



SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
SEPTEMBER 20, 2022

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: Ryan Stachelski, Director of Community and Economic Development; Josie Suk; Emily Grogg, Sr. Ass't. City Attorney; Dixielee Rodriguez, Administrative Specialist, Jacob Nitchals, Sr. Planner, Heidi Van Gieson, Administrative Specialist/Recording Secretary.

4. **APPROVAL OF MINUTES**

August 2, 2022 minutes stand approved with amendment to remove Mr. Knapp's statement from page 4.

5. **GENERAL BUSINESS**

None

6. **REPORTS**

None

7. **PUBLIC COMMENT**

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

8. **PUBLIC HEARINGS**

DA2020-0039 Tower View Townhomes II PUD Development Plan, generally located at 7801 West 51st Avenue

The public hearing was opened.

Mr. Griffith entered into the record the staff report for DA2020-0039 dated September 20, 2022, along with the affidavit of mailing and posting log as well as the Public Comment that came in.

Mr. Nitchals introduced the project to the Planning Commission.

Mr. Mark Debenedictis 6020 South Greenwood Plaza Blvd Greenwood Village, CO 80111 Mr. Debenedictis stated that they started the project in 2016 with Phase I that consisted of 6 buildings with a total of 18 units, Phase II will have 3 buildings with a total of 9 units. The architecture will be identical to Phase I with some slight variations to the facades. There will also be landscaping that will finish out the project.

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

PUBLIC COMMENT**IN FAVOR**

Alice Huang of 7851 W 51st Ave Unit C stated that her and her partner are very excited about the new townhomes going in. She is curious about the street parking and access road next to them as well as the timeline for the project. She also wants to know if there will be EV Chargers.

IN OPPOSITION

Andrew Carter of 11731 W 75th Arvada, CO, owner of 7831 W 51st Ave Unit C. Concerned about construction access to the site through Phase I. Would like to know if access will be on the southeast corner of 51st and Yarrow rather than going through the complex itself. Also, will there be repairs made to the asphalt and roads if construction traffic is brought through the complex. Mr. Carter also stated that he is the President, Secretary and Treasurer of the HOA, which separated from the Phase II area and he states that they would not want to grant access for the construction traffic to go through and if they did they would like to charge a usage fee.

APPLICANT REBUTTAL

Mr. Debenedictis stated that in reference to Mr Carter's concerns, they would take into consideration and be cautious of the construction traffic. They will be providing a method for that access with tracking pads to help prevent damage to the drive aisle.

Troy Denning- Project Engineer 9777 Pyramid Court Suite 150 Englewood CO stated that they shouldn't have to drive through Phase 1 to complete Phase 2.

Mr. Debenedictis states that in regards to the asphalt, they are prepared to repair any damage and that they will be doing an overlay of the entire frontage of the properties at the end of the project.

Mr. Debenedictis stated that in response to Alice's comments, they are ready to move forward immediately once approved. He stated that they are expecting about 9-12 months for the entire build and sale.

Mr. Griffith closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Hannan asked if the streets for access are they city or private streets

Mr. Nitchals stated that they are private streets.

Mr. Hannan asked if the parcel was landlocked to the West and North?

Mr. Nitchals stated yes.

Mr. Hannan asked if the builder was planning on integrating these units in with the current HOA?

Mr. Debenedictis stated that yes, they had anticipated that it would be part of the Phase I HOA as an annexation and there would be a total of 27 units.

Mr. Hannan asked if they (Mr. Debenidictis) had a conversation with the HOA about being Grandfathered into Phase I?

Mr. Debenedictis stated that it had been discussed and was in the HOA meeting minutes.

Mr. Figliolino asked if the CDOT right of way will still be maintained by CDOT?

Mr. Nitchals stated that he can't confirm that CDOT will maintain it or not, but It will continue to be maintained by a government entity. The Builder will only be responsible for the curb, gutter and sidewalk in front of the development.

Mr. Figliolino asked if the units will be the same size as Phase 1? It looks like they may be slightly smaller.

Mr. Debenedictis stated that the units in Phase I are approximately 1,795 sq. ft., the plans that they have for Phase II replicate that and they will be about 1,800 sq. ft.

Mr. Aljinovich asked if there was an answer to Mr. Carter about the usage fees?

Mr. Debenedictis stated they will work with them to come up with a solution.

Mr Aljinovich also asked if emergency response vehicles will have access denied during construction?

Mr. Debenedictis stated that they have spoken to the Arvada Fire Department and they don't believe there will be any issues.

Mr. Aljinovich asked if the staff was okay with that.

Mr. Nitchals stated that the Fire Department is a part of the review process from the beginning. Also that the two back buildings will be sprinkled, because fire was not satisfied with the access to the new ones.

Mr. Aljinovich asked if the landscaping will be similar between the two areas?

Mr. DeBenedictis stated that it will all replicate the current landscaping.

Mr. Magee asked staff about the neighborhood meeting being held in February of 2020. He didn't see any guidance in the Land Development Code as to how to handle that.

Mr. Nitchals stated that there isn't a specific timeline, they look at it case by case basis.

Mr. Magee asked about the detention facility that is located under Phase 1, will that be able to handle Phase 2 as well?

Mr. Denning stated it will not, they will be enlarging the original detention pond, tying into the existing system.

Mr. Magee stated that two of the four guest parking spaces are cut in. Are the other two located to the North of the building?

Mr. Denning stated that they are on top of the detention area.

Mr. Magee asked if there will be enough room for the residents to get in and out of their garages with the guest parking and landscaping?

Mr. Denning stated that, yes there will be enough room.

Mr. Knapp asked the applicant if there will be construction traffic through Phase 1?

Mr. DeBenedictis stated that they do not anticipate much construction traffic through Phase 1.

Mr. Knapp stated, so there will be some?

Mr Denning Stated that the vehicle tracking pad will be on 51st.

Mr Denning also stated that they will need to tie into the water/sewer line which is located in Phase 1.

Mr Knapp asked what the construction hours/ days will be?

Mr. Debeneticis stated they will go with whatever the city requires.

Mr. Knapp asked if there were city rules for hours

Mr Nitchals stated that there were rules but was unsure of the allowed times.

Mr Knapp asked about the phasing off the project.

Mr. DeBenedictis states that they will be putting in all of the Infrastructure and Civil Engineering in all at the same time as well as all three foundations all at once.

Mr. Knapp is concerned about the fact that we have a private property built and we have a builder starting the second phase and wanting to roll it into an existing HOA, which is another

issue on its own. He's concerned about any damage that is done to Phase I, is there anything that we (the City) have in the works that can protect them? Will they (the City) step in legally?

Ms. Grogg stated, no they will not. They are going by what the code states.

Mr. Knapp asked if there is anything that we can do as far as approvals for Phase II if damage is done to Phase I?

Ms. Grogg stated that everything has to be done by the Land Development Code, which the city approves. Anything that was approved by the city through the FDP process will need to be completed or there could be code enforcement involvement, there is a warranty period for anything involved with the public infrastructure.

Mr. Nitchals stated that Warranty has not been involved with Phase I yet as they are letting the builder complete Phase II and then they will mill and overlay the entire street from Phase I to Phase II.

Mr. Gay asked why it was both a Preliminary Development Plan and Planned Unit Development Plan?

Mr. Nitchals stated that it is a Planned Unit Development and that terminology was changed in the Land Development Code; it has been a bit of a learning curve for everyone to get on board.

Mr. Griffith asked if we know how many people are still living there, or are they all new residents since we had the neighborhood meeting.

Mr. Nitchals stated that all of the buildings were not finished at the time of the meeting. There were some residents but he does not know how many.

Mr. Griffith asked about if the EV Chargers are something that could be included?

Mr. DeBenedictis stated that they are looking at that as an option as a possibility.

Mr. Griffith said the limit of disturbance for this project seems to be the issue. Have you looked at putting a fence up?

Mr. DeBenedictis stated that they have had a construction fence up since 2016. It is currently down for maintenance but will be put up again.

Mr. Aljinovich asked if Mr. Carter could be at the construction meetings?

Mr. DeBenedictis stated that he will be invited to the meetings and will have contacts to all involved with the project.

MOTION:

It was moved by Mr. Magee that Tower View Townhomes Phase II PUD Development Plan, generally located at 7801 West 51st Avenue be recommended to City Council for (approval subject to the condition stated in the Staff Report, Page 7.

This motion is based on the findings of fact and approval criteria on Page(s) 5 & 6 of the Staff Report.

DISCUSSION OF MOTION

Mr Hannan stated that the builder should address the issues before going to city council.

Mr Griffith asked to be sure that it is safe for the families and children and to be sure that the construction fence is secure.

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

Those voting No:

Those absent: None

The motion carried:7-0

8. OTHER ITEMS

Mr. Stachelski asked if Mr. Magee and Mr. Knapp will be in town on November 22nd? Both Mr. Magee and Mr. Knapp stated that they will be. Mr. Stachelski stated we will be checking with applicants to see if there will be any projects ready.

Ms. Suk stated that we have no meetings scheduled for October 4, 18 and November 8.

It was moved by Mr. Magee that the meetings for October 4th, October 18th and November 8th be canceled.

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

Those voting No:

Those absent: None

The motion carried:7-0

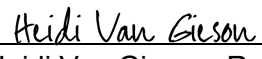
9. ADJOURNED at 7:07 P.M.



Michael P. Griffith, Chair



Tim Knapp, Secretary



Heidi Van Gieson, Recording Secretary