



**SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD**  
**JUNE 7, 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 6:25 P.M.**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL OF MEMBERS**

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

**THOSE ABSENT**

Andrew Gay  
Brandon Figliolino

It was moved by Mr. Griffith to excuse Figliolino and Gay.

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

Those voting No:

Those absent: Gay, Figliolino

The motion carried: 5-0

**ALSO PRESENT:** Ryan Stachelski, Director of Community and Economic Development; Rob Smetana, City Planning Manager; Emily Grogg, Sr. Ass't. City Attorney; Abigail Ogg, Administrative Specialist/Recording Secretary, Heidi Van Gieson, Administrative Specialist; Josie Suk, Development Systems and Administrative Manager; Kyle Gillitzer, City Civil Engineer II; Jenny Wolfschlag, Manager of Development Engineering.

**4. APPROVAL OF MINUTES**

May 17, 2022. The minutes stand approved as printed.

**5. GENERAL BUSINESS**

None

**6. REPORTS**

None

7. PUBLIC COMMENT

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

8. PUBLIC HEARINGS

A Major Modification from the Land Development Code subsection 4-5-3-6.C.2 to allow vehicle stacking in the side setback when the LDC prohibits vehicle stacking in the front and side street setbacks.

A Major Modification from the Land Development Code subsection 2-1-5-3.F to allow a 32.5% building facade located within the Frontage Zone when the LDC requires a 60% building facade to be located within the Frontage Zone.

A Major Modification from the Land Development Code subsection 5-1-3-1 to allow a single usable floor on a Pedestrian Priority Street when the LDC requires two usable floors on a Pedestrian Priority Street.

A Major Modification from the Land Development Code subsection 5-1-6-2.3.C to allow a drive-through lane not to be fully enclosed within the envelope of the building with one visible drive-through through window on a public street when the LDC requires a drive-through lane to be fully enclosed within the envelope of the building with drive-through windows not visible to public streets.

A Major Modification from the Land Development Code subsection 5-1-2-6-F requiring transparency for buildings located within a frontage zone.

Mr. Griffith opened the public hearing.

Mr. Smetana entered into the record the staff report dated June 7, 2022, affidavit of Public Hearing notice, and posting log.

City of Arvada Staff introduced the project.

Katie Sanchez, 13502 Hamburger Lane, Walden Park, CA, representative of In-N-Out burger, introduced the franchise.

Zell Cantrell, 5500 Greenwood Plaza Blvd, Greenwood Village, CO, representative of the applicant, gave a brief description of the project and requests for major modifications.

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

**PUBLIC COMMENT**

**IN FAVOR**

None

## **IN OPPOSITION**

Lisa Fieldman, 5360 Newland Street Arvada, CO and 7125 W. 32nd Avenue Wheat Ridge, CO stated her opposition due to traffic concerns.

Holli Fieldman, 5360 Newland Street, stated her opposition due to traffic and pedestrian concerns. She also stated more mitigation measures for headlights in the drive through would be needed.

## **APPLICANT REBUTTAL**

Mr. Cantrell explained the current and proposed traffic and pedestrian flow, along with the screening of the site.

Mr. Griffith closed public comment.

## **QUESTIONS FROM THE COMMISSION**

The Commission discussed the project with staff and the applicant addressing the following concerns:

- A. Traffic impacts and accessibility
- B. Pedestrian access to the front of the building
- C. Parking agreement with the property owner to the north
- D. Grading elevation and the stormwater plan
- E. Building and height restrictions and materials
- F. Landscape placement and maturity
- G. Size of the development parcel
- H. ADA Accessibility
- I. Retaining wall at the drive through for screening

The applicant responded by explaining the following:

- A. The proposed site plan with pedestrian access locations, landscaping plans including initial planting size, stormwater plans for underground detention and building exterior materials
- B. Traffic studies that have been done on previous In-N-Out sites and provided to the City for review, along with on site traffic mitigation elements, such as the extra long stacking lanes

Staff explained the following:

- A. Traffic analysis and impact studies will be required through the site plan application process and that Colorado Department of Transportation will be a reviewer on this project
- B. Current parking agreement is a private agreement between business owners and the landlord and will need to be addressed as part of the site plan process
- C. Use of the retaining walls to limit the visual impact of the drive through lane and cars using the lane

**MOTION:**

It was moved by Mr. Magee, that a Major Modification from the Land Development Code subsection 4-5-3-6.C.2 to allow vehicle stacking in the side setback when the LDC prohibits vehicle stacking in the front and side street setbacks, generally located at 7370 W. 52nd Ave. be recommended to the City Council for approval subject to the condition stated in the staff report, Item 1, Page 8. This motion is based on the finds of fact and approved criteria on Page 7 & 8 of the staff report.

**DISCUSSION OF MOTION**

Commissioners requested the following items be looked at closer during the site plan process if approved:

- A. Traffic impact
- B. Increasing pedestrian and bike access
- C. Parking agreement
- D. Possibility of expanding the project site size

Those voting Yes: Griffith, Hannan, Magee, Aljinovich

Those voting No: Knapp

Those absent: Gay, Figliolino

The motion carried: 4-1

**MOTION:**

It was moved by Mr. Magee, a Major Modification from the Land Development Code subsection 2-1-5-3.F to allow a 32.5% building facade located within the Frontage Zone when the LDC requires a 60% building facade to be located within the Frontage Zone, generally located at 7370 W. 52nd Ave. be recommended to the City Council for approval subject to the condition stated in the staff report, Item 1, Page 8. This motion is based on the finds of fact and approved criteria on Page 7 & 8 of the staff report.

**DISCUSSION OF MOTION**

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

Those voting No:

Those absent: Gay, Figliolino

The motion carried: 5-0

**MOTION:**

It was moved by Mr. Magee, a Major Modification from the Land Development Code subsection 5-1-3-1 to allow a single usable floor on a Pedestrian Priority Street when the LDC requires two usable floors on a Pedestrian Priority Street, generally located at 7370 W. 52nd. Ave. be recommended to the City Council for approval subject to the condition stated in the staff report, Item 1, Page 8. This motion is based on the finds of fact and approved criteria on Page 7 & 8 of the staff report.

#### **DISCUSSION OF MOTION**

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

Those voting No:

Those absent:

The motion carried: 5-0

#### **MOTION:**

It was moved by Mr. Magee, a Major Modification from the Land Development Code subsection 5-1-6-2.3.C to allow a drive-through lane not to be fully enclosed within the envelope of the building with one visible drive-through through window on a public street when the LDC requires a drive-through lane to be fully enclosed within the envelope of the building with drive-through windows not visible to public streets, generally located at 7370 W. 52nd Ave., be recommended to City Council for approval subject to the condition stated in the staff report, Item 1, Page 8. This motion is based on the finds of fact and approved criteria on Page 7 & 8 of the staff report.

#### **DISCUSSION OF MOTION**

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

Those voting No:

Those absent: Gay, Figliolino

The motion carried: 5-0

#### **MOTION:**

It was moved by Mr. Magee that a Major Modification from the Land Development Code subsection 5-1-2-6-F requiring transparency for buildings located within a frontage zone., be recommended to City Council for approval subject to the condition stated in the staff report, Items 1, Page 8. This motion is based on the finds of fact and approved criteria on Page 7 & 8 of the staff report.

#### **DISCUSSION OF MOTION**

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

Those voting No:

Those absent: Gay, Figliolino

The motion carried

8. **WORKSHOP**

Mr. Smetana presented the proposed updates to the Land Development Code regarding:

- A. Public Notice Radius
- B. Conditional Use Approval
- C. Fleet Vehicles
- D. Heavy Truck Trips
- E. Appeals Process
- F. Call up by City Council
- G. Appeals since the adoption of Land Development Code
- H. Short Term Rentals

**QUESTIONS FROM THE COMMISSION**

Commissioners discussed the updates with the following concerns:

- A. Further definition of fleet vehicles and roadway standard and enforcement
- B. Further review the fleet truck definition by weight and required reporting for onsite vehicles being stored overnight
- C. Longer timeline for call ups by City Council
- D. Qualifying conditions for Conditional Use Approvals
- E. Review Short Term Rental regulation for duplex units

9. **OTHER ITEMS**

10. **ADJOURNED** at 9:08 P.M.



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Tim Knapp, Secretary



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Michael P. Griffith, Chair



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Abigail Ogg, Recording Secretary