



**SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD**

**April 18, 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, Tim Knapp, Tom Aljinovich, Brandon Figliolino, Doug Magee, Steve Hannan, Andrew Gay

**THOSE ABSENT**

None

**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; Liz Johnson, Manager of Communications and Marketing; Carol Ibanez, Sr. Planner; Shane Greenburg, Planner II; Jenny Wolfschlag, City Engineer; James "J.T." Pritts, Civil Engineer II; Dixielee Rodriguez, Recording Secretary.

4. **APPROVAL OF MINUTES**

February 7, 2023. The minutes stand approved as printed.

5. **GENERAL BUSINESS:**

None

6. **REPORTS**

None

7. **PUBLIC COMMENT**

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

8. **PUBLIC HEARINGS**

**DA2023-0006 ADVERTISING BILLBOARD SIGN REPLACEMENT**

Mr. Griffith swore in all guests that will be speaking.

Mr. Griffith opened the public hearing.

Mr. Griffith entered into the record the staff report for DA2023-0006 dated April 18, 2023, posting of signs, affidavit of mailing, and posting log.

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

Mr. Greenburg introduced the project to the Planning Commission, he stated that the applicant is requesting an alternative LED double sided sign 24' above grade. He stated that staff recommends approval of this project.

Matt Ragonese, General Manager of Outfront Media, 8748 Culebra Street, Arvada 80007- Introduced the project team and the company.

Steven Shinn, 648 Olster Denver, CO 80230 - described the digital sign project being proposed showing in the presentation where the new sign would be located. Mr. Shinn discussed that there was a measurement of ambient light based on environment lighting and highlighted the fact that there are cameras on the sign to monitor the signs 24/7.

Mr. Ragonese stated how the signs can communicate a message quickly such as an Amber Alert. Also, small businesses can promote their business in Arvada that may not be visible from the highway.

#### **PUBLIC COMMENT**

None

#### **APPLICANT REBUTTAL**

None

Mr. Griffith closed public comment.

#### **QUESTIONS FROM THE COMMISSION**

Mr. Hannan asked the staff if this will be our first digital billboard in Arvada. Has a traffic study been done? Lighting during the night as to during the day. Was a light study performed?

Mr. Greeburg states there are requirements per code that need to be met. They need to be dimmed at certain times.

Mr. Knapp asked staff if there was a light study performed on this project?

Mr. Greenburg stated that per our code there is a certain amount allowed for day and night.

Mr. Smetana stated that they did not have the same guidelines in 2020 as they were not included in code back then. New LDC includes them now.

Mr. Knapp asked staff how this code compares to Wheat Ridge?

Mr. Smetana did not know this answer.

Mr. Knapp stated how the sign in Wheat Ridge is completely blinding while he is driving in either direction. Asked staff what the height of the current sign is in comparison to the proposed 24'?

Mr. Greenburg stated that the current sign height is similar to the proposed 24' and the allowable height by the code is 30'.

Mr. Shinn stated that they will keep new proposed sign to meet 24' high

Mr. Knapp asked about the trees next to current sign and utilities

Mr. Shinn stated they will be removing current trees and will be meeting xcel setbacks

Mr. Knapp asked if it will be a static or moving image on the sign?

Mr. Shinn stated that per Colorado law it will be static but it will change every 8 seconds on a 64 second loop.

Mr Knapp asked whether or not CDOT will need to approve?

Mr. Shinn stated that yes a CDOT permit is require but can only be obtain after local approval

Mr. Knapp asked staff about whether the businesses located near the sign were talked to about the project.

Mr. Greenburg stated notification was sent out to them and and no they did not speak to them individually.

Mr. Figliolino asked if there were any parking spaces going to be removed?

Mr. Greenburg stated no spaces will be removed.

Mr. Shinn stated that no parking will be removed, the sign will be placed right outside of the fenceline.

Mr. Magee asked staff if they knew about the state and federal laws before they approved the project?

Mr. Greenburg stated that CDOT has to approve after they have received the Cities Approval.

Mr. Magee asked how close are the nearest residents?

Mr. Greenburg stated that is the reason that they only approved up to 24' which meets the building so there will not be anything going over the building.

Mr. Magee asked about size of sign

Mr. Shinn describes that it will 45' long split in half at a slight "V" going east and west; it will be 48' wide by 14' high which is standard in the Denver area.

Mr. Magee asked if they would be replacing the pole?

Mr. Shinn stated that yes they will be replacing it.

Mr. Gay asked staff the reason it does not meet sign criteria is only because it is over 40% digital?

Mr. Greenburg stated that it does meet all criteria except 40% or more is digital.

Mr. Griffith asked staff if the sign decision by the Planning Commission is the final stop?

Ms. Grogg stated that yes final decision is by the Planning Commission for the Alternative Sign Program.

#### **MOTION: Agenda Item 8.A**

It was moved by Mr. Knapp that DA2023-0006 That an Alternative Sign Program for the replacement of an advertising billboard sign, approximately located in the southeast corner of 8041 I-70 Frontage Rd N., be approved. Approval subject to the conditions stated in the Staff Report, Item 1, Page 5.

This motion is based on the findings of fact and approval criteria on Page(s) 4 and 5 of the Staff Report.

Ms. Grogg made the commission aware that the motion that was made should be amended to: That an Alternative Sign Program for the replacement of an advertising billboard sign, approximately located in the southeast corner of 8041 I-70 Frontage Rd N., be recommended to the Director for approval. Approval subject to the conditions stated in the Staff Report, Item 1, Page 5.

This motion is based on the findings of fact and approval criteria on Page(s) 4 and 5 of the Staff Report.

The commission approved of the amended motion.

#### **DISCUSSION OF MOTION**

Mr. Magee stated that even though it does not meet all of the criteria as described in the staff report, after comments from staff and applicant, and the fact that it will have to go through additional approvals (CDOT) he will be supporting it.

Mr. Gay stated that he does not agree because it is in an industrial area not historical, it will not be less of an eyesore; he will be voting no.

Mr. Knapp stated that he will not be supporting this application for the same reason that Mr. Gay stated and also that it does not meet criteria.

Mr. Griffith stated that he agrees with Mr. Magee, that he does not like bright signs and is glad there are guidelines for the lights.

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

Those voting No: Gay, Knapp

Those absent: None

The motion carried: 5-2

**8.B DA2022-0093 - A Major Subdivision Preliminary Plat and Planned Unit Development (PUD) Development Plan for Candelas Filing No. 1, Amendment No. 4 ; generally located north of Candelas Parkway, east of Kilmer Way and South of W 93rd Place in the City of Arvada**

Before the hearing is opened, Mr. Griffith stated that he works for one of the consultants on this project; Kimley Horn. He has no involvement in the project aside from the Staff Report he has received from the City. Mr. Griffith stated that he can be fair and unbiased in his review of this project.

Ms. Grogg stated that the City Attorney's Office has reviewed this and finds no conflict of interest that requires recusal.

Mr. Griffith opened the public hearing.

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

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

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

Ms. Ibanez stated that there are no additional items.

Mr. Griffith entered into the record the staff report for DA2022-0093 posting of signs, affidavit of mailing, posting log and emailed public comments.

Ms. Ibanez introduced the project to the Planning Commission. Ms. Ibanez stated that the applicant is requesting a Major Subdivision Preliminary Plat for 39 units for sale townhomes and 33 for rent multi-family units above the two retail buildings. The mixed-use retail buildings are located at the entrance on both sides of McIntyre Street with an urban park.

Development for this property was previously presented twice prior to this development. In 2020, City Council denied the application for 57 townhomes since no retail development was proposed. Retail spaces were added to the development on June 2022. The City Council denied the application, indicating their major concerns The City Council wanted fewer residential units, increase the size of the retail space, add additional off-street and guest parking as well as

provide additional safety improvements for pedestrians. This development plan before the Planning Commission addressed the recommendations from the City Council .

Applicant/Developer Daniel Glasso 5350 S Roselyn Street Suite 400, Greenwood Village, CO-TRI Point Home. He presented a summary regarding the various types of homes they build to include townhomes, duplexes and single-family homes ranging from 1,200 sq ft to just over 6,000 sq ft. In Arvada, they have constructed single family homes and are currently building townhomes on the west side of this project.

Marcus Pachner, 1480 Humboldt St. He provided an overview and stated that this is the last site in Candelas to be developed. The developer and team have spent a four year endeavor addressing the neighborhoods and City Council recommendations.

Bonnie Niziolek, Norris Design 1101 Bannock Street, Denver 80204 She discussed the revisions that Council recommended and presented the following: introduced the landscape on site which includes EV chargers; the number of parking spaces have been met with the addition of this site being a mixed-use, and proposed safety improvements. She also described the three story mixed use commercial on the 1st floor and residential units on the second and third floor. The addition of the single family, townhomes and commercial uses provide diversity in this area.

## **PUBLIC COMMENT**

### **IN OPPOSITION**

Anna Smith, 9540 Kendrick Way Arvada, stated how she drives down McIntyre every day and has concerns about parking. These townhomes do not have basements and garages will be used for storage and not cars. She is worried about safety and this applicant is not a commercial builder. She is not in favor of this project.

Teresa Kay, 15569 W 95th Pl., expressed her appreciation for all the work the teams have done. However, the number of units proposed will remove the beautiful views. She never knew retail was going to be a part of this community. Traffic is going to be bad. She appreciates the speed bumps being put in. She wants to know why the retail needs to be there? There are several retail stores in that area already. She is concerned about "what" is going to be on the site.

Erin Bott, 9364 Kilmer Way. stated her concerns. How big are the driveways? Size of driveways? Are the driveways 12' long? Not getting 2 parking spots in the space provided. She stated that on the east side of the site retail requires 20 spaces, and only has 16 spaces, the other 4 spaces are across the street.

Elizabeth Ashe, 15311 W 93rd Pl. stated that she is not fighting the build on, she just wants the right build. Stated that there is a lot of bike riding. Also, turning into McIntyre from Candelas Parkway is always backed up. She is concerned with the traffic and speed in the neighborhood.

### **IN FAVOR**

None

## **APPLICANT REBUTTAL**

Mr. Pachner expressed they have the same values brought up by public comments. There are over 64 spaces provided exceeding the Codes. He corrected that the total feet of the driveway spots are 19'4". The parking on the east side are shared parking spots. The development is intended for residents to walk to the retail and not use the parking. Garages are 25' wide normally they are 20' wide. He stated the HOA will enforce parking in garages. Curtis Rowe - 4582 S Ulster St. Suite 1500 Denver, CO 80237. He did the traffic study for this project and that the delay on turn to McIntyre is a level C (15 seconds). The proposed crosswalk at W 93rd and McIntyre will increase awareness of pedestrian crossing. On-street parking on McIntyre creates a different environment and slows traffic down.

Ms. Niziolek stated that the proposed plans of the existing lanes on McIntyre are wider and provide street parking.

Mr. Griffith closed public comment.

## **QUESTIONS FROM THE COMMISSION**

Mr. Hannan asked staff about the original plan. What did we originally plan?

Ms. Ibanez stated the original plan goes back to 2005. and in 2019, townhomes with no commercial uses were proposed. The City Council denied it because there were no mixed uses. The original plans had building heights up to 50', but the Outline Development Plan (ODP) was amended reducing the height.

Mr. Hannan asked if the traffic study required a deceleration lane from Candelas to McIntyre? JT Pritts indicated that it was not warranted at this time. in the future there may be a need for it at a later time.

Mr. Hannan asked staff if we had problems with parking at Five Parks?

Mr. Pritts stated the parking at Five Parks is slightly different then this development which will have 12' lanes instead of 11' mitigating some of the possible issues.

Mr. Griffith asked if the parking from the project a year ago was in compliance? Is the current project in compliance with the code?

Ms. Ibanez indicated that they were in compliance with the previous and current plans.

Mr. Griffith asked what did the City Council want to see differently?

Ms. Ibanez explains that they wanted to see improvements for on and off street parking, reduction in townhome units, increase the retail building size, additional safety improvements of the neighborhood streets and crossings, guest parking spaces for townhomes, bike parking and trash. Ms. Ibanez stated that the developer has addressed all of those improvements.

Mr. Griffith stated his concerns with the safety of kids and people in this area.

Jenny Wolfschlag stated that Public Works has been working with Arvada Police to monitor concerns for the Candelas area. As of now, they have not seen any area that needs changes, but they are still monitoring it.

Mr. Griffith asked if they have done adequate study on the exit flow?

Ms. Wolfschlag states they do meet our criteria for exit.

Mr. Figliolino asked the applicant if the sidewalk goes all the way up to W 93rd PI?

Ms. Niziolek stated that the sidewalk does not connect all the way on the west side.

Mr. Figliolino stated that it looks like the park/community area was removed for parking.

Ms. Niziolek stated that they needed to add more parking and also have an area for landscaping.

Mr. Knapp asked about parking for tenants and employees?

Ms. Niziolek stated that the surface spaces will be for these uses and available as flexible parking spaces.

Mr. Knapp stated that we should have assigned parking for the tenants or this should be considered.

Ms. Niziolek stated that there are also spaces on McIntyre that are available.

Mr. Knapp inquired that previously they were having difficulty finding tenants for the retail. Has that changed?

Ms. Niziolek discussed that the key to getting tenants is to get the buildings built.

Mr. Pachner stated that the parking will be determined depending on what it is.

Mr. Knapp asked how many retail spots there will be?

Mr. Pachner stated that there is some flexibility of the retail spaces depending on the type and size needed.

Ms. Niziolek stated that the number of retail spaces will be based on tenants' uses. It can be one larger space or three smaller spaces. There is just over 10,000 sq. ft between the two buildings.

Mr. Magee asked staff what the allowed density is on this parcel?

Ms. Ibanez stated that the mixed-use buildings have no density requirement. The townhomes are going at 13.4 or 20 units per acre which meets the requirement for the ODP.

Mr. Magee asked if there could have been more units on the original plan?

Ms. Ibanez stated that yes, the density was much higher on the original plan. It was going to be up to 50' high.

Mr. Magee asked is there going to be an HOA?

Ms. Niziolek stated that yes this is what they are thinking when doing CC&R.

Ms. Ibanez added that other residential communities out there have HOA's.

Mr. Magee asked what the comments were from the 2nd meeting on this site, assuming they were similar to the concerns now?

Ms. Niziolek stated that the comments were very consistent for both meetings.

Mr. Magee asked if the developer is able to identify the contractor?

Mr. Pachner stated that yes we have a contractor, but cannot identify yet who they are. They are going under contract.

Mr. Aljinovich asked about the alley, stating that it is 24' wide. How big is it with the driveway?

Ms. Niziolek stated that the alley is 20' within the 30' utility easement, the 20' alley on the north side has just over a 19' drive space and the south side has just over a 6' drive space to accommodate another easement. So that gives 49' from garage to garage.

Mr. Aljinovich asked what does an emergency vehicle need?

Ms. Niziolek stated that there is an emergency vehicle study in detail in the packet.

Mr. Aljinovich asked if we solved the question of egress out of this area if there is a fire.

Ms. Wolfshlag stated that all residents have at least two points of access for egress.

Ms. Niziolek stated that there was a traffic study to accommodate higher density than what is needed.

Mr. Gay asked the developer to verify that the first plan had 57 townhomes, now we have 39 townhomes with 33 apartments that subsidize the retail.

Ms. Niziolek stated that was correct.

Mr. Gay stated that the townhomes have been turned 90 degrees no setback per city LDC.

Ms. Niziolek stated that the homes are not facing the street, that is why they are at 90 degrees to have a buffer zone.

Mr. Griffith asked about the number of units going from 75 to 72 with more concrete as before?

Ms. Niziolek there is more due to parking spaces but is mostly replacing previous number townhomes.

Greg Banks Landscape Architect 1101 Bannock St. stated that they exceed what the landscape requirement is now.

Ms. Niziolek stated the necessary landscape area is 20% and they are at 35%.

Mr. Griffith asked what is the percentage of the previous plan? We lost green space for parking spaces.

Ms. Niziolek stated that yes, there is more parking for new commercial and housing units.

Mr. Banks said that it exceeds landscape requirements.

Ms. Ibanez added that 32% was in the previous plan, only 20% was required.

Ms. Grogg stated the corrected pages for the motion are as follows: the first one is pages 8 through 9 and the second is 7 through 8. Ms. Grogg further added that this is not an opportunity to re-legislate the LDC and that if the objective standards are met, the appropriate evaluation is to look at the identified criteria in determining whether or not an application should be approved.

**13. MOTION: Agenda Item 8.B**

It was moved by Mr. Magee, DA2022-0093 – A Major Subdivision Preliminary Plat, for Candelas Filing No. 1 Amendment No. 4; located north of Candelas Pkwy, east of Kilmer Way, and south of W. 93rd Place be recommended to City Council for approval.

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

**DISCUSSION OF MOTION**

Mr. Hannan stated he has voted on this parcel four times. This time there is a very nice mix and he will be supporting it.

Mr. Knapp stated that he understands there is a financial balance but he still thinks there is an issue with parking even though you exceed what is required. He will be supporting it.

Mr. Figliolino wants to thank the applicant with their interactions with the public and to the public for speaking on this project.

Mr. Magee agrees with citizen input, helps with the design and he will be supporting this project.

Mr. Gay does support the application. The area is congested however the project does comply with LDC criteria and he will be supporting this.

Mr. Griffith thanked the community for coming out and the applicant and appreciates safety improvements and EV charging stations. He feels the plans as presented a year ago did a better job meeting criteria 4 than the current plans and that the design by committee changes

directed to be made to the prior plans have resulted in a project that fails to meet the intention of the comprehensive plan and LDC as well as the previous iteration.

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

Those voting No:

Those absent: None

The motion carried: 7-0

**14. MOTION: Agenda Item 8.C**

It was moved by Mr. Magee, DA2022-0093 – A Planned Unit Development (PUD) Development Plan for Candelas Filing No. 1 Amendment No. 4; generally located north of Candelas Pkwy, east of Kilmer Way, and south of W. 93rd Place in the City of Arvada Colorado be recommended to City Council for approval.

This motion is based on the finding of fact and approval criteria on Page 7 & 8 of the Staff Report.

**DISCUSSION OF MOTION**

None

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

Those voting No:

Those absent: None

The motion carried: 7-0


**15. OTHER ITEMS**

Ms. Grogg states July 10th is the City Council meeting for this project at 6:15 pm.

Mr. Smetana mentioned that we have items on the agenda for the both May meetings.

Mr. Magee asked that we print the packets front and back and be sure not to mix documents.

**16. ADJOURNED at 8:30P.M.**

  
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Tim Knapp, Secretary  
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Michael R. Griffith, Chair  
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Dixielee Rodriguez, Recording Secretary

