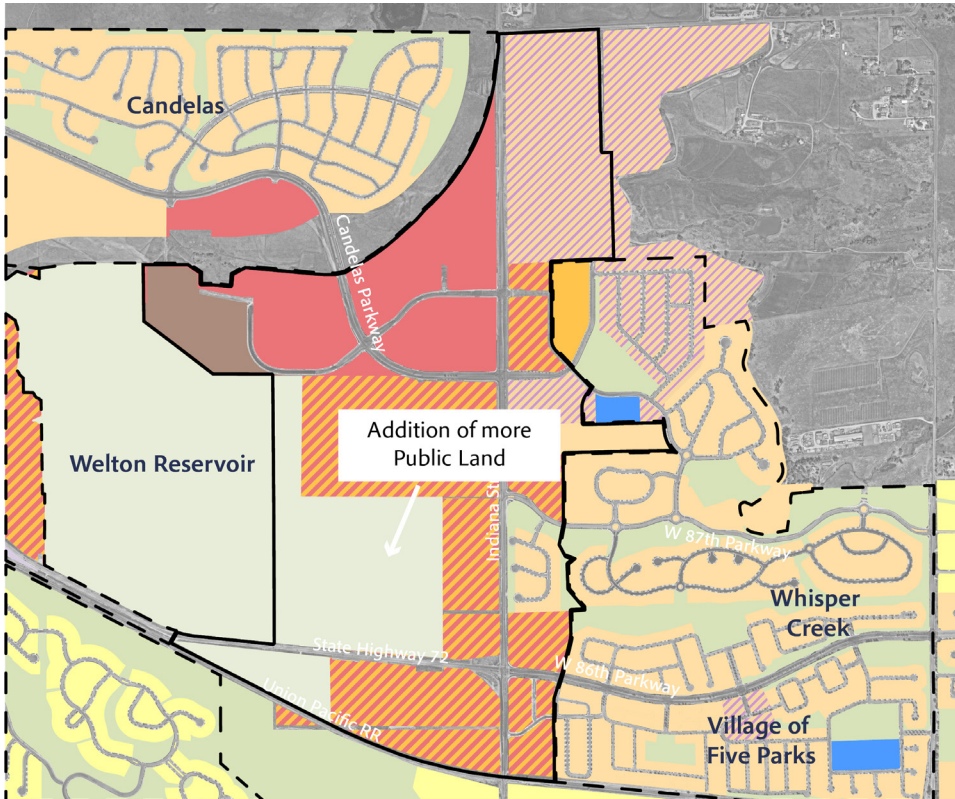
EXISTING FUTURE LAND USE MAP
(COMPREHENSIVE PLAN)

PREFERRED FUTURE LAND USE

PHASE 1

An opportunity to increase public lands east of Welton Reservoir with the purchase of land by Consolidated Mutual Water District on the north side of Highway 72 was presented during the planning process.

The existing future land use designation for the potential public land area is Mixed Use and located in Unincorporated Jefferson County. The preferred land use change would increase the desired open space area in the sub-area.



PREFERRED FUTURE LAND USE MAP
(COMPREHENSIVE PLAN)

In order to implement the potential land use from mixed use to public lands for this area in the County, the future land use map in the Comprehensive Plan should be evaluated.

RECOMMENDATION

- » Comprehensive Plan - Future Land Use map, change from mixed use to public lands for the unincorporated areas located on the north side of highway 72 east of the Welton Reservoir.

LAND USE: PHASE 2

4.1

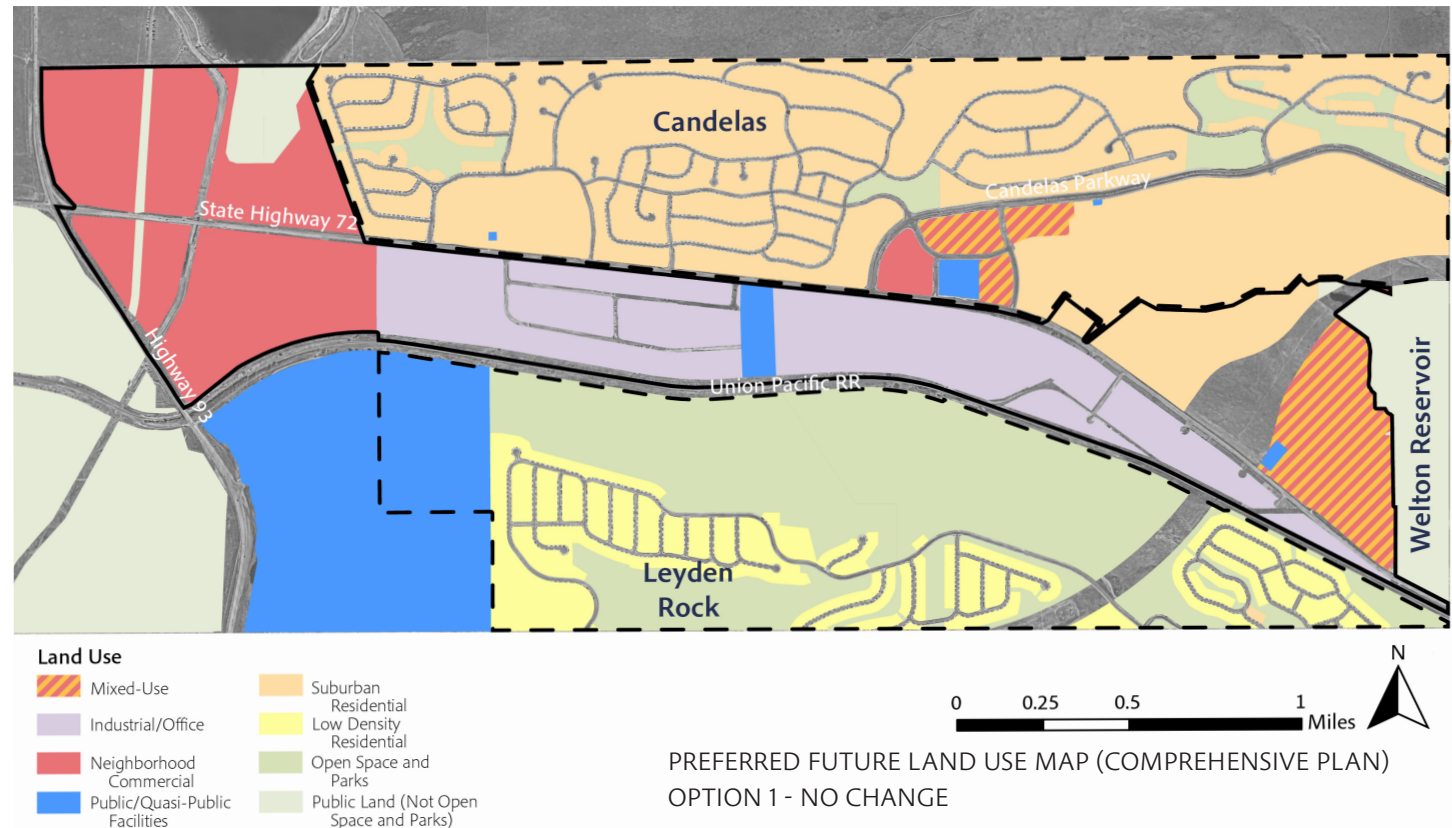
FUTURE LAND USE

PHASE 2

The existing land uses within the Phase 2 area are industrial, heavy industry, manufacturing, outdoor storage, major utilities and single family homes developed in both the City and Jefferson County.

Properties in the City are zoned General Commercial, Light Industrial and General Industrial. During the planning process, the community feedback for land use in the Phase 2 area was varied. The project plan participants responded that existing industrial zoning was not appropriate by a small margin (51%) and 49% responded maybe or yes that industrial zoning was appropriate. Whereas, Mixed Use had the highest response rate followed by Commercial and Light Industrial as the primary land uses the community would like considered for potential future development in the Phase 2 area.

The long-term effects of the coronavirus pandemic could boost industrial land uses as e-commerce continues to boom. E-commerce will be the biggest catalyst for both demand and change.



PREFERRED FUTURE LAND USE

Two future land use options for the Phase 2 area were evaluated by the community, Planning Commission and City Council in developing the recommendations of the plan.

Option 1 - No future land use change

Option 2 - Change future land use Industrial areas to Mixed Use

Option 1 was generally the preferred land use option for future development in this area.

RECOMMENDATION

- » **Support Future Land Use Option 1 with no change to industrial use areas within Phase 2 of the sub-area plan.**

CONNECTIVITY: PHASE 1

4.2

A goal of the plan is to identify and improve connectivity that serves all users with a focus on strengthening the existing network opportunities and safety.

OVERVIEW

The transportation and circulation network in and around the New Town Sub-area consists of a varied transportation system connected by regional highways, streets, sidewalks, bicycle and trail systems.

The regional transportation network and scattered underdeveloped properties along the system, creates challenges for non-vehicular connectivity within the plan area, across Indiana Street and Highway 72.

PHASE 1

The multimodal network in and around the sub-area has an extensive sidewalk and trail system for a diverse group of users. While there is an extensive multimodal network, sidewalks and multipurpose trails in the Phase 1 area (including horses), they are not continuous along Indiana Street and connecting streets. The missing sidewalk and multipurpose trail connections and gaps are primarily along frontages of properties that are vacant or underdeveloped in the City and Unincorporated Jefferson County.

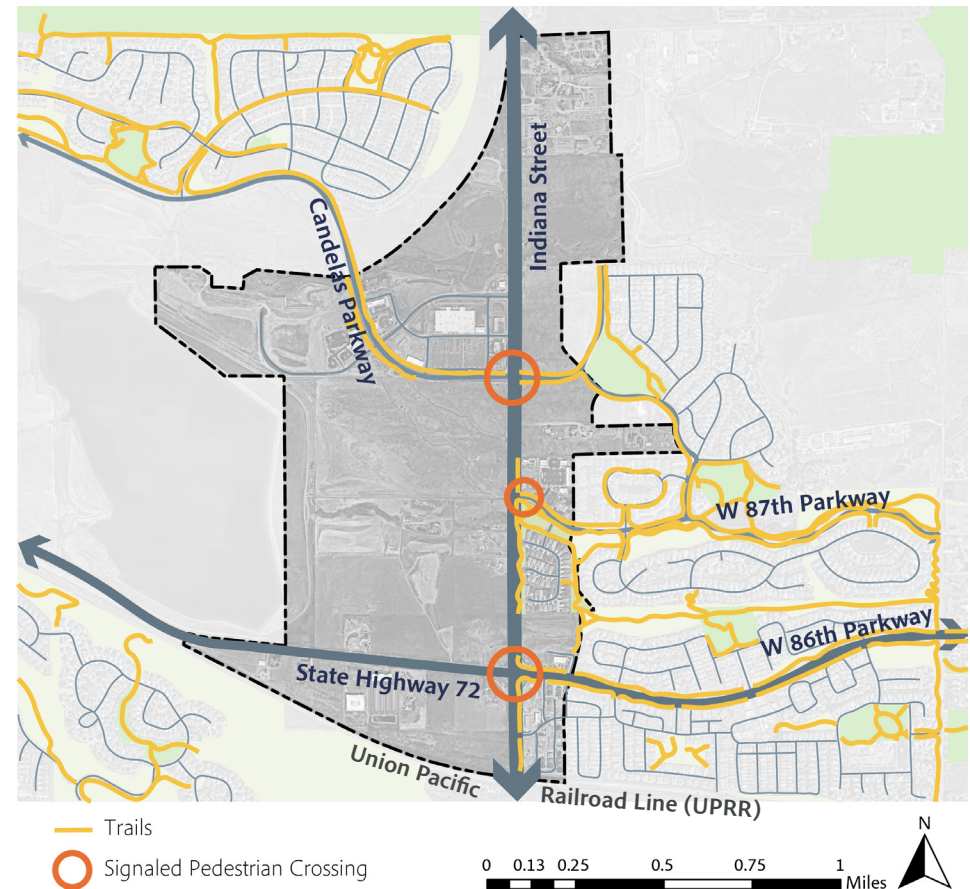
An important part of the multimodal system, as conveyed by the community during the planning process, is to have consistent connectivity to residential neighborhoods, commercial areas along Indiana Street, and to include a safe environment for all users.

A focus of the plan is to enhance the

sidewalk connections, identify potential trail connections, and improve safety.

The Indiana Street corridor and State Highway 72 serve as the primary street connectors for the Phase 1 area, surrounding communities and region. Indiana Street experiences occasional high volumes of traffic and bisects the sub-area creating a challenging barrier for multimodal pathways to cross without the use of signalized intersections. A partially constructed below grade multipurpose trail at Indiana Street and W. 87th Parkway is a planned connection across Indiana Street. The existing sidewalks and signalized intersections provide limited pedestrian and bicycle access to, from and within the Phase 1 area.

Phase 1 area includes properties located in Unincorporated Jefferson County and Highway 72 is a state highway controlled by the Colorado Department of Transportation (CDOT). Depending on location, street and multimodal improvements on Indiana Street or Highway 72 will require CDOT, Jefferson County and City infrastructure coordination. Any improvements of the Indiana Street and UPRR bridge overpass will also require Union Pacific Railroad coordination and approval. In addition, sidewalk and off-street trail improvements are determined at the time a property is developed or redeveloped.



RECOMMENDATION

- » Support street design and improvements for the UPRR bridge overpass on Indiana Street, through future funding opportunities, development and infrastructure planning.

CONNECTIVITY: PHASE 1 & PHASE 2

4.2

Potential Trail System

The existing trail system and identifying key locations to improve the multimodal network for the Phase 1 area was evaluated during the planning process.

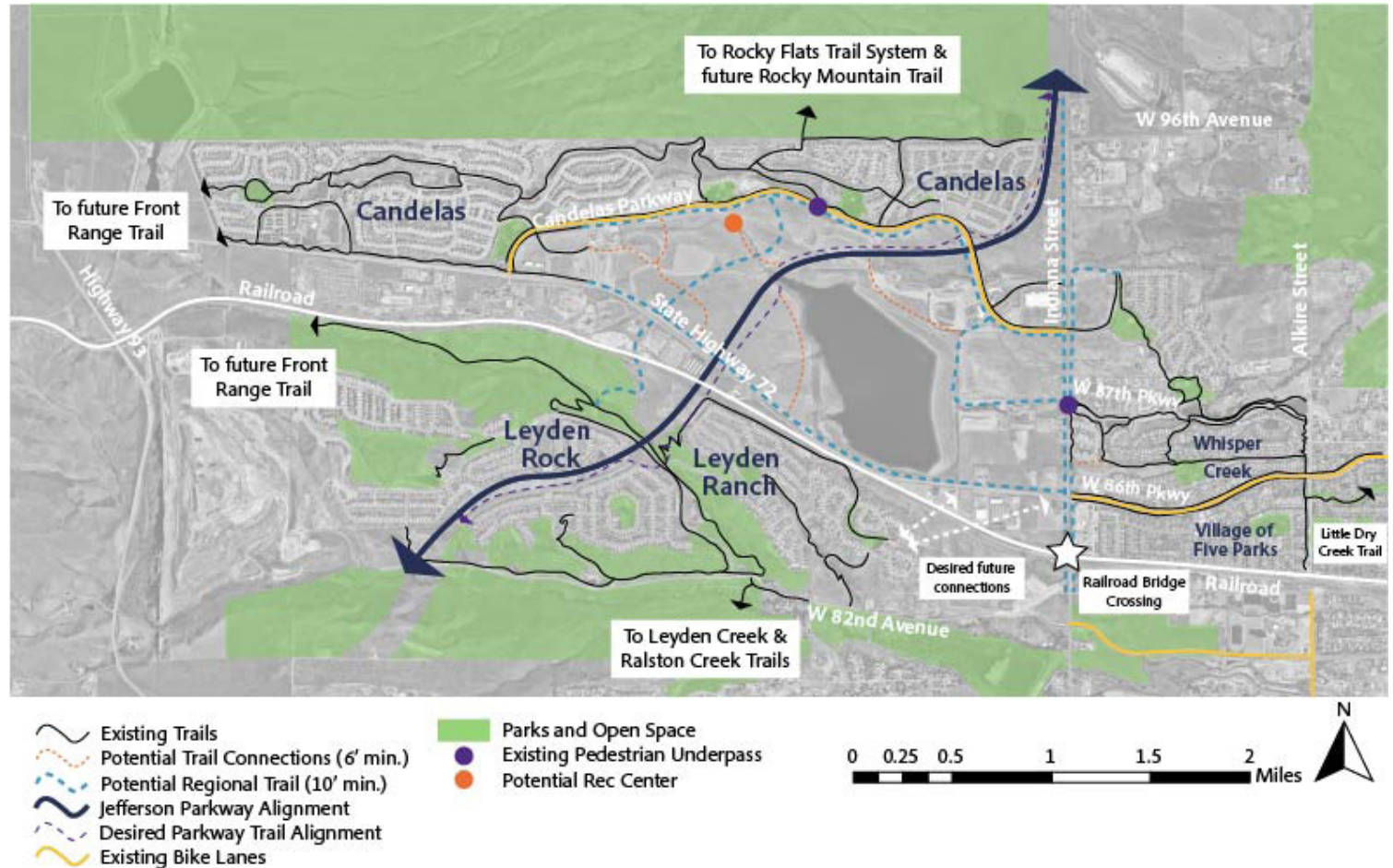
A Potential Trails Map for potential trails and connections in the Phase 1 area was developed. Recognizing that the trail system serves the surrounding neighborhood and region, potential trails and connections for the Phase 2 area are also shown on the map. Priority items for the Trails system are:

- Complete multi purpose trail connection at W. 87th Parkway and Indiana Street to the west
- Explore trail opportunities for underdeveloped areas
- Explore trail system from the Candelas community to Leyden community
- Support trail connectivity to future regional Front Range Trail

RECOMMENDATION:

- » **Street design and trail connectivity improvements for the multi-modal system implemented through future development and infrastructure planning.**

POTENTIAL TRAIL SYSTEM MAP



DESIGN: PHASE 1

4.3

PLACEMAKING - COMMERCIAL AND COMMUNITY PLACE

In response to initial community feedback wanting more local restaurants, shops and spaces to gather in the sub-area, a focus of the plan was to identify and find ways to create a sense of place with economic influence.

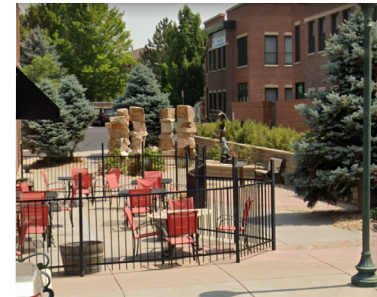
The project team used the term 'quality places' to determine placemaking opportunities in this area. Quality places are defined as active, unique locations or spaces that are visually attractive, interesting, people oriented and walkable with mixed uses. Placemaking elements such as fountains, plazas, parks, connectivity to amenities can create a community activated space that compliments and supports commercial and retail uses.

Common placemaking design elements include:

- Outdoor dining and recreational spaces
- Removed from heavy and fast traffic
- Pedestrian refuge
- Connected to a trail system - easy access for pedestrians and cyclists
- Active and unique commercial spaces with limited office
- Creation of a draw, destination, or hub space



Community "Placemaking" Word Cloud

COMMERCIAL WITH COMMUNITY PLACE EXAMPLES**Five Parks, Arvada, Colorado**

Design Elements:

- Retail first floor with mixed uses on upper stories
- Parking behind buildings
- Connected by plazas and to neighborhood trails and parks
- Public space for events and an amphitheater
- Amenities including tree lined walkways, pedestrian-only alleys, outdoor dining, lighting, public art
- Furnishing and placemaking elements add to the "eyes on the street", make the space feel safe and inviting for visitors

Bradburn, Westminster, Colorado

Design Elements:

- Development offers distinct neighborhoods including pedestrian-friendly downtown commercial center
- Designed to be a place where people can live and work while retaining traditional neighborhood characteristics
- Focused on efficient land use with schools parks, retail and neighborhood services

CoorsTek, Golden Colorado

Thriving Mixed-Use, Walkable District
9TH & WASHINGTON AVE, FACING NORTH

- Proposed Mixed Use walkable district with connectivity to surrounding communities

DESIGN: PHASE 1

4.3

PHASE 1

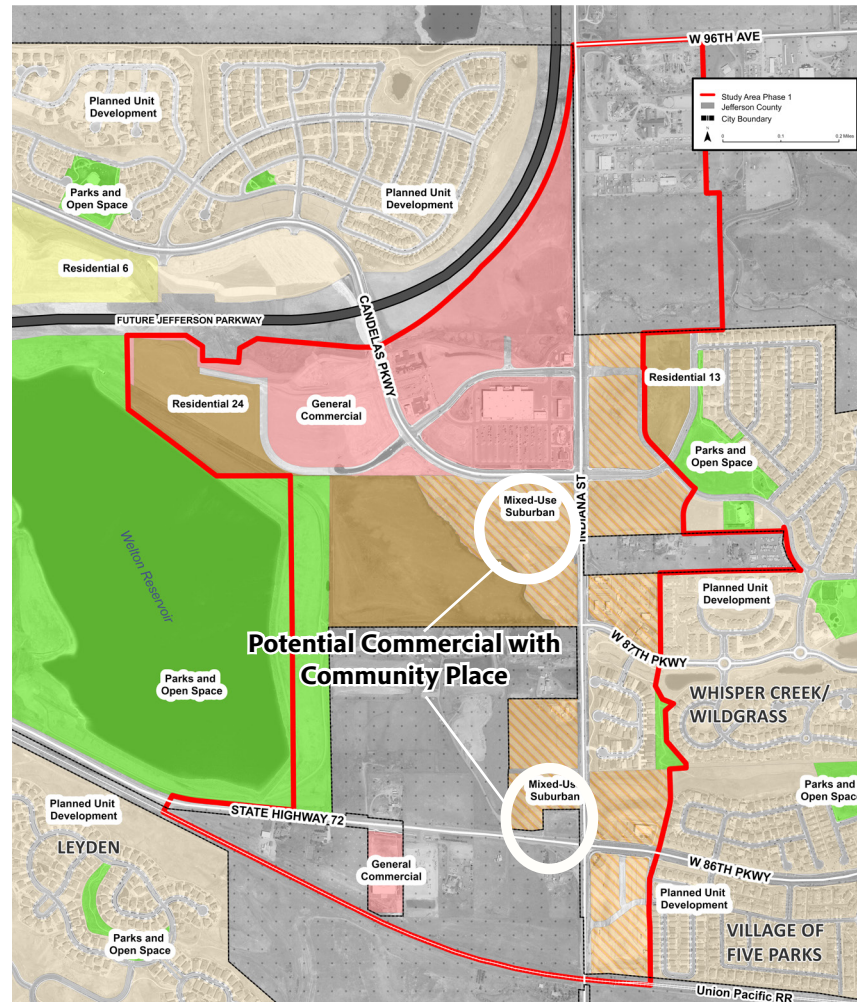
During the planning process, the community participants expressed a desire for more neighborhood focused commercial and retail uses within the Phase 1 area. A new commercial and community place could be developed in the existing General Commercial and Mixed-Use Suburban zone districts along the Indiana Street corridor.

Potential Commercial with Community Place

A survey early in the process requested the community to identify appropriate locations for a commercial and community place development. The top three locations identified by community were included in a subsequent survey.

The community participants responded with the best option for a potential commercial and community space development at the southwest corner of Indiana Street and Candelas Parkway and secondly, at the northwest corner of Indiana Street and W. 86th Parkway. The third option location generally located at the southwest corner of Candelas Parkway and W. 91st Avenue was not considered further as it is currently under construction for the Candelas Medical Office development.

In order to implement the desired commercial with community space type of development, future developments at the southwest corner of Indiana Street and Candelas Parkway and northwest area of Highway 72 and Indiana Street should be considered for this type of development.



RECOMMENDATION:

- » The overall design and elements to create a commercial development with community space(s) should be considered with new development projects at the southwest corner of Indiana Street and Candelas Parkway; northwest area of Highway 72 and Indiana Street; and within the sub-area.

A Streetscape Design with landscaping options along primary street corridors are designed to improve the pedestrian and vehicular experience.

STREETSCAPE

PHASE 1

A Streetscape Design with landscaping options along primary street corridors are designed to improve the pedestrian and vehicular experience.

The streetscape design for the Phase 1 area includes natural features (i.e. tree lawn, planting, xeriscape) with multi-purpose paths separated from the street to enhance the pedestrian experience and improve safety. The streetscape design is consistent and complements existing developments along Highway 72 and Indiana Street.

Three landscape options for the streetscape allows flexibility of verge and open space design elements appropriate for street frontage of future development.

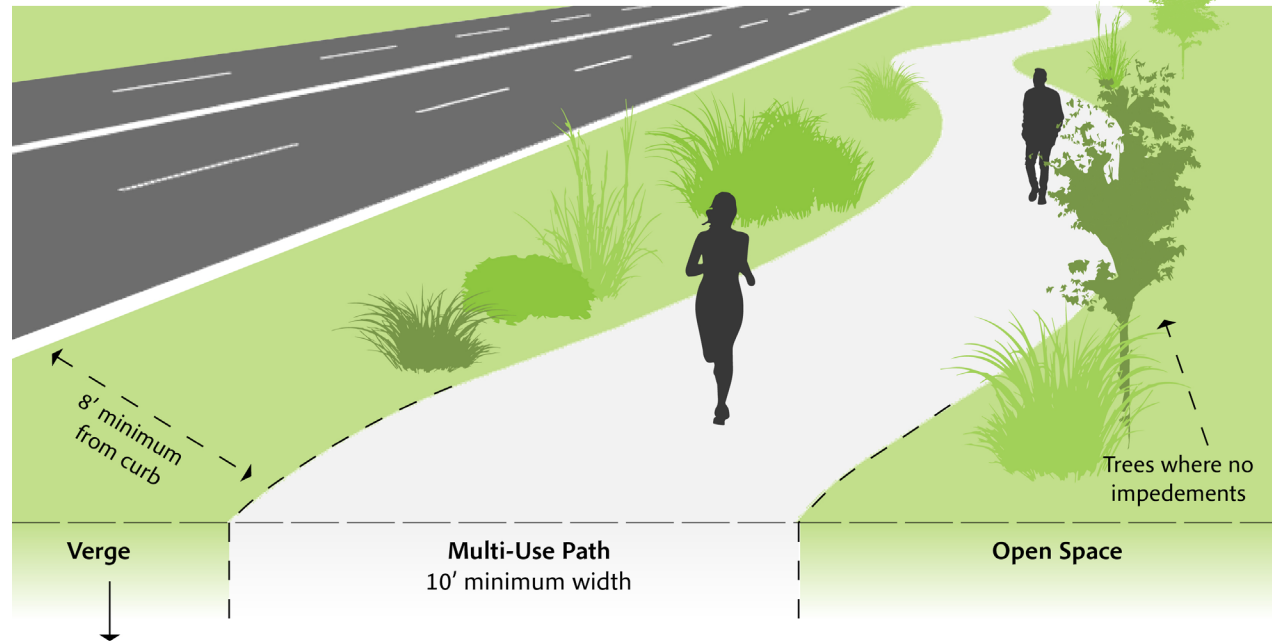
Potential streets for this Streetscape Design and within the Phase 1 Area include:

- Highway 72
- Indiana Street

RECOMMENDATION:

- » Evaluate engineering standards to accomplish the streetscape design.

POTENTIAL STREETSCAPE DESIGN OPTIONS



Landscaping Options

1. Preferred

- Low grow seed mix with 50% wildflower mix
- Mowed, maintained, and irrigated

2. Non-prescriptive

- Taller ornamental grasses with short grass and low grow shrubs

3. True Xeriscape

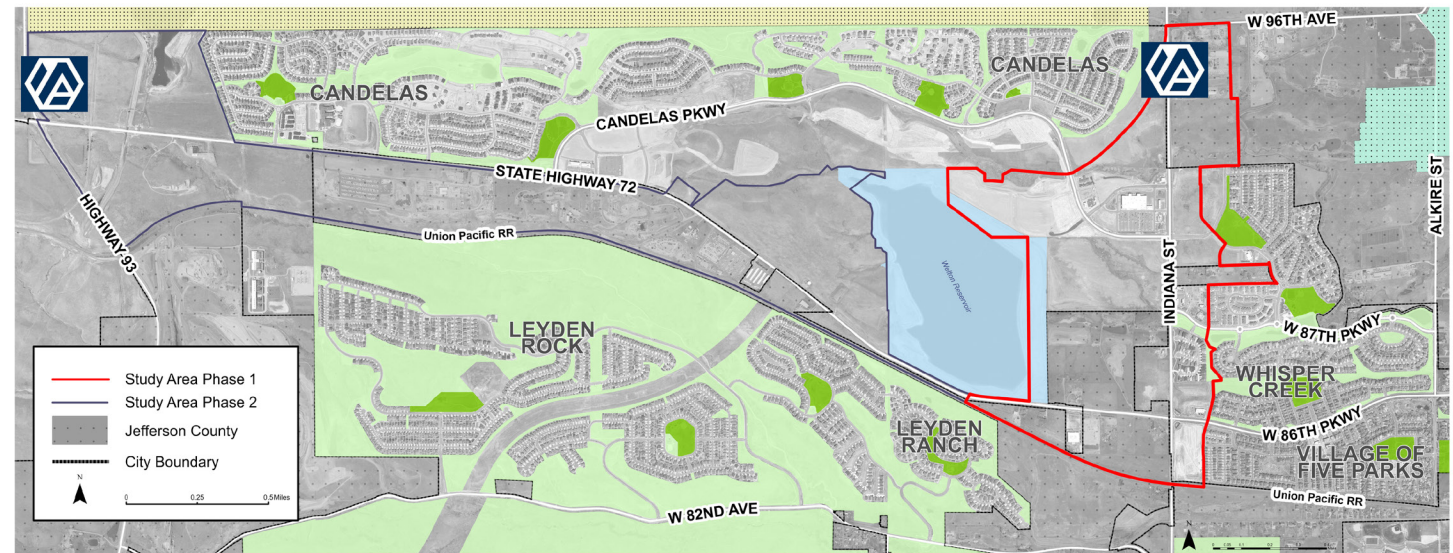
- Rock with 75% vegetative cover
- Mix of ornamental grasses and shrubs

Roadway widths vary - Streetscape design begins from street curb

DESIGN: PHASE 1 & PHASE 2

4.3

GATEWAY

**PHASE 1 and PHASE 2**

During the community engagement process, several members of the community in northwest Arvada indicated they feel disconnected from the rest of the City and would like to identify this area as part of Arvada.

Currently there is no formal signage when entering the City in this area and the sub-area team has identified several potential entry sign locations on Indiana Street and near Highway 93. The community responded in support of City entry signage at these locations.

RECOMMENDATION:

- » The preferred city entry sign locations should be considered with new development projects.

INFRASTRUCTURE

City Council has provided strategic direction to the Infrastructure work system to complete master plans for water, wastewater, and storm infrastructure by 2023. These plans provide staff with a road map to prioritize work that needs to be done in our water/wastewater systems and the master plans are being used to plan work for immediate, short-term and longer-term needs.

The ongoing analysis of infrastructure needs and master plan results will guide future redevelopment.

RECOMMENDATION:

- » Infrastructure will be evaluated at the time of new development or redevelopment.

SUSTAINABILITY

City Council has provided strategic direction to incorporate conservation, sustainability and resiliency planning in response to environmental resources and climate change. Resiliency refers to the ability of a community to respond, adapt, and recover in a sustainable way in response to the impacts of environmental and climate change.

In addition to infrastructure master plans, sustainable practices such as more green space area, multimodal connectivity, landscape planning and others have been considered in the development of this plan.

RECOMMENDATION:

- » Conservation and sustainability will be evaluated at the time of new development or redevelopment.

Chapter 5

IMPLEMENTATION

The implementation strategies of the plan were developed through stakeholder, technical expert and community feedback during the plan development process.

The implementation strategies in this chapter are intended to help realize the vision for the sub-area through action items from the plan recommendations and are intended to be specific, yet flexible in order to achieve the vision for each focus element through different methods, when funding is available, or at a time when the political and economic climate best support them.

IN THIS CHAPTER

5.1 Implementation Strategy and Matrix

IMPLEMENTATION STRATEGY & MATRIX

5.1

These implementation strategies are designed to realize the community's vision for the Northwest Arvada Sub-area through the successful completion of plan elements through implementation of recommendations included in this plan.

IMPLEMENTATION MATRIX

The action items are numbered and organized by the plan focus elements. Key stakeholders are suggested responsible parties and also identify potential champions and partnerships. The implementation time frame anticipates how long it will take to fully complete implementation of the listed action item, but does not prohibit the action item from being started or finished at an earlier time.

ITEM NO.	ACTION ITEM	FOCUS ELEMENT	PHASE AREA	KEY STAKEHOLDERS	TIME FRAME
1	Change Comprehensive Plan Future Land Use Map from Mixed Use to Public Land for unincorporated areas located on the north side of Highway 72 east of the Welton Reservoir	Land Use	One	City of Arvada, Consolidated Mutual Water District (CMWD)	Plan Adoption
2	Maintain Industrial Use areas in Phase 2 area	Land Use	Two	City of Arvada, private property owners	
3	Complete the multipurpose trail connection at W. 87th Parkway and Indiana Street to the west	Connectivity	One	City of Arvada, private property owners	Short and Mid Term: (1-5 years)
4	Explore trail opportunities for underdeveloped areas	Connectivity	One and Two	City of Arvada, Jefferson County, private property owners, Union Pacific Railroad (UPRR), Colorado Dept. of Transportation (CDOT), Jefferson Parkway	Mid Term: (3-5 years)
5	Trail system from the Candelas community to Leyden community	Connectivity	Two	City of Arvada, Jefferson County, private property owners, UPRR, CDOT, Jefferson Parkway	Mid Term: (1-5 years)
6	Trail connectivity to future regional Front Range Trail	Connectivity	Two	City of Arvada, Jefferson County, private property owners, UPRR, CDOT	Ongoing
7	Street design and trail connection improvements for multimodal system through future development and infrastructure planning	Connectivity	One and Two	City of Arvada, Jefferson County, private property owners, UPRR, CDOT, Jefferson Parkway	Ongoing
8	Support street design and improvements at the UPRR bridge overpass on Indiana Street, through future funding opportunities, development and infrastructure planning.	Connectivity	One	City of Arvada, Jefferson County, private property owners, UPRR, and CDOT	Ongoing

ITEM NO.	ACTION ITEM	FOCUS ELEMENT	PHASE AREA	KEY STAKEHOLDERS	TIME FRAME
9	Commercial with community space type of development at southwest corner of Indiana Street and Candelas Parkway	Design - Placemaking	One	City of Arvada, private property owners	Short and Mid Term: (1-5 years)
10	Commercial with community space type of development at northwest area of Highway 72 and Indiana Street	Design - Placemaking	One	City of Arvada, private property owners	Short and Mid Term: (1-5 years)
11	Consider commercial with community space type of development for future development or redevelopment within the sub-area	Design - Placemaking	One	City of Arvada, private property owners	Ongoing
12	Evaluate engineering standards for Streetscape design on Highway 72 and Indiana Street	Design - Streetscape	One and Two	City of Arvada, Jefferson County, CDOT	Short Term: (1-3 years)
13	Consider city entry sign locations at Highway 93 and W. 96th Avenue and Indiana Street with new development projects	Design - Gateway	One and Two	City of Arvada, private property owners	Ongoing
14	Evaluate infrastructure needs at time of new development or redevelopment	Infrastructure	One and Two	City of Arvada, private property owners	Ongoing
15	Evaluate conservation and sustainability methods at time of new development or redevelopment	Sustainability	One and Two	City of Arvada, private property owners	Ongoing

COMMUNITY ENGAGEMENT OVERVIEW

Community Open House #1

In accordance with safety protocols associated with the COVID-19 pandemic, the first Community Open House was held at the Whisper Creek City Park in October 2020. This meeting served as a kick'-off meeting, an opportunity for the public to learn about the sub-area plan elements, planning process and intent of the sub-area plan. Online promotional resources and social media were used to promote the open house.

Community Open House #2

Due to health and safety protocols of the COVID-19 pandemic, the second Community Open House Meeting was held virtually in March, 2021 and community members virtually attended. The virtual meeting was an opportunity to report common themes from the first open house, present existing conditions, solicit area opportunity and challenge feedback, and poll appropriate land use preferences. A follow up survey asking for area opportunity, challenge and land use preference input from the community was also provided on the City Speak Up Arvada platform. The results of this meeting and survey was provided to the technical review and steering committees and offered an additional opportunity for stakeholder input.

Community Open House #3

The third Community Open House in July 2021, served as an opportunity for the public to explore options and provide further feedback on potential commercial and community place, connectivity, potential trail network, and placemaking. A subsequent Speak Up Arvada survey with the open house questions and opportunity for comments allowed additional community feedback. The results of this meeting and survey was provided to the technical review and steering committees and offered an opportunity for stakeholder input.

Community Open House #4

A fourth in-person Community Open House to present the draft plan recommendations was held in July 2022. The results of the open house were presented at Planning Commission and City Council workshops in August 2022 and feedback was used to develop the draft final plan.

Community Open House Presentations and Comments

Visit arvada.org/northwest-arvada-sub-area-plan for Community Open House presentations and participant responses.

COMMUNITY ENGAGEMENT SUMMARY

During the community engagement process, (we heard) the public expressed the following summarized comments that are categorized by topics. The public and committee input and comments were used to guide and develop the sub-area plan.

Comments

An overview of the community comments during the development of the plan are summarized and organized into the following topics that were used to develop the plan elements and recommendations.

Land Use and Design

- Neighborhood focused retail and commercial uses like restaurants in the area
- More affordable housing options
- More open space, parks, trails and community amenities
- Mixed opinions about the scale of future residential development
- Reduce Industrial Uses in Phase 2 area
- Create a place people want to live within, want to come to and want to experience.
- Protect views

Transportation and Connectivity

- Improve traffic congestion, signalization and street infrastructure to support existing development and future growth.
- More pedestrian and bike trails
- Pedestrian and bike access and connectivity along Indiana Street
- Widen railroad bridge on Indiana Street.
- Public transportation alternatives

Miscellaneous

- Water resource management, sustainability and drought impact concerns for landscaping and development
- Reduce light pollution
- Infrastructure to support current and future development.
- Community identity as part of Arvada

COMMUNITY ENGAGEMENT SUMMARY

Survey and Meeting Presentation Overview

Placemaking - Phase 1

What is Placemaking?

- Create a sense of place defined as 'quality places' that are active, unique locations, interesting, visually attractive, people-friendly, safe, and walkable with mixed uses.
- Community neighborhood amenities and gathering places
- Placemaking and quality spaces
- Need for commercial and community place
- Community identity as part of Arvada
- Community strongly supported the installation of City entry signage at near Highway 93 and Highway 72 and north city boundary at Indiana Street and W.. 96th Avenue

What placemaking means to Northwest Arvada?



City Entry Locations

- Several members of the community in northwest Arvada have expressed that they feel disconnected from the rest of the City and it would be beneficial to identify this area as part of the City with signage.
- Two potential entry locations for signage were identified and the installation of the signage in these locations was strongly supported by the community.

Connectivity - Phase 1

Existing and Potential Trail System

- Pedestrian and bike trails throughout this area to better connect to existing neighborhoods and future development
- Pedestrian safety concerns and need for connections along Indiana Street
- Improve nonvehicular connectivity across Indiana Street and Highway 72
- Need for nonvehicular connection from Candelas to Leyden Rock



REPORT TO CITY COUNCIL

AGENDA ITEM
9.C.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: Appointments to the Olde Town Business Improvement District (BID) Board

Report in Brief

City Council will make the following appointments to the Olde Town Business Improvement District Board.

I move to **Appoint** Scott Spears, Deborah Hansen, Dwayne Cameron and Michael Griffith for three-year terms ending April 30, 2026.

I move to **Appoint** Steven Cohen to an unexpired one year term ending April 30, 2024.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Lorie Gillis, City Manager 5/24/2023

Enclosure, exhibits & attachments required to support the report



REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.A.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: CB23-011, An Ordinance Repealing and Reenacting Section 62-43, Fireworks, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code (Ordinance No. 4844)
(Presenter: Aaron Jacks, Sr. Asst. City Attorney)

Report in Brief

PRESENTER: Sr. Asst. City Attorney Aaron Jacks

This ordinance would repeal and reenact Arvada City Code (ACC) Section 62-43- Fireworks (the "Fireworks Ordinance") to impose strict liability on a "social host", as defined in the ordinance, who permits fireworks to be used or possessed on property owned by or otherwise subject to the control of the social host.

The Arvada team recommends that the City Council approve CB23-011, An Ordinance Repealing and Reenacting Section 62-43, Fireworks, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code.

Financial Impact

This ordinance will not result in significant financial impact to the City. Violations would be cited by the APD in the course of officers' regularly assigned duties, and processed through the municipal court in accordance with existing policies and procedures as with any other ACC violation.

Background

The Arvada Police Department (APD) receives fireworks complaints each year, particularly around the July 4th holiday. APD Commander Melanie Thornton recently prepared a memorandum outlining the frequency of fireworks complaints and difficulties related to enforcement. Officers often arrive at a scene where there is evidence of fireworks usage, but no one is physically in possession of fireworks, and the officer is unable to determine who used or was in possession of the fireworks in order to establish probable cause to issue a citation. The proposed repeal and reenactment of the Fireworks Ordinance to include social host liability would provide APD officers with an additional enforcement tool.

Discussion

The revised Fireworks Ordinance would provide APD officers an enforcement tool to cite a social host under a strict liability standard. Strict liability means that there is no need to prove the social host's knowledge in order to establish a violation.

The revision adds to ACC § 62-43 definitions of a "social host" and "strict liability" for purposes of the ordinance. It adds sections (c), (d), and (e), providing a strict liability prohibition and limited exceptions.

The definition of social host included in the ordinance includes anyone who owns, controls, or otherwise hosts a gathering on private or public property. Subject to limited exceptions, the definition is intended to permit officers to cite a person they identify as the host at a location where there is evidence of fireworks use or possession.

Strict liability is defined for purposes of the ordinance because ordinances, if otherwise silent, require proof of some knowledge

of illegal conduct. Strict liability is the strictest standard of criminal culpability; it requires no intent or other state of mind. The social host is strictly liable, irrespective whether the APD can establish that the host knew of the violation. The definition here mirrors strict liability language as it exists elsewhere in certain sections of the ACC.

Strict liability is important to the effectiveness of the ordinance. A common defense to an alleged violation may be a social host statement to officers to the effect of, "I didn't know fireworks were being used on my property." It is difficult for an investigating officer to refute such a statement, short of the officer witnessing the social host in the presence of the person using/possessing fireworks. Strict liability removes the need to prove knowledge. Either fireworks were possessed or being used on the social host's property, or not. If so, then probable cause exists to cite a violation.

Subsection (e) of the revised ordinance provides a reasonable exception to social host liability in common areas of apartment buildings, townhouse complexes, etc. The exceptions avoid an interpretation that essentially anyone with a right to use property in a multifamily residential setting could be cited for a social host violation. Officers would need to develop information to identify the person responsible for a gathering on such a property as the social host to support a violation.

Subsection (e) further clarifies that anyone engaged to provide a City-sponsored fireworks event (i.e. the annual July 4th event at the Stenger complex) is not liable for a "social host" violation.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

NA

Strategic Alignment

This ordinance aligns with the City's Safe Community strategic plan item SR6 by updating ACC Chapter 62 to improve accountability of defendants who are responsible for fireworks violations in the City.

Alternative Courses of Action

NA

Recommendation for Action

The Arvada team recommends that the City Council approve CB23-011, An Ordinance Repealing and Reenacting Section 62-43, Fireworks, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code.

Suggested Motion:

I move that CB23-011, An Ordinance Repealing and Reenacting Section 62-43, Fireworks, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code, be (approved on final reading, numbered 4844 and ordered published by title only) (rejected).

Prepared by:
Aaron Jacks, Assistant City Attorney

Reviewed by:

SUBJECT: CB23-011, An Ordinance Repealing and Reenacting Section 62-43, Fireworks, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code (Ordinance No. 4844) (Presenter: Aaron Jacks, Sr. Asst. City Attorney)

PAGE: 3
ITEM: 10.A.

Approved by:

Alyssa Gleinn, Legal Specialist-Prosecution 5/10/2023

Edward Brady, Deputy Police Chief 5/17/2023

Rachel Morris, City Attorney 5/19/2023

Lorie Gillis, City Manager 5/23/2023

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 23-011
ORDINANCE NO. 4844

AN ORDINANCE REPEALING AND REENACTING SECTION 62-43, FIREWORKS, OF
ARTICLE II, MISCELLANEOUS OFFENSES, OF CHAPTER 62, OFFENSES, OF 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 laws, regulations, and procedures that protect life and property; and

WHEREAS, the City Council finds that repealing and reenacting the City's fireworks ordinance is necessary to protect the rights, health, safety, and welfare of the public.

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

Section 1. Section 62-43, Fireworks, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code, is hereby repealed and reenacted to read as follows:

“Sec. 62-43. - Fireworks.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.

Fireworks means any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth in the International Fire Code as adopted by the city and as may be from time to time amended.

Social host means:

1. An owner of any private residential or non-residential real property in the city; or
2. Any person who has the right to use, possess, or occupy public or private property under a lease, permit, license, rental agreement, or contract; or
3. Any person who hosts, organizes, supervises, officiates, conducts, or is otherwise responsible for a gathering on public or private property.

Strictly liable means that no culpable mental state or mens rea of any type or degree shall be required to prove a violation.

- (b) *Prohibition.* The possession, manufacture, storage, sale, handling and use of fireworks are prohibited, except as permitted by the International Fire Code as adopted by the city as may be from time to time amended.
- (c) *Social host permitting use of property for possession or use of fireworks prohibited.* No social host shall permit any person to possess or use fireworks anywhere on property owned or otherwise subject to the control of the social host, as defined herein.
- (d) *Social host strictly liable.* Any social host shall be strictly liable for any use or possession of any fireworks in violation of this section.
- (e) *Exceptions to social host liability.* No person who has the right to use, possess, or occupy a unit in a multifamily residential property under a lease, rental agreement, or contract shall be liable for a violation of this section occurring in the common area of the property unless the person hosts, organizes, supervises, officiates, conducts, or is otherwise responsible for a gathering at which the violation occurs. No person who is employed, contracted, or otherwise permitted or authorized to provide a City-sponsored fireworks display shall be liable for a violation of this section.

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 or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that 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 3. Effective date. This ordinance shall take effect five (5) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 15th day of May, 2023.

PASSED, ADOPTED AND APPROVED this 5th day of June, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney:

By: _____

Publication Dates: May 18, 2023
 June 8, 2023

REDLINE/STRIKEOVER VERSION

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

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

Sec. 62-43. - Fireworks.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.

Fireworks means any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth in the International Fire Code as adopted by the city and as may be from time to time amended.

Social host means:

1. An owner of any private residential or non-residential real property in the city; or
2. Any person who has the right to use, possess, or occupy public or private property under a lease, permit, license, rental agreement, or contract; or
3. Any person who hosts, organizes, supervises, officiates, conducts, or is otherwise responsible for a gathering on public or private property.

Strictly liable means that no culpable mental state or mens rea of any type or degree shall be required to prove a violation.

- (b) *Prohibition.* The possession, manufacture, storage, sale, handling and use of fireworks are prohibited, except as permitted by the International Fire Code as adopted by the city as may be from time to time amended.
- (c) *Social host permitting use of property for possession or use of fireworks prohibited.* No social host shall permit any person to possess or use fireworks anywhere on property owned or otherwise subject to the control of the social host, as defined herein.
- (d) *Social host strictly liable.* Any social host shall be strictly liable for any use or possession of any fireworks in violation of this section.
- (e) *Exceptions to social host liability.* No person who has the right to use, possess, or occupy a unit in a multifamily residential property under a lease, rental agreement, or contract

shall be liable for a violation of this section occurring in the common area of the property unless the person hosts, organizes, supervises, officiates, conducts, or is otherwise responsible for a gathering at which the violation occurs. No person who is employed, contracted, or otherwise permitted or authorized to provide a City-sponsored fireworks display shall be liable for a violation of this section.



REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.B.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: CB23-012, An Ordinance Authorizing an Intergovernmental Agreement by and Between The City of Arvada and The Jefferson County School District Related to Campbell Elementary School and Oak Park (Ordinance No. 4845) (Presenter: Enessa Janes, Director of Vibrant Community and Neighborhoods)

Report in Brief

PRESENTER: Enessa Janes, Director of Vibrant Community and Neighborhoods

In anticipation of the facility turning into a preschool center, Jefferson County School District is making improvements to Campbell Elementary School at 6500 Oak Street in Arvada. Specifically, the School District plans to modify the existing Campbell school playground to accommodate younger children. Some of the planned improvements fall outside of the Jefferson County School District property line and impact City of Arvada owned property.

The City of Arvada and the Jefferson County School District have prepared an intergovernmental agreement that specifies the roles and responsibilities dictating both agencies during the construction and use of new playgrounds on city-owned parkland adjacent to Campbell Elementary School.

The Arvada team recommends that the City Council approve CB23-012, An Ordinance Authorizing an Intergovernmental Agreement by and Between The City of Arvada and The Jefferson County School District Related to Campbell Elementary School and Oak Park.

Financial Impact

There is no direct financial impact on the City of Arvada related to this intergovernmental agreement.

Background

The Jefferson County School District owns property located at 6500 Oak St, Arvada, CO 80004, otherwise known as Campbell Elementary School. The City of Arvada owns adjacent property located at 6562 Oak St, Arvada, CO 80004, otherwise known as Oak Park. The School District and the City are authorized and empowered under Colorado State law to acquire, develop, operate, and maintain recreational sites and facilities for the students and residents within their respective jurisdictions and to enter into agreements with each other for such purposes.

In anticipation of the facility turning into a preschool center, Jefferson County School District is making improvements to Campbell Elementary School at 6500 Oak Street. Specifically, they plan to modify the existing school playground to accommodate younger children. Some of the planned improvements fall outside of the School District property line and impact City of Arvada owned property (specifically, Oak Park).

Discussion

Both the School District and the City are desirous of developing recreational opportunities for the School District, Campbell, and Oak Park. In order to support the Campbell educational program, the School District will require the construction of new playgrounds and the City has land available at Oak Park for the construction of new playgrounds. The new playgrounds will be

located on both School District and City of Arvada property.

The parties agree that the School District will plan, develop, and construct new playgrounds and renovate existing playgrounds that will be located on both School District property and on park property owned by the City. The School District agrees to fund the entire playground project. Additionally, as dictated by the intergovernmental agreement, the parties agree that the use of the improvements by the School District for the purposes of a school playground will also be used to support the recreational requirements of the neighborhood, school, and general public.

The School District shall, throughout the term of the Agreement (50 years), at no expense to the City, keep and maintain the playgrounds in a safe condition and a good state of appearance and repair. The School District will also make all repairs necessary to keep the playgrounds in good order and safe condition.

The School District and Campbell shall have priority use of the playgrounds at all times during school hours between 7:00AM – 4:00PM, Monday through Friday, except Federal Holidays, and at other times during sanctioned school and district events. The general public may utilize the playgrounds when not in use by the School District or Campbell.

At the end of the term of this Agreement or any extension thereof, or upon termination of this Agreement for any reason, including permanent closure of Campbell, Arvada shall have the option to either: (a) take title to all improvements on Arvada-owned property at no cost to the city; or (b) require the School District, at the School District's sole expense, to remove all improvements on Arvada's property and restore the area to its original condition.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

Approval of this ordinance aligns with and contributes to the following Vibrant Community and Neighborhoods Principle articulated in the City Council Strategic Plan: ***Fosters strategic partnerships to advance quality of life and achieve an inclusive, equitable, diverse, resilient and sustainable community.***

Alternative Courses of Action

1. Approve CB23-012, An Ordinance Authorizing an Intergovernmental Agreement by and Between The City of Arvada and The Jefferson County School District Related to Campbell Elementary School and Oak Park.
2. Do Not Approve CB23-012, An Ordinance Authorizing an Intergovernmental Agreement by and Between The City of Arvada and The Jefferson County School District Related to Campbell Elementary School and Oak Park.

Recommendation for Action

The Arvada team recommends that the City Council approve Alternative No. 1.

Suggested Motion:

I move that CB23-012, An Ordinance Authorizing an Intergovernmental Agreement by and Between The City of Arvada and The Jefferson County School District Related to Campbell Elementary School and Oak Park, be (approved on final reading, numbered 4845 and ordered published by title only) (rejected).

SUBJECT: CB23-012, An Ordinance Authorizing an Intergovernmental Agreement by and Between The City of Arvada and The Jefferson County School District Related to Campbell Elementary School and Oak Park (Ordinance No. 4845) (Presenter: Enessa Janes, Director of Vibrant Community and Neighborhoods)

PAGE: 3
ITEM: 10.B.

Prepared by:

Enessa Janes, Director of Vibrant Community and Neighborhoods

Reviewed by:

Approved by:

Enessa Janes, Director of Vibrant Community and Neighborhoods	5/15/2023
Bryan Archer, Director of Finance	5/15/2023
Gail Walker, Legal Specialist-Contracts	5/15/2023
Kylie Justus, Assistant City Attorney	5/15/2023
Rachel Morris, City Attorney	5/19/2023
Don Wick, Deputy City Manager	5/22/2023
Lorie Gillis, City Manager	5/23/2023

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 23-012
ORDINANCE NO. 4845

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND
BETWEEN THE CITY OF ARVADA AND THE JEFFERSON COUNTY SCHOOL
DISTRICT RELATED TO CAMPBELL ELEMENTARY SCHOOL AND OAK PARK

WHEREAS, Jefferson County School District No. R-1 (“School District”) owns Campbell Elementary School located at 6500 Oak Street, Arvada, CO 80004; and

WHEREAS, the City of Arvada owns the bordering park, Oak Park, located at 6562 Oak Street, Arvada, CO 80004; and

WHEREAS, the School District and the City are authorized and empowered under Colorado State law to acquire, develop, operate, and maintain recreational sites and facilities for the students and residents within their respective jurisdictions and to enter into agreements with each other for such purposes; and

WHEREAS, both the School District and the City are desirous of developing recreational opportunities for the School District, Campbell, Arvada’s residents, and the general public; and

WHEREAS, in order to support the Campbell educational program, the School District will require the construction of new playgrounds; and

WHEREAS, the City has land available at Oak Park for the construction of new playgrounds which will also serve and benefit the residents of Arvada and the general public; and

WHEREAS, the School District has agreed to be fully responsible for the financing, construction, maintenance and operation of the new playground facility.

NOW, THEREFORE, BE IT ORDAINED 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, the Intergovernmental Agreement, which is in substantially the same form as that attached hereto.

Section 2. This ordinance shall be effective five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 15th day of May, 2023.

PASSED, ADOPTED AND APPROVED this 5th day of June, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

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

BY: _____

Publication Dates: May 18, 2023
 June 8, 2023

**AN INTERGOVERNMENTAL AGREEMENT
BY AND BETWEEN
THE CITY OF ARVADA AND THE JEFFERSON COUNTY SCHOOL DISTRICT
RELATED TO CAMPBELL ELEMENTARY SCHOOL AND OAK PARK**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into this _____ day of _____ 2023, by and between the **Jefferson County School District No. R-1**, a political subdivision of the State of Colorado (hereinafter referred to as "School District," "JCSD," or "District") and the **City of Arvada**, a Colorado municipal corporation (hereinafter referred to as "City" or "Arvada").

WHEREAS, the School District owns certain real property located at 6500 Oak St, Arvada, CO 80004, otherwise known as Campbell Elementary School ("Campbell" or "Property"); and

WHEREAS, the City owns certain real property located at 6562 Oak St, Arvada, CO 80004, otherwise known as Oak Park ("Park"); and

WHEREAS, the School District and the City are authorized and empowered under Colorado State law to acquire, develop, operate, and maintain recreational sites and facilities for the students and residents within their respective jurisdictions and to enter into agreements with each other for such purposes; and

WHEREAS, both the School District and the City are desirous of developing recreational opportunities for the School District, Campbell, and Oak Park; and

WHEREAS, in order to support the Campbell educational program, the School District will require the construction of new playgrounds; and

WHEREAS, the City has land available at Oak Park for the construction of new playgrounds.

NOW THEREFORE, in consideration of the above premises, and mutual covenants and promises herein contained, the parties agree as follows:

1. The School District will plan, develop, and construct new playgrounds and renovate existing playgrounds that will be located on both School District property and on Park property owned by the City.
2. Playgrounds will be located on both School District and City of Arvada property as shown on **Exhibit A** attached hereto and incorporated herein by this reference
 - 2.1 The School District shall provide design, engineering, and construction for the playground areas identified in **Exhibit A**.

TERMS AND CONDITIONS. In consideration of the mutual covenants and promises hereinafter contained, and subject to the contingencies and conditions hereinafter set forth, the Parties do hereby agree as follows:

1. **Commencement Date.** The commencement date of this Agreement shall be on the date as first set forward above.
2. **Term.** The Term of this Agreement shall be fifty (50) years from Commencement Date.
3. **Financial Obligations of the City of Arvada.** The City of Arvada has no financial responsibilities

under this Agreement.

4. **Financial Obligations of School District.** JCSD agrees to fund the entire project as shown in **Exhibit A** and agrees to provide the following:

4.1 **Playground Design and Construction.**

- 4.1.1 Playground design and construction complying with School District standards for playgrounds to support specific educational programs, including any perimeter fencing associated with the playgrounds.
- 4.1.2 School District shall be responsible for complying, at its sole expense, with all federal, state, and local laws in accomplishing the design and construction of the playgrounds including, but not limited to, laws relating to fire protection, safety, health, and access for persons with disabilities. All work done by or pursuant to the direction of the School District under this paragraph shall be accomplished in a good and workmanlike manner by a licensed contractor or contractors (and subcontractors, as applicable), free of mechanic's and material men's liens.

4.2 **Use Restrictions.** The Parties expressly understand that this Agreement is conditioned upon the use of the designated improvements by the School District for the purposes of a school playground and will also be used to support the recreational requirements of the neighborhood, School, and general public.

4.3 **Maintenance and Repair.** The School District shall, throughout the term of this Agreement, at no expense to the City, keep and maintain, or cause to be kept and maintained, the playgrounds in a safe condition and a good state of appearance and repair, and shall not commit, suffer or permit any waste or nuisance on the playgrounds or any acts to be done thereon in violation of any applicable laws. Subject to the above-referenced allocation of obligations, the School District shall, within a reasonable timeline, make or cause to be made all repairs necessary to keep the playgrounds in lawful order and condition.

4.4 **Utilities.** The School District shall be responsible for all utilities associated with the playground improvements.

4.5 **Condition of Use and Access.**

- 4.5.1 The School District, in consultation with and with consent of the City, may close the playgrounds to school and public access under the following conditions:
- 4.5.1.1 Campbell ceases to operate as a school or other district-managed facility
- 4.5.1.2 The playgrounds are taken out of commission by the School District without cause
- 4.5.1.3 Abuse of the playgrounds by the general public
- 4.5.2 In the event that any closure described in Sec. 4.5.1 is a permanent closure, this Agreement shall terminate and Arvada's rights described in Sec. 5 shall be triggered. "Permanent closure" shall be defined as an indefinite closure or an actual closure lasting longer than one calendar year.

4.6 **Priority of Use.** The School District and Campbell shall have priority use of the playgrounds at all times during school hours between 7:00AM – 4:00PM, Monday through Friday,

except Federal Holidays, and at other times during sanctioned school and district events. The general public may utilize the playgrounds when not in use by the School District or Campbell

- 4.6.1 The School District may from time to time elect to lease the facility and grounds to private and non-profit entities through the School District's Community and Building Use Policies. The leased uses are considered School District sanctioned uses.

- 5. **Title to Improvements.** At the end of the term of this Agreement or any extension thereof, or upon termination of this Agreement for any reason, including permanent closure, Arvada shall have the option to either: (a) take title to all improvements on Arvada-owned property at no cost to Arvada; or (b) require the School District, at the School District's sole expense, to remove all improvements on Arvada's property and restore the area to its original condition.
- 6. **Liability and Insurance; Governmental Immunity.** The School District and the City of Arvada, as governmental entities of the State of Colorado, are entitled to certain immunities under Colorado law, including the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, et seq., and are self-insured as more fully set forth in Risk Management laws, C.R.S. §§ 24-30-1501, et seq. School District shall have and carry for the term of this Agreement and any extension thereof, insurance reasonably sufficient or adequate self-insurance to insure the property depicted in Exhibit A against liability for damages to persons or property. School District shall be liable for any dangerous condition or park facility on the property depicted in Exhibit A. As long as this Agreement remains in effect, Arvada has no liability for damages to persons or property occurring on the property depicted in Exhibit A.

6.2 The Colorado Constitution prohibits the State of Colorado, the City of Arvada and the School District from agreeing to indemnify any other party, public or private. In addition, the Colorado Governmental Immunity Act limits the tort liability of public entities and their employees and authorized volunteers acting in the course of authorized governmental undertakings. Any provision of this Agreement, whether or not incorporated herein by reference, shall be controlled, limited and otherwise so modified by statute.

6.3 Notwithstanding any provision or requirement of this Agreement, neither the City nor the School District intend, by any such provision or requirement, to waive any right, defense, protection, or immunity provided to it by the Colorado Governmental Immunity Act.

7. **Termination of Agreement.**

7.1 **By the School District and/or City of Arvada.** Upon the occurrence of any of the following, the School District or City may, at its option, and without liability for trespass, forcible entry and detainer, damages, or breach, terminate the lease, and Arvada may exercise its rights under Sec. 5:

7.1.1 A permanent closure;

7.1.2 A breach of this Agreement.

- 8. **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, registered mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given at the address set forth below, or at such other address as has been previously furnished in writing, to the other Party. Any notice required or permitted under this Agreement may be sent via electronic communication via e-mail service, and then followed up with notice through services listed above. Such notice shall be deemed

to have been given when deposited in the United States mail.

To the School District:

Executive Director, Facilities and Construction Management
809 Quail Street, Bldg. No. 4
Lakewood, CO 80215
(303) 982-2376
Tim.Reed@Jeffco.K12.co.us

To the City of Arvada:

Director of Vibrant Community and Neighborhoods (VCN)
8101 Ralston Road
Arvada, CO 80002
(720) 898-7518
ejanes@arvada.org

with a copy to:

City Attorney
8101 Ralston Road
Arvada, CO 80002
rmorris@arvada.org

9. **Additional Documents or Action.** The Parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement.
10. **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 this 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.
11. **Waiver of Breach.** A waiver by any Party to this Agreement or 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.
12. **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.
13. **Binding Effect.** This Agreement shall inure to the benefit of, and be binding upon, the Parties, their respective legal representatives, successors, 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.
14. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all together shall constitute but one and the same Agreement

Signature Pages to Follow

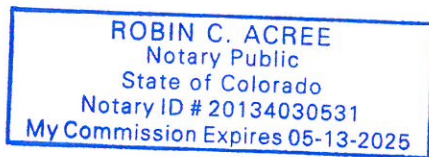
JEFFERSON COUNTY SCHOOL DISTRICT NO. R-1

By: [Signature]
Timothy J. Reed, Executive Director of Facilities
and Construction Management

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged before me this 26th day of
APRIL 2023, by Timothy J. Reed, Executive Director, Facilities and Construction
Management of the Jefferson County School District R-1, a quasi-municipal corporation.

WITNESS my hand and official seal.



[Signature]
Notary Public

My Commission expires May 13, 2025

CITY OF ARVADA

By: _____

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, Arvada City Attorney

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged before me this _____ day of _____ 2023, by Marc Williams, Mayor of the City of Arvada, a Colorado home rule municipal corporation.

WITNESS my hand and official seal.

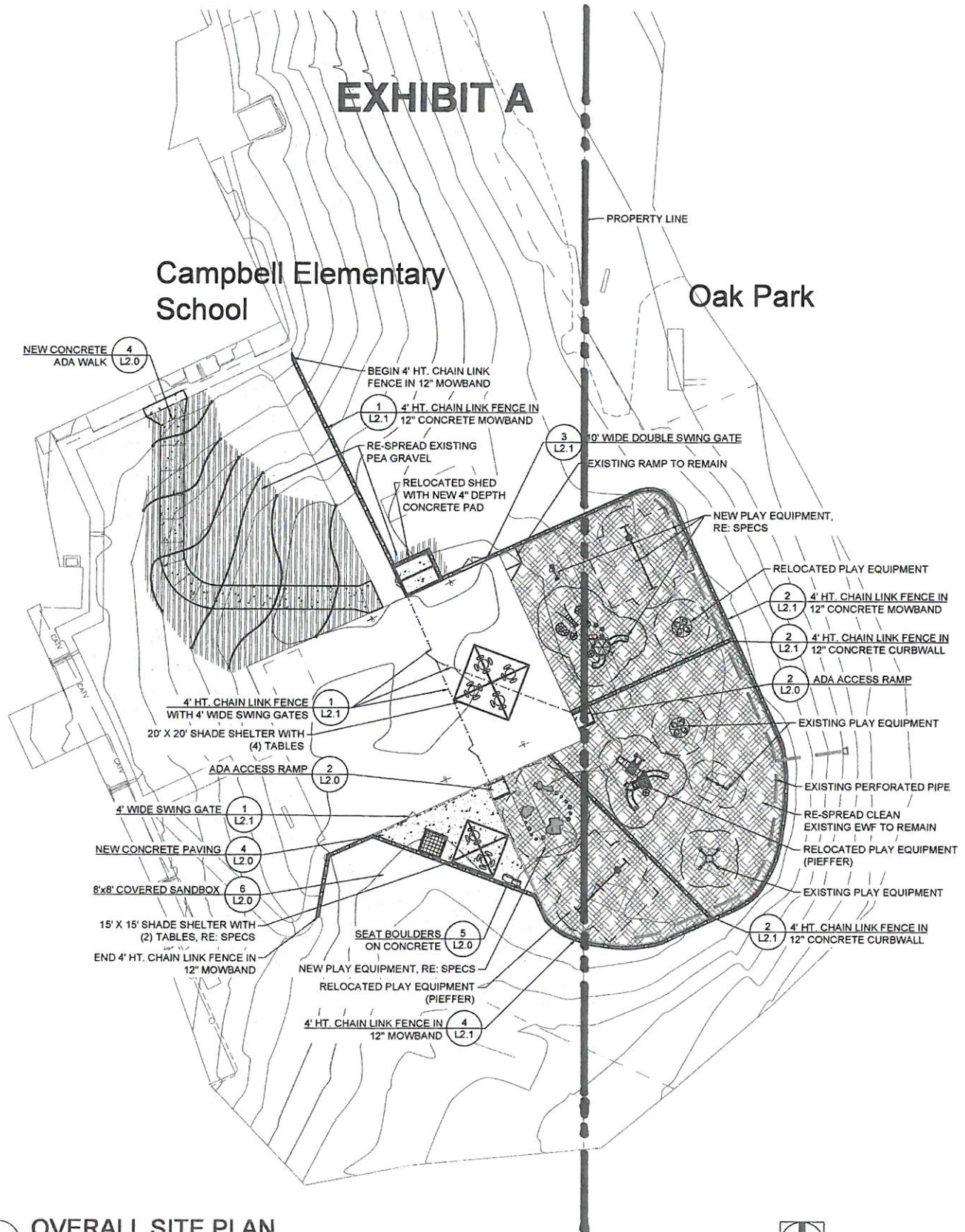
Notary Public

My Commission expires _____

EXHIBIT A

Campbell Elementary School

Oak Park



1

OVERALL SITE PLAN





REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.C.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

SUBJECT: CB23-013, An Ordinance Rezoning Certain Land Within the City of Arvada, Candelas Point Infrastructure and Kiddie Academy, from City of Arvada PUD (Planned Unit Development) to City of Arvada CG (Commercial, General), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 9265 Yucca Lane (Ordinance No. 4846) (Presenter: Rob Smetana, Acting Director of Community and Economic Development)

Report in Brief

PRESENTER: Rob Smetana, Acting Director of Community and Economic Development

Candelas Point, LLC and is requesting approval of a rezoning for all of Lot 1, Block 1, Candelas Commercial Filing No. 2, otherwise known as Candelas Point. The current zoning is PUD (Planned Unit Development) and the rezoning request is to CG (Commercial, General). A Master Development Plan and Minor Subdivision have also been submitted and are currently under review by staff. If the Rezoning is approved, the minor subdivision would create three new developable lots. All of which are intended to be used for commercial/office/retail uses. Only one intended user is known at this time (Kiddie Academy). The Master Development Plan would include the construction of a new private road used to service the three new lots and include new public infrastructure needed to service the property.

Kiddie Academy has submitted a Site Plan application and is being reviewed concurrently with the rezoning application by staff. Kiddie Academy is proposing to construct an approximately 11,000 square-foot, single-story building which will be used for child daycare services.

The Arvada team recommends that the City Council approve CB23-013, An Ordinance Rezoning Certain Land Within the City of Arvada, Candelas Point Infrastructure and Kiddie Academy, from City of Arvada PUD (Planned Unit Development) to City of Arvada CG (Commercial, General), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 9265 Yucca Lane.

Financial Impact

There will be no financial impact from this approval.

Background

The subject property is approximately 4.16 acres in size and is located north of Colorado State Highway 72 and Candelas Parkway at 9265 Yucca Lane and is currently undeveloped. The property was annexed into the City in 1991 with the Jefferson Center No. 5 Annexation. The property was originally platted in 2005 with the Vauxmont Minor Subdivision and further subdivided in 2018 with the Candelas Commercial Filing No. 2 subdivision.

Discussion

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,	Complies	The rezoning to CG is consistent with the Comprehensive Plan and the

SUBJECT: CB23-013, An Ordinance Rezoning Certain Land Within the City of Arvada, Candelas Point Infrastructure and Kiddie Academy, from City of Arvada PUD (Planned Unit Development) to City of Arvada CG (Commercial, General), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 9265 Yucca Lane (Ordinance No. 4846) (Presenter: Rob Smetana, Acting Director of Community and Economic Development)

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corridor plan, or urban renewal plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan.		Neighborhood and Community Commercial/Office designation on the Future Land Use map.
2. The intended land use is consistent with the stated intent of the proposed zoning district.	Complies	The intended use for future commercial/office/retail uses is consistent with the CG zone district.
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	All public facilities and services are available to service to the site. Additional infrastructure necessary to service the site will be constructed with the master development plan.
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 uses will not result in significant adverse impacts.
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 rezoning is consistent with the character of existing development. Lots 2-4, Block 1 Candelas Commercial Filing No 2 located immediately south are zoned CG. And the intended character of this site will be similar.

Public Contact

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 1,000 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.

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 November 16, 2022. The applicant, staff, and three neighbors were in attendance.

Questions asked primarily related to anticipated future development, traffic, and pedestrian safety.

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

Commission Recommendation

SUBJECT: CB23-013, An Ordinance Rezoning Certain Land Within the City of Arvada, Candelas Point Infrastructure and Kiddie Academy, from City of Arvada PUD (Planned Unit Development) to City of Arvada CG (Commercial, General), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 9265 Yucca Lane (Ordinance No. 4846) (Presenter: Rob Smetana, Acting Director of Community and Economic Development)

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On May 16, 2023, the Planning Commission voted 6 to 1 (0 absent) to recommend it for approval to the City Council.

Strategic Alignment

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

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve CB23-013, An Ordinance Rezoning Certain Land Within the City of Arvada, Candelas Point Infrastructure and Kiddie Academy, from City of Arvada PUD (Planned Unit Development) to City of Arvada CG (Commercial, General), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 9265 Yucca Lane.

Suggested Motion:

I move that CB23-013, An Ordinance Rezoning Certain Land Within the City of Arvada, Candelas Point Infrastructure and Kiddie Academy, from City of Arvada PUD (Planned Unit Development) to City of Arvada CG (Commercial, General), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 9265 Yucca Lane, be (approved on final reading, numbered 4846 and ordered published by title only) (rejected).

Prepared by:

Josie Suk, Development Systems and Administrative Manager

Reviewed by:

Approved by:

Jeremiah Bebo, Planner II	5/10/2023
Rob Smetana, Acting Director of Community and Economic Development	5/11/2023
Ryan Stachelski, Director of Community and Economic Development	5/12/2023
Gail Walker, Legal Specialist-Contracts	5/12/2023
Emily Grogg, Senior Assistant City Attorney	5/12/2023
Rachel Morris, City Attorney	5/22/2023
Linda Haley, Deputy City Manager	5/22/2023
Lorie Gillis, City Manager	5/23/2023

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 23-013
ORDINANCE NO. 4846

AN ORDINANCE REZONING CERTAIN LAND WITHIN THE CITY OF ARVADA, CANDELAS POINT INFRASTRUCTURE AND KIDDIE ACADEMY, FROM CITY OF ARVADA PUD (PLANNED UNIT DEVELOPMENT) TO CITY OF ARVADA CG (COMMERCIAL, GENERAL), AND AMENDING THE OFFICIAL ZONING MAPS OF THE CITY OF ARVADA, COLORADO, 9265 YUCCA LANE.

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

Section 1. The following described property is hereby rezoned from City of Arvada PUD (Planned Unit Development) to City of Arvada CG (Commercial, General):

LEGAL DESCRIPTION:

Lot 1, Block 1, Candelas Commercial Filing No. 2, more particularly 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 15th day of May, 2023.

PASSED, ADOPTED, AND APPROVED this 5th day of June, 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

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

By: _____

Publication Dates: May 18, 2023
June 8, 2023

EXHIBIT A

AN ORDINANCE REZONING CERTAIN LAND WITHIN THE CITY OF ARVADA, CANDELAS POINT INFRASTRUCTURE AND KIDDIE ACADEMY, FROM CITY OF ARVADA PUD (PLANNED UNIT DEVELOPMENT) TO CITY OF ARVADA CG (COMMERCIAL, GENERAL), AND AMENDING THE OFFICIAL ZONING MAPS OF THE CITY OF ARVADA, COLORADO, 9265 YUCCA LANE.

LAND DESCRIPTION

LAND DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTH EAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO.

CONSIDERING THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS BEARING SOUTH 01°16'34" EAST, BEING MONUMENTED AT THE NORTH BY A 2.5" PIPE, WITH A 3.25" ALUMINUM CAP, STAMPED PLS 38256, AND MONUMENTED AT THE SOUTH BY A 3.25" ALUMINUM CAP, STAMPED PLS 13155, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 70 WEST, THENCE SOUTH 89°20'28" WEST, 86.28 FEET, TO A POINT ON THE WEST RIGHT OF WAY LINE OF YANKEE STREET, AS SHOWN ON THE FINAL PLAT OF CANDELAS COMMERCIAL FILING NO. 2, RECEPTION NUMBER 2018066172, AT THE JEFFERSON COUNTY, COLORADO, CLERK AND RECORDER, THENCE ALONG THE WEST RIGHT OF WAY LINE OF YANKEE STREET, NORTH 00°39'32" WEST, 162.89 FEET, TO THE SOUTH EAST CORNER OF LOT 1, BLOCK 1, OF SAID FINAL PLAT OF CANDELAS COMMERCIAL FILING NO. 2, SAID POINT ALSO BEING THE POINT OF BEGINNING.

THENCE ALONG THE SOUTH LINE OF THE AFOREMENTIONED LOT 1, BLOCK 1, ALSO BEING THE CENTER LINE OF A PRIVATE DRIVE, AS SHOWN ON THE FINAL PLAT OF CANDELAS COMMERCIAL FILING NO. 2, THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

1. THENCE SOUTH 89°20'28" WEST, 43.65 FEET, TO A CURVE CONCAVE TO THE NORTH, WITH A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 06°35'11" AND A CHORD WHICH BEARS NORTH 87°21'57" WEST, A DISTANCE OF 57.45 FEET;
2. THENCE ALONG THE ARC OF SAID CURVE 57.48 FEET;
3. THENCE NORTH 84°04'21" WEST, 272.54 FEET, TO A CURVE CONCAVE TO THE NORTH, WITH A RADIUS OF 750.00 FEET, A CENTRAL ANGLE OF 11°21'51" AND CHORD WHICH BEARS NORTH 78°23'25" WEST, A DISTANCE OF 148.51 FEET;
4. THENCE ALONG THE ARC OF SAID CURVE 148.76 FEET;
5. THENCE NORTH 72°42'30" WEST, 98.96 FEET, TO THE SOUTHWEST CORNER OF THE AFOREMENTIONED LOT 1,

THENCE NORTH 72°42'30" WEST, 57.08 FEET, TO A NON-TANGENT CURVE CONCAVE TO THE SOUTH EAST, WITH A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 25°56'48" AND A CHORD WHICH BEARS NORTH 30°49'58" EAST, A DISTANCE OF 359.20 FEET, SAID POINT ALSO BEING ON THE RANGE LINE OF CANDELAS PARKWAY, AS SHOWN ON THE VAUXMONT MINOR SUBDIVISION NO. 2, RECEPTION NUMBER 2007042669, AT THE JEFFERSON COUNTY, COLORADO, CLERK AND RECORDER, THENCE ALONG THE RANGE LINE OF CANDELAS PARKWAY THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. CONTINUING ALONG THE ARC OF SAID CURVE 362.28 FEET, TO A TANGENT CURVE CONCAVE TO THE SOUTH EAST, WITH A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 20°09'22" AND A CHORD WHICH BEARS NORTH 53°53'02" EAST, A DISTANCE OF 279.98 FEET;
2. THENCE ALONG THE ARC OF SAID CURVE 281.43 FEET, TO THE INTERSECTION OF OF THE RANGE LINE FOR CANDELAS PARKWAY AND THE RANGE LINE FOR WEST 92ND DRIVE, AS SHOWN ON THE FINAL PLAT OF CANDELAS COMMERCIAL FILING NO. 2, RECEPTION NUMBER 2018066172, AT THE JEFFERSON COUNTY, COLORADO, CLERK AND RECORDER;

THENCE ALONG THE RANGE LINE OF WEST 92ND DRIVE THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. SOUTH 26°04'41" EAST, 262.53 FEET, TO A CURVE CONCAVE TO THE NORTHEAST, WITH A RADIUS OF 350.00 FEET, A CENTRAL ANGLE OF 45°51'02" AND A CHORD WHICH BEARS SOUTH 49°00'12" EAST, A DISTANCE OF 272.67 FEET;
2. THENCE ALONG THE ARC OF SAID CURVE 280.09 FEET, TO THE INTERSECTION OF THE RANGE LINE OF WEST 92ND DRIVE AND THE RANGE LINE OF YANKEE STREET, AS SHOWN ON THE AFOREMENTIONED FINAL PLAT OF CANDELAS COMMERCIAL FILING NO. 2;

SEE NEXT PAGE FOR CONTINUATION....



541 E. Garden Drive, Unit N Windsor, CO 80550
T (970) 663-4552
W ridgetopeng.com

LAND DESCRIPTION

SE 1/4 OF NE 1/4 SEC. OF
SEC. 22, T2S, R70W, 6TH P.M.
CITY OF ARVADA, COUNTY OF
JEFFERSON, STATE OF COLORADO

Project: 22-230-001
Drawing: LEGAL01
Field Date:
Crew:
Drafted By: BSA
Date: 04/28/2023
Revised: -

Sheet:

1
3

LAND DESCRIPTION

LAND DESCRIPTION (CONTINUED):

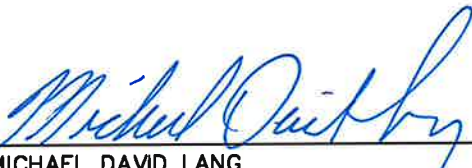
THENCE ALONG THE RANGE LINE OF YANKEE STREET THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. SOUTH 18°04'17" WEST, 44.87 FEET, TO A CURVE CONCAVE TO THE EAST, WITH A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 18°43'45" AND A CHORD WHICH BEARS SOUTH 08°42'22" WEST, A DISTANCE OF 97.63 FEET;
2. THENCE ALONG THE ARC OF SAID CURVE 98.07 FEET;
3. THENCE SOUTH 00°39'32" EAST, 25.75 FEET, TO THE INTERSECTION OF THE RANGE LINE FOR YANKEE STREET AND THE SOUTH LINE OF LOT 1, BLOCK 1, AS SHOWN ON THE FINAL PLAT OF CANDELAS COMMERCIAL FILING NO. 2;

THENCE SOUTH 89°20'28" WEST, 36.50 FEET, TO THE POINT OF BEGINNING.

PARCEL CONTAINS 242,032 SQUARE FEET, OR 5.556 ACRES, MORE OR LESS.




MICHAEL DAVID LANG
COLORADO REGISTRATION NO. 37053
RIDGETOP ENGINEERING AND SURVEYING



541 E. Garden Drive, Unit N T (970) 663-4552
Windsor, CO 80550 W ridgetopeng.com

LAND DESCRIPTION

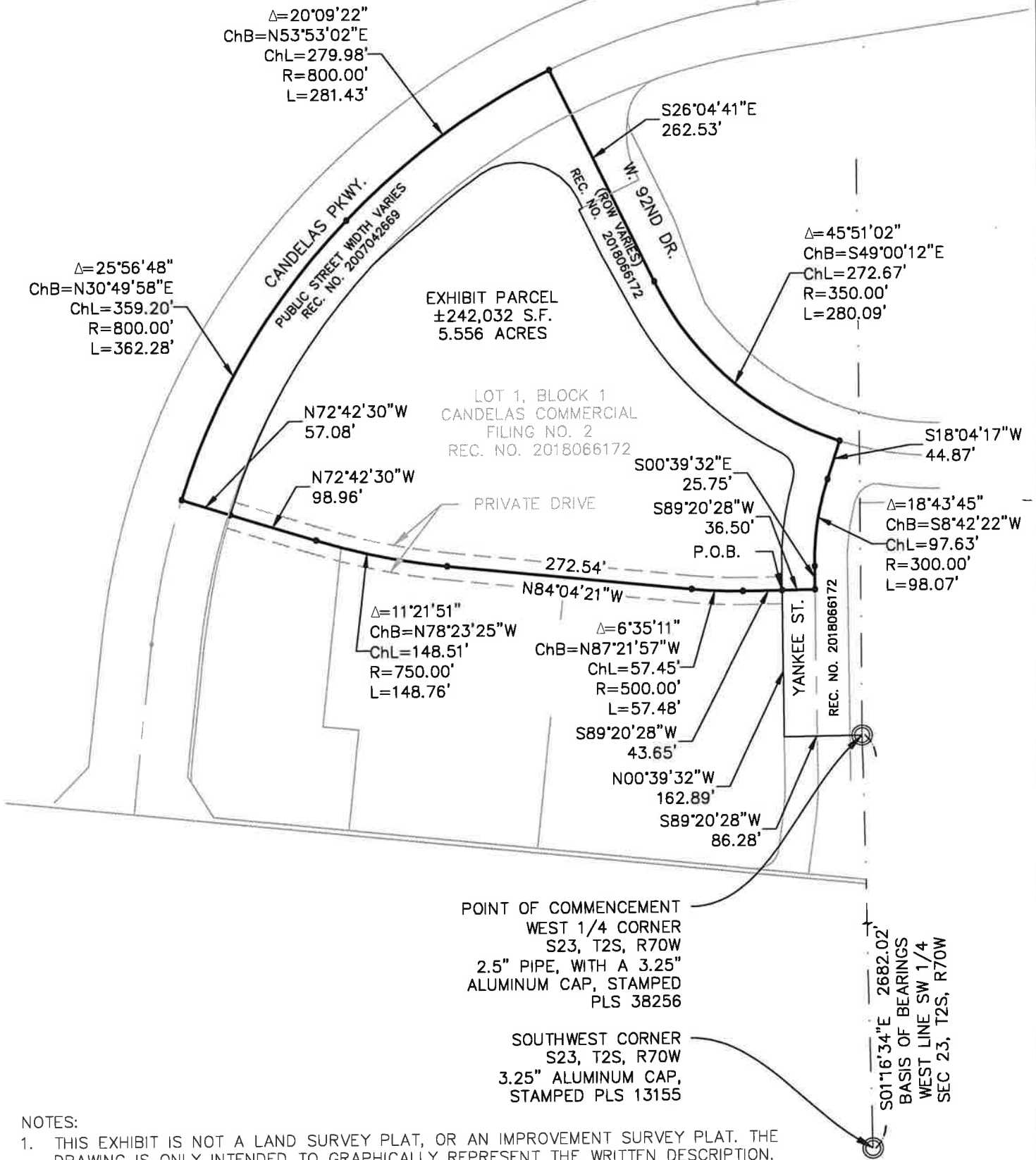
SE 1/4 OF NE 1/4 SEC. OF
SEC. 22, T2S, R70W, 6TH P.M.
CITY OF ARVADA, COUNTY OF
JEFFERSON, STATE OF COLORADO

Project: 22-230-001
Drawing: LEGAL01
Field Date:
Crew:
Drafted By: BSA
Date: 04/28/2023
Revised: -

Sheet:

2
3

DESCRIPTION EXHIBIT



NOTES:

- THIS EXHIBIT IS NOT A LAND SURVEY PLAT, OR AN IMPROVEMENT SURVEY PLAT. THE DRAWING IS ONLY INTENDED TO GRAPHICALLY REPRESENT THE WRITTEN DESCRIPTION.



541 E. Garden Drive, Unit N T (970) 663-4552
Windsor, CO 80550 W ridgetopeng.com

DESCRIPTION EXHIBIT

SE 1/4 OF NE 1/4 SEC. OF
SEC. 22, T2S, R70W, 6TH P.M.
CITY OF ARVADA, COUNTY OF
JEFFERSON, STATE OF COLORADO

Project: 22-230-001
Drawing: LEGAL01
Field Date:
Crew:
Drafted By: BSA
Date: 04/28/2023
Revised: -

Sheet:

3
3

MAPCHECK

Mapcheck 3: ZONELEGAL2NCL

Closure Summary

Precision, 1 part in: 179108.753'
 Error distance: 0.012'
 Error direction: S57° 47' 21"E
 Area: 5.556acres
 Square area: 242031.117
 Perimeter: 2069.990'

Point of Beginning

Easting: 3084047.0770'
 Northing: 1740108.7746'

Side 1: Line

Direction: S89° 20' 28"W
 Angle: [089°20'28"]
 Deflection angle: [-090°39'32"]
 Distance: 43.650'
 Easting: 3084003.4299'
 Northing: 1740108.2726'

Side 2: Curve

Curve direction: Clockwise
 Radius: 500.000'
 Arc length: 57.480'
 Delta angle: 006°35'11"
 Tangent: [28.770']
 Chord direction: N87° 21' 57"W
 Chord angle: [-176°42'25"]
 Deflection angle: [003°17'35"]
 Chord distance: [57.445']
 Easting: 3083946.0452'
 Northing: 1740110.9128'

Side 3: Line

Direction: N84° 04' 21"W
 Angle: [-179°59'59"]
 Deflection angle: [000°00'01"]
 Distance: 272.540'
 Easting: 3083674.9623'
 Northing: 1740139.0579'

Side 4: Curve

Curve direction: Clockwise
 Radius: 750.000'
 Arc length: 148.760'
 Delta angle: 011°21'51"
 Tangent: [74.623']
 Chord direction: N78° 23' 25"W
 Chord angle: [-174°19'04"]
 Deflection angle: [005°40'56"]
 Chord distance: [148.513']
 Easting: 3083529.4879'
 Northing: 1740168.9453'

Side 5: Line

Direction: N72° 42' 30"W
 Angle: [179°59'59"]
 Deflection angle: [-000°00'01"]
 Distance: 98.960'
 Easting: 3083435.0004'
 Northing: 1740198.3598'

Side 6: Line

Direction: N72° 42' 30"W
 Angle: [180°00'00"]
 Deflection angle: [000°00'00"]
 Distance: 57.080'
 Easting: 3083380.5002'
 Northing: 1740215.3260'

Side 7: Curve

Curve direction: Clockwise
 Radius: 800.000'
 Arc length: 643.710'
 Delta angle: 046°06'09"
 Tangent: [340.425']
 Chord direction: N40° 54' 39"E
 Chord angle: [-066°22'51"]
 Deflection angle: [113°37'09"]
 Chord distance: [626.487']
 Easting: 3083790.7763'
 Northing: 1740688.7808'

Side 8: Line

Direction: S26° 04' 41"E
 Angle: [-090°02'25"]
 Deflection angle: [089°57'35"]
 Distance: 262.530'
 Easting: 3083906.1833'
 Northing: 1740452.9774'

Side 9: Curve

Curve direction: Counter-clockwise
 Radius: [350.006']
 Arc length: 280.090'
 Delta angle: 045°51'02"
 Tangent: [148.030']
 Chord direction: S49° 00' 12"E
 Chord angle: [157°04'29"]
 Deflection angle: [-022°55'31"]
 Chord distance: [272.676']
 Easting: 3084111.9848'
 Northing: 1740274.0978'

Side 10: Line

Direction: S18° 04' 17"W
 Angle: [-090°00'00"]
 Deflection angle: [090°00'00"]
 Distance: 44.870'
 Easting: 3084098.0661'
 Northing: 1740231.4412'

Side 11: Curve

Curve direction: Counter-clockwise
 Radius: 300.000'
 Arc length: 98.070'
 Delta angle: 018°43'45"
 Tangent: [49.474']
 Chord direction: S08° 42' 22"W
 Chord angle: [170°38'05"]
 Deflection angle: [-009°21'55"]
 Chord distance: [97.630']
 Easting: 3084083.2883'
 Northing: 1740134.9365'

Side 12: Line

Direction: S00° 39' 32"E
 Angle: [179°59'58"]
 Deflection angle: [-000°00'02"]
 Distance: 25.750'
 Easting: 3084083.5844'
 Northing: 1740109.1882'

Side 13: Line

Direction: S89° 20' 28"W
 Angle: [-090°00'00"]
 Deflection angle: [090°00'00"]
 Distance: 36.500'
 Easting: 3084047.0868'
 Northing: 1740108.7684'



541 E. Garden Drive, Unit N T (970) 663-4552
 Windsor, CO 80550 W ridgetopeng.com

MAP CHECK

SE 1/4 OF NE 1/4 SEC. OF
 SEC. 22, T2S, R70W, 6TH P.M.
 CITY OF ARVADA, COUNTY OF
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 Revised: -

Sheet:

#

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

Candelas Point Infrastructure/Kiddie Academy
Rezoning
DA2022-0103

NATURE OF REQUEST

Candelas Point, LLC and is requesting approval of a rezoning for all of Lot 1, Block 1, Candelas Commercial Filing No. 2, otherwise known as Candelas Point. The current zoning is PUD (Planned Unit Development) and the rezoning request is to CG (Commercial, General). A Master Development Plan and Minor Subdivision have also been submitted and are currently under review by staff. If the Rezoning is approved, the minor subdivision would create three new developable lots. All of which are intended to be used for commercial/office/retail uses. Only one intended user is known at this time (Kiddie Academy). The Master Development Plan would include the construction of a new private road used to service the three new lots and include new public infrastructure needed to service the property.

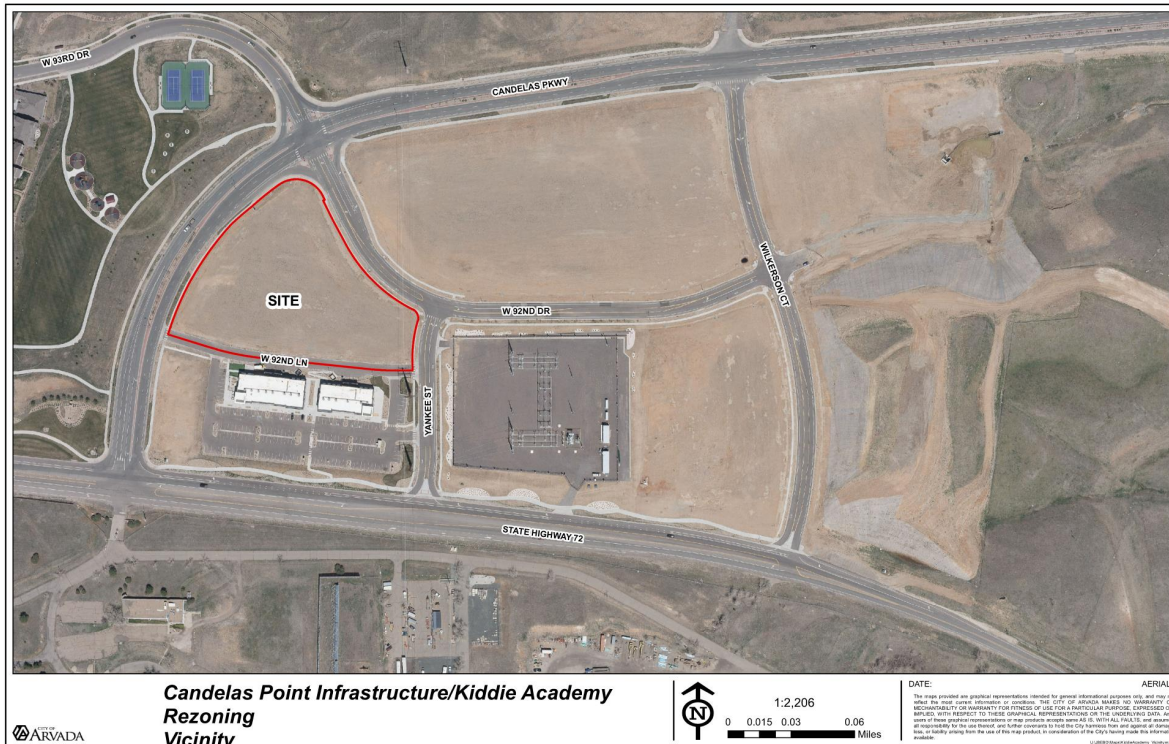
Kiddie Academy has submitted a Site Plan application and is being reviewed concurrently with the rezoning application by staff. Kiddie Academy is proposing to construct an approximately 11,000 square-foot, single-story building which will be used for child daycare services.

MAJOR MODIFICATIONS REQUESTED

The Applicant is not requesting major modifications to the Arvada Land Development Code (LDC) standards as part of this project.

LOCATION AND HISTORY

The subject property is approximately 4.16 acres in size and is located north of Colorado State Highway 72 and Candelas Parkway at 9265 Yucca Lane and is currently undeveloped. The property was annexed into the City in 1991 with the Jefferson Center No. 5 Annexation. The property was originally platted in 2005 with the Vauxmont Minor Subdivision and further subdivided in 2018 with the Candelas Commercial Filing No. 2 subdivision.



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 November 16, 2022. The applicant, staff, and three neighbors were in attendance.

Questions asked primarily related to anticipated future development, traffic, and pedestrian safety.

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 1,000 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.

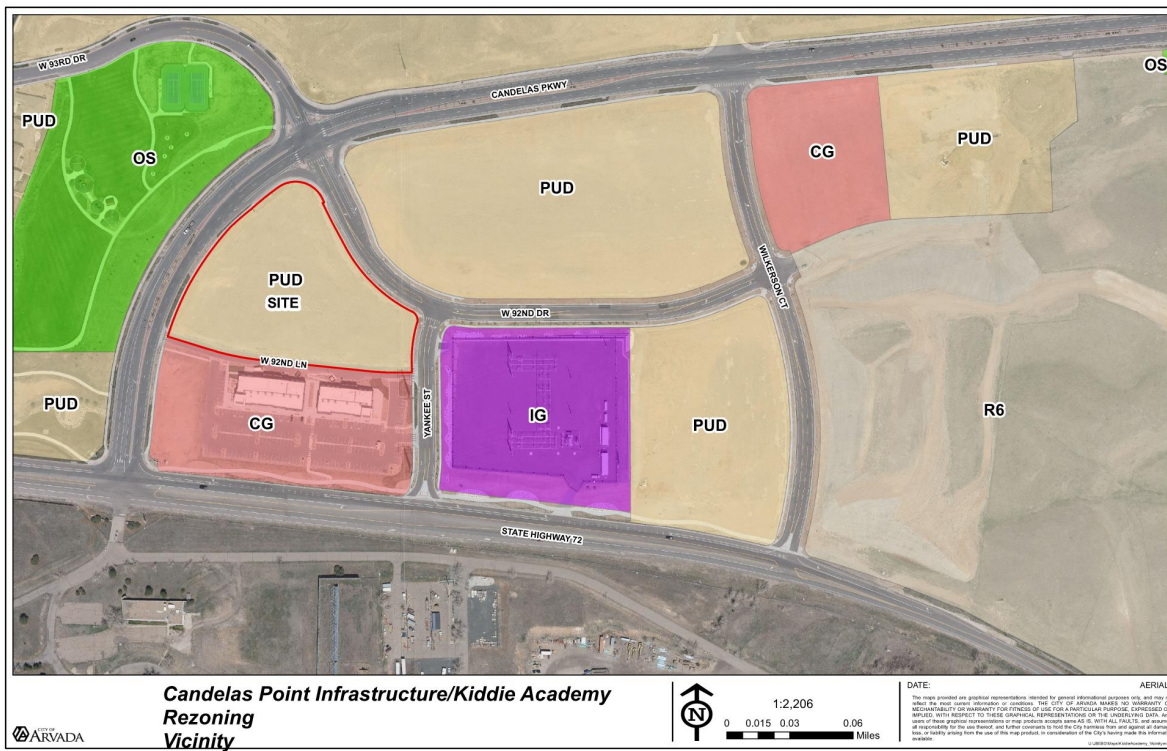
DEVELOPMENT REVIEW TIMELINE

Review of the application began on December 12, 2022. Three reviews were required prior to proceeding with public hearings for the Rezoning. Additional reviews will be required for the Master Development Plan, Minor Subdivision and Kiddie Academy Site Plan.

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 PUD (Planned Unit Development) and the applicant is requesting a rezone to CG (Commercial, General).

Surrounding properties are zoned and utilized as follows:

Direction	Zoning	Actual Use
North (across Candelas Parkway and W. 92 nd Drive)	PUD	Undeveloped Lot
South (across HWY 72)	Jefferson County I-2	Industrial Uses
East (across Yankee Street)	IG (Industrial, General)	Xcel Utilities
West (across Candelas Parkway)	OS (Parks and Open Space)	Park

The applicant proposes to rezone the subject site to CG which is intended “to accommodate a wide variety of general retail and service uses, as well as professional and business offices serving both neighborhood and area-wide needs. This zoning district is typically situated along arterial streets, or where other appropriate high-volume vehicular access is available.” The CG zone district generally reflects a commercial/office/retail only environment with no residential uses allowed.

If approved, the rezoning would allow all future users to develop or redevelop their sites utilizing an administrative entitlement process provided that their development application/s meet or

exceeded all of the applicable standards and regulations in the CG zone district. Allowed uses include but are not limited to: brew pubs and distilleries, all types of recreation, restaurants including fast-food, theatres, retail sales and services type 1 and type 2, general or professional offices, medical offices, day care centers, light motor vehicle service and repair, and others.

PROJECT ANALYSIS

Compliance with the Comprehensive Plan

The project complies with the following goals and policies within the Comprehensive Plan:

POLICY L-5.1: Targeted Redevelopment Areas

The City will continue to plan for and promote redevelopment in targeted redevelopment areas (see Figure 2-6. Redevelopment Areas) Targeted redevelopment areas include: Northwest Arvada

GOAL ED-3: Plan for well-located, high-quality commercial developments.

POLICY ED-3.1: Commercial Development in “Centers”

The City will plan for a hierarchy of commercial development at major intersections to serve the future needs of the community, including neighborhood and regional commercial centers. The City should discourage strip commercial development along arterial roadways where inappropriate.

POLICY ED-3.2: Neighborhood and Community Commercial Centers

The City will plan for neighborhood commercial developments that are compatible with and designed to serve nearby residential areas. These retail developments often contain an anchor such as a grocery store anchor and other service retail shops. New retail development adjacent to neighborhoods should provide direct pedestrian connections, transitional setbacks, and landscape buffers.

GOAL ED-4: Redevelop and revitalize existing commercial and industrial areas.

POLICY ED-4.1: Promote Redevelopment of Underutilized Commercial Areas

The site is identified as Neighborhood and Community Commercial/Office on the Future Land Use map within the Arvada Comprehensive Plan. The rezoning to CG is consistent with the Plan and is the zone district designed to implement the intent of the map designation. The rezoning will allow future commercial, office, and retail uses to locate on the site and develop in accordance with the LDC.

Setbacks

The CG zone district requires that non-residential buildings be set back 20 feet from a front or street-side property line, ten feet from an internal side and 20 feet from a rear. Setbacks will be reviewed as part of any Site Plan application.

The proposed Kiddie Academy 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 any Site Plan application.

The proposed Kiddie Academy shows a height of 26 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 any Site Plan.

The proposed Kiddie Academy shows a landscape surface area of 20 percent.

In the CG zone district only five percent of the site may be used for outdoor storage.

Landscaping, Buffering and Fencing

Landscaping for individual pad sites will be required to comply with the standards and regulations within LDC 4-6 and any others that may apply. A landscape plan will be required to be submitted with any Site Plan application.

Landscaping for the proposed Kiddie Academy site includes 23 trees (deciduous, ornamental, and evergreen) and a mix of shrubs and turf. An outdoor, fenced playground area to the west of the building is being provided for the children in the care of the center.

Building Design

All buildings constructed on the future lots will be required to adhere to Chapter 5 (Building Design) of the LDC. Design will be reviewed with any future Site Plan application.

Kiddie Academy is proposing to construct a single-story building to be used as a child day care center. The building would be approximately 26 feet in height and constructed mostly of brick, an EIFS stucco system, and storefront system with transparent windows.

Circulation and Connectivity

One private drive will be constructed with the master development plan connecting West 92nd Lane (a private drive) to West 92nd Drive (a public street). No new access onto Candelas Parkway will be constructed. The three new lots will all take access from the new private drive.

Grading and Drainage

As existing grades are generally flat, however, grading will be designed to slope from the west to the east in order to route drainage flows to a new public storm system within the private drive. Those flows will then be routed to a regional detention pond constructed with the overall Candelas Commercial Filing No. 2 improvements.

Parking and Loading

Off-street parking and loading requirements will be determined with any Site Plan application and will be based on the specific end user for each development parcel as required in Division 4-5 of the LDC.

Kiddie Academy is required to provide a minimum of 22 parking spaces, two of which must be ADA. However, they are choosing to provide 32 with three ADA spaces.

Utility Services

Water and sanitary sewer service is provided by JCMD and they have the capacity to service the site.

Police and Fire Protection

The proposal has been reviewed by the Arvada Fire and Protection District and is supportive of the proposal. The property is served by Arvada Police.

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. 8-3-4 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 conditions that have changed since the adoption of the Comprehensive Plan.	Complies	The rezoning to CG is consistent with the Comprehensive Plan and the Neighborhood and Community Commercial/Office designation on the Future Land Use map.
2. The intended land use is consistent with the stated intent of the proposed zoning district.	Complies	The intended use for future commercial/office/retail uses is consistent with the CG zone district.
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	All public facilities and services are available to service to the site. Additional infrastructure necessary to service the site will be constructed with the master development plan.
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 uses will not result in significant adverse impacts.
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 rezoning is consistent with the character of existing development. Lots 2-4, Block 1 Candelas Commercial Filing No 2 located immediately south are zoned CG. And the intended character of this site will be similar.

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

Neighborhood Meeting Summary

Candelas Point, Block 1, Lot 1 Rezoning and Kiddie Academy Day Care

Dear Mr. Bebo,

We had our neighborhood meeting last night and we had three attendees. We didn't hear any concerns related to the rezone but there was one attendee worried about traffic that would be caused by the Kiddie Academy.

Myself and Scott Higa with G3 architecture were in attendance from the Developer and Design side. There is a traffic generation study being performed by Kimley Horn for the area. It will be included with the application.

Warm regards,

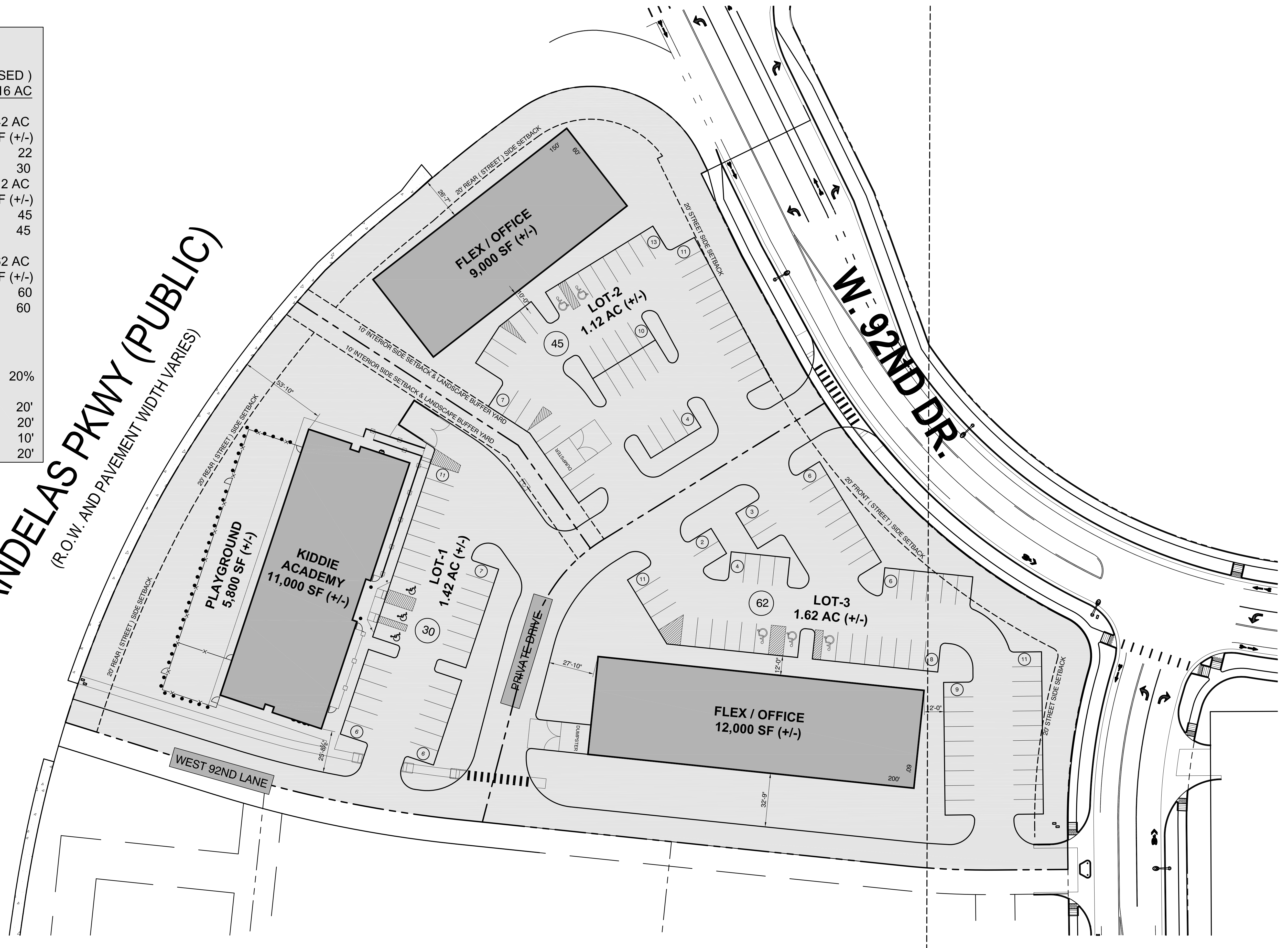
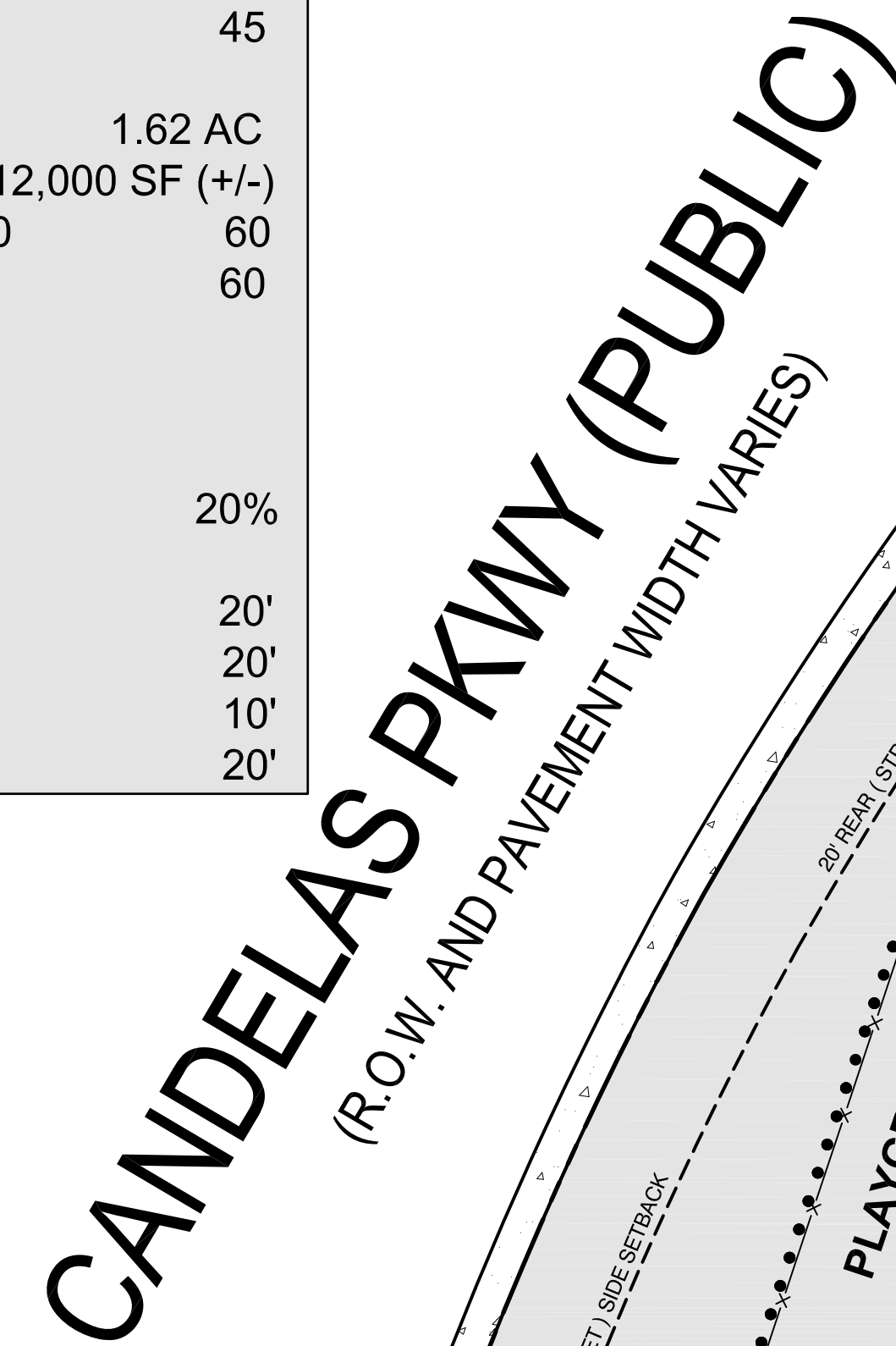
Brandon Dooling
CANDELAS POINT, LLC

ZONE	CG (PROPOSED)
SITE	<u>4.16 AC</u>

LOT-2	1.12 AC
BUILDING (FLEX/OFFICE)	9,000 SF (+/-)
PARKING REQUIRED @ 5 / 1,000	45
PARKING PROVIDED	45

NOTE*	LANDSCAPE REQUIRED	20%
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SETBACK (FRONT)	20'
SETBACK (STREET SIDE)	20'
SETBACK (INTERIOR SIDE)	10'
SETBACK (REAR)	20'

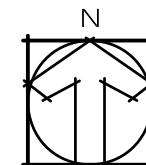
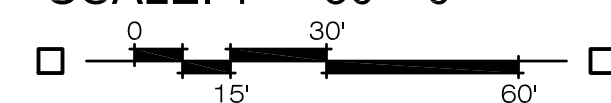


Candelas Point, LLC
8008 Raspberry Way
Frederick, CO 80504

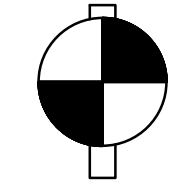
REVISIONS

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NOTE: This information is conceptual in nature and is subject to adjustments pending further verification and Client, Tenant, and Governmental Agency approvals. No warranties or guarantees of any kind are given or implied by the Architect.

SCALE: 1" = 30' - 0"



NGS BENCHMARK DESIGNATION: BARBARA 1977
ELEVATION : 5814.88 (NAVD88)



VERTICAL DATUM

CONSIDERING THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 23,
TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE 6TH P.M.,
AS BEARING S011°16'34"E, BEING MONUMENTED AT THE NORTH BY A 2.5" PIPE,
WITH A 3.25" ALUMINUM CAP, STAMPED PLS 38256, AND MONUMENTED AT THE
SOUTH BY A 3.25" ALUMINUM CAP, STAMPED PLS 13155.

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 2, BLOCK 1, CANDELAS COMMERCIAL, FILING NO. 2, AMENDMENT NO.1

CONSIDERING THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 23, T2S, R70W, OF THE 6TH P.M., AS BEARING S01°16'34"E, BEING MONUMENTED AT THE NORTH BY A 2.5" PIPE, WITH A 3.25" ALUMINUM CAP, STAMPED PLS 38256, AND MONUMENTED AT THE SOUTH BY A 3.25" ALUMINUM CAP, STAMPED PLS 13155, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

COMMENCING AT WEST QUARTER CORNER OF SECTION 23, TOWNSHIP 2 SOUTH RANGE 70 WEST OF THE 6TH P.M., THENCE SOUTH 89°20'28" WEST, 86.28 FEET, TO A POINT ON THE EAST LINE OF LOT 4, BLOCK 1, CANDELAS COMMERCIAL FILING NO. 2, RECORDED AT RECEPTION NUMBER 2018066172, AT THE JEFFERSON COUNTY, COLORADO, CLERK AND RECORDER; THENCE ALONG THE EAST LINE OF SAID LOT 4, NORTH 00°39'32" WEST, 162.89 FEET, TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, OF SAID CANDELAS COMMERCIAL FILING NO. 2; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 1, BLOCK 1, THE FOLLOWING 3 COURSES AND DISTANCES:

1. SOUTH 89°20'28" WEST, 43.65 FEET, TO A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 6°35'13" AND A CHORD WHICH BEARS NORTH 87°21'57" WEST, 57.45 FEET;
2. THENCE ALONG THE ARC OF SAID CURVE 57.48 FEET;
3. THENCE NORTH 84°04'21" WEST, 241.52 FEET, TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE SOUTHERLY AND WESTERLY LINES OF SAID LOT 1, BLOCK 1, CANDELAS COMMERCIAL FILING NO. 2, THE FOLLOWING 5 COURSES AND DISTANCES:

1. NORTH 84°04'21" WEST, 30.12 FEET, TO A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 750.00 FEET, A CENTRAL ANGLE OF 11°21'51" AND A CHORD WHICH BEARS NORTH 78°23'25" WEST, 148.51 FEET;
2. THENCE ALONG THE ARC OF SAID CURVE 148.76 FEET;
3. THENCE NORTH 72°42'30" WEST, 98.96 FEET, TO A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 741.39 FEET, A CENTRAL ANGLE OF 11°47'21" AND A CHORD WHICH BEARS NORTH 22°59'57" EAST, 152.28 FEET;
4. THENCE ALONG THE ARC OF SAID CURVE 152.55 FEET, TO A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 745.00 FEET, A CENTRAL ANGLE OF 10°58'22" AND A CHORD WHICH BEARS NORTH 35°08'12" EAST, 142.46 FEET;
5. THENCE ALONG THE ARC OF SAID CURVE 142.68 FEET;

THENCE SOUTH 57°01'49" EAST, 160.78 FEET;
THENCE SOUTH 35°03'00" EAST, 77.62 FEET, TO A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 41°00'08" AND A CHORD WHICH BEARS SOUTH 29°04'03" WEST, 70.05 FEET;
THENCE ALONG THE ARC OF SAID CURVE 71.56 FEET;
THENCE SOUTH 08°34'02" WEST, 108.12 FEET, TO THE POINT OF BEGINNING.

CONTAINING 63,389 SQUARE FEET (1.455 ACRES), MORE OR LESS.

THE AREA DEDICATED BY THIS PLAT IS A PARCEL OF LAND LOCATED ON THE SE CORNER OF CANDELAS PARKWAY AND 92ND LANE. THE LAND CONSISTS OF VACANT AREA, COVERED BY NATIVE GRASSES AND WEEDS.

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 APD. 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 FIRE APPARATUS ACCESS ROAD MATERIALS
AND/OR DESIGNS SHALL BE APPROVED AND PERMITTED BY THE APD. THE PRIVATE ROADS
DURING 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.

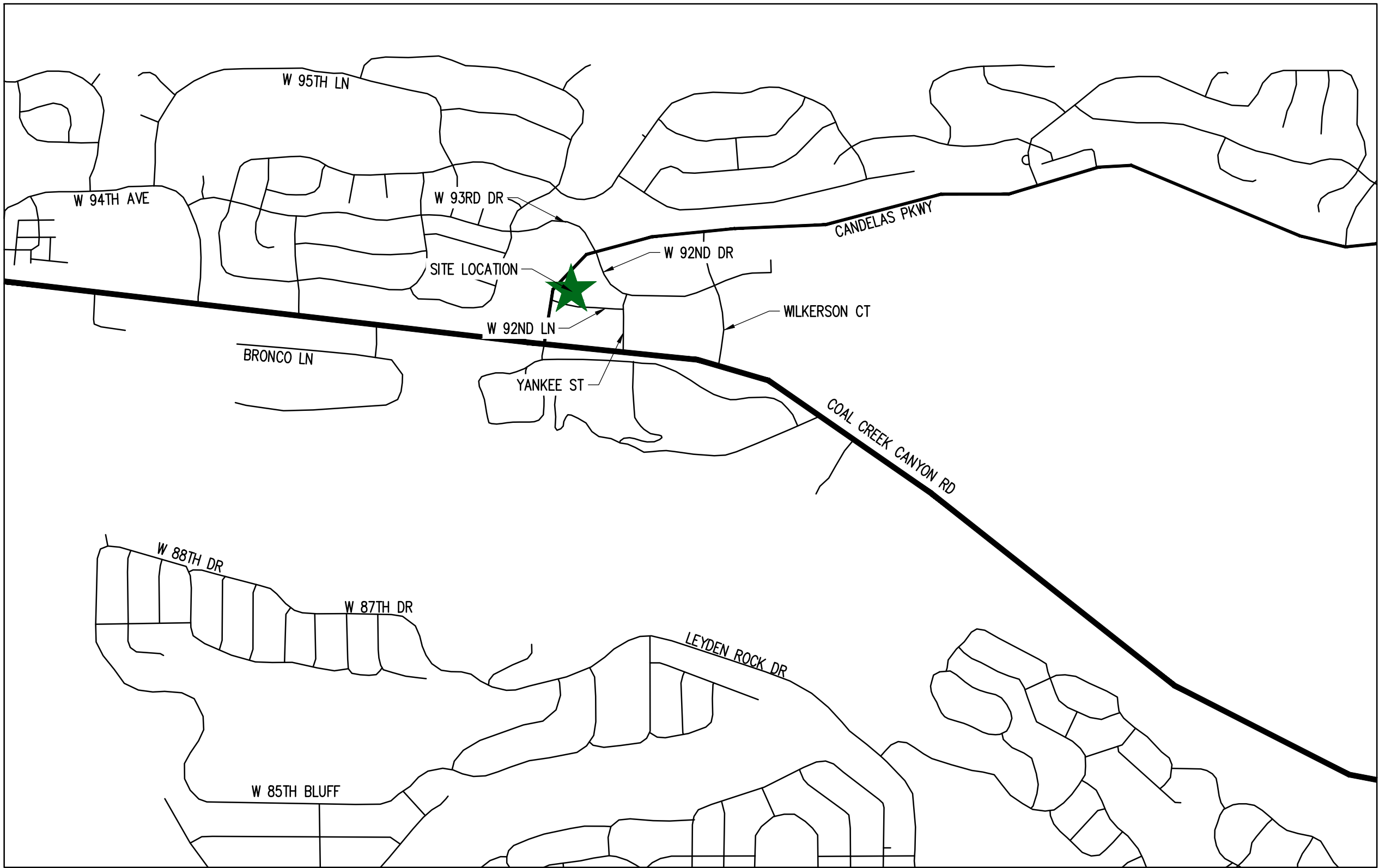
4. A 3'-0" CLEAR SPACE SHALL BE MAINTAINED AROUND ALL FIRE HYDRANTS AND NOT OBSTRUCTED.
FIRE HYDRANTS SHALL BE INSTALLED AND OPERATIONAL TO PROVIDE THE MINIMUM REQUIRED FIRE
FLOW PRIOR TO COMMENCING VERTICAL CONSTRUCTION.

5. DURING CONSTRUCTION AND UPON COMPLETION THERE SHALL BE BUILDING SIGNAGE PROVIDED, A
MINIMUM OF 4'-0" HIGHES HIGH WITH A 0.5" STROKE AND VISIBLE FROM THE STREET OR ROAD
FRONTING THAT BUILDING.

7. THE CITY OF ARVADA IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE SURVEY
DATA SHOWN HEREIN. THE CITY OF ARVADA'S REVIEW IS FOR GENERAL COMPLIANCE WITH ARVADA'S
LAND DEVELOPMENT CODE. THE CITY OF ARVADA, THROUGH THE ACCEPTANCE OF THE PLAT/SITE
PLAN, ASSUMES NO RESPONSIBILITY FOR COMPLETENESS AND/OR ACCURACY OF PLAT/SITE PLAN.
THE ACCURACY OF SURVEY INFORMATION INCLUDING BOUNDARY INFORMATION, MONUMENTATION, LOT
LINES, ETC IS THE SOLE RESPONSIBILITY OF THE LICENSED SURVEYOR NAMED HEREIN.

THE PROPOSED PROJECT SEEKS TO DEVELOP A DAYCARE/PRESCHOOL FACILITY IN THE EMPTY LOT LOCATED AT THE SOUTHEAST CORNER OF CANDELAS PKWAY AND HIGHWAY 72. THE EXISTING SITE IS A CURRENTLY UNDEVELOPED SECTION OF LAND ADJACENT TO THE CANDELAS POINT RETAIL CENTER. NO DEMOLITION IS REQUIRED AT THIS LOCATION. THE PROPOSED DEVELOPMENT FOR THIS PROJECT CONSISTS OF THE CONSTRUCTION OF THE KIDDE ACADEMY BUILDING AND THE ACCOMPANYING PARKING LOT.

LOT 1, BLOCK 2, CANDELAS COMMERCIAL, FILING NO. 2, AMENDMENT NO. 1,
SECTION 22, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE 6TH P.M.,
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO


$$1'' = 1000'$$

SITE DATA TABLE			
SITE DEVELOPMENT INFORMATION			
ZONE/DISTRICT		CG – GENERAL COMMERCIAL	
HOUSING PALETTE LOT TYPE		N/A	
TOTAL PROJECT AREA		1.455 AC	
ROW DEDICATION		N/A	
DEVELOPMENT STANDARDS		SITE	STANDARD
LOT AREA		1.455 AC	5,000 SF 0.11 AC
LOT WIDTH (MIN)		237.69 Ft	50 Ft
LOT WIDTH (CORNER)		N/A	N/A
LOT COVERAGE (MAX)		48%	35%
BUILDING AND PARKING SITING STANDARDS			
FRONT SETBACK (MIN)		109'-9 13/16"	20'-0"
FRONT PARKING SETBACK (MIN)		35'-7 13/16"	20'-0"
SIDE SETBACK, STREET (MIN)		41'-1 15/16"	20'-0"
SIDE SETBACK, INTERIOR (MIN)		63'-3 15/16"	10'-0"
REAR SETBACK		56'-2 1/2"	20'-0"
BUILDING STANDARDS			
HEIGHT (FT/[MAX]/STORIES)		26'-0"	45'-0"
SITE STANDARDS			
LANDSCAPE SURFACE AREA (MIN)		3152 SF .07 AC	20%
IMPERMEABLE SURFACE AREA		29751 SF .683 AC	
SMALL URBAN PARK		N/A	N/A
PARKING STANDARDS			
STANDARD SPACES		27	20
ACCESSIBLE SPACES		3	2
TOTAL		30	22
BICYCLE SPACES		2	1 PER 15 VEHICLE SPACES
PROPOSED USES WITH GROSS FLOOR AREA			
DAYCARE CENTER (CHILD)		11,000 SF	N/A
BUILDING GFA		11,000 SF	N/A

DRAWING INDEX		
SHEET DESCRIPTION	SHEET TITLE	SHEET #
CV-1.0	COVER SHEET	1
C-1.0	SITE PLAN	2
PH-1.0	PHOTOMETRICS	3
LS-1.0	LANDSCAPE PLANS	4
A-1.0	BUILDING ELEVATIONS	5
A-2.0	BUILDING ELEVATIONS	6
A-3.0	SITE DETAILS	7

OWNER
CANDELAS POINT LLC.
10050 WADSWORTH BLVD
WESTMINSTER, CO 80021
(303) 772-4051
CONTACT: JEFF NADING

DEVELOPER
THINK PROPERTIES LLC
900 HOBBS ROAD, APT 223
GREENSBORO, NC 27410
(917) 509-2911
CONTACT: BRIAN HALUSAN

ARCHITECT
G3 ARCHITECTURE
7730 E BELLVIEW AVENUE, STE A-100
GREENWOOD VILLAGE, CO 80111
(720) 542-9416
CONTACT: SCOTT HIGA

CIVIL ENGINEER
RIDGETOP ENGINEERING
541 E. GARDEN DRIVE, UNIT N
WINDSOR, CO 80550
(970) 663-4552
CONTACT: MIKE BEACH, P.E.

LANDSCAPE ARCHITECT
PLANSCAPES
980 NORWAY MAPLE DRIVE
LOVELAND, CO 80538
(970) 988-5301
CONTACT: ROB MALLOY

SURVEYOR
RIDGETOP ENGINEERING
541 E. GARDEN DRIVE, UNIT N
WINDSOR, CO 80550
(970) 663-4552
CONTACT: MICHAEL LANG

File: Site - ARKA11005.dwg Path: P:\Colorado\Arvada\Kiddie Academy\22-228-001 Kiddie Academy Candelas Pkwy and Hwy 72\2 Drawings\ Plotted by: Brod Date: 19-Mar-23 9:18:49am

ARVADA KIDDIE ACADEMY SITE PLAN

LOT 1, BLOCK 2, CANDELAS COMMERCIAL, FILING NO. 2, AMENDMENT NO. 1,
SECTION 22, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE 6TH P.M.,
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

LEGEND

	PORTLAND CEMENT CONCRETE PAVEMENT
	ASPHALTIC CONCRETE PAVEMENT
	CONCRETE SIDEWALK
	PROPERTY LINE
	EDGE OF PAVEMENT
	CURB AND GUTTER
	SAW CUT
	CANOPY
	BUILDING
	EASEMENTS

GENERAL NOTES (CITY OF ARVADA)

- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ARVADA ENGINEERING CODE OF STANDARDS AND SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS, LATEST EDITION, UNLESS OTHERWISE SPECIFIED HEREIN.
- ALL CONTRACTORS AND SUBCONTRACTORS SHALL BE LICENSED WITH THE CITY OF ARVADA ENGINEERING DIVISION.
- ALL WORK WILL REQUIRE A CITY OF ARVADA ENGINEERING DIVISION PUBLIC IMPROVEMENT PERMIT PRIOR TO THE START OF CONSTRUCTION. ALL CONTRACTORS AND SUBCONTRACTORS MUST OBTAIN A SEPARATE PERMIT FOR THE WORK BEING COMPLETED BY THE PARTICULAR CONTRACTOR OR SUBCONTRACTOR. ANY CONSTRUCTION WITHIN THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) RIGHT-OF-WAY WILL REQUIRE A CDOT CONSTRUCTION PERMIT PRIOR TO ANY WORK IN THEIR RIGHT-OF-WAY.
- ALL CONTRACTORS AND SUBCONTRACTORS SHALL HAVE A SET OF APPROVED DRAWINGS SIGNED BY THE CITY ENGINEER OR DESIGNER AND A PRINTED COPY OF THE CURRENT CITY OF ARVADA ENGINEERING CODE OF STANDARDS AND SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS ON SITE AT ALL TIMES.
- THE CITY OF ARVADA ENGINEERING DIVISION SHALL BE NOTIFIED (PHONE # 720-898-7640) A MINIMUM OF 24 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.
- THE ENGINEER ASSUMES NO RESPONSIBILITY FOR BURIED UTILITIES. THE CONTRACTOR IS RESPONSIBLE TO VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION AND TO PROTECT THEM DURING CONSTRUCTION.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL PROJECT SAFETY INCLUDING, BUT NOT LIMITED TO, TRENCH EXCAVATION AND SHORING, TRAFFIC CONTROL AND SECURITY.
- BENCHMARK LOCATION, ELEVATION AND DATUM ARE AS NOTED.
- AS-BUILT DRAWINGS SHOWING ALL CHANGES FROM THE APPROVED CONSTRUCTION DRAWINGS SHALL BE SUBMITTED TO THE CITY ENGINEER OR DESIGNER PRIOR TO INITIATION OF THE REQUIRED TWO YEAR WARRANTY PERIOD. UTILITY AS-BUILTS SHALL INCLUDE STATIONING OF ALL FITTINGS, SERVICES AND PERTINENT ELEVATIONS. CERTIFICATES OF OCCUPANCY FOR ANY BUILDINGS OR STRUCTURES WITHIN THE DEVELOPMENT WILL NOT BE ISSUED UNTIL THE AS-BUILTS HAVE BEEN RECEIVED, REVIEWED AND APPROVED BY THE CITY OF ARVADA ENGINEERING DIVISION.
- A CITY OF ARVADA TAX CERTIFICATION FORM MUST BE COMPLETED BY ALL CONTRACTORS AND SUBCONTRACTORS PERFORMING WORK ON THIS PROJECT. THIS FORM DETAILS ALL MATERIALS WHICH HAVE BEEN INCLUDED IN THE WORK BY CONTRACTORS AND SUBCONTRACTORS. COPIES OF ALL PAID INVOICES FOR MATERIALS SHALL BE ATTACHED TO THE FORM. CERTIFICATES OF OCCUPANCY FOR ANY BUILDINGS OR STRUCTURES WITHIN THE DEVELOPMENT WILL NOT BE ISSUED UNTIL THIS FORM HAS BEEN RECEIVED, REVIEWED AND APPROVED BY THE CITY OF ARVADA ENGINEERING DIVISION.
- OWNER/DEVELOPER SHALL OBTAIN A STORMWATER CONSTRUCTION PERMIT FROM THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, WATER QUALITY CONTROL DIVISION, PRIOR TO CLEARING, GRADING, OR EXCAVATING A SITE OF ONE (1) ACRE OR MORE OR LESS THAN ONE ACRE AND PART OF A LARGER DEVELOPMENT. A COPY OF THE APPROVED PERMIT MUST BE SUBMITTED TO THE CITY OF ARVADA ENGINEERING DIVISION PRIOR TO THE START OF CLEARING, GRADING OR EXCAVATING OF THE SITE. A COPY OF THE APPROVED PERMIT MUST ALSO BE AVAILABLE ON THE PROJECT SITE AT ALL TIMES DURING CONSTRUCTION.
- CONTRACTOR SHALL OBTAIN A COLORADO STATE CONSTRUCTION DEWATERING DISCHARGE PERMIT FROM THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR ALL AREAS WHERE DEWATERING IS REQUIRED FROM AN EXCAVATION AND WATER IS DISCHARGED INTO A STORM SEWER, CHANNEL, IRRIGATION DITCH OR ANY WATERS OF THE UNITED STATES. A COPY OF THE APPROVED PERMIT MUST BE SUBMITTED TO THE CITY OF ARVADA ENGINEERING DIVISION PRIOR TO THE START OF ANY DEWATERING. A COPY OF THE APPROVED PERMIT MUST ALSO BE AVAILABLE ON THE PROJECT SITE AT ALL TIMES DURING CONSTRUCTION.
- ALL CURB RAMPS SHALL COMPLY WITH THE LATEST CITY OF ARVADA AND ADA STANDARD. CONTRACTOR TO CHECK WITH THE CITY OF ARVADA ENGINEERING DIVISION TO VERIFY THE LATEST CURB RAMP STANDARD PRIOR TO CONSTRUCTION OF ANY RAMP.
- ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION BY THE CITY OF ARVADA ENGINEERING DIVISION. THE CITY RESERVES THE RIGHT TO ACCEPT OR REJECT ANY SUCH MATERIALS AND WORKMANSHIP THAT DOES NOT CONFORM TO ITS ENGINEERING CODE OF STANDARDS AND SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS.
- A PLAN FOR TRAFFIC CONTROL DURING CONSTRUCTION SHALL BE SUBMITTED TO THE CITY OF ARVADA ENGINEERING DIVISION FOR ACCEPTANCE WITH THE PUBLIC IMPROVEMENTS PERMIT APPLICATION. A PUBLIC IMPROVEMENTS CONSTRUCTION PERMIT WILL NOT BE ISSUED WITHOUT AN APPROVED TRAFFIC CONTROL PLAN FOR TRAFFIC CONTROL ON EXISTING ROADS DURING CONSTRUCTION.

- NOTE:
- FIRE APPARATUS ACCESS ROADS SHALL BE PROVIDED WITH AN APPROVED PAVED SURFACE (ASPHALT OR CONCRETE) AND SHALL BE CAPABLE OF SUPPORTING AN IMPOSED LOAD OF 85,000 POUNDS.
 - 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.
 - APPROVED FIRE APPARATUS ACCESS ROADS SHALL BE PROVIDED BEFORE COMBUSTIBLE MATERIALS ARE BROUGHT TO THE SITE, AND BEFORE VERTICAL CONSTRUCTION. UNLESS OTHERWISE APPROVED, THE FIRE APPARATUS ACCESS ROAD SHALL CONSIST OF THE FIRST LIFT OF ASPHALT OR CONCRETE.

SITE DATA

SITE AREA: 1.424 AC (62,045 SF)
OWNER: CITY OF ARVADA
LAND USE CLASSIFICATION: GENERAL COMMERCIAL
ZONING CLASSIFICATION: GC - GENERAL COMMERCIAL
LOCAL JURISDICTION: ARVADA, CO
APN: 20-224-02-004
ADDRESS: SE CORNER HWY 72 AND CANDELAS PKWY
BUILDING HEIGHT: XX' (PROPOSED) / 45' (MAX. REQ'D)
BUILDING SETBACKS: XX' ALL SIDES (MIN REQ'D) - SEE SITE PLAN FOR PROPOSED SETBACKS

BUILDING DATA

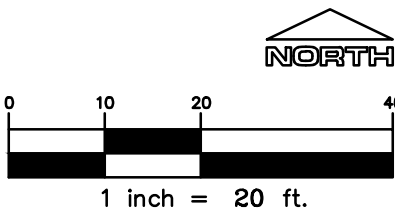
BUILDING: = 11,000 SF

PARKING DATA

USE: DAY CARE/SCHOOL
REQUIRED PARKING (PER PD): 2 SP./1,000 SF
KIDDIE ACADEMY: 2 PER 1,000 SF (11,000 SF = 22 STALLS)

	REQUIRED	PROPOSED
STANDARD SPACES	22 STALLS	27 STALLS
ACCESSIBLE SPACES	2 STALLS	3 STALLS
CHARGING STATION	0 STALLS	0 STALLS
COMPACT SPACES	0 STALLS	0 STALLS
TOTAL VEHICLE SPACES	24 STALLS	30 STALLS

STALL DIMENSIONS:
COMPACT/ELECTRIC: 9' x 18'
HANDICAP: 9' x 18'
STANDARD: 9' x 18'



LOGO

RIDGE TOP
ENGINEERING & SURVEYING
541 E. Garden Drive, Unit N Windsor, CO 80550
T (877) 863-4662 W ridgeTOPeng.com

PROJECT TITLE

ARVADA KIDDIE ACADEMY

SE CORNER OF CANDELAS PKWAY & HWY 72

PREPARED FOR

THINK PROPERTIES LLC.

900 HOBBS ROAD
APT 223
GREENSBORO, NC 27410

SUBMITTAL

SITE PLAN

DRAWN BY: KNW

CHECKED BY: MRB

PROJECT NO.: 22-228-001

REVISIONS

1ST SUBMITTAL	12.09.2022
RESUBMITTAL	02.04.2023
3RD SUBMITTAL	03.17.2023

DATE

12/09/2022

SHEET TITLE

SITE PLAN

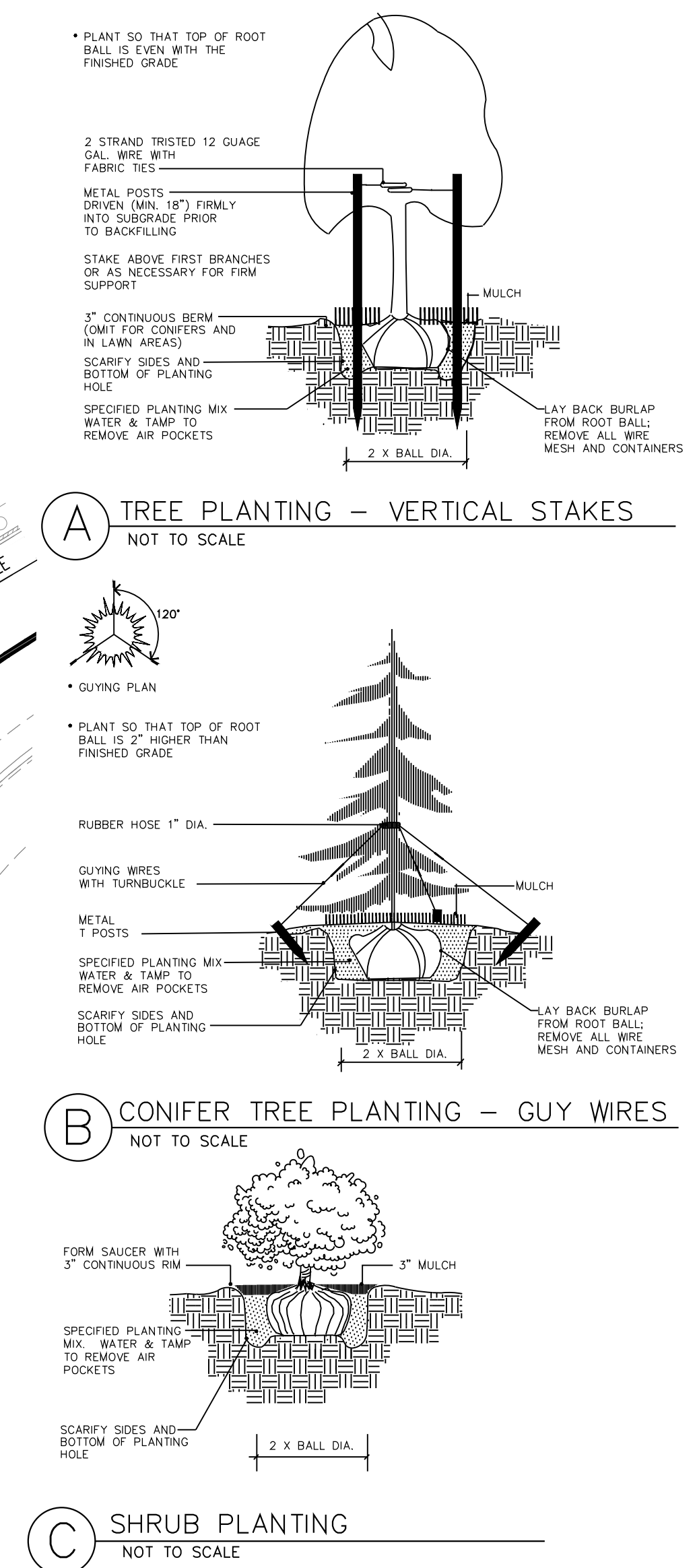
SHEET INFORMATION

C-1.0

2 of 7

SECTION 22, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE 6TH P.M.
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

SECTION 22, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE 6TH P.M.
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO



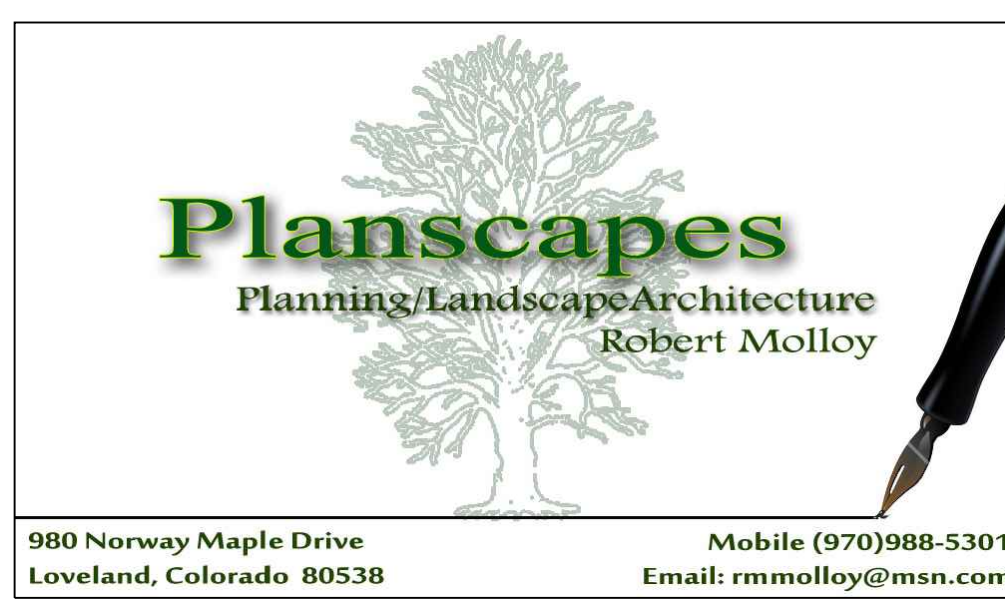
	DECIDUOUS TREES/SHADE TREES		BLUEGRASS SOD
	ORNAMENTAL TREE		NATIVE GRASS SEED
	DECIDUOUS SHRUBS		FENCE
	CONIFEROUS TREES		EDGING
	CONIFEROUS SHRUB		EXISTING LANDSCAPING
	PERENNIAL PLANT		
	3/4" - 1 1/2" RIVERROCK		EXISTING TREE

PBSI Foothills Native Mix

Ingredients: Switchgrass, Rocky Mountain Fescue, Big Bluestem, Sandberg Bluegrass, Slender Wheatgrass, Thickspike/Streambank/Western Wheatgrass, Yellow Indiangrass, Blue Grama, Beardless Wheatgrass, Indian Ricegrass, Little Bluestem, Sand Dropseed, Sideoats Grama

Seeding Rate: 25 lbs/Acre to be used between October 15th and March 30th

Pawnee Buttes Seed, Inc.
605 25th St.
Greeley, Colorado
(970) 356-7002



1. All living plants shall be maintained in a live and healthy state. Dead or unhealthy plants shall be immediately replaced with the size and type of plants required on the site development plan.
2. Scheduled sizes stated represent minimum caliper and height. Sizes provided may exceed minimum required, but in no event shall smaller plant material sizes be
3. Plant material shall be in accordance with ANA specifications for #1 grade.
4. The developer shall ensure that the landscape plan is coordinated with the plans done by other consultants so that the proposed grading, storm drainage, or other construction does not preclude installation and maintenance of landscape elements on this plan.
5. Landscape areas, unless otherwise noted shall be irrigated with an automatic underground irrigation system.

- a. A rain sensor with automatic shut-off of the system during periods of high moisture;
 - b. 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
 - c. An irrigation clock which allows programming to meet the differential needs of the specified planting plan.
6. No shrubs shall be planted within five feet (5') radius or trees within ten feet (10' of water meters, fire hydrants, or sanitary sewer manholes.
 7. Existing permanent landscape disturbed or damaged by construction shall be restored to its original condition, prior to final acceptance.
 8. Areas designated "turf" shall be sodded with a bluegrass blended sod, installed on a prepared soil subgrade.
 9. Soil amendments (including organic matter and fertilizers) that are appropriate for the intended plant materials, design of the site and soil conditions should be selected and used. Soil should be tilled and amendments incorporated to a minimum depth of 6 inches. The following schedule specifies the minimum soil amendment requirements per 1000 square feet of landscape area:
 - Bluegrass and High-Water Plantings: 3 cubic yards
 - Shrubs, Perennials and Moderate to Low-Water Plantings: 3 cubic yards
 - Xeric and Very Low-Water Plantings (ie. Native Mixes): 2 cubic yard or comparable treatment
 10. Rock and Bark mulch shall consist of 3" of material laid over stabilized weed barrier except in detention pond area
 11. The Property Owner will be responsible for the maintenance and upkeep of all landscaping on site and within the abutting rights-of-way.
 12. Roll top edging shall be used between irrigated turf and mulch areas
 13. Developer shall be responsible for all on-site landscaping.
 14. Developer shall be responsible for providing irrigation for all landscaping.
 15. No tree canopy or structures within 2' of meter pits (or 3' above)
 16. Trees are to be a minimum pf 10' from all wet utilities.
 17. A 3' clear space shall be maintained around all fire hydrants and no obstructed.
 18. Trees within this development, when fully mature, shall provide an unobstructed verticle clearance of 13 feet 6 inches.
- Site shall be landscaped prior to issuance of a final Certificate of Occupancy (CO) during the growing season of April 1st to October 1st, at all other times the individual sites shall be landscaped within 45 (forty-five) days of the start of the following growing season.

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 according to the approved landscape plan.

Regular pruning and trimming shall be performed to maintain health and an attractive appearance and to permit the plants to achieve their intended form and height. All landscape areas shall be kept free of weeds, litter and trash and all irrigation systems shall be properly maintained.

All landscape areas shall be irrigated with underground automatic irrigation system. Trees, shrubs, and decorative grasses will be irrigated by a separate zone from sod/grass; this includes trees planted in sod/grass area. The irrigation system is to have a rain sensor shut-off installed.

Landscaping that lies within site triangles shall not grow to be over 2'-6" in height. Trees within site triangles must be limbed up at least 8'.

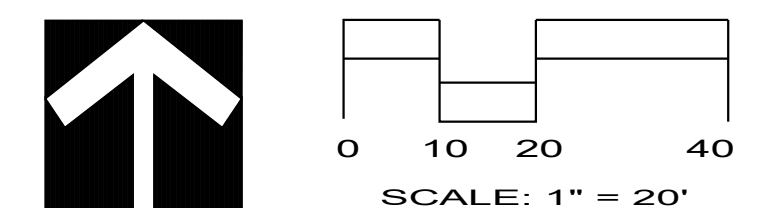
Trees and landscaping within developments, when fully mature, shall provide an unobstructed vertical clearance of 13'-6" and provide the minimum unobstructed fire apparatus access road width as required based on the height of the building.

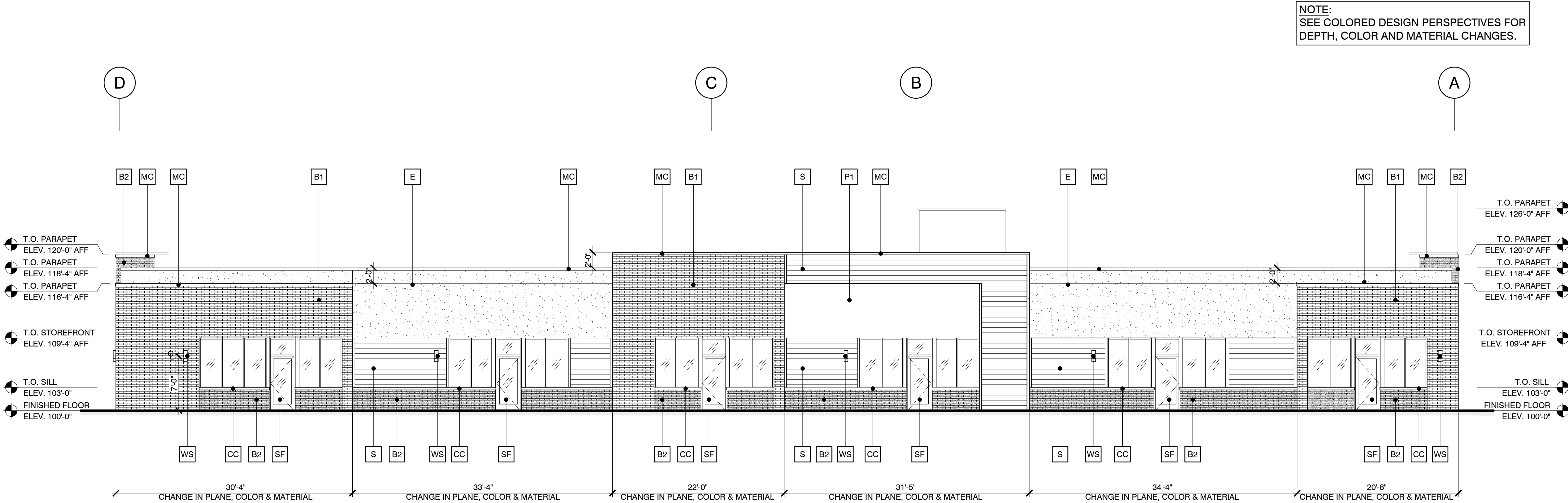
Trees shall not be planted closer than 10 feet to any sewer or water line, meters, and vaults. Tree planting shall be coordinated with Xcel Energy. Locations of all utilities shall be verified in the field prior to planting.

KEY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES	ADBL	GROWTH HEIGHT	QTY.
DECIDUOUS TREES							
QM	Quercus Macrocarpa	Burr Oak	2" cal	B+B	H	40'	4
GTK	Gleditsia triacanthos inermis 'Skyline'	Skyline Honeylocust	2" cal	B+B	H	40'	3
CO	Celtis occidentalis	Western Hackberry	2" cal	B+B	H	40'	3
GD	Gymnocladus dioica	Kentucky Coffee Tree	2" cal	B+B	H	40'	2
ORNAMENTAL TREES							
MSS	Malus 'Spring Snow'	Spring Snow Crabapple	1.5" cal	B+B	L	15'	5
PCA	Pyrus calleryana 'Autumn Blaze'	Autumn Blaze Pear	1.5" cal	B+B	L	25'	4
EVERGREEN TREES							
PPG	Picea pungens glauca	Colorado Blue Spruce	6' ht.	B+B	L	40'	2
PN	Pinus nigra	Austrian Pine	6' ht.	B&B	L	40'	2
JV	Juniperus scopulorum	Rocky Mountain Juniper	6' ht.	B&B	L	30'	3
EVERGREEN SHRUBS							
JHBC	Juniperus Horizontalis 'Blue Chip'	Blue Chip Juniper	5 gal.	5' o.c.		3'	11
JPGM	Juniperus procumbens 'Green Mound'	Green Mound Juniper	5 gal.	3' o.c.		3'	18
DECIDUOUS SHRUBS							
EAC	Euonymus alatus 'Compactus'	Dwarf Burning Bush	5 gal.	5' o.c.		6'	10
AXC	Arctostaphylos x coloradoensis	Panchito Manzanita	5 gal.	4' o.c.		6'	15
PFJ	Potentilla fruticosa 'Jackman'	Jackman Potentilla	5 gal.	3' o.c.		4'	21
CAA	Cornus alba 'Argenteomarginata'	Variiegated Dogwood	5 gal.	5' o.c.		6'	13
SV	Syringa vulgaris	Albert Holden Lilac	5 gal.	8' o.c.		6'	6
SJP	Spiraea japonica 'Little Princess'	Little Princess Spirea	5 gal.	4' o.c.		3'	6
PERENNIALS AND ORNAMENTAL GRASSES							
KA	Calamagrostis x acutiflora 'Karl Forester'	Karl Forester Grass	1 gal.	18" o.c.		5'	6
FOG	Festuca ovina glauca	Blue Fescue	1 gal.	12" o.c.		12"	17
HHR	Heemerocallis 'Happy Returns'	Dwarf Yellow Day Lily	1 gal.	18" o.c.		2'	18
MSG	Myiscanthus sinensis 'Gracilimus'	Gracilimus Grass	2 gal.	4' o.c.		4'	7

MINIMUM SITE LANDSCAPE CALCULATIONS (Landscape Area: 21,531 sf)		
DESCRIPTION	REQUIRED	PROVIDED
TREES 1lg or 2 sml/3,000 sq ft	7 lg or 14 sm	7 Evergreen 9 Ornamental 12 Shade (7 Existing)
SHRUBS 1/600 sq ft	36	94 Shrubs 34 Perennials
MAX. IRRIGATED TURF = 50%	10,766 sq ft max.	2,227 sf *Does not include existing turf along Carolina Pkwy.
EVERGREEN TREES	25% - 50%	9 Evergreen/22 trees 36%
STREET TREES 40' Spacing @ 260'	6.5	6
OPEN SPACE	10% 2,153 sq ft	74% 16,106 sq ft

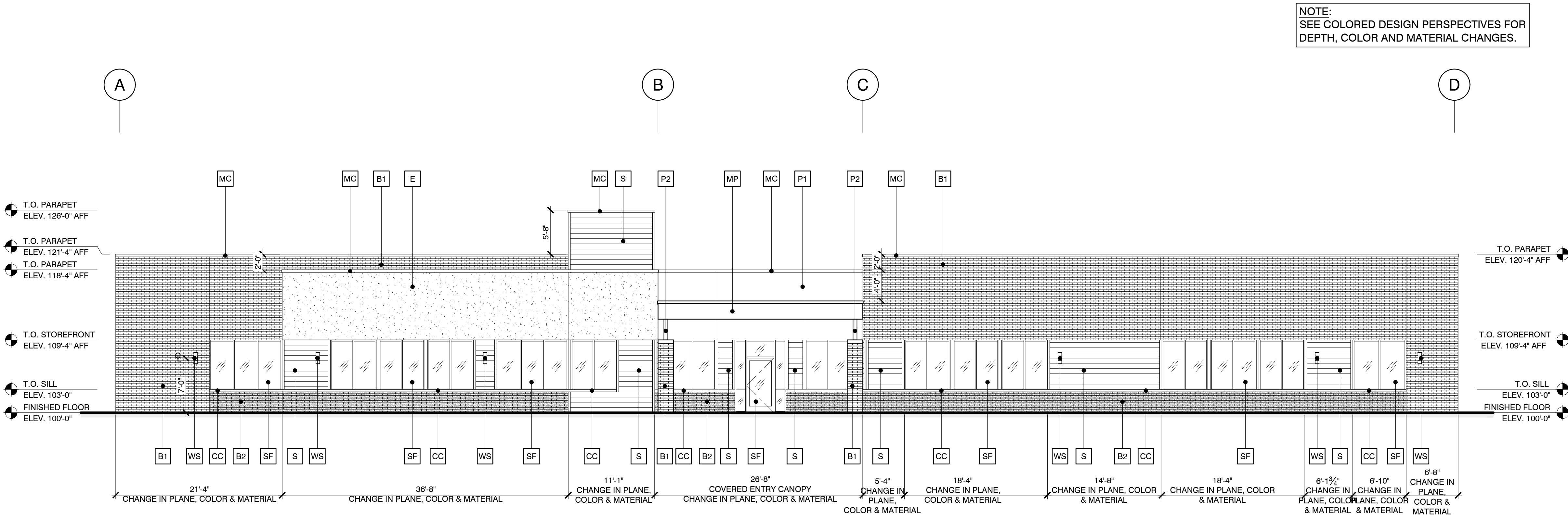
TYPE BASE STANDARD (PLANTS PER 40' LINEAR FEET)	REQUIRED Type A	PROVIDED
3 TREES/100 lf 293/100*5=	8	4 Evergreen 3 Ornamental 7 Shade (Existing)
20 SHRUBS/100 lf 293/100*20=	59	34 Shrubs 34 Perennials
20% EVERGREEN	2	4
MINIMUM WIDTH	20'	VARIES BETWEEN 25' - 90'





WEST ELEVATION

SCALE	2
1/8" = 1' - 0"	



EAST ELEVATION

SCALE	1
1/8" = 1' - 0"	

MATERIAL KEY NOTES:

	DESCRIPTION	MANUF./COLOR
B1	BRICK	INTERSTATE BRICK "PEWTER"
B2	BRICK	INTERSTATE BRICK "IRONSTONE"
CC	PRECAST CONCRETE CAP	DAVIS COLORS "LIGHT GRAY"
E	EIFS STUCCO SYSTEM SAND PEBBLE FINISH	SHERWIN-WILLIAMS "USEFUL GRAY" - SW 7050
MC	PREFINISHED METAL CAP	BERRIDGE "CITSCAPE"
P1	PAINT	TO BE DETERMINED
P2	PAINT	SHERWIN-WILLIAMS "WEB GRAY" - SW 7075
S	SIDING	WOODTONE LAP SIDING "ROASTED WALNUT"; TRIM "BARK"
SF	ALUMINUM STOREFRONT SYSTEM OR WINDOW	KAWNEER ANODIZED DARK BRONZE
WS	WALL SCONCE	VISA LIGHTING 36" "OW1335"
BL	EXTERIOR BOX LIGHT	LUMARK "LD-WP-FC-4A-120V"
MP	METAL WALL PANEL	BERRIDGE FLUSH PANEL, "CHARCOAL GRAY"

TRANSPARENCY TABLE:

ELEVATION	%
EAST	20%
WEST	20%
NORTH	6%
SOUTH	20%

ELEVATION NOTES:

- SEE COLORED DESIGN PERSPECTIVES FOR DEPTH, COLOR AND MATERIAL CHANGES.
- ROOFTOP MECHANICAL EQUIPMENT AND APPURTENANCES SHOULD ALL BE SCREENED FROM A PUBLIC STREET THROUGH THE USE OF PARAPETS OR ENCLOSURES THAT ARE EQUAL TO, OR GREATER THAN, THE HEIGHT OF THE EQUIPMENT TO BE SCREENED. THE PARAPET OR ENCLOSURE SHALL USE ONE OF THE PREDOMINANT MATERIALS OR COLORS USED ON THE PRIMARY FACADE OF THE BUILDING.
- ALL AIR CONDITIONING COMPRESSORS SHALL BE COMPLETELY SCREENED. IF A SCREENING ENCLOSURE IS USED, IT SHALL UTILIZE AT LEAST ONE OF THE PREDOMINANT MATERIALS USED ON THE FACADE OF THE PRIMARY STRUCTURE, WHERE FEASIBLE, AND ONE OF THE PREDOMINANT COLORS USED ON THE PRIMARY STRUCTURE.
- ALL ROOFTOP AND WALL VENTS AND FLUES ON A PITCHED ROOF OR EXTENDING ABOVE THE TOP OF THE NEAREST PARAPET SHALL BE PAINTED WITH ONE OF THE PREDOMINANT COLORS USED IN THE PRIMARY STRUCTURE.
- WALL-MOUNTED UTILITY EQUIPMENT AND METERS SHALL BE SCREENED FROM VIEW FROM A PUBLIC STREET AND SHALL BE PAINTED A COLOR TO BLEND WITH THE BUILDING FACADE.

LOGO

RIDGE TOP
ENGINEERING & SURVEYING
541 E. Garden Drive, Windsor, CO 80550
T (970) 683-4662
W ridgetopeng.com

SEAL

PROJECT TITLE

PREPARED FOR

SUBMITTAL

CONSTRUCTION DRAWINGS

DRAWN BY:

CHECKED BY:

PROJECT NO.:

REVISIONS

DATE

12/09/2022

SHEET TITLE

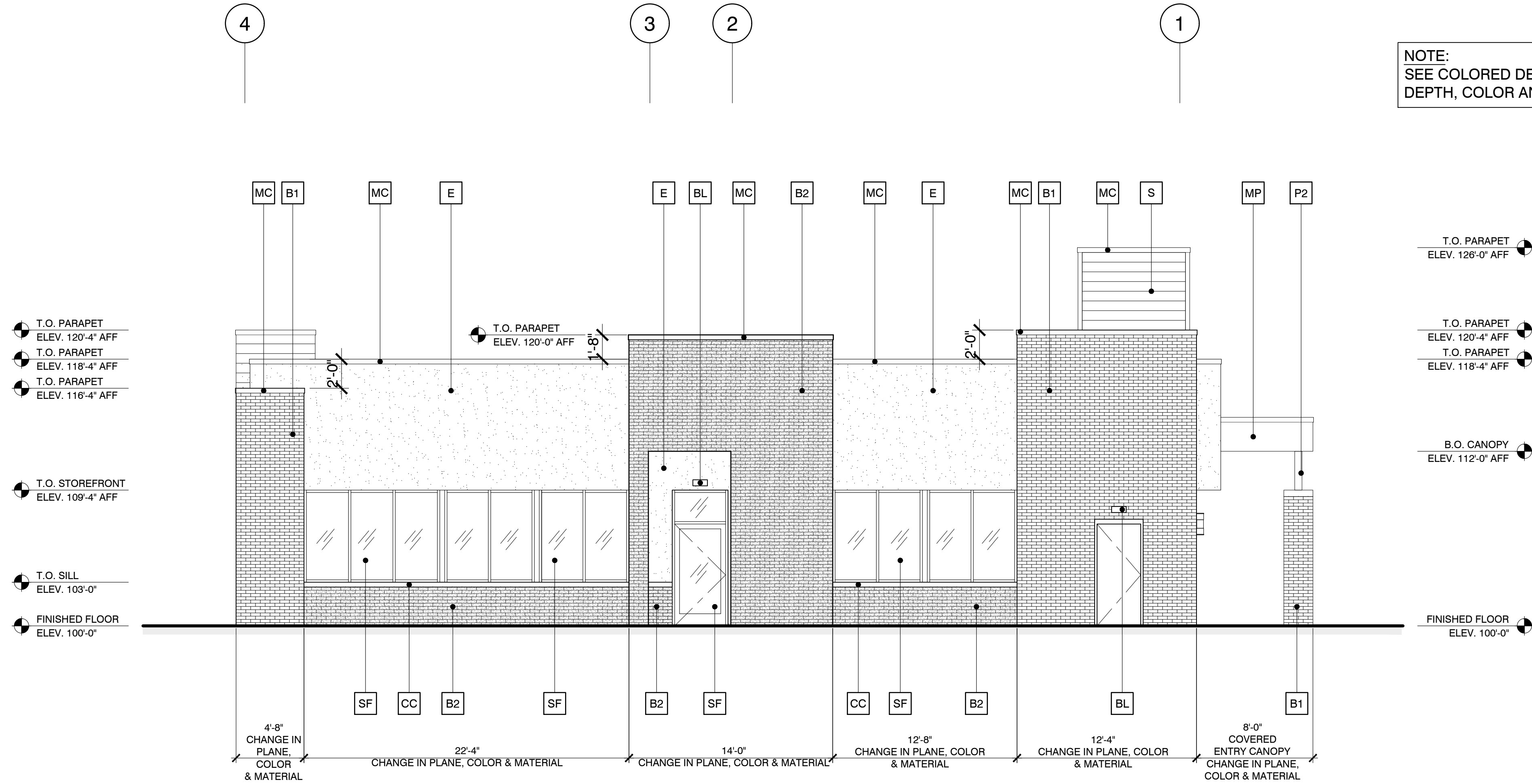
BUILDING ELEVATIONS

SHEET INFORMATION

A-1.0

5 of 7

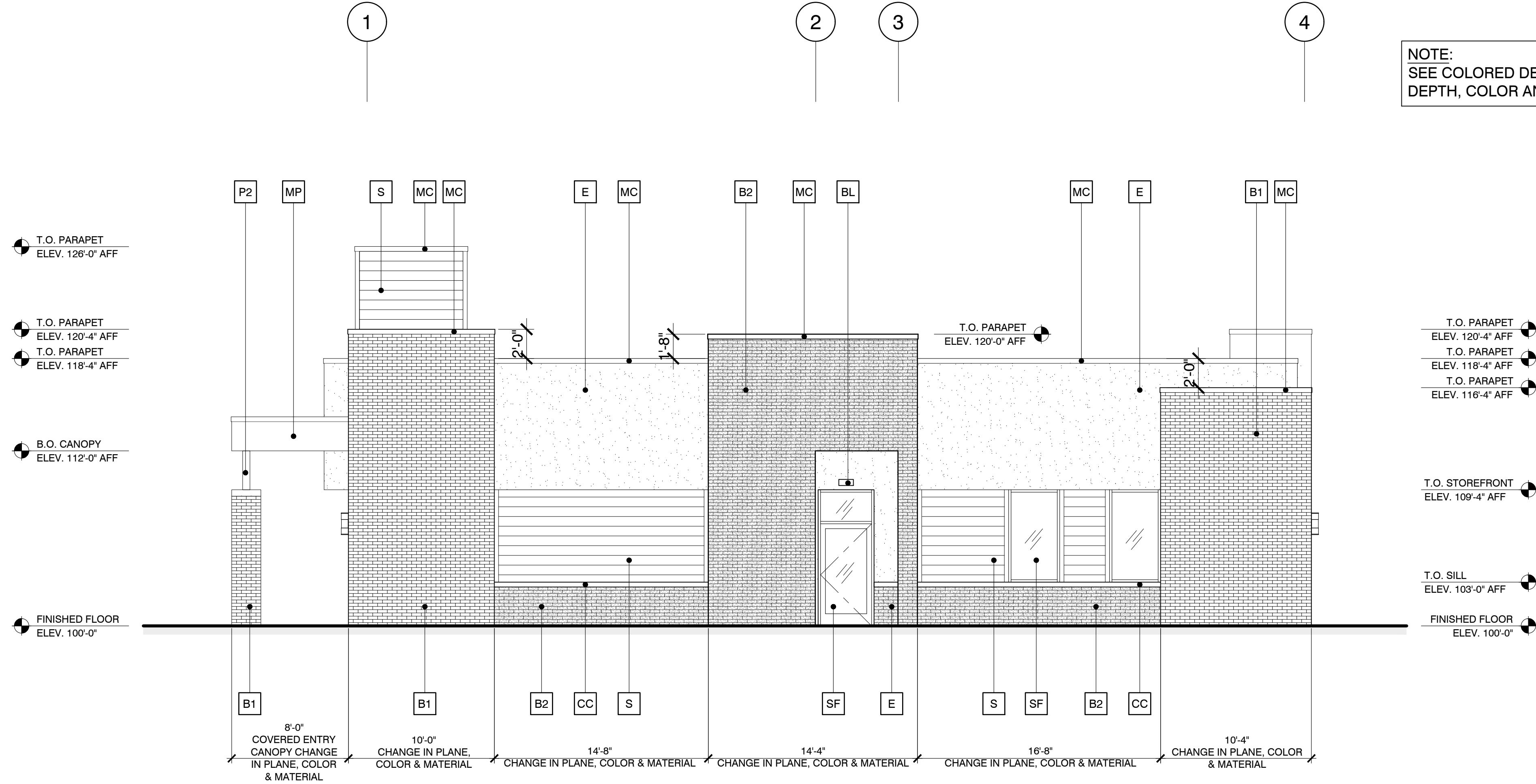




SOUTH ELEVATION

SCALE
3/16" = 1' - 0"

2



NORTH ELEVATION

SCALE
3/16" = 1' - 0"

1

MATERIAL KEY NOTES:

	DESCRIPTION	MANUF./COLOR
B1	BRICK	INTERSTATE BRICK "PEWTER"
B2	BRICK	INTERSTATE BRICK "IRONSTONE"
CC	PRECAST CONCRETE CAP	DAVIS COLORS "LIGHT GRAY"
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Know what's below.
Call before you dig.

LOGO

541 E. Garden Drive,
Unit N
Windsor, CO 80550

T (970) 663-4562
W ridgepeng.com

SEAL

PROJECT TITLE

PREPARED FOR

SUBMITTAL

CONSTRUCTION DRAWINGS

DRAWN BY:

CHECKED BY:

PROJECT NO.:

REVISIONS

DATE

12/09/2022

SHEET TITLE

BUILDING ELEVATIONS

SHEET INFORMATION

A-2.0

6

Of

7

VIEW - EAST



Kiddie Academy
11,000 SF Concept
Arvada, Colorado

CONCEPT-A rev. 1
12/08/2022



VIEW - WEST



Kiddie Academy
11,000 SF Concept
Arvada, Colorado

CONCEPT-A rev. 1
12/08/2022



SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
May 16, 2023

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

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

Those present: Michael P. Griffith, Andrew Gay, Tim Knapp, Brandon Figliolino, Tom Aljinovich, Doug Magee, Steve Hannan

THOSE ABSENT

None

ALSO PRESENT: Rob Smetana, City Planning Manager; Emily Grog, Sr. Ass't. City Attorney; Dixielee Rodriguez, Development Technician, Jeremiah Bebo, Planner II, Jenny Wolfschlag, City Engineer/Development Engineer, Jake Sawaya, Civil Engineer, Heidi Van Gieson, Recording Secretary.

4. **APPROVAL OF MINUTES**

May 2, 2023 meeting minutes. The minutes stand approved as printed.

Mr. Knapp stated that he had submitted changes to the minutes earlier in the day. Those changes are reflected in the current Meeting Minutes.

5. **GENERAL BUSINESS**

None

6. **REPORTS**

None

7. **PUBLIC COMMENT**

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

8. **PUBLIC HEARINGS**

- 8.A **An Ordinance Rezoning Certain Land within the City of Arvada, Candelas Point Infrastructure and Kiddie Academy, From the City of Arvada PUD (Planned**

Unit Development) to City of Arvada CG (Commercial, General) and Amending the Official Zoning Maps of the City of Arvada, Colorado; 9265 Yucca Lane

Mr Griffith swore in all guests that will be speaking

Mr. Griffith opened the public hearing.

Mr. Bebo stated that there was posting in the newspaper as well as a mailed notice and posting on the property were required. The mailing affidavit and posting log are in order.

Mr. Griffith entered into the record the staff report dated May 16, 2023, affidavit of mailing, and posting log and affidavit.

Mr Bebo presented the project to the Commission. Candelas Pointe, LLC. requesting approval of a rezoning of all of Lot 1 Block 1 Candelas Commercial Filing No. 2, otherwise known as Candelas Pointe. The current zoning is Planned Unit Development and the rezoning request would be to CG or Commercial, General. The Arvada Comprehensive Plan Future Land Use Map identifies the property as being; Neighborhood and Community Commercial Office and the CG zone district is aligned with that designation. A Master Development Plan and Minor Subdivision have also been submitted and currently under review by staff as well as a Site Plan Application for Kiddie Academy which is their only known intended future user at this time. As stated in the staff report, staff is recommending approval of the rezoning.

Steve Naving; 8015 Grassmere Drive Boulder, Colorado stated how the site was initially left zoned as a PUD to see what happened with the economy. They are looking to now make that change to commercial due to growth. The parcel is slated to be separated into 3 lots, with Kiddie Academy as an intended user one of those.

PUBLIC COMMENT

IN FAVOR

IN OPPOSITION

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

APPLICANT REBUTTAL

None

QUESTIONS FROM THE COMMISSION

Mr. Hannan asked about the two additional PUD sites, and asked what the plan is for them?

Mr. Bebo stated that there are no plans at this time. We will have to wait to see what is presented at a later date.

Mr. Hannan asked if there were uses in CG that couldn't be done in PUD without going through the long process vs. the administration process?

Mr. Bebo stated that when a site is zoned PUD, uses are evaluated during that process with staff and then through the public hearings. Taking into consideration the Comprehensive Plan and who their intended users are and by bringing a PUD Development Plan to the Commission. With this rezoning, future users would be limited to those uses allowed in CG zone district.

Mr. Knapp asked if this was a use that was contemplated in the Comp Plan?

Mr. Bebo stated that it was because the designation is Neighborhood and Community Commercial. And the rezoning to CG solidifies that and implements consistent regulations for that site. It will be restricted to commercial uses which we have planned for already; infrastructure wise. As long as they are able to meet all the requirements in the code, any site plan going forward can be approved administratively.

Mr. Knapp asked if the water demand for this use was incorporated or at least thought through during the process?

Mr. Bebo stated that yes it was and during the Comprehensive Plan planning process it was all accounted for with this use at this site. If they were wanting to intensify the use to larger mixed use buildings or residential, we would have to reevaluate that. In terms of the commercial zoning and commercial uses, water is accounted for here.

Mr. Gay noted a typo in the staff report. In the first paragraph, it states Candelas Point LLC and. Should there not be an "and"? He asked about the Master Development Plan, and if the commission would be looking at that?

Mr. Bebo stated that yes the "and" should not be there and that the Master Development Plan will be approved administratively if this rezoning gets approved.

Mr. Gay discussed the traffic patterns around the site and the difficulty to get out of that area. It may be something the City wants to look at in the future.

Ms. Wolfschlag stated that there was a master traffic study done and the developer did comply with the plan that was approved in the first phase. There is currently a Candelas Corridor Study being done to analyze all of the intersections throughout Candelas and are expecting those results in about a month.

Mr. Gay stated that he thinks the businesses will appreciate that.

Mr. Magee asked the applicant what the other two sites will be as far as one or two stories? Will it be a mix of commercial and/or retail?

Mr. Naving stated that it will most likely be one story.

Mr. Magee asked Staff about the detention pond that has already been built to service this lot. Where is that pond and was it designed to handle Commercial or PUD Development on these properties?

Mr. Bebo stated that it is located to the Northeast across Wilkerson Court and was built to accommodate the stormwater flows from all of these properties when this was originally platted.

Mr. Magee asked about the property to the south, is that Retail?

Mr. Bebo stated that, yes, that is retail there and there are various industrial uses across the street.

Mr. Magee asked staff if the water issue pertains to Commercial uses?

Mr Bebo stated that for this site, for Commercial, water is not an issue.

Mr. Figliolino asked about the IG that used to be MX and was changed to the substation, correct?

Mr. Bebo stated that it was actually PUD and was changed to IG.

Mr. Figliolino asked if the lot below was CG?

Mr Bebo stated that it was actually PUD/BPR, which is a Mixed Commercial type zoning. It was more or less the same as CG.

Mr. Figliolino asked about the CG off of Candelas Parkway, was that also adopted or was that converted as well?

Mr. Bebo stated that it was remapped to CG in 2020 since they knew that the fire station was going to be coming in.

MOTION: Agenda Item 8.A

It was moved by Mr. Figliolino, that an Ordinance Rezoning Certain Land within The City of Arvada, Candelas Point Infrastructure and Kiddie Academy, From the City of Arvada PUD (Planned Unit Development) To City Of Arvada CG (Commercial, General), and Amending the Official Zoning Maps of the City of Arvada, Colorado , 9265 Yucca Lane., be recommended to the City Council for Approval.

This motion is based on the findings of fact and approval criteria on Page 7 of the staff report.

DISCUSSION OF MOTION

Mr. Figliolino stated that he is having a hard time with this request. Seems that it is like a Strip Mall instead of a Town Center. Concerned about it becoming more Pad Sites and Restaurants. He does not feel it is in the best interest of the City to downgrade the commercial zoning.

Mr. Griffith stated that we talked about creating a less car-centric City. Also suggested that we base items of concern on the criteria. Given the alignment with the Comprehensive Plan, he feels this project makes sense.

Mr. Figliolino stated that based on Criteria 4, it could be argued that it could create a significant issue with the Car-centric approach, restricting housing on that lot.

Those voting Yes: Griffith, Hannan, Knapp, Aljinovich, Magee, Gay,

Those voting No: Figliolino

Those absent: None

The motion carried 6-1

REZONE



CANDELAS COMMERCIAL FILING NO. 2 - BLOCK 1 | LOT 1

PLANNING CITY COUNCIL JUNE 5, 2023



CANDELAS POINT

CANDELAS COMMERCIAL FILING NO. 2 - BLOCK 1 | LOT 1



BACKGROUND

01. OWNERSHIP & LOT INFORMATION

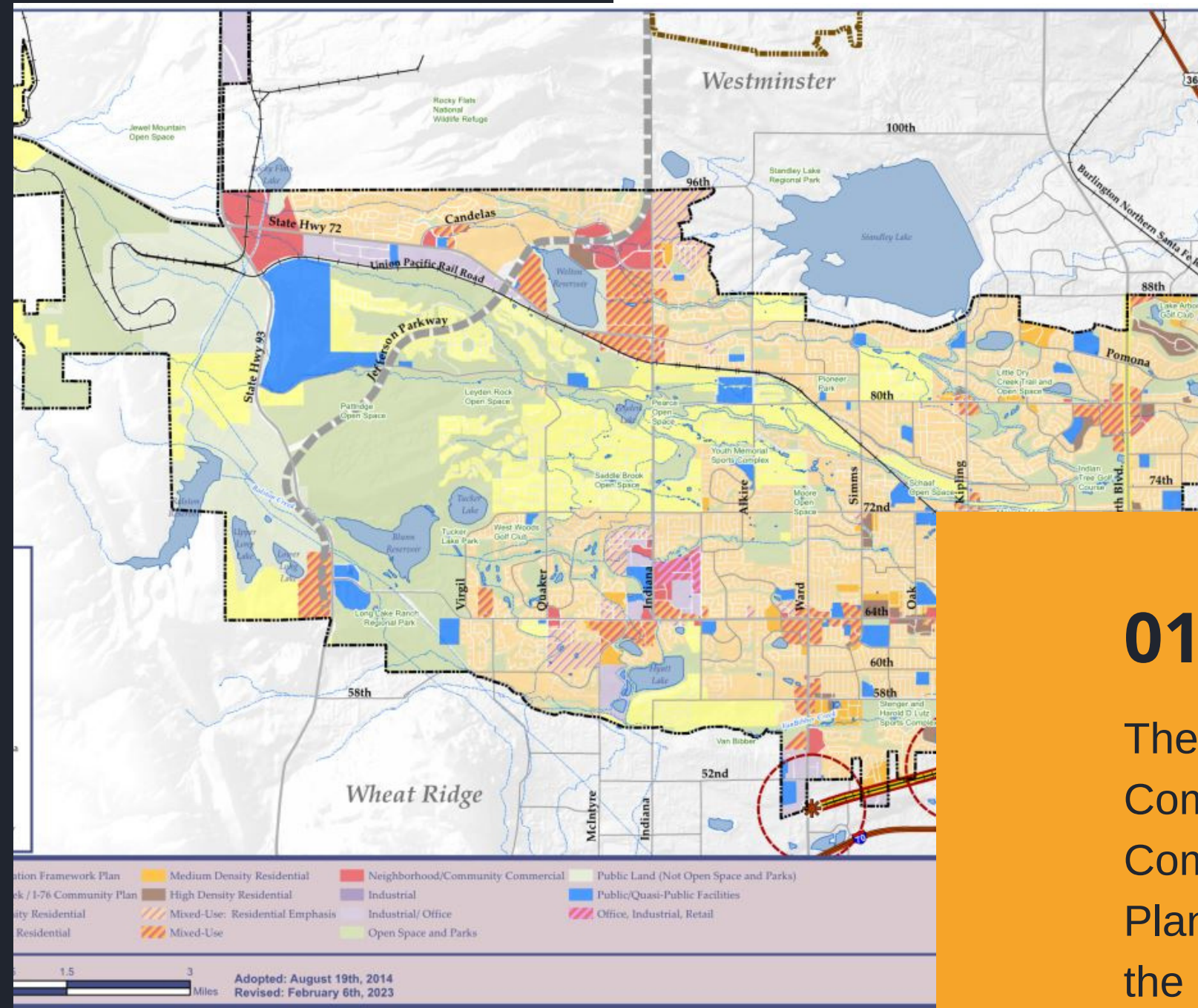
Candelas Point LLC, will be rezoning Lot 1 of Block 1 of Candelas Commercial Filing no. 2. Lot 1 is approximately 4.72 acres.

02. CURRENT ZONING/ PROPOSED ZONING

The current zoning is PUD (Planned Unit Development). We are looking to have this partial rezoned to CG (Commerical, General)

03. PROPOSED LAND USE

The proposed land use is for a day care facility and two (2) commercial buildings on three (3) lots. Kiddie Academy will sit on the Southwest corner of Lot 1. The 1.5 acre site will have an 11,000SF day care facility, with playground, parking and landscaping. The rest of the lot is conceptualized for two flex office spaces of 9,000SF and 12,000SF. Overall building area will be approximately 32,000SF.



COA COMPREHENSIVE PLAN

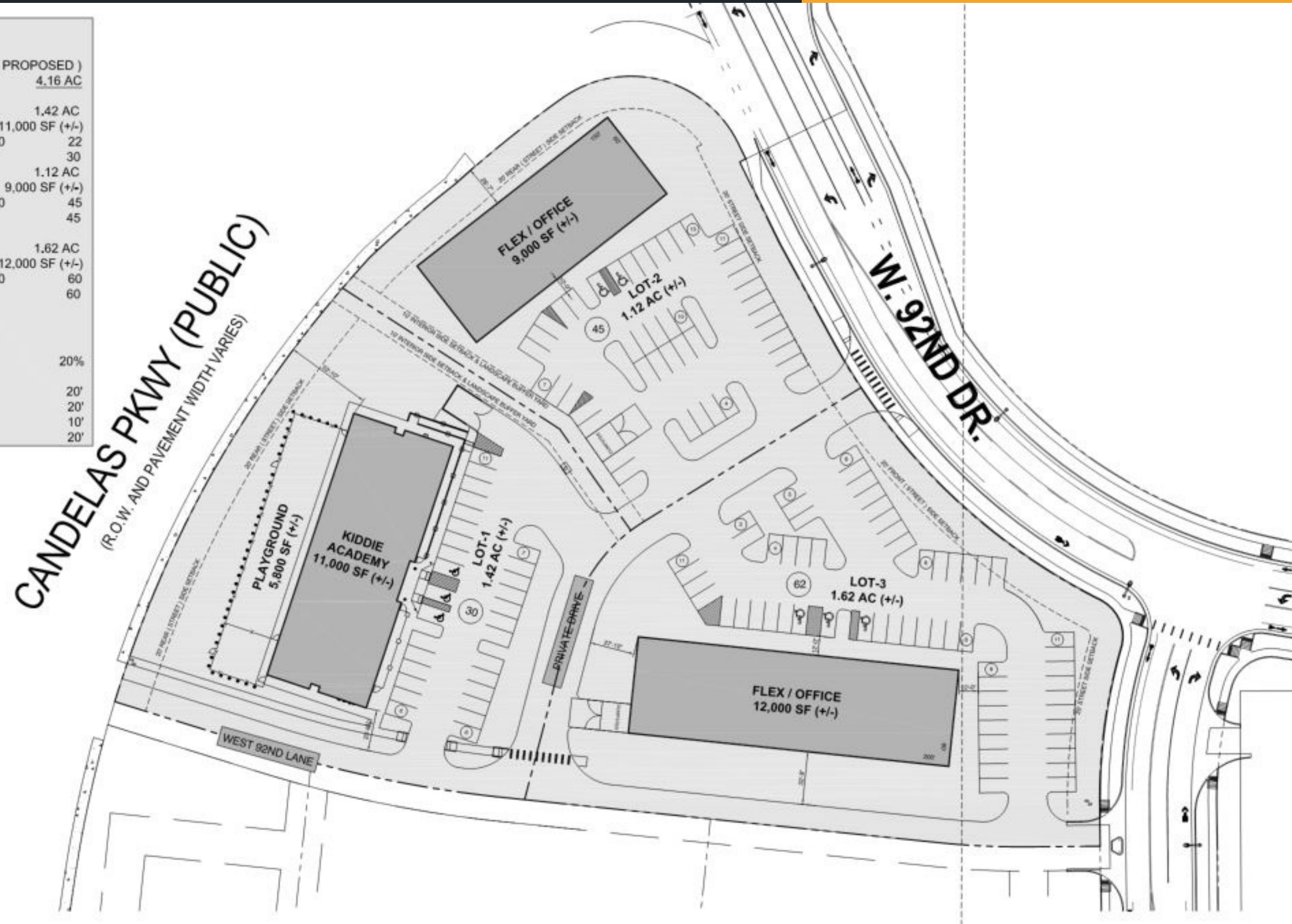
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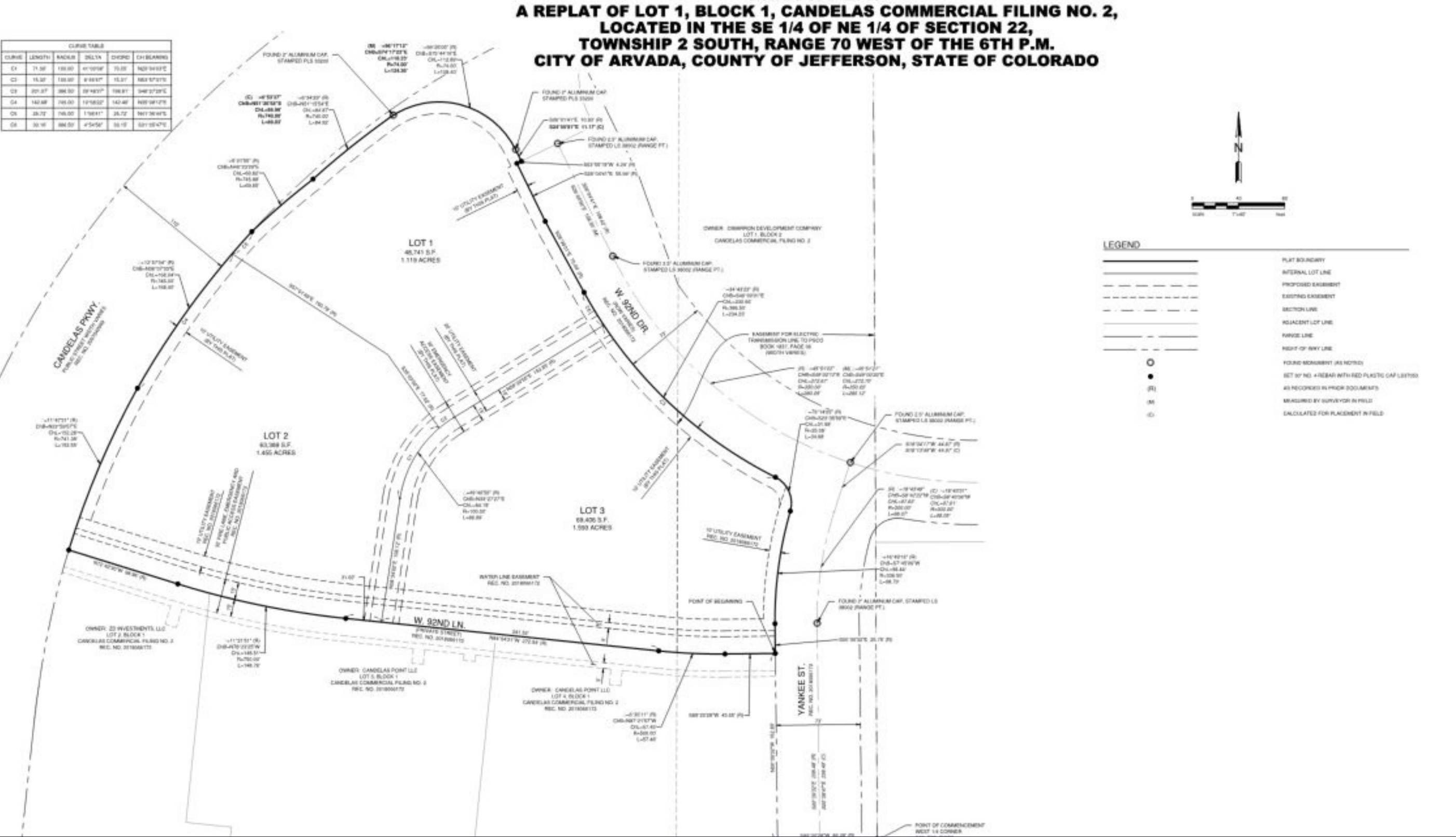
The site is identified as Neighborhood and Community Commercial/Office on the Future Land Use map within the Arvada Comprehensive Plan. The rezoning to CG is consistent with the Plan and is the zone district designed to implement the intent of the map designation. The rezoning will allow future commercial, office, and retail uses to locate on the site and develop in accordance with the LDC

REZONE SITE PLAN

PROJECT SUMMARY

ZONE	CG (PROPOSED)
SITE	4.16 AC
LOT-1	1.42 AC
BUILDING (DAYCARE)	11,000 SF (+/-)
PARKING REQUIRED @ 2 / 1,000	22
PARKING PROVIDED	30
LOT-2	1.12 AC
BUILDING (FLEX/OFFICE)	9,000 SF (+/-)
PARKING REQUIRED @ 5 / 1,000	45
PARKING PROVIDED	45
LOT-3	1.62 AC
BUILDING (FLEX/OFFICE)	12,000 SF (+/-)
PARKING REQUIRED @ 5 / 1,000	60
PARKING PROVIDED	60
NOTE*	
LANDSCAPE REQUIRED	20%
SETBACK (FRONT)	20'
SETBACK (STREET SIDE)	20'
SETBACK (INTERIOR SIDE)	10'
SETBACK (REAR)	20'





MINOR PLAT

KIDDIE ACADEMY





REPORT FROM CITY COUNCIL

AGENDA ITEM
12.A.

DATE: June 5, 2023

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

Marc Williams	Arvada Municipal Court/Judicial Committee Arvada City Attorney Committee 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
Bob Fifer	Adams County Regional Economic Partnership (ACREP) Apex Coordinating Committee Arvada City Attorney Committee Arvada Transportation Committee Denver Regional Council of Governments (Alternate) Jefferson County R-1 Schools Coordinating Committee Jeffco Transportation Action & Advisory Group (JEFFTAAG) Smart City Advisory Committee
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 Regional Economic Partnership (ACREP) (alternate) Apex Coordinating Committee Arvada Economic Development Association Board Arvada Municipal Court/Judicial Committee Arvada Parks Advisory Committee Arvada Visitors Center Committee (alternate) CML Policy Committee Olde Town Business Improvement (BID) District Rocky Mountain Metropolitan Airport Community Noise Roundtable
Randy Moorman	Arvada Audit Committee Arvada Sustainability Advisory Committee CML Policy Committee Rocky Flats Stewardship Council
Lauren Simpson	Arvada Audit Committee Arvada Center for the Arts and Humanities Arvada Fire Protection District Coordinating Committee Arvada Visitors Center Committee Olde Town Business Improvement (BID) District (alternate)
Lisa Smith	Arvada Chamber of Commerce Government Affairs Committee Arvada Fire Protection District Coordinating Committee Denver Regional Council of Governments Jefferson County Community Corrections Board (alternate) Jeffco Transportation Action & Advisory Group (JEFFTAAG) (alternate) Smart City Advisory Committee

*asterisked committees are not appointed by Council

Council Member	Committee
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*Asterisked committees are not appointed by Council

City Clerk Team Drive: Council appointed committees



REPORT TO CITY COUNCIL

AGENDA ITEM
13.A.

TO: THE HONORABLE CITY COUNCIL

DATE: June 5, 2023

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, Lorie Gillis, 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 5/19/2023

Lorie Gillis, City Manager 5/23/2023

Enclosure, exhibits & attachments required to support the report

2023 CITY COUNCIL WORKSHOPS, STUDY SESSIONS, PRESENTATIONS AND RETREATS (TENTATIVE)

WORKSHOPS	Date	Lead
Bond Project Update Public Works will provide the City Council with an update on the bond projects for streets and utilities. There are two street projects. The first project is Ralston Road Phase 2 (Yukon Street to Garrison Street). The second project is W. 72nd Avenue (Swadley Court to Kipling Street). The utility bonds were issued in December 2022 and an update on the spending plan for each fund will be presented.	June 12	PW
Budget Presentation to Council – 10-year models	June 12	Fin
Budget Presentation to Council – 10-year CIP	June 12	Fin
Smart Meters Update	July 24	Utilities
	Aug 14	
Pavement Management Program	Aug 28	PW
Water, Sewer, Stormwater Rates and Fees@ Business Meeting	Sept 18	Utilities
Bond Project Update Public Works will provide the City Council with an update on the bond projects for streets and utilities. There are two street projects. The first project is Ralston Road Phase 2 (Yukon Street to Garrison Street). The second project is W. 72nd Avenue (Swadley Court to Kipling Street). The utility bonds were issued in December 2022 and an update on the spending plan for each fund will be presented.	Sept 25	PW
Budget Workshop – Work System Changes	Sept 25	Fin
Regional Homelessness The City Manager's Office will update the Council on the progress of the City's immediate and intermediate goals, as well as to update the Council regarding the Jefferson County regional efforts of the homelessness strategy.	Aug 28	CMO
Water Infrastructure for Fire Protection	Oct 9	Utilities
Budget Workshop – Pay Plan	Oct 9	Fin
Bond Project Update Public Works will provide the City Council with an update on the bond projects for streets and utilities. There are two street projects. The first project is Ralston Road Phase 2 (Yukon Street to Garrison Street). The second project is W. 72nd Avenue (Swadley Court to Kipling Street). The utility bonds were issued in December 2022 and an update on the spending plan for each fund will be presented.	Dec 11	PW
Infrastructure Annual Report	Dec 11	Utilities/PW
2024		
Sustainability	Jan 22	
Athletic Field Programming	Jan 22	VCN
PRESENTATIONS		
STUDY SESSIONS		
BID and Chamber funding	TBD	
WORKSHOP TBD's		
Budget and Fiscal Policy Update	TBD	Fin
Pavement Programs	TBD	
Financial resiliency recommendations Provide City Council an update on the OSE's SR9: By 12/2024 based on long-term financial projections and updated master plans, develop financial resiliency recommendations to ensure adequate and ongoing investment in city infrastructure and core services. This workshop will present the summary of long range unfunded needs by work systems.	TBD	Fin

Next Steps will be [M9B] By 12/2023 develop a city-wide consolidated level of service summary. [M9C] By 12/2023 prepare an exhaustive list of funding source opportunities for closing identified infrastructure and core service funding gaps.		
Fleet Electrification	TBD	Utilities
Council Retreat Update	TBD	CMO
Pre-Sentencing/One Small Step	TBD	Courts
Meyers Pool Provide City Council an update on the VCN's SR3: By 12/2025 develop a maintenance and reinvestment plan to ensure a sustainable, resilient and beautiful community of parks, trails, open space and medians in alignment with our diverse, changing and growing community and VCN's SR3 Milestone [M3H] By 7/2024 replace Meyer's Pool with a new 50 meter natatorium.	TBD	CMO
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 co-locate opportunities, IGA member updates, and connections to current assets (city buildings, traffic, signals, utilities, radio, etc.).	TBD	PW
Problem Properties	TBD	P.D.
Activation of Historical Assets	TBD	VCN
Customer Service Philosophy	TBD	CMO
Ask Arvada Update	TBD	CMO
AFPD – Wildfire	TBD	
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		