



SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD

February 7, 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 6:47 P.M.**
2. **PLEDGE OF ALLEGIANCE Said at the beginning of BOA meeting.**
3. **ROLL CALL OF MEMBERS**

Those present: Michael P. Griffith, Tim Knapp, Tom Aljinovich, Brandon Figliolino, Doug Magee, Steve Hannan

THOSE ABSENT

Andrew Gay

Mr. Griffith moved to excuse

Members are excused by vote passed 6-0

ALSO PRESENT: Ryan Stachelski, Director of Community and Economic Development; Rob Smetana, City Planning Manager; Emily Grogg, Sr. Ass't. City Attorney; Josie Suk, Systems and Administrative Manager of Community and Economic Development, Jacob Nitchals, Sr. Planner, Jeremiah Bebo, Planner II; Shane Greenburg, Planner II; Dixielee Rodriguez, Recording Secretary.

4. **APPROVAL OF MINUTES**

December 6, 2022. The minutes stand approved as printed.

5. **GENERAL BUSINESS:** Agenda Item 5.A.

CP2023-0004 a Resolution by the Planning Commission for the City of Arvada, Colorado, Adopting the 2014 Arvada Comprehensive Plan as Arvada's Three Mile Plan Pursuant to Section 31-12-105(1)(E), C.R.S., as Amended

Motion

It was moved by Mr. Magee that CP2023-0004 a Resolution by the Planning Commission for the City of Arvada, Colorado, Adopting the 2014 Arvada Comprehensive Plan as Arvada's Three Mile Plan Pursuant to Section 31-12-105(1)(E), C.R.S. As Amended be approved and recommended to City Council for ratification this motion is based on the finding of facts on page 1 of the Staff Report.

DISCUSSION OF MOTION

None

The following votes were cast on the motion:

Those voting Yes: Griffith, Hannan, Knapp, Magee, Figliolino, Aljinovich

Those voting No:

Those absent: Gay

The motion carried 6-0

6. REPORTS

None

7. PUBLIC COMMENT

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

8. PUBLIC HEARINGS

DA2022-0052 Major Modifications from the Land Development Code for a building that does not adhere to the building orientation and configuration requirement; does not adhere to the required 40-foot setback for fuel pumps, fuel islands, and canopy from all streets; and where the fueling canopy does not adhere to the required site design standard which requires a canopy to be located behind or to the side of a building for Kum & Go #2299, located at 6401 Wadsworth Bypass.

Mr. Griffith opened the public hearing.

Mr. Griffith entered into the record the staff report for DA2022-0052 dated February 7, 2023, posting of signs, affidavit of mailing, and posting log.

Mr. Bebo stated the affidavit of mailing and posting log are in order.

Mr. Bebo introduced the project to the Planning Commission, he stated that the applicant is requesting three major modifications from the Land Development Code and has a request for site plan approval with a minor subdivision under administrative review. Currently, the site is being used as a fueling station which is non-conforming. Mr. Bebo continued to say that the major modifications have been requested due to the shape of the lot which presents certain challenges to developing the site as a fueling station due to the constraints of 3 street frontages making the setback requirements difficult to achieve. Mr. Bebo confirmed that the requests do meet the approval criteria as stated in the Land Development Code and staff is in support.

Erica Morton, Applicant, 2455 John Field Ct, Lafayette CO 80026- Ms. Morton, introduced the project stating the reasons for major modification requests. Ms. Morton stated that the presence of rights-of-way on 3 sides of the site makes it impossible for the building and canopy to meet setbacks.

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

PUBLIC COMMENT

None

IN FAVOR

None

APPLICANT REBUTTAL

None

Mr. Griffith closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Knapp asked staff what the intent of LDC Subsection 4-3-3-4(F) is and why the regulation requires a canopy to be to the side or to the rear of the building?

Mr. Bebo states this regulation applies to the MX-U zone which is intended to be more walkable and pedestrian oriented. The regulation forces the canopy away from public right of way both for safety, circulation, and visual reasons.

Mr Knapp asked about the landscaping, who will enforce it in 5 years to ensure it's still there?

Mr. Bebo stated that if complaints are received staff will confirm what was approved in the landscape plans and that the city will enforce through code enforcement if needed.

Mr. Griffith stated no further discussion with no further question from the commission

MOTION: Agenda Item 8.A

It was moved by Mr.Magee, That DA2022-0052 – Major Modification for Kum & Go #2299, To construct a new fueling station and convenience store with a detached fuel pump canopy where the building does not adhere to the building orientation and configuration requirement of LDC Subsection 5-1-2-6(B)(1) which requires that all nonresidential buildings orient the main pedestrian entrance of the building to a public or private street and generally located at 6401 Wadsworth Bypass be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page 9 & 10 of the Staff Report.

DISCUSSION OF MOTION

Mr Figliolino will support this project, likes the building footprint and appreciates the offerings for an area that lacks fresh produce due to no close grocery store.

Those voting Yes: Griffith, Hannan, Knapp, Ajinovich, Magee, Figliolino

Those voting No:

Those absent: Gay
The motion carried: 6-0 (1 absence)

MOTION: Agenda Item 8.B

It was moved by Mr. Magee, DA2022-0052 - Major Modification for Kum & Go #2299, To construct a new fueling station and convenience store with a detached fuel pump canopy where the fueling canopy does not adhere to the required 40-foot setback from all streets in LDC Subsection 3-1-3-8(A)(3)(i) which requires fuel pumps, fuel islands, and fueling canopies to be set back at least 40-feet from all streets and generally located at 6401 Wadsworth Bypass be recommended to City Council for approval.

This motion is based on the finding of fact and approval criteria on Page 9 & 10 of the Staff Report.

DISCUSSION OF MOTION

None

Those voting Yes: Griffith, Hannan, Knapp, Ajinovich, Magee, Figliolino
Those voting No:
Those absent: Gay
The motion carried: 6-0 (1 absence)

MOTION: Agenda Item 8.C

It was moved by Mr. Magee, DA2022-0052 – Major Modification for Kum & Go #2299, To construct a new fueling station and convenience store with a detached fuel pump canopy where the fueling canopy does not adhere to the required site design standard of LDC Subsection 4-3-3-4(F)(2) which requires the fuel pump canopy to be located behind or to the side of a building in the MX-U zone district and generally located at 6401 Wadsworth Bypass be recommended to City Council for approval.

This motion is based on the finding of fact and approval criteria on Page 9 & 10 of the Staff Report.

DISCUSSION OF MOTION

Those voting Yes: Griffith, Hannan, Knapp, Ajinovich, Magee, Figliolino
Those voting No:
Those absent: Gay
The motion carried: 6-0 (1 absence)

- 8.D **DA2022-0070 - Conditional Use and Major Modification for MARSHALL POINTE, a 4.36 – acre parcel of land approximately located at the southeast corner of Marshall St and W 52nd Ave.**

Mr. Griffith opened the public hearing.

Mr. Griffith asked staff to confirm that the required documents and notices were in order.

Mr. Nitchals confirmed that the published notices, affidavit of mailing and posting log were in order.

Mr. Nitchals made clarification about the staff report and that there was a previous project that was approved in March of 2021 for a conditional use by council, he wanted the Planning Commission to understand that approval only applies to that 5 story design. This is a different design and not the same 5 story design or unit count and that is why this case is before the commission. Mr. Nitchals also wanted clarification of the height of the building, on page 7 of the staff report. He states that the 45 feet maximum height is true and an additional 15 foot height bonus is available. This project is right around the 45 feet maximum height and has the option of the additional 15 feet.

Mr. Griffith asked if there are any additional items received that need to be made a part of the permanent record?

Ms. Grogg stated there are emails received that are public record and are part of the packet and permanent record.

Mr. Griffith stated communications received from the public are included in the permanent record.

Mr. Griffith entered into the record the staff report for DA2022-0070 posting of signs, affidavit of mailing, posting log and emailed public comment.

Mr. Nitchals introduced the project to the Planning Commission. Mr. Nitchals explained that the applicant is requesting a Conditional Use in order to construct a residential structure within the MX-S zone district and they are also requesting a major modification to the small urban park requirement to reduce the size of that by approximately 50%. The proposed development will contain 260 units in one 4-story building on a 4.36 acre site. Staff presents this will a recommendation of approval. Mr. Nitchals identified that the letters from the public were concerned about the park reductions and wanted to clarify that the small urban park is not the same as park land dedication. Reduction to park land dedication is not allowed by code but the small urban park is a privately owned and maintained space that can be open to the public and it is counted towards their park land dedication. A vast majority of developments give us a fee in lieu of parkland dedication so that we can build larger parks. In this situation, by building a smaller urban park, they will get less of a credit and the City will get a larger parkland dedication fee.

Ben Taylor - Developer - 1746 N. Williams St. Denver 80216 , This project is what is considered true affordable housing, this means that it is financed by Federal tax credits known as LIHTC (Low Income Housing Tax Credit). For these credits they must restrict rent for 30 years based on AMI(area Median Incomes)restriction. With restricted rent they will be able to charge an affordable rate for these units. This project 1-bed rent will be \$1,243 compared to 1-bed \$1,700 in a market rate project. This allows residents to live in a community they could not normally afford, and lets them not have to choose between rent and everyday goods that they need.

Kristin Dean, Norris Design - 1101 Bannock St, Denver, 80204 - Ms. Dean states that the East side of Arvada is a great opportunity for housing because of the close proximity of

transportation, highway systems and Olde Town. The site currently has one single family home and a landscape management company on site. The property is zone MX-S and residential is a conditional use. She noted that there is no maximum density required for that zoning designation. The max height is 60 feet and she recognized the City's incentives to development to allow for projects like this to come forward. Ms. Dean gave an overview of the proposal, she stated that this project has 260 affordable multi-family units with two internal courtyards. Public plazas along Marshall Street and 52nd Ave. This project includes both garage and surface parking being proposed with a total of 367 parking spaces. There are two points of access, one on Marshall and one on 52nd St. Future dedication of ROW will be provided to accommodate a future round-about being built by the City. Bike lanes and sidewalks will also be added, Ms. Dean says this is a major win for the City.

Carl Rung, Landscape Architect, 1101 Bannock St., Denver, 80204 - Mr. Rung explains that the landscape on the property complies with all standard requirements of the Land Development Code. The project includes landscape buffers, 6" fence along the eastern and southern property line, 2 interior courtyards - the North courtyard would include an individual's flex land use, covered outdoor grills and seating area, flower garden for residents. The South courtyard is geared towards families including 2 playgrounds. The North courtyard will have covered seating, a cut flower garden, hammock grove and Bocce Court. The South courtyard will have a turf playground hill, a natural playground, and a climbing wall that can also be a movie wall. It will also include a discovery path, tot playground, more outdoor seating and covered seating.

Ms. Dean spoke about the small urban park major modification request. The code requires 10% of the site and the request is to reduce it to 5% of the site. If they met the requirements of the code that would require the project to lose 15 units. She explained that they met frequently with City staff to make sure they meet City standards to the greatest extent possible. With the major modification the project would be offering 2 small internal urban parks for residents plus plaza space and enhanced seating/landscape areas. This ends up being about 20,000 sf of park space.

Adam Kantor 2555 Walnut St. Denver, 80205 - Mr. Kantor explained that they designed this building for this site specifically. Main entry distinct design focusing the warmth. Falling in under height restriction, even though it is a large structure.

Ms. Dean closed her presentation by stating that they have carefully worked with staff to meet criteria for both the Conditional use and the major modification.

PUBLIC COMMENT

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

Dean Schulze 13556 W 68th Ave, Arvada, 80004. He has studied diagrams and does not see a small urban park on plans. Looks like a sidewalk not a park. He does not feel like it works. Not enough space for the amount of people that this building will house. 600 new residences, feels this is not enough space. You cannot call sidewalks an urban park. Also offers an idea of land that the applicant can purchase to put in a park.

Mr. Griffith calls up Rebecca Martin, Ms. Martin passes on her public comment.

Mr. Griffith calls up Linda McGivern, Ms. McGivern passes on her public comment.

Andrew Anthony 6700 W. 54th Ave Arvada 80002- What is the typical residence for these type of places/projects? 2nd question is about are animals allowed? Where are the animals going to use the bathroom?

Janet Spelman 6693 W. 53rd Ave, Arvada, 80002 - Question is about parking. For the amount of units and people proposed, where are they going to park? Traffic in this area is bad. This many new residents will just add to the big problem with traffic right now. Not real good access. She is worried that her property will be devalued and is concerned with the number of units.

APPLICANT REBUTTAL

Ms. Dean first addressed the comment about the small urban park/plaza being all sidewalk, she states that this is allowed by code. She also stated that it can be used by the public. In terms of the vacant land she said that it was not their opportunity to build a park but that it was something that the City could consider.

Ms. Dean stated that the parking and traffic are their concerns as well and did a traffic study for plan development. Traffic study was done for the present state of the area and future state; not a short term analysis. Parking study was done for this site; she reminded the commission that the ROW dedication for a round-about is planned for the future and will be an improvement to traffic. She also discussed the site's proximity to transit which provides residents with options. In closing, Ms. Dean explained that the proposed parking is more than what was determined from the parking study for the number of units on the site.

Mr. Taylor replied to the question of who lives here. A majority are single moms and first year school teachers. Residents who make about \$25.00 an hour. These are the people who qualify to live here. Yes animals are allowed and size and breed restrictions apply. Lease addendum for pets.

Mr. Griffith closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Hannan asked staff to go over the urban park issue on this site.

Mr. Nitchals stated the change in LDC to create smaller parks is part of the Parks Master Plan. These are privately owned and privately maintained but open to the public. These are only required in the MX-U and MX-T zoning districts. These requirements are completely separate to the fees associated with park land.

Mr. Hannan asked staff to expand on the area traffic.

Mr. Nitchals states both streets (Marshall and 52nd Ave) are arterial streets and categories are existing levels of service, almost all A's and B's with a few C's.

Mr. Hannan asked what is the deal with the roundabout?

Mr. Nitchals stated this area has more than one jurisdiction in this area. Jefferson county, City of Arvada and Denver jurisdiction. Working together - cross jurisdictional to fix this area, if they pivot they can do a more traditional intersection.

Mr. Hannan asked about parking for this project and if they are going to meet our numbers?

Mr. Nitchals stated the developer will comply with LDC but can request a 20% reduction for parking. Parking study they have shows the developer will satisfy the parking for the site.

Mr. Hannan states he recalls City Council's strategic goal is to increase more affordable housing in the City of Arvada?

Mr. Nitchals has the CED director speak on this.

Mr Stachelski explains that the Council has specific strategic goals that have not been updated, specifically for an affordable housing count. The minimum goal was set a few years ago was 50 affordable housing units. Currently we have 686 in different phases of development including this project. The City Council is requesting more effort to be made on this and there is a new housing committee that will start meeting in May to work with the City to create a strategic plan on affordable housing.

Mr. Hannan asked about EV chargers in the parking garage or surface parking?

Mr Taylor states yes 10% of parking stalls are for future use of EV chargers.

Mr. Figliolino asked the applicant if they are a new applicant as to the project on this site then what was approved last year.

Ms. Dean states yes, and she is not sure what the previous applicant was wanting or thinking on this project. This is a well thought out project to meet development standards and fit for the area.

Mr. Figliolino asked will the project offer secure bike parking and will the project offer transit passes?

Ms. Dean states there will be secured bike parking on site. In terms of eco passes, not sure if they are on or off the table, could be something in the future.

Mr. Figliolino asked staff for more information about the park fees in lieu, will the money go to projects in the neighborhood or general fund to any area in the City?

Mr. Stachelski states by policy the fees will go to the area but can't speak on the Parks department behalf. In general fees will go to that area but Parks going through changes and not sure if this is how it will be handled or what the best practices are. The parks department is trying to understand what is best for not only the quality of the parks as well as the engagement in the parks. The parks plan was to have a 10 min walk to a park in every neighborhood, now the next evolution is to the quality of them. The east side of the City has not seen parks updated as much as the West side and they may see more updates happening in this area and the City wants to ensure inclusivity to the City as a whole.

Mr. Aljinovich asked about the parking garage, how many levels and where is it located?

Mr. Taylor states it will be a 4 level garage with one entrance and one exit.

Mr. Aljinovich asked about the landscaping plant material and who will maintain it to include sidewalks?

Mr. Taylor states that the owner will have a property management onsite that will maintain the property.

Mr. Magee asked about the rent and how is it maintained at a fixed rate or updated with new median income?

Mr. Taylor states new rents for that area from HUD every year.

Mr. Magee asked how much does it increase 3% - 5%?

Mr. Taylor states average increase from data on average from 2012 to 2022 - 1.7 - 2 % annual increase.

Mr. Magee asked what happens after 30 years. Can the property be changed to what the developer wants to do. Increase rents etc?.

Mr. Taylor explains that renewing about 15 to 20 years and that they apply to get new tax credits, do major renovations to the property and keep it affordable housing.

Mr. Magee asked about the parking study that was completed and it mentioned 30 sites. Where are those other sites that were used as a comparison in the study? In the West, Mid West or in the East.

Ms. Dean stated the parking study used National data. She read a portion of the report based out of Los Angeles. This was a study specifically focused on affordable housing, this found that .2 and .85 spaces per unit were sufficient for this type of housing.

Mr. Magee explained that he believed that it was sufficient and that he just wanted to ensure that there wouldn't be parking issues in the area.

Mr. Nitchals states he went over the parking study, and the study did look at Denver and sub areas around Denver. He disregarded the study in LA and focused on local areas. Those suburban studies showed a utilization rate of .86 spots per each unit. This was done around 5am which would show most cars in the lot. This project meets parking.

Mr. Knapp asked about the validity of the study.

Mr. Nitchals stated there will need to be additional work on parking study. ITE (Institute of Transportation Engineers) usually provides a pretty conservative number. They overestimate trips and parking and the city will be looking in more detail during the site plan approval process.

Mr. Knapp asked staff to explain the purpose of the small urban park requirement?

Mr. Nitchals stated the goal is more parks in more intensely developed areas, this is a newer requirement for parks of this type for the City. The intent is to make space that looks like it is for the public and so they should be closer to the pedestrian corridor and not shoved back into the corner of the property.

Mr. Knapp asks where is the closest park to this site?

Mr. Nitchals stated Columbine Park is near this site.

Mr. Knapp asked about parking. Specifically, how many vehicles a unit may have and where will they park?

Mr. Taylor states best they will do is project and if parking becomes an issue the property manager will get involved and address the issue.

Mr. Aljinovich asked a neighborhood question, if a problem with a dog or if a neighbor gets out of hand will the property manager help get involved?

Mr. Taylor states the community/property manager will take care of issues on the property and concerns that come up.

Mr. Aljinovich asked do the community managers hold community meetings with the residents?

Mr. Taylor stated yes they do hold community meetings.

Ms. Grogg stated everyone in Avarada is bound by the code of ordinances that City council has passed.

Mr. Griffith asked if the previous plan on this site was taller and one unit type?

Mr. Nitchals stated yes he does believe to make the parking work for that project.

13. MOTION: Agenda Item 8.D

It was moved by Mr. Knapp, DA2022-0070 – Conditional Use for Marshall Pointe, to allow for the construction of an affordable multifamily project within the MX-S (Mixed-Use Suburban) zone district, on a 4.36 - acre parcel of land approximately located at the southeast corner of Marshall St. and W 52nd Ave., be recommended to City Council for approval.

This motion is based on the finding of fact and approval criteria on Pages 8,9 & 10 of the Staff Report.

DISCUSSION OF MOTION

Mr. Griffith stated affordable housing is a concern, he thinks this is a better plan then the previous project for this site. With a bike facility, park and parking is a big win. He definitely supports this motion.

Mr. Hannan noted that the building design does not look like affordable housing, and that he liked the design.

Mr. Figliolino wants to thank the applicant and thankful for the residents that came out, supports this project

Mr. Knapp thanked the residents for coming out and the applicant's well done presentation. Stated that this was a needed project in this area and supports this project.

Mr. Magee supports this project and thanked the applicant. Very well thought out plan for this site. With 2 courtyards and enough parks in the area.

Those voting Yes: Griffith, Hannan, Knapp, Ajinovich, Magee, Figliolino

Those voting No:

Those absent: Gay

The motion carried: 6-0 (1 absent)

14. MOTION: Agenda Item 8.E

It was moved by Mr. Knapp, DA2022-0070 – Major Modification for Marshall Pointe, to waive the requirement in table 2-1-4-2(A) of the LDC that requires at least 10 percent of the net parcel area be developed as a Small Urban Park for Marshall Pointe – a 4.36 - acre parcel of land approximately located at the southeast corner of Marshall St and W 52nd Ave be recommended to City Council for approval.

This motion is based on the finding of fact and approval criteria on Page 10 & 11 of the Staff Report.

DISCUSSION OF MOTION

Mr Griffith stated thinks the wording is confusing about urban park requirements and will support the motion.

Mr. Hannan states he supports it because it is an affordable housing approach and not full cost rentals.

Those voting Yes: Griffith, Hannan, Knapp, Ajinovich, Magee, Figliolino

Those voting No:

Those absent: Gay

The motion carried: 6-0 (1 absent)

15. OTHER ITEMS

Mr. Smetana mentioned the next meeting on February 21, 2023 has no items on the agenda for this meeting and can be canceled.

Those voting Yes: Griffith, Hannan, Knapp, Magee, Figliolino, Aljinovich

Those voting No:

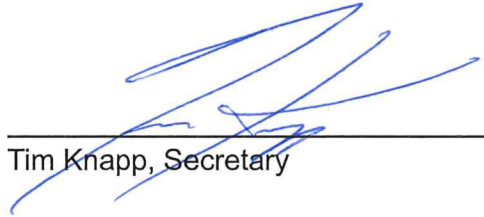
Those absent: Gay

The motion carried 6-0 (1 absent)

Meeting on February 21, 2023 is Canceled.

Mr. Smetana mentioned that we have items on the agenda for the March 7, 2023 meeting.

16. **ADJOURNED** at 8:29 P.M.



Tim Knapp, Secretary



Michael P. Griffith, Chair



Dixielee Rodriguez, Recording Secretary