



SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
APRIL 5, 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 T. O Owens at 6:17 P.M.**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL OF MEMBERS**

THOSE PRESENT:

Michael P. Griffith, Tim Knapp, T.O Owens, Patricia Connell, Andrew Gay, Doug Magee, Steve Hannan

THOSE ABSENT

ALSO PRESENT: Ryan Stachelski, Director of Community and Economic Development; Rob Smetana, City Planning Manager; Emily Grogg, Sr. Ass't. City Attorney; Jacob Nitchals, Sr. Planner, Jake Sawaya, Civil Engineer; Jenny Wolfschlag, Manager of Development Engineering; Josie Suk, Development Systems and Administrative Systems Manager; Heidi Van Gieson, Recording Secretary.

4. **APPROVAL OF MINUTES**

March 8, 2022. The minutes stand approved as printed.

5. **GENERAL BUSINESS**

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 T.O. Owens to adopt Arvada's Three Mile Plan.

Those voting Yes: Hannan, Knapp, Magee, Griffith, Owens, Connell, Gay

Those voting No:

Those absent: None

The motion carried: 7-0

6. REPORTS

None

7. PUBLIC COMMENT

None

8. PUBLIC HEARINGS

Rezoning certain land in the City of Arvada for Howard Ranch, a 13.11-acre parcel of land from City of Arvada RA- Residential Agricultural District to City of Arvada R6- Residential 6 District and Amending the Official Zoning Maps of the City of Arvada, Colorado, generally located at 14760 W 64th Ave.

Mr. Owens opened the public hearing and asked staff if required documents were in order.

Mr. Nitchals entered into the record the staff report dated April 5, 2022, the publication, the affidavit of public notice, and the posting log. He also gave a brief overview of the project.

On behalf of Mr. Owens staff entered into the record the 67 public comments, 14 attachments and 1 video that was received prior to the Planning Commission meeting.

Andrew Baker, 112 N. Ruby Drive Suite 210, Golden, CO, presenting for Baseline Engineering. Mr. Baker explained the project, the surrounding area and the rezone request.

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

PUBLIC COMMENT

IN FAVOR

Gavin Malcom, 4080 E. 115th Place

IN OPPOSITION

John Urbach, 15170 W. 72nd Way

Nancy Urbach, 15170 W. 72nd Way

Anne Schweitzer, 14615 W. 72nd Place

Barry and Janice Teeter, 15152 W. 72nd Way

Tracy Olson, 15034 W. 63rd Avenue

Kay Lee, 15013 W 63rd Ave, stated her concerns about increased traffic, the safety of the surrounding areas, and the two-story home layout.

Mike Schweitzer, 14615 W. 72nd Place, expressed his concerns about the risk of a single access road in case of an emergency and the increase of traffic.

Micah Braslawsky, 6239 Holman Court, stated his concerns about the single access road and the lack of fire protection and egress.

Robert Olson, 15034 W. 63rd Ave, stated his concerns about the removal of the trees, the applicant choosing not to purchase the water rights to the property and stated the area has dried up, and no credential inputs from Colorado Parks and Wildlife.

Heidi Burtoni, 6307 Holman Street, stated her concerns about the size of the lots, the aesthetics of the homes, and the density.

Lori Irish, 15033 W 63rd Ave, stated her concerns of the rezoning being consistent with the surrounding areas; the density and traffic. She also explained her concern for emergency vehicle access being restricted from getting into the neighborhood.

Perry Hackwell, 15033 W. 63rd Ave, stated his concerns about fire safety, increased traffic by the preschool. He also explained the unintended consequence to Broad Lake: dried up, smells, trees are dying and birds are leaving.

James Albersheim, 15193 W. 63rd Ave, agrees with the opposition to the compatibility of the area, the water issue to Broad Lake. He also stated his concerns of the ownership of the water rights at this property.

John Lesko, 6259 Holman Court, agrees with the inconsistency with the surrounding community and the single point access road. He stated his concerns about the home values of the surrounding neighborhoods and the use of buzzwords like green homes and electric heat as it is not more efficient.

Kevin Hyland, 6269 Holman Court, stated his concerns about fire safety and the surrounding area.

George Dunne, 6188 Holman Court, stated his concerns about how the density poses a fire risk, the single entry/exit point and the traffic through existing neighborhoods.

Vernon Stellman, 15054 W 63rd Ave, stated that he agreed with all the previous comments and his concerns about the traffic flow, the environmental impact and cluster home subdivisions.

Marty Rodgers, 6189 Holman Court, expressed his concern about a higher number of car accidents with the increased traffic; he also agreed with the single access point opposition.

Martha Johns, 6179 Holman Court, agreed with all the previous opposition comments. She also stated her main concerns are the environmental impact and the increase in traffic.

Carrie Wernecke, 15064 W 63rd Ave, stated her concerns for parcels that have not been platted properly, the cluster homes subdivision, the single point access, and the increase of traffic. She also agreed with all previous opposition comments.

Ted Swenson, stated his concerns about water backing up into their property and if the easement will be put back as it was.

Steve Maly, 6316 Holman Street, agreed with all previous opposition comments and stated his direct interest in the proposed traffic pattern on 63rd Place.

Mike Rolic, representing Ralston Valley Coalition, stated his concerns about the native raptor species in the area, the landscaping proposal and the setbacks for a trail system. He also stated that he agrees with all of the previous opposition comments.

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

APPLICANT REBUTTAL

Adrew Baker, applicant, responded that they have worked with Arvada Fire Department on the fire safety concerns and Arvada Fire currently approves the proposal to have sprinklers in each home and one access point. He explained that Red T homes has worked closely with the Public Works department to address all concerns and comments in regards to increasing traffic flow. Mr. Baker stated that they have been working with the Colorado Parks and Wildlife as well as the Army Corp of Engineers to address current and future Environmental concerns. He also stated that they brought in a professional arborist on the landscaping proposal and have followed the City of Arvada's requirements on tree mitigation, only removing invasive or unsustainable species found in the area. He also explained that they worked closely with Frico Ditch to double the size of their drainage pond, designing almost a 500 year flood standard, along with using seepage mitigation within the walls of the drainage pond. Mr. Baker expressed that their development is compatible with the surrounding areas, while keeping the cost attainable.

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Owens asked staff if a homeowner decides to cut down trees, do they need to ask the City for permission?

Mr. Nitchals stated that as a private homeowner you don't have to mitigate unless you're re-developing the area within 6 months of cutting them.

Mr. Owens asked staff if the City can force someone to take water rights out of a canal.

Mr. Nitchals stated that the City cannot force an applicant to take water rights.

Mr. Hannan asked the staff what category of road 63rd Ave is.

Ms. Wolfschlag answered that it is built to collector standard.

Mr. Hannan asked about the on-street parking with cluster homes and it's something that should be expected.

Mr. Nitchals stated that cluster homes development type keeps cars separate from homes and most parking will be in the alleyway, which is a privately maintained road.

Mr. Hannan asked about the findings of the significant adverse impacts of the natural environment.

Mr. Nitchals stated that the findings concluded that there were no significant adverse impacts due to the developments already surrounding this area.

Mr. Hannan asked what the forester found on the trees that were on site already.

Mr. Nitchals stated that they were generally in rough shape and noxious weed trees. He also stated if the trees cannot be mitigated then a fee-in-lieu will be assessed and trees will be planted on an off-site property.

Mr. Hannan asked if all the mitigation measures happened in the site plan process and not the rezoning.

Mr. Nitchals agreed that it will go into more detail when a site plan is applied for.

Mr. Hannan asked if single point access happened often.

Mr. Sawaya stated that a single point of access is not ideal but is not uncommon.

Mr. Hannan asked for clarification on zoning compatibility with adjacent properties.

Mr. Nitchals stated that the zoning being requested would limit the density and there are single family homes being proposed and staff believes that would be compatible with the surrounding properties.

Mr. Owens asked the applicant about the average lot size.

Mr. Baker stated that the lots would average at 7,260 sq ft. He stated that the cluster homes will be about 5,000 sq ft.

Mr. Owens stated that he believed the rezoning request is not compatible with the surrounding properties.

Mr. Owens asked the applicant if the existing easement to the north would be left open for access to the north or improved as a trail.

Mr. Baker stated that the city has asked to leave that open for a future trail.

Mr. Nitchals clarified that the future trail access would be on the southwest side of the development. The easement across the adjacent property at the Lakes at Westwoods is only a utility easement and not an access easement.

Mr. Griffith asked the applicant about the model home product and wanted verification that there is no gas hookup and no solar panels.

Mr. Baker stated that the homes are powered entirely by electricity and there is a possibility for a homeowner to have solar panels.

Mr. Griffith asked the applicant about the mobility considerations for transit.

Mr. Baker stated that there is sidewalk access to the front door of every home, leading to public right of way and public transit options.

Mr. Griffith asked staff what the closest public transit stop is.

Mr. Nitchals stated the closest stop is 64th and Yank Way.

Mr. Griffith asked what attainable housing means.

Mr. Baker stated that attainable housing is a step below market rate housing but it is not section 8.

Mr. Griffith asked the applicant if they had a cost per square foot average of other Red T homes in the Arvada area.

Mr. Baker explained that they need to get the property entitled in order to understand what density they can build, which affects how big the houses can be and what they will cost.

Mr. Griffith asked staff if the tree mitigation was required to be in-kind or like-for-like and if it was a caliper inch dependent.

Mr. Nitchals stated that it is caliper inch dependent and explained that the state licensed forester would assess the health percent of the tree, determining what would need to be replaced.

Mr. Griffith asked staff about the snow mitigation plan with the single access point and if there was a possibility for a second access point.

Ms. Wolfschlag said it is classified as a local street so it will be cleared at 12 inches of snow by the public works department. She also stated that there really are no other public access points for this neighborhood, explaining that there are several other neighborhoods in Arvada with only one access point.

Mr. Griffith asked staff if there was anything in the City of Arvada Land Development Code restricting single access to any type of development.

Mr. Nitchals explained that the fire code is what drives the access point requirement, however the City of Arvada Land Development Code asks for two access points where possible.

Mr. Griffith asked why there isn't a 90 degree angle at the entry point off of 63rd ave and if there was some sort of consideration for intersection proximity for arterial streets.

Ms. Wolfschlag explained that this is a limited site to work with and for safety reasons there shouldn't be sharp curves right after an intersection. She also stated the intersection spacing requirements are 50 feet and that will be evaluated more in the site plan process.

Mr. Griffith asked about the possibility of stacking at 63rd Ave. and what is done to model traffic considerations

Mr. Sawaya stated that about 60% of the traffic will be going right on 63rd place at the intersection and that synchro analysis is used for traffic studies.

Mr. Magee asked staff about the pinch point to the south of the entrance to the development going over the Croke Canal and the impact it would have and how it is being handled.

Mr. Sawaya said there is a reduction of the width of the road, however there are two travel lanes and the pinch point is just the canal.

Mr. Magee asked staff if the review process would be administratively handled if the rezoning request were to be granted.

Mr. Nitchals stated that it would be administratively handled unless the applicant were to ask for anything else that would trigger a public hearing.

Mr. Magee asked the applicant if the arborist looks for native species nesting in the area or just the trees. He also asked if this would be the final tree mitigation report done on the property prior to construction.

Mr. Baker stated the arborist only looks at trees, however Colorado Parks and Wildlife were a referral on this project and they provided no comments. He also stated that once a site plan is drawn up and applied for, they would follow all the environmental documents required by the city.

Mr. Knapp asked staff where the closest grocery and department store are located and how the residents of the development would access these stores by vehicle.

Mr. Nitchals stated the closest shopping center would be Sprouts just west of the development at Joyce and 64th Ave., along with the closest department store at 64th and McIntyre. He stated that the residents would have to use the intersection traffic light at 64th and Gardenia.

Mr. Knapp asked staff what the distance was between the intersection of the subdivision on 63rd Ave. and the intersection at 64th and Gardenia. He also asked if the intersection at 64th and Gardenia was a controlled intersection.

Ms. Wolfshlag stated it was a quarter of a mile and the intersection is a controlled intersection.

Mr. Knapp asked the applicant where the 29 single family lots and the duplexes were located within the site plan.

Mr. Baker explained the outline of where the duplexes and single family lots were located.

Mr. Knapp asked how many lots are being proposed in this development compared to the Lakes at West Woods development.

Mr. Nitchals stated it was about one and a half lots to every one lot.

Mr. Knapp asked to locate Tract D. He also asked to verify which tracts are going to be dedicated to open space and if there will be on-site playgrounds.

Mr. Nitchals stated that Tract D is west of the cottage homes. He stated that Tracts A, C and D are dedicated to open space and yes there will be amenities provided.

Mr. Gay asked the applicant if the Colorado Parks and Wildlife report regarding raptors is public.

Mr. Baker stated they have not received a comment letter from the state stating the sensitive habitats in the area. He also stated they can give the contact information of the state reviewer.

Mr. Nitchals stated that Colorado Parks and Wildlife was not a referral to this project; however, it can be conditioned upon approval in the site plan process.

Mr. Gay asked for explanation of the traffic study has been done.

Ms. Wolfschlag stated the traffic study evaluated the new intersection and the two remaining intersections and they all operate at standard road levels, which is not adversely affecting the intersection. She also stated that 63rd Ave. was originally built as a collector street in anticipation of more traffic.

Ms. Connell how this development will affect the school system.

Mr. Nitchals stated that the school would be a referral agency, allowing them to make comments on the site plan process.

MOTION:

It was moved by Mr. Griffith, Rezoning certain land in the City of Arvada for Howard Ranch, a 13.11-acre parcel of land from City of Arvada RA- Residential Agricultural District to City of Arvada R6- Residential 6 District and Amending the Official Zoning Maps of the City of Arvada, Colorado, generally located at 14760 W 64th Ave., be recommended to City Council for approval subject to the condition stated in the staff report, Items 1 Page 10. This motion is based on the findings of fact and approval criteria on Page 9 and 10 of the staff report.

DISCUSSION OF MOTION

Mr. Owens stated he disagreed with approval because criteria 3 and 5 of the staff report and will not be supporting the motion.

Mr. Hannan stated he agreed with the rezoning approval, however he did not agree with the concept site plan.

Mr. Griffith stated he disagreed with approval criteria 3 and 5 of the staff report and will not be supporting the motion.

Mr. Magee stated he disagreed with approval criteria 3, 4 and 5 of the staff report and would not be supporting the motion.

Mr. Knapp stated he disagreed with the cluster subdivision and traffic inflation and will not be supporting the motion.

Mr. Gay stated he disagreed with approval criteria 3 and will not be supporting the motion.

Those voting Yes: Hannan

Those voting No: Knapp, Magee, Griffith, Owens, Connell, Gay

Those absent: None

The motion did not carry: 6-1

8. **OTHER ITEMS**

Next meeting will be April 19, 2022 with one item scheduled for Public Hearing, Annexation and Rezoning of certain land in the City of Arvada for 7850 Alkire Street.

T.O. Owens, chair, called for a Special Meeting for BOA/PC Training for May 10, 2022.

Mr. Owens moved to cancel the meeting of May 3rd, 2022.

Those voting Yes: Hannan, Knapp, Magee, Griffith, Owens, Connell, Gay

Those voting No: None

Those absent: None

The motion carried: 7-0

9. **ADJOURNED** at 8:45 P.M.


Patricia Connell, Secretary
T.O. Owens, Chair
Heidi Van Gieson, Recording Secretary