CITY OF ARVADA

SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD OCTOBER 5, 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 6:15 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; Jeremiah Bebo, City Planner; Patty McCartney, City Planner

4. **APPROVAL OF MINUTES**

Mr. Knapp had one correction on page 5, lines 12 and 13. He suggested to add *"if necessary"* to the end of each line.

September 7, 2021. 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.

8. **PUBLIC HEARINGS**

Mr. Owens stated that Council has requested to cancel the Ordinance Amending the Land Development Code of the City of Arvada and all agenda items until further notice.

Rezoning from City of Arvada RA to City of Arvada PUD and a PUD Development Plan Animal Assisted Therapy Programs of Colorado, approximately located at 7275 Kipling St. Unit A and Unit B

Mr. Owens swore in three attendees for public comment and opened the public hearing.

Mr. Owens asked staff if there were any publication or posting requirements.

Mr. Bebo stated that three forms of notice are required. Staff published notice in the paper, 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 October 5, 2021, affidavit of mailing, and posting log.

Mr. Bebo gave a brief overview of the project. Staff recommended approval subject to the one condition for the PUD Development plan on page 9 of the staff report.

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

Linda Craddock, on behalf of Animal Assisted Therapy Programs of Colorado, applicant, gave an overview of the site, the business model, the animals on site, the surrounding area and the reason for the requests. She explained their future plans of adding more clientele, staff, animals, and parking.

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

PUBLIC COMMENT

IN FAVOR

Sarah Deering stated her relationship and how she became involved with the facility's board and expressed her support for the programs that they offer.

Sharon Roybal shared her experience with Animal Assisted Therapy and how they have had a positive impact in her day to day life, along with the things she has learned from these types of programs.

Alan Titone explained his relationship and how he became involved in the board. Titone stated that the team provides service animals at the clients' disposal without limits and expressed his support for this specific facility.

IN OPPOSITION

None

APPLICANT REBUTTAL

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Owens asked for explanation on the parking situation. He expressed his concern for the amount of parking compared to the amount of cars coming in.

Ms. Craddock is unsure and agreed on the parking issue. She explained that there will be a large building torn down to be able to add more parking spaces and the end number of parking spaces will be higher than what is shown currently.

Mr. Owens asked to hear from staff on this parking issue.

Mr. Bebo explained that staff asked the applicant how many parking spaces would be needed to meet the facility's demand since the use is unique. Three spaces per one thousand square feet of gross floor area is what staff would apply for a medical office use, however, they feel that is too low. He stated that this can be addressed with the Final Development Plan.

Mr. Owens stated that he believed the applicant would best manage the possible parking issue that best fits their culture.

Ms. Craddock explained that they do use the large pasture for overflow parking when needed.

Mr. Hannan asked why the need for rezoning from RA to PUD Development.

Mr. Bebo explained defining the use of this facility was very unique and while the use is non-conforming, the PUD zoning and PUD Development Plan would be the best to retain the residential and agriculture character while allowing for expansion of the commercial use. He stated that any future development to this property would have to come before commission and council again.

Mr. Knapp asked if the code allowed for a conditional use to be made for the RA zoning compared to rezoning to PUD.

Mr. Bebo explained that the code does not allow for a conditional use in this case. He stated that without being able to define the use per the use table in Chapter 3 of the Land Development Code, we would not have the ability to put them through a Conditional Use process.

Mr. Knapp asked if it was correct that the addition is also being requested along with the re-zoning.

Mr. Bebo explained that the addition being requested is part of the PUD Development.

Mr. Knapp asked for clarification on the business expansion plans.

Mr. Bebo explained that the expansion would include additional staff, clientele, buildings and parking.

Mr. Knapp expressed his concerns on the differences between the staff report and the applicant's presentation such as, operating hours, number of employees and clients. He questioned what exactly the commission is being asked to approve and what conditions should be considered.

Mr. Bebo explained that the PUD Development Plan approval pertains to the building, design and site layout. He stated that the hours of operations on the plan set are incorrect and should be removed.

Mr. Knapp asked if the issues of parking, number of employees and animals along with the neighborhood meeting concerns would be addressed as part of the staff's conditions under the PUD.

Mr. Bebo answered yes and stated that there are other code provisions that will apply to the Final Development Plan review process. He explained that the community seemed to appreciate the use and enjoyed the animals.

Mr. Magee asked the applicant if one person lived in the manager's facility.

Ms. Craddock replied that they were approved for an ADU in 2019, specifically built for the caretaker to live in.

Mr. Magee asked if the size of the ADU would accommodate more people, such as a care taker family.

Ms. Craddock said that the possibility has been talked about but, would ultimately need to be addressed with the City.

Mr. Magee asked for explanation on how the well water is used on the property and if the animals used city water.

Ms. Craddock stated that the well water is used only for a small pasture area, plants on site, select smaller animals and they don't have plans to use more well water than they currently do.

Mr. Magee asked staff if the property is non-conforming to the current RA zoning.

Mr. Bebo explained that the use is non-conforming and the land always had a commercial use to it.

Mr. Magee asked staff if we would still allow enough flexibility on the number of animals on site with the rezoning.

Mr. Bebo stated that currently the RA zoning allows the most flexibility related to the number and type of animals allowed to kept on site. The PUD Development Plan would allow the same flexibility with the rezoning. He also stated that we wouldn't want to restrict the number of animals, however if there were building additions for more animals that we would go through another application process.

Mr. Griffith asked if the clients were local or if they travel to the state.

Ms. Craddock explained that the majority of their clients live in the Denver Metro Area and drive into Arvada.

Mr. Griffith asked if there was another business like this one in Arvada.

Ms. Craddock stated that they are the first of their kind.

Mr. Griffith asked if the animals leave the property for therapy sessions, such as hospital visits.

Ms. Craddock stated that most of the animals don't leave the site, however there is one goat that goes out to social events from time to time.

Mr. Griffith asked if this service is covered by insurance or if it is out of pocket costs.

Ms. Craddock stated that they do take insurance and most of the clients are low-income and services are based on income if there is no insurance available.

Mr. Griffith stated the importance of letting people know about the bus stop and public transit to the facility and suggested to use a permeable product for the gravel parking lot expansion.

Mr. Griffith asked how the animals get along.

Ms. Craddock stated that the animals get along really well and they do keep them separate. She stated that all animals are trained and vetted before they are allowed to work on the property.

MOTION:

It was moved by Mr. Magee, that zoning certain land in the City of Arvada for Animal Assisted Therapy Programs of Colorado from City of Arvada RA, Residential Agriculture, to City of Arvada PUD, Planned Unit Development and amending the official zoning maps of The City of Arvada, Colorado approximately located at 7275 Kipling St. Unit A and Unit B be recommended to City Council for approval. This motion is based on the findings of fact and approval criteria on Page 7-9 of the staff report.

DISCUSSION OF MOTION

Mr. Griffith stated that he really liked this project and will be supporting.

Ms. Connell expressed her support for this facility.

Mr. Knapp expressed his concerns for the traffic, but overall supported the motion.

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

MOTION:

It was moved by Mr. Magee, that the PUD Development Plan for Animal Assisted Therapy Programs of Colorado, approximately located at 7275 Kipling St. Unit A and Unit B be recommended to City Council for approval subject to the conditions stated in the staff report item 1 page 9. This motion is based on the finds of fact and approved criteria on Page 7-9 of the staff report.

DISCUSSION OF MOTION

Mr. Owens expressed his support of the motion.

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

SUBAREA PLANNING WORKSHOP

Mr. Owens asked the staff to present.

Ms. McCartney gave a brief explanation of the presentation and subarea locations. She stated the subarea plan will further implement the Comprehensive Plan and will help create long term visions for future developments in the City of Arvada. She also explained the public engagement that has been ongoing. Ms. McCartney introduced the Square Lake consultant Andrew Rutz.

Mr. Rutz, consultant, explained his connection with the subarea plan and gave a brief description of the Square Lake area, the environmental challenges that have been reviewed and how they would like to facilitate public transit connections in this area. Rutz explained the outreach they have done with local businesses in the area. He stated that this plan will allow more intuit access to the Gold Strike Station along with roadway and sidewalk improvements.

Mr. Magee commented that this was a very quick and robust process and would like to know more about this plan.

Mr. Griffith asked about the park and ride and if there was any direct response about the parking structure and cost.

Mr. Rutz explained that RTD was aware of the possible parking issue.

Mr. Griffith asked about the proposed pedestrian bridges.

Mr. Rutz explained that the bridge would be a massive investment, however to make the development truly transient oriented it would be needed.

Mr. Griffith asked about the proposed plan on 60th Avenue and how the bike lines are going to be affected.

Mr. Rutz explained that the plan would have an entry point to the facility but not an exit point to Sheridan Blvd.

Ms. Connell stated that she attended the public engagement meetings and that this was a good project.

Mr. Knapp asked why the area is ruled out to manufacturing and industrial and why the city would not continue to build on that.

Mr. Rutz explained that the area south of the railway would continue to be industrial and office use. The area north of the railway would have a few industrial use areas but, it doesn't emphasize them enough to be fully industrial.

Ms. McCartney gave a brief description of the New Town Sub-Area Plan including, the site and surrounding area, proposed plans, the purpose, public engagement and the desire to have better connectivity to open spaces and parks.

Mr. Griffith commented that staff should consider these place making opportunity zones and find a connection that would supplement and be an activator to surrounding amenities.

Ms. McCartney agreed and explained that staff is trying to identify where these zones could be activated through development and redevelopment for the best fit.

Ms. McCartney presented the Northwest Arvada Sub-Area Plan and gave a brief description on the two-phase plan, which areas are the primary study, the community engagement that was executed and the concerns for water, traffic and infrastructure with future developments.

Mr. Griffith asked if the open space request was for maintenance or for actual open space.

Ms. McCartney confirmed that the request was for more open space.

Mr. Griffith asked if it was maybe it was more programmed space.

Ms. McCartney agreed and stated that there was a strong desire for more open space in the area.

Ms. McCartney continued her presentation with the land-use and concept of place making and the overwhelming feedback for more local restaurants and public gathering spaces. She also explained the community responses on preferred land uses.

Mr. Magee asked if Jefferson County already has plans in place for the Phase 2 area and if they are a part of this subarea plan.

Ms. McCartney stated that Jefferson County does have a plan however; they are not currently included in the subarea planning but, will be included in any further recommendations and draft documents. She finished her presentation with the upcoming public engagement opportunities.

Mr. Magee asked if the Square Lake subarea plan is out for public comment currently.

Ms. McCartney stated that the final recommendations will be out in the next few weeks.

9. OTHER ITEMS

Mr. Owens moved to cancel the October 19, 2021; November 2, 2021 and December 21, 2021 Planning Commission meetings.

DISCUSSION OF MOTION

None.

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

Ryan Stachelski asked for the Commission's input on combining the Board of Adjustments and Planning Commission into one entity. He explained that the possible merge is a result of the changes in the Land Development Code, adopted in May 2020. Many projects can be reviewed administratively with Minor Modifications or at the Planning Commission/City Council level with Major Modifications, resulting in less frequency of meetings. The Board has only reviewed one case in the last 18 months. Mr. Stachelski explained that this decision has been really challenging to make, but would like to respect the time of the Board, the Commission and its volunteers while also serving the community in the best and most efficient way. He stated that only two members of the Planning Commission can be on the Board of Adjustment, per the current municipal code language, and if this was supported, the Council would need to amend the language.

Mr. Magee asked for an example of a Board of Adjustment issue.

Mr. Stachelski explained that it is a specific need to meet the criteria related to a lay of the land issue.

Mr. Griffith asked if it would still be a small number of Board of Adjustment cases after the combining.

Mr. Stachelski explained that due to the additional flexibility of the Land Development Code there isn't much anticipation of many cases.

Mr. Hannan asked if the last review of the Land Development Code addressed this combination.

Mr. Stachelski explained the timeline of this discussion over the last year.

Mr. Knapp asked what would happen if there was an influx of cases.

Mr. Stachelski stated that we would be able separate the two into separate entities again, if needed.

Mr. Magee expressed his support of the combining of the Board of Adjustment and Planning Commission.

Ms. Connell asked for clarification on any training that may be needed to be a part of the Board of Adjustment.

Mr. Stachelski stated that the training would take place after May 1, 2022, should the two be combined.

10. **ADJOURNED** at 8:19 P.M.

for

T.O. Owens, Chair

Patricia Connell, Secretary

Abigail Ogg, Recording Secretary