



SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD

May 2, 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 6:19 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: Rob Smetana, City Planning Manager; Emily Grogg, Sr. Ass't. City Attorney; Patty McCartney, Sr. Planner; Heidi Van Gieson, Development Tech; Dixielee Rodriguez, Recording Secretary.

4. APPROVAL OF MINUTES

April 18, 2023. The minutes stand approved as corrected and 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

8.A. OTH2022-0015 AN ORDINANCE AMENDING CERTAIN PROVISIONS WITHIN THE LAND DEVELOPMENT CODE, OF THE ARVADA CITY CODE TO ADD THE ZONING DISTRICT, COMMERCIAL, NEIGHBORHOOD

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 OTH2022-0015 dated May 2, 2023, publication and public comment.

Mr. Smetana stated the posting notice is in order, and one public comment was received.

Mr. Griffith asked Mr. Smetana to introduce the project.

Mr. Smetana introduced the project. The Commercial Neighborhood (CN) zoning distinct is being proposed to achieve a City Council strategic result. This zoning district allows for pocket neighborhoods that could be located within or on the edges of existing residential neighborhoods throughout the City. This will accommodate small scale retail, restaurant and service uses serving neighborhood needs. The zoning district is typically along collector or arterial streets. Signage would comply with the Olde Town Sign district. Parking area to be accessed only from an arterial or collector street unless an alternative is allowed through the Conditional Use process. (City Council approval). Interested private parties/developers would need to apply for rezoning and Conditional Use. Maximum of 1 acre and building heights would be identical to residential zoning districts.

PUBLIC COMMENT

Gina Hallisey - 14626 W 68th Pl Arvada, CO. Represent the Ralston Valley Coalition. Asking about parking and where? Want more definition on parking. Are the only uses allowed the ones listed or can there be others? Define what is considered small scale. Concerns about Air BnB next door or what is the process. This is a very small footprint and what the process is going to be.

APPLICANT REBUTTAL

Mr. Smetana - stated for parking access would have to come off collector or arterial street. On site parking will be required. Uses on the list are only ones allowed unless the code was amended at some point. Keeping these small to a maximum of 1 acre site. No more than 2 stories. Keep it close to the residential size and landscape requirement. Notification distance for a potential case is 1000 feet, which is consistent with all other public hearing requirements.

Mr. Griffith closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Hannan asked if there is any place in the city where CN is now and what is the process?

Mr. Smetana stated there are no areas in the city zoned CN and applicants would have to approach the city with a rezoning request and go through a Public Hearing process with the Planning Commission and then to City Council for approval.

Mr. Hannan asked if there would be administrative approval?

Mr. Smetana stated no this would not be administrative approval they would have to go through the same process and requirements that all Public Hearing do.

Mr. Hannan asked about residential parking and would CN have the same parking requirements as residential parking?

Mr. Smetana stated that no CN parking is based on use of the building. Typical commercial use parking requirements.

Mr Aljinovich asked about Conditional Use- the term, if there is a time frame and can it be taken away.

Mr. Smetana stated if it is approved it will run with the land. If it is approved and no action is taken after a couple of years then it will be taken away. If there is no violation then it runs with the land.

Mr. Gay asked, does a Bed and Breakfast have the same requirements as an AirBnB?

Mr. Smetana stated bed and breakfast is a little different because the owner lives at the residence which is the place of the Bed and Breakfast. In the alternative, a management company can run an AirBnB

Mr. Knapp asked staff to clarify the purpose of Commercial Neighborhood as stated in the Staff report.

Mr. Smetana stated the proposal is to reflect Council's strategic plan to develop more areas like Five Parks, but not as big. You would not need to get in your car to go get coffee or go to a restaurant. That there would be neighborhood uses within walking distance or biking.

Mr. Knapp asked staff to define "Neighborhood" as used in the definition of a Commercial Neighborhood. Specifically, whether "Neighborhood" is the geographic area in close proximity to the CN or is it the larger community.

Ms. Grogg stated that any application will need to meet the criteria of the Conditional Use. The purpose of the zoning district is to provide a benefit to the city. They would need to still present compliance with the criteria to the Planning Commission and City council. There is no requirement in the code that these businesses have to show "need".

Mr. Knapp asked whether multiple businesses could occupy the site at one time.

Mr. Smetana stated there can be two businesses like Bed and Breakfast and a restaurant.

Ms. Grogg stated that you will see a site plan when it goes before the Planning Commission and a specific use would be approved at that time.

Mr. Smetana also stated the Planning Commission would have to approve both businesses.

Mr. Knapp asked if there are other communities in the Denver metro area that have this zoning?

Mr. Smetana stated that yes there are other communities that have similar districts not specifically the CN district - Lakewood and Westminster.

Mr. Magee asked if someone could ask for a rezoning on an existing area/building on a piece of property?

Mr. Smetana stated that is correct or there could be conversion of existing homes.

Mr. Magee asked if a project was located on two residential streets would they not qualify for CN zoning?

Mr. Smetana stated that is correct, they would have to gain access off an arterial street or collector street because of the parking.

Mr. Magee asked about allowed uses and conditional use - Would a memory care facility be allowed in this CN?

Mr. Smetana stated it was not allowed in the CN district. Memory care facilities are normally on a larger scale than what CN would allow.

Mr. Hannan asked about 66th and Oberon where there is a jewelry store, a beauty shop and there used to be a video store but there is residential all around. Is this the type of thing we would be looking at?

Mr. Smetana stated yes, that's a little on a larger scale but yes, that would be similar in that the described area is a mixed use. In contrast, this is just one lot.

Mr. Griffith asked could a coffee roaster be a use if it is not a listed use or a use like laundromat?

Mr. Smetana stated that a coffee shop and coffee roasting would fit this, but a laundry mat would not fit.

Mr Griffith asked about restaurants, would this restrict the type of restaurant?

Mr. Smetana stated that it would be restricted, a drive thru would not be allowed, it has to be a sit down.

Mr. Griffith stated that he likes the list of Conditional Uses.

MOTION: Agenda Item 8.A

It was moved by Mr. Knapp that OTH2023-0015 That an Ordinance amending certain provisions within the Land Development Code, of the Arvada City Code to add the zoning district, Commercial, Neighborhood (CN), be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 3 of the Staff Report.

DISCUSSION OF MOTION

None

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

Those voting No:

Those absent: None

The motion carried: 7-0

- 8.B 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-Plan, generally located in 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, in the City of Arvada, CO.**

Mr. Griffith opened the public hearing.

Mr. Griffith asked, are there any posting requirements?

Ms. McCartney stated yes, the public hearing was published and noticed per Land Development Code.

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

Ms. McCartney confirmed that the published notices, and publication 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. McCartney stated that there are no additional items.

Mr. Griffith entered into the record the staff report for CP2023-0001 posting of notice, publication, and Staff report.

Mr. Griffith ask Patty McCartney to introduce the project

Ms. McCartney introduced the project to the Planning Commission. This project creates a long term vision for future development and redevelopment in the New Town area of the City. The New Town Sub-Area plan further implements the goals and policies of the Comprehensive Plan developed with extensive community engagement.

PUBLIC COMMENT

None

IN OPPOSITION

None

IN FAVOR

None

APPLICANT REBUTTAL

None

Mr. Griffith closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Aljinovich asked is there a time frame for implementing the plan?

Ms. McCartney stated the time frame for implementation action items are flexible and varied timeframes.

Mr. Griffith asked are these recommendations co-dependent or if one didn't happen can you proceed with another?

Ms McCartney stated yes they are independent and can accomplish one at a time or as many as can be done at a time.

Mr. Magee asked about excess parking in the New Town area, how are we going to let development know about this parking in this area. How is this going to be communicated?

Ms. McCartney stated that property owners were part of this process and notified of the draft and final plans.

MOTION: Agenda Item 8.B

It was moved by Mr. Aljinovich, 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-Plan, generally located in 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, in the City of Arvada, CO. be recommended to City Council for approval.

This motion is based on the finding of fact and approval criteria on Pages 3 and 4 of the Staff Report.

DISCUSSION OF MOTION

Mr. Griffith stated he appreciates the effort that went into this. He notices the changes that are made from all the feedback. End up with a very comprehensive document and a good plan. He wants to commend the staff and everyone involved for this plan.

Mr. Knapp stated that he wants to echo the chairman's comments. With so many individuals involved to listen to their concern it takes a lot of skill to make one plan that is in his eyes very aggressive and very well thought through. Excited to see it be implemented.

Mr. Figliolino stated that he echoes the same as his colleagues' comments: this plan is really great and thoughtful and he is very excited for it.

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

Those voting No:

Those absent: None

The motion carried: 7-0

8.C 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, 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, in the City of Arvada, CO.

Mr. Griffith opened the public hearing.

Mr. Griffith asked, are there any posting requirements?

Ms. McCartney stated yes, the public hearing was published and noticed per Land Development Code and publication.

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

Ms. McCartney confirmed that the published notices, and publication 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. McCartney stated yes there is a public comment via email.

Mr. Griffith entered into the record the staff report for CP2023-0002, posting of notice, publication and public comment.

Mr. Griffith ask Patty McCartney to introduce the project.

Ms. McCartney introduced the project to the Planning Commission. This will create a long term vision for future development and redevelopment to encourage and support sustainable community development in the Northwest area of the City. There will be two phases of the Northwest Sub area plan.

PUBLIC COMMENT

Gina Hallisey - 14626 W 68th Pl Arvada, CO. Represents the Ralston Valley Coalition. Ms. Hallisey brought up big concerns with the roads and traffic. She stated that it is a complicated area with three government entities involved: Jeffco, CDOT and Arvada. She is concerned about traffic in this area. She collected about 10,000 signatures in connection with a prior development application, the number one concern is traffic. She wants to bring to the attention that Indiana will not get widened and the train trussle will not be widened unless someone comes in with a large amount of funds. She wants to make sure it is compatible with what is there and that infrastructure is there before development is done. When a developer pays a little bit for their section it does not make it happen.

APPLICANT REBUTTAL

Ms McCartney states that in the area United Pacific Railroad crossing and Indiana location has been identified as an element of the plan and transportation staff continues to pursue grant funding for this improvement. It is controlled by multi-jurisdictional entities and takes significant coordination effort. The infrastructure does get completed with new development. A lot of this area is in unincorporated areas and will not get infrastructure until annexed into the City.

Mr. Griffith closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Magee asked about phase 2, when is that schedule? Is the process going to be the same as phase 1 and do we have a timeline?

Ms. McCartney stated that phase 2 does not have a timeline, initially it was to look at land use only and during the plan process included-connectivity within this area.

Mr. Magee asked if phase 2 industrial and commercial is mostly unincorporated areas?

Ms. McCartney stated yes most of the area is unincorporated.

Mr. Magee asked if CDOT has no plan to help with funding of this area of improvements. Union Pacific just waits for it to be built. Is DRCOG (Denver Regional Council of Government) recommending this be funded?

Ms. McCartney stated through this process staff (transportation department) has requested annually for funding. The estimated cost is more than 50 million dollars. This is also in the DRCOG regional transportation plan as well.

Mr. Smetana stated unfortunately it is on the DRCOG transportation plan unfunded list.

Mr. Magee stated DRCOG is Denver Regional Council of Government and if it is not there it really doesn't get funded unless it is privately funded.

Mr. Magee asked about RTD (Regional Transportation Department) not serving Candelas area?

Ms. McCartney stated that this area does not have the ridership to support RTD routes.

Mr. Gay stated more of a comment sharing the concern about traffic. The purpose of the plan is not driving development, it is guiding development.

Mr. Gay stated because of the pandemic one of the meetings was held by zoom. He feels it gives you a chance to think about a question. Having zoom meetings for public input in the future is food for thought.

MOTION: Agenda Item 8.C

It was moved by Mr. Knapp, 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, 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, in the City of Arvada, CO, be (ratified and approved)

This motion is based on the finding of fact and approval criteria on Page 3 & 4 of the Staff Report.

DISCUSSION OF MOTION

Mr Griffith states once again thanks for all the hard work. Personally excited that we are in a city that tries to get ahead with traffic challenges and development challenges. Also acknowledge we have to take the risk to do this.

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

Those voting No:

Those absent: None

The motion carried: 7-0

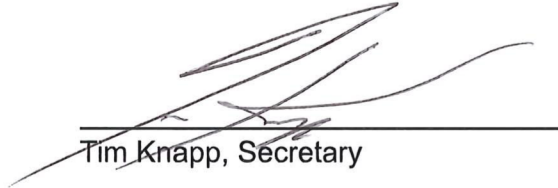
9. **OTHER ITEMS**

Mr. Smetana mentioned that we have items on the agenda for the May 16th and June 6th meeting as well.

Mr Griffith asked for a preview of what is coming on May 16th?

Mr. Smetana stated Candelas point and Kiddie academy, these are rezoning and a follow up on to the city ordinance on the comprehensive plan amendment.

10. **ADJOURNED** at 7:22P.M.



Tim Krapp, Secretary



Michael P. Griffith, Chair



Dixielee Rodriguez, Recording Secretary