CITY OF ARVADA

SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD March 8, 2022

Planning Commission meeting minutes are not an exact transcript and represent key points and the basis of discussion.

EXECUTIVE SESSION at 5:15 p.m.

MOTION

It was moved by Mr. Griffith to enter an Executive Session pursuant to C.R.S. 24-6-402(4)(b) Legal Advice pertaining to the Land Development Code Amendments.

DISCUSSION OF MOTION

Those voting Yes: Hannan, Connell, Griffith, Gay, Knapp
Those voting No: None
Those absent: Owens, Magee
The motion carried: 5-0

MOTION

It was moved by Mr. Griffith to come out of an Executive Session pursuant to C.R.S. 24-6-402(4)(b) Legal Advice pertaining to the Land Development Code Amendment.

DISCUSSION OF MOTION

Those voting Yes: Hannan, Connell, Griffith, Gay, Knapp
Those voting No: None
Those absent: Owens, Magee
The motion carried: 5-0

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, Andrew Gay, Tim Knapp, T.O Owens, Patricia Connell, Steve Hannan

THOSE ABSENT

Doug Magee
T.O. Owens

Motion to excuse Doug Magee and T.O. Owens from the meeting
Those voting yes: Knapp, Connell, Hannan, Gay, Griffith
Those voting no: None
Those absent: Magee, Owens
The motion carries 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, Recording Secretary; Josie Suk, Manager of Development Systems and Administrative Services; Linda Hoover, City Planner; Carol Ibanez, City Planner; Jenny Wolfschlag, Development Engineering Supervisor.

4. APPROVAL OF MINUTES

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

5. GENERAL BUSINESS

None

6. REPORTS

None

7. PUBLIC COMMENT

Joan Howard, 10105 W. 78th Avenue, stated her opposition to the Land Development Code amendments adopted in May 2020 and the rezoning of the Southwest Corner of Kipling and 80th. She requested more notification and public input be considered.

8. WORKSHOP

Mr. Smetana gave a brief overview of the proposed amendments. This was a workshop that was requested by the commission during the public hearing held during the February 8, 2022 Planning Commission meeting.

QUESTIONS FROM THE COMMISSION

Mr. Hannan asked why we were deleting Urban Townhomes from the housing palette.

Mr. Smetana explained that the R-6 zoning district never intended to have an Urban Style in the Suburban district.

Mr. Hannan asked if it was sensible to require some amount of non impervious surfaces with the current water issues.

Mr. Smetana explained it doesn't need to be irrigated, it just needs to be pervious to create a fair balance.

Mr. Hannan asked if the Section 4-8 amendments would allow more light outside compared to the first version.

Mr. Smetana explained that this amendment is reducing the amount of light allowed outside and provided examples.

Mr. Hannan asked what is changing with Director Discretion on neighborhood meetings.

Mr. Smetana responded it allowed some flexibility on minor cases that still require an approval process but don't rise to the level to require neighborhood meetings.

Mr. Hannan asked why the typographical and structural changes were being brought to the Planning Commission this time.

Mr. Smetana stated that there was a significant number of those types of changes, staff thought it would be best to bring it to the Planning Commission.

Mr. Knapp asked for elaboration on the flexibility of determining what constitutes a minor defect in a Public Hearing notice.

Mr. Smetana explained that the language is reverting back to the 2015 code giving Planning Commission and City Council the discretion to determine whether the defect was minor or would require re-noticing.

Ms. Grogg stated that the change allows the discretion to go back to the Planning Commission for a full evaluation of the defect.

Mr. Knapp asked for elaboration on the administrative decision noticing requirements.

Mr. Smetana explained that the director has the discretion to require a notice if a notice is not typically required by the Land Development Code.

Mr. Knapp asked for an example of such a situation.

Mr. Stachelski explained that it would give the community another ability to provide public comment based on the fact of the final case that the director would be approving.

Mr. Knapp asked if this was to create transparency and public awareness due to certain projects that may be controversial.

Mr. Stachelski agreed and stated that the amount of public interest would help decide if extra noticing would be required.

Mr. Knapp asked what was causing some of these changes being suggested for Short Term Rentals.

Ms. Grogg stated that the majority of the changes were to make the language more clear and organized. She stated, City Council gave clear direction on certain aspects of the Short Term Rental Process. She stated that removing the civil penalties would help the enforcement of violations.

Mr. Knapp asked if there was a notice requirement for violations.

Ms. Grogg explained that would be the role of Code Enforcement as they have protocols in place for violations. She also stated that there are some more remedies such as revoking and suspension of the license.

Mr. Knapp asked if the intent was to have a singular person for the local emergency contact for Short Term Rentals.

Ms. Grogg stated that was the intent and we do need to have a contact that is available to respond and these licensees are to be treated as business owners. She explained there is a possibility of a company being the emergency contact.

Mr. Knapp expressed his concerns on the local emergency contact language for practicality reasons.

Mr. Gay asked if it is optional or required for developers to include a certain number of EV parking stations.

Mr. Smetana stated that it is optional.

Mr. Gay asked if the EV charging stations are over and above the minimum amount of required parking spaces for a new development.

Mr. Smetana explained that EV charging stations are treated the same as parking spaces.

Mr. Griffith asked why the increase in required parking spaces.

Mr. Smetana stated that certain developments were being placed on arterial streets that did not allow convenient off-site parking for guests. He explained that parking reductions can be requested by developers depending on the situation and site.

Mr. Griffith stated that the neighborhood meeting discretion should be visited again and to verify that we are meeting the public at their concern on noticing requirements.

Ms. Connell stated her appreciation for the work that went into these changes

9. PUBLIC HEARINGS

<u>A Major Modification for Whisper Village Car Wash, approximately located at the Southwest corner of Holman Street and W. 91st Place</u>

Mr. Griffith introduced the three requested major modifications. He stated that the major modification requesting a change in setback has been withdrawn by the applicant.

Ms. Hoover confirmed that the applicant was able to amend the plan to meet setbacks for a minor modification instead.

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

Ms. Hoover explained the required documents were in order.

Mr. Griffith asked if there were any additions or corrections to the staff report.

Ms. Hoover explained the corrections to the staff report, the reason for the withdrawal of the setback major modification request and the revised site plan.

Mr. Griffith entered into the record the corrected staff report dated March 8, 2022, affidavit of notice, posting log and corrected site plan.

Ms. Hoover gave a brief explanation of the project.

Britt Palmberg, 1310 South University Blvd, representative of Rick Engineering, went into detail of the major modifications being requested, the proposed development and surrounding area.

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

PUBLIC COMMENT

IN FAVOR

None.

IN OPPOSITION

None.

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

APPLICANT REBUTTAL

None.

QUESTIONS FROM THE COMMISSION

Mr. Hannan asked staff why a corner lot was being considered for this development.

Ms. Hoover explained that there was a combination of items that made this development considered for the area.

Mr. Hannan asked if the stacking requirement was being met on this project.

Ms. Hoover stated the requirement was being met and can be confirmed with the site plan.

Mr. Hannan asked the applicant about hours of operation.

Richard Nuss, 16982 W. 94th Place, applicant, stated that the business is typically 24 hours but the majority of the business is from 8 a.m. to 8 p.m.

Mr. Hannan stated they are close to residential to have a blower running at 2 a.m.

Mr. Nuss explained that the noise will be mitigated with drying being done while the doors are shut.

Mr. Hannan asked for definition on the dog wash and how it works.

Mr. Nuss explained how the dog washing station works.

Mr. Hannan asked if there was an issue with the dog wash and car wash mixed.

Ms. Hoover stated it was not an issue.

Mr. Knapp asked for clarification on the usage of the bays, hours and noise restrictions.

Mr. Nuss clarified the operation of the bay doors and noise reduction techniques.

Mr. Knapp asked if the facility will be managed by an individual during business hours.

Mr. Nuss explained there will be an attendant on site during peak hours. .

Mr. Knapp asked if there was a traffic analysis done to show the stacking that may become an issue.

Mr. Palmberg stated that a traffic analysis has been done and submitted to the development review team.

Ms. Wolfschlag explained that the traffic study has exceeded the requirements for stacking and parking.

Mr. Knapp asked about the request for a height change on a retaining wall.

Ms. Hoover stated that the retaining wall will be meeting code.

Mr. Knapp asked what the intent was to restrict a car wash facility on a corner lot.

Ms. Hoover stated that the premise was aesthetics.

Mr. Knapp asked how this application is matching the aesthetic requirements.

Ms. Hoover explained the aesthetics of the car wash with the bay doors facing commercial development to the north and the inclusion of a masonry screen wall facing the future residential development.

Mr. Gay asked where the wash bay entries were located.

Ms. Hoover explained that vehicles will enter from the south side of the building. where the entries and exits were located.

Mr. Griffith asked if there has been an issue of someone using the dog washing bay for themselves.

Mr. Nuss stated he has not had that problem, however they do plan on locking those bays overnight.

Mr. Griffith asked about the sustainability measure for dealing with water.

Mr. Nuss stated they will utilize reclaimed water, biodegradable chemicals and explained that the car wash is more efficient than washing in a driveway.

Mr. Griffith stated he appreciated the landscape buffer on the site.

MOTION:

It was moved by Mr. Hannan that Major Modification from the Land Development Code 3-1-3-8-f1a-iii, Whisper Village Car Wash to allow this facility on a corner lot when the LDC prohibits car washes on corner lots, approximately located at the South West corner of Holman St. and W. 91st Place, be recommended to City Council for approval. This motion is based on the finds of fact and approved criteria on Pages 5 & 6 of the staff report.

DISCUSSION OF MOTION

Mr. Knapp stated his appreciation for the effort but he will be voting against the motion.

Mr. Hannan stated if this was not commercial on 3 sides he would be voting against the motion and stated the reason for a Major Modification request and he will be supporting the motion.

Those voting Yes: Hannan, Connell, Griffith, Gay
Those voting No: Knapp
Those absent: Owens, Magee
The motion carried: 4-1

MOTION:

It was moved by Mr. Hannan that Major Modification from the Land Development Code 3-1-3-8-f1c-i,Whisper Village Carwash to allow the bay doors to face the adjacent street when the Land Development Code states no bay doors for enclosed wash facilities shall face an adjacent street, approximately located at the South West corner of Holman St. and W. 91st Place, be recommended to City Council for approval. This motion is based on the finds of fact and approved criteria on Pages 5 & 6 of the staff report

DISCUSSION OF MOTION

Mr. Griffith stated that he agreed with the site plan and he will be supporting the motion

Those voting Yes: Hannan, Connell, Griffith, Gay
Those voting No: Knapp
Those absent: Owens, Magee
The motion carried: 4-1

An Ordinance to Amend the Land Development Code of The City of Arvada.

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

Mr. Smetana stated the only required posting is a publication in the newspaper. There were no additions or corrections to the staff report.

Mr. Griffith entered into the record the staff report dated March 8, 2022.

Mr. Smetana gave a brief overview of the amendments.

PUBLIC COMMENT

IN FAVOR

None

IN OPPOSITION

None

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

APPLICANT REBUTTAL

None

QUESTIONS FROM THE COMMISSION

Mr. Griffith stated that staff should revisit the required notice for neighborhood meetings on certain projects.

Ms. Grogg asked the commission if modifying the language to single family residences compared to a large development would make it easier to understand.

Mr. Griffith stated that maybe using, “dwelling unit per acre” would be a helpful way to word the provision.

Ms. Grogg asked for verification on the provisions the commission is wanting to pull.

Mr. Gay asked if this was going to be decided by a vote and stated that he is okay with the director having some discretion.

Mr. Knapp asked for an explanation on the minor or major defect of the Public Notice amendment.

Mr. Smetana stated that it was basically reverting back to the previous code.

Mr. Knapp asked for clarification on directors discretion to require public notice.

Mr. Smetana stated that the section allowed for greater notification.

Mr. Knapp stated his issues with the language on the short term rental amendments.

Ms. Grogg stated that the issues on local persons and any right of entry are what are being clarified. She explained the two options for input from the City Council.

Mr. Knapp asked if the City Council can accept changes to the language after it's already gone through the 1st reading.

Ms. Grogg explained that amendments can be made on the record, but it would be easier to pull it from the agenda.

Mr. Hannan stated that he is reluctant to reopen the short term rental issue.

Ms. Grogg stated that an internal policy can be written for the department outlining the local contact can be a management company and the process for notification.

Ms. Connell asked for clarification on what is being accepted and what is not being accepted.

Mr. Griffith stated that everything that is being presented in the update will be accepted and stated that problematic amendments will be pulled to a vote.

MOTION:

It was moved by Mr. Knapp that An Ordinance to Amend the Land Development Code of The City of Arvada, be recommended to City Council for approval with the additional amendment that section 8-2-2-A that deal with notice requirements and neighborhood meetings and the second amendment 3-5-1-3 dealing with short term rental be excluded from the list of recommended changes to the Land Development Code. This motion is based on the finds of fact and approval criteria on Page 3 of the staff report and the testimony that's been presented.

DISCUSSION OF MOTION

Those voting Yes: Hannan, Connell, Griffith, Gay, Knapp
Those voting No: None
Those absent: Owens, Magee
The motion carried: 5-0

MOTION:

It was moved by Mr. Knapp that section 3-5-1-3 of the Land Development Code of the proposed language presented to the Planning Commission of the Land Development Code be excluded from being presented to The City Council for approval and the section be pulled and set aside for a workshop with the City Council for further discussion and clarification.

DISCUSSION OF MOTION

Those voting Yes: Connell, Griffith, Knapp
Those voting No: Hannan, Gay
Those absent: Owens, Magee
The motion carried: 3-2

MOTION:

It was moved by Mr. Knapp that table 8-2-2-2-A be pulled from the recommendations of changes in the LDC that have been presented to the Planning Commission tonight and be submitted to the City Council in the form of a workshop to discuss the issues that have been raised by the Planning Commission tonight.

DISCUSSION OF MOTION

Those voting Yes: Griffith, Knapp
Those voting No: Hannan, Gay, Connell
Those absent: Owens, Magee
The motion did not carry: 2-3

MOTION:

It was moved by Mr. Knapp that table 8-2-2-2A be included in the packet of the additions of the changes that have been proposed by staff to the Planning Commission tonight for review that section 8-2-2-2A be included with the other provisions for approval.

DISCUSSION OF MOTION

Mr. Griffith stated that he appreciated staff and the commission for all the time and effort that was put into this meeting and wanted to clarify his position on this specific item and that the City runs the risk

Those voting Yes: Hannan, Gay, Connell
Those voting No: Griffith, Knapp
Those absent: Owens, Magee
The motion carried: 3-2

8. **OTHER ITEMS**

Mr. Hannan moved to cancel the March 22, 2022 Planning Commission Meeting.

Those voting Yes: Hannan, Gay, Connell,Griffith, Knapp
Those voting No: None
Those absent: Owens, Magee
The motion carried: 5-0

9. **ADJOURNED** at 8:23 P.M.

Michael P. Griffith, Vice Chair acting Chair

Patricia Connell
Patricia Connell, Secretary

Abigail Ogg
Abigail Ogg, Recording Secretary