CITY OF ARVADA

SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
SEPTEMBER 7, 2021

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 5:34 P.M.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL OF MEMBERS**

Those present: T.O Owens, Michael P. Griffith, Patricia Connell, Steve Hannan, Doug Magee, Tim Knapp

THOSE ABSENT

Andrew Gay

Mr. Owens moved to excuse Andrew Gay from the meeting.
The following votes were cast on the motion:
Those voting Yes: Owens, Griffith, Connell, Hannan, Magee, Knapp
Those voting No: None
Those absent: Gay
The motion carried 6-0.

ALSO PRESENT: Ryan Stachelski, Director of Community and Economic Development; Rob Smetana, Manager of City Planning and Development; Emily Grogg, Sr. Ass't. City Attorney; Josie Suk, Systems and Administrative Manager; Abigail Ogg, Recording Secretary/Administrative Specialist; Jonathan Moore, City Planner; Jake Sawaya, Civil Engineer, Carol Ibanez, Senior Planner; Shane Greenburg, City Planner II.

4. **APPROVAL OF MINUTES**

June 22, 2021.

Mr. Magee proposed a grammatical correction on page five. The sentence should read "the facility is not intended to operate with semi-truck deliveries" instead of "the facility is not intended to operate without semi-truck deliveries."

The minutes stand approved as corrected.

5. **GENERAL BUSINESS**

None

6. **REPORTS**

None

7. **PUBLIC COMMENT**

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

Three attendees were sworn in for Public Comment.

8. **PUBLIC HEARINGS**

Annexing certain land into the City of Arvada, Rezoning from Jefferson County A-2 to City of Arvada PUD, a Major Subdivision Preliminary Plan and a PUD Development Plan for Whitewing at Ralston Summit, a 25.5 acre Parcel of land approximately located at the Northeast corner of Indiana Street and W. 82nd Avenue also known as 8200 Indiana Street.

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

Mr. Moore stated that three forms of notice are required. Staff published notice in the paper and the mailing affidavits and posting log are both in order. There were no additions or corrections added to staff report.

Mr. Owens entered into the record the staff report dated September 7, 2021, affidavit of mailing, posting log, and the public comment that was received.

Mr. Moore gave a brief overview of the project. Staff recommended approval and noted the conditions of approval for the PUD Development plan on page 14 of the staff report.

Mr. Owens asked for the applicant to present their project.

Greg Bamford, on behalf of Ralston Valley Land Partners, LLC, applicant and Joe Jehn, project engineer, explained the site, the zoning, the surrounding area, and the reason for the requests. They stated that they are proposing plans to have a gated community.

Mr. Bamford explained his experience with growth in the past and the desire to find the best designated area for the proposed site plan. He explained that the lots will be sold separately to single families or other developers to be able to build custom homes.

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

PUBLIC COMMENT

IN FAVOR

None

IN OPPOSITION

Mr. Tom Crask introduced himself and gave a warning about high school kids that frequent the proposed site. He stated concerns about the development access points affecting the traffic along Indiana and 82nd Avenue. He asked which direction the sewer would be built. Mr. Crask asked how to have access to comments from the city and the developer.

APPLICANT REBUTTAL

Mr. Jehn stated that they are not allowed to have access along a State Highway, per the State Highway Code. They will have one access point on the far east side of the site to try and reduce traffic from Highway 72 and Indiana Street. He expressed that they are going to do interim grading to meet requirements of future improvements, along with the fees in lieu of improvements. Mr. Jehn stated the sanitary sewer will be going all the way to western edge of the High School Football field to connect with an interceptor sewer that was previously built for access capacity.

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Hannan asked the applicant if the annexation was contiguous to Arvada due to the location of railroad

Mr. Jehn explained that state law regarding annexations allows annexations to jump railroad right-of-way when considering contiguity requirements.

Mr. Hannan asked the applicant how we the City can assess a fee-in-lieu of a railroad bridge without the final cost of the construction.

Mr. Jehn explained that the fee-in-lieu of is not for the railroad bridge and it is simply a cost estimate for the preliminary design roadway improvements from 82nd Avenue to north of the railroad.

Mr. Hannan asked the applicant about the note of a shared trail on the North side of the development, but did not see it in the plans.

Mr. Jehn explained that they are in the preliminary stage still and the shared trail is planned to go on the North side of the site adjacent to the railroad and connect into the 82nd Avenue trail. He expressed that the shared trail is for the community and is a private system.

Mr. Hannan asked the applicant if Arvada has a gated community.

Mr. Jehn stated there are no gated communities in the City of Arvada.

Mr. Hannan asked the staff and applicant if the stormwater historic rate referred to post development or current conditions.

Mr. Jehn explained the requirements on flow restriction and where their detention ponds are placed.

Mr. Hannan asked staff if on-street parking is not permitted because it is a private road.

Mr. Moore explained since it is a private road and is not being built to city standards.

Mr. Hannan asked staff about the current bond for Ralston Valley High School was in fact current and not for future use.

Mr. Moore confirmed the bond is current.

Mr. Magee asked the applicant if there was a minimum size requirement for the homes.

Mr. Jehn explained that they have dictated a maximum lot coverage ratio of 35% and on average, the homes are expected to be 4,000 to 5,000 square feet.

Mr. Magee asked the applicant if the proposed home was too small, would it be rejected.

Mr. Jehn confirmed that they will be rejected if they are not in balance with the development.

Mr. Magee asked the applicant for a sense on the size of the retaining walls.

Mr. Jehn stated that they are trying to limit the height to 4 feet tall tiered walls in backyards. There will be nothing on the front side of the home. He stated that some of the homes will have walk-outs.

Mr. Magee asked the applicant if the property had water rights in the Tucker Ditch.

Mr. Jehn explained that there are no water rights associated with this property and they are working with the ditch company to pipe the ditch and make it accessible.

Mr. Magee suggested the applicant look into the option to purchase water rights and use the ditch water for irrigation in the open space and drainage areas.

Mr. Jehn agreed and explained that it would be difficult to purchase the water rights without a storage right, which they don't have. He stated the City of Arvada has a significant interest in the Tucker Ditch.

Mr. Magee commented on the landscape plan and how impressed he was with the thought process that was involved.

Mr. Knapp asked staff about classification of 82nd Avenue and how the city traffic department proposed to treat the road and address the concerns of the neighbors.

Mr. Moore explained that the traffic department agreed with the local road classification and the City will keep the lowered speed limit and speed humps. He explained that traffic issues need to be dealt with by enforcement.

Mr. Knapp asked staff if the draining surface water would become an overflow issue for the residents south of 82nd Avenue.

Mr. Sawaya confirmed that there will be no overflow across 82nd Avenue and the drainage will continue to go in the culvert under the intersection of 82nd Avenue and Indiana Street.

Mr. Knapp asked staff if the fire department had specific comments on the gated community and access.

Mr. Moore stated that the fire department didn't have any comments specific to the gated community and that this community is required to meet the International Fire Code 2018 with

Amendments, adopted by City Council. He stated that the gate will need to have a Knox box for emergency responders.

Mr. Knapp asked the staff if the homes in the development would be required to have sprinkler systems installed.

Mr. Moore explained that the final development plan will need to meet the requirements under the IFC, by either proving access can be easily attained by the fire department or by installing sprinkler systems in the home.

Mr. Knapp confirmed that it will be dependent on what the fire department requests.

Mr. Jehn agreed and stated that the fire department will be the ultimate decider, dependent on the fire code.

Mr. Knapp asked the applicant if there is a sufficient amount of land to be able to provide for vehicle stacking along 82nd Avenue if necessary.

Mr. Jehn stated that the gate will be offset enough to have a cut through for anyone that cannot gain access and will not have to back up along 82nd Avenue if necessary.

Mr. Knapp asked staff about the status with the Union Pacific railroad bridge.

Mr. Moore explained that the City has been working with CDOT and the railroad to identify funding sources for the railroad bridge. He stated that there isn't a time-frame at the moment.

Mr. Griffith asked the applicant if there was going to be an HOA.

Mr. Jehn explained that there are very strong HOA's active in these types of developments.

Mr. Griffith asked the applicant how the HOA will monitor landscape requirements, pertaining to water use.

Mr. Bamford stated that they will be stressing low water use and the use of native seeds. He explained that these are customized homes and everyone will want something different; however the landscaping will be on equal footing with the architecture.

Mr. Griffith asked the applicant if there would be a minimum requirement for landscape.

Mr. Bamford stated that they will not have a minimum requirement for landscape to review building plans. He explained that they will have a list of approved plants.

Mr. Griffith asked the applicant about the extra space needed for guest cars if street parking is not allowed.

Mr. Jehn explained that the driveways are long and will be able to fit. He stated that on-street parking is prohibited in this community.

Mr. Bamford explained that there will be isolated incidents for on-street parking but it is a rarity, he ultimately agreed that on-street parking will be prohibited. He stated that it has worked in other developments.

Mr. Griffith asked the applicant if the cost estimate for the roadway improvements has been completed or if it is to be completed at a later date.

Mr. Jehn stated that once they have an approved plan from staff they would be able to create a final public improvement cost estimate.

Mr. Griffith asked the applicant who would be on the Design Review Board for the new builds.

Mr. Jehn stated that the Design Review Board will be Mr. Bamford, (applicant), David Bamford and a registered architect.

Mr. Griffith asked if residents would be allowed on the Design Review Board as the community grew.

Mr. Bamford explained that as the community grows and gets built out, residents would be welcome to join the board.

Mr. Griffith asked staff if it is viable that people will still want to buy a premium, custom product so close to a rail road and if any considerations need to be made for noise levels created by the railroad.

Mr. Moore explained the typical setback requirements from railroads and stated that staff would examine the need for noise barriers with the final development plan. He explained that staff does not have any serious concerns about the noise levels at this time due to the proposed location of the homes, but it could be addressed with the final development plan.

Mr. Griffith asked the applicant how the general public would know the access point off of Indiana Street was for emergency responders only. He expressed concerns of people parking there and blocking access.

Mr. Jehn explained that it will be a 20ft wide paved roadway for emergency access.

Mr. Moore added there would be a gate at the access point blocking off the area, allowing only emergency responders to be able to pull in.

Mr. Griffith asked the staff about construction standards for dust and how the applicant proposed to mitigate it.

Mr. Moore explained the permit process for construction and inspection stages. He stated there are control measures the applicant must show to prove they are controlling dust from construction.

Mr. Jehn stated that contractors have to meet City and State permit requirements.

Mr. Griffith asked staff if there was an environmental study done for toxic or hazardous material underneath the surface.

Mr. Moore stated that the City requires all annexations to complete a phase one environmental site assessment report. The report completed for this project did not indicate any environmental concerns to warrant a phase two report. He also mentioned that the question was likely related to the former Rocky Flats Plant and stated that federal and state authorities released a statement after the site had been cleaned indication that future developments in Arvada would not be impacted by hazardous or toxic materials from the former plant.

Mr. Griffith asked the staff how this development will impact peak traffic hours taking into consideration the nearby schools.

Mr. Sawaya stated that the morning peak hour provided 32 trips and the afternoon provided 41 trips and that it is a very limited percentage of the traffic going on in the area.

Ms. Connell asked the applicant what kind of impact this would have to the surrounding school system.

Mr. Jehn explained that they anticipate paying a school impact fee.

Mr. Owens asked if there were any further comments, no more comments were made. Mr. Owens asked for a motion.

MOTION:

It was moved by Mr. Magee, Annexation of certain land into the City of Arvada for Whitewing at Ralston Summit, a 25.5 acre parcel of land approximately located at the Northeast corner of Indiana Street and W 82nd Avenue also known as 8200 Indiana Street, be recommended to City Council for approval. This motion is based on the findings of fact and approval criteria on Page 11 of the staff report.

DISCUSSION OF MOTION

Mr. Hannan explained the three approval criteria for annexations and how this development meets those.

Mr. Magee stated that this is a reasonable project for the size of the land. He explained that the City will need to work with CDOT and the applicant to minimize traffic impacts and lighting impacts for neighboring residents.

Ms. Grogg corrected Mr.Magee's motion to say Page 10 of the staff report, not page 11.

Mr. Griffith stated that some pieces of the public infrastructure are greatly needed by the City and this development will be able to provide for them and he will be supporting it.

Ms. Connell stated she is supporting due to the innovative ideas.

Mr. Knapp stated the water line will benefit the residents south of 82nd Ave and he will be approving.

Those voting Yes: Owens, Griffith, Connell, Hannan, Magee, Knapp
Those voting No:
Those absent: Gay
The motion carried 6-0

MOTION:

It was moved by Mr. Magee, that Zoning certain land into the City of Arvada for Whitewing at Ralston Summit, a 25.5 acre parcel of land from Jefferson County A-2 to City of Arvada PUD, Planned Unit Development and amending the official zoning map of City of Arvada Colorado, approximately located at the Northeast corner of Indiana Street and W 82nd

Avenue also known as 8200 Indiana Street be recommended to City Council for approval. This motion is based on the findings of fact and approval criteria on Page 11 of the staff report.

DISCUSSION OF MOTION

None

Those voting Yes: Owens, Griffith, Connell, Hannan, Magee, Knapp
Those voting No:
Those absent: Gay
The motion carried 6-0
MOTION:

It was moved by Mr. Magee, that a Major Subdivision Preliminary Plat for Whitewing at Ralston Summit, a 25.5 acre parcel of land approximately located at the Northeast corner of Indiana Street and W 82nd Avenue also known as 8200 Indiana Street, be recommended to City Council for approval. This motion is based on the findings of fact and approval criteria on Pages 11-12 of the staff report.

DISCUSSION OF MOTION

None.

Those voting Yes: Owens, Griffith, Connell, Hannan, Magee, Knapp
Those voting No:
Those absent: Gay
The motion carried 6-0

MOTION:

It was moved by Mr. Magee, that a PUD Development Plan for Whitewing at Ralston Summit, a 25.5 acre parcel of land approximately located at the Northeast corner of Indiana Street and W 82nd Avenue also known as 8200 Indiana Street, be recommended to City Council for approval subject to the conditions stated in the staff report, Items 1-5 Page 14. This motion is based on the findings of fact and approval criteria on Pages 12 - 14 of the staff report.

DISCUSSION OF MOTION

Mr. Owens asked for discussion on the gate.

Mr. Knapp made a formal amendment to strike condition five of the staff report.

Mr. Owens stated that he would support the request to allow gate due to the uniqueness and safety of a gated community.

Mr. Hannan supported the amendment.

Mr. Griffith stated that he would be supporting the amendment and it would be a positive addition.

Voting on the amendment to remove condition 5, which would have the effect of allowing the gate.

Those voting Yes: Owens, Griffith, Connell, Hannan, Magee, Knapp
Those voting No:
Those absent: Gay
The amendment carried 6-0

Mr. Owens stated that he approved of the larger lot sizes and diverse homes. He will be supporting the development.

Those voting Yes: Owens, Griffith, Connell, Hannan, Magee, Knapp
Those voting No:
Those absent: Gay
The motion carried with the amendment. 6-0

8. **OTHER ITEMS**

Mr. Owens moved to cancel the September 21, 2021 meeting.

Those voting Yes: Owens, Griffith, Connell, Hannan, Magee, Knapp
Those voting No:
Those absent: Gay
The motion carried 6-0

Next meeting will be October 5, 2021.

City staff asked the commissioner if they are okay with future meetings being held in-person. The commissioners agreed that they will continue with in-person meetings.

9. **ADJOURNED** at 7:52 P.M.

Patricia Connell

Patricia Connell, Secretary

T.O. Owens, Chair

Abigail Ogg, Recording Secretary