CITY OF ARVADA

SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
JUNE 8, 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, Andrew Gay, Patricia Connell, Doug Magee, Steve Hannan, Tim Knapp

   THOSE ABSENT

   None

   ALSO PRESENT: Ryan Stachelski, Director of Community and Economic Development; Rob Smetana, City Planning Manager; Emily Grogg, Sr. Ass't. City Attorney; Shane Greenburg, Planner II; Jacob Nitchals, Senior Planner; Jonathon Moore, Planner I; Josie Suk, Manager of Dev. Systems and Administrative Services; Stephanie Wallace, Recording Secretary/Administrative Specialist; Abigail Ogg, Administrative Specialist

4. **APPROVAL OF MINUTES** – May 18, 2021. The minutes stand approved.

5. **GENERAL BUSINESS**

   None.

6. **REPORTS**

   None.

7. **PUBLIC COMMENT ON ISSUES NOT SCHEDULED ON AGENDA**

   None.

8. **PUBLIC HEARINGS**

   Comprehensive Plan Amendment, Annexation and Rezoning 15812 West 64th Avenue, Approximately Located at 15812 West 64th Avenue and an Annexation 15812 West 64th Avenue.

   Mr. Owens entered into the record the Staff Report dated June 8, 2021, affidavits of mailing and posting, and posting log.

Mr. Greenburg gave a brief overview of the project. Staff recommends approval.

John Johnson and Alina Randall, applicant, explained the site, the zoning, and the reasons for the requests. She stated currently there's not any construction plan for the lot.

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

PUBLIC COMMENT

IN FAVOR

None.

IN OPPOSITION

None.

APPLICANT REBUTTAL

None.

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Magee asked the applicant if the home to the South is owner occupied and not a rental.

Mr. Johnson responded that he lives there.

Mr. Magee and Mr. Johnson had some discussion on the slope of the property.

Mr. Magee asked Staff, if the R13 zoning that is being requested has a 35 foot height limitation.

Mr. Greenburg responded, correct 35 foot.

Mr. Magee and Mr. Greenburg discussed if the height matches the residential units to the North of 64th and to the South. Mr. Greenburg stated the max height for the RN zoning is 28 feet. He stated the applicant originally proposed a mixed use zoning, which would have given a 45 foot height. Mr. Greenburg commented that in the neighborhood meeting, comments where concerning the height. The applicant went with the R13 to have the max height of 35 feet.

Mr. Magee asked if the R13 zoning is different than the current zoning directly to the West from 12.5, which R13 has some conditional and limited uses. Would that come before the Planning Commission or would that be resolved administratively.

Mr. Greenburg responded Conditional Use would go to Planning Commission.

Mr. Gay asked for a guesstimate on approximately how many units would fit on 1.93 acres in the R13 designation.

Mr. Greenburg responded approximately 20 units.

Mr. Knapp asked for clarification whether the property west of the applicant's residence is in Jefferson County.

Mr. Greenburg responded it is currently A2 in Jefferson County.

Mr. Knapp asked if there are any plans coming before the City at this time.

Mr. Greenburg responded not that the City is aware of.

Mr. Knapp asked for clarification regarding the staff report stating the proposed annexation and rezoning is consistent with the City Council's Strategic Plan and principles and Community and Economic Development work and whether could Staff identify and explain what this is based upon.

Mr. Greenburg responded that Staff is recommending approval on the comprehensive plan amendment and if the Commission approves it would comply with the strategic plan that 95% of all developments conform to the City's Comprehensive Plan.

Mr. Knapp asked if the applicant has provided any information as to what is being proposed with the R13 and how it will be built out.

Mr. Greenburg responded that Staffs understanding is the applicant would not be developing, but will be selling the lots.

Mr. Johnson stated he is not developing the property. Just intends to do the annexing and rezoning to create flexibility for sale of the property, as well as potentially adding sewer to sell the lots separately.

Mr. Hannan stated he did not receive the neighborhood meeting summery and wanted a quick overview of what the neighborhood said.

Mr. Greenburg apologized for that not being included. He stated the biggest concern from the neighborhood meeting was the 45 foot tall buildings and potentially allowing commercial on the lots that are allowed in the mixed use zoning. He stated the neighborhood seemed to like that the applicant agreed to go to R13 with a maximum height of 35 feet.

Ms. Connell asked if this would impact the traffic on 64th.

Mr. Greenburg responded there is no site plan at this point; therefore no traffic study will be done.

Mr. Griffith asked if the Planning Commission would hear what would potentially be developed on this site.

Mr. Greenburg responded unless they are proposing something that is not allowed on R13, it would be reviewed by Staff.

Mr. Griffith asked if Staff could give an idea of what could potentially be developed at this site.

Mr. Greenburg responded R13 could allow townhome, duplexes, and single family homes. There are some restrictions on buffer yards between multi families such as townhomes. He stated engineering would decide if a traffic study would be required once we know what would be proposed for this site.

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, that the Comprehensive Plan Amendment for 15812 West 64th Avenue, LDR to MDR, generally located at 15812 West 64th avenue be approved and recommended to City Council for ratification.

DISCUSSION OF MOTION:

None

The following votes were cast on the motion:
Those voting Yes: Owens, Griffith, Gay, Connell, Magee, Hannan, Knapp
Those voting No: None
Those absent: None
The motion carried 7-0.

Mr. Owens explained that the motion carried.

Mr. Owens asked for a motion.

MOTION:

It was moved by Mr. Magee, that the Annexation for 15812 West 64th avenue, generally located at 15812 West 64th Avenue, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 5 and 6 of the Staff Report.

DISCUSSION OF MOTION:

None

The following votes were cast on the motion:
Those voting Yes: Owens, Griffith, Gay, Connell, Magee, Hannan, Knapp
Those voting No: None
Those absent: None
The motion carried 7-0.

Mr. Owens explained that the motion carried.

Mr. Owens asked for a motion.

MOTION:

It was moved by Mr. Magee, that the Rezoning for 15812 West 64th avenue, from Jefferson County to the City of Arvada R13, generally located at 15812 West 64th Avenue, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 5 and 6 of the Staff Report.

DISCUSSION OF MOTION:

None

The following votes were cast on the motion:
Those voting Yes: Owens, Griffith, Gay, Connell, Magee, Hannan, Knapp
Those voting No: None
Those absent: None
The motion carried 7-0.

Mr. Owens explained that the motion carried.

Conditional Use Application for Ralston Gardens Parking Lot, Generally Located at 9250 Ralston Road.

Mr. Nitchals stated there is one correction that Commissioner Magee pointed out. The second neighborhood meeting actually occurred on June 2, 2021, not June 9th as indicated in the Staff Report. The first neighborhood meeting was held in November 2019 and was well attended; however, it was prior to the adoption of the new Land Development Code.

Mr. Owens entered into the record the Staff Report dated June 8, 2021, affidavits of mailing and posting, and posting log. He asked if there are any additions or corrections to the staff report.

Mr. Nitchals gave a brief overview of the stand-alone parking lot with approximately 156 spaces on 1.9 acres. Staff recommends approval, subject to the condition listed on the last page of the staff report.

George Thorn, with Mile High Development, gave an overview of the stand-alone parking lot on parcel A which will support a 102 unit, a 4 story affordable housing project on parcel B.

Andre Baros, SAR, stated this is the last phase of this partnership with AURA and the master plan for this area. The current access road which will be brought up to drivable conditions, both parcels do not function separately. The parking on Parcel A exists only to serve the housing on Parcel B. There will be a retaining wall at the end to be the community gardens. Mr. Baros further explained that there will be a Paseo between the parking and the building and that they will all function as a single project.

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

PUBLIC COMMENT

IN FAVOR

None.

IN OPPOSITION

None.

APPLICANT REBUTTAL

None.

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Griffith suggested adding handicap/ADA access. He asked if there is a timeframe for both projects to be complete to have a better idea if the parking is going to be there first then the building.

Mr. Thorn responded we will make our application to the Colorado Housing Finance Authority for tax credits to support the affordable housing and really the entire development costs. They will notify the 20 or 30 applicants of whether they successful or not sometime around Thanksgiving. Then we will proceed immediately to go through the City's process. Groundbreaking on the project would be around summer 2022 and it would finish 20 months later.

Mr. Baros clarified that the parking lot would be used to stage construction for the affordable housing, so they would back out of the site after constructing the building first and then develop the parking last as they wrap up.

There was further discussion from Mr. Griffith and Mr. Thorn on affordable housing.

Mr. Knapp asked for clarification on the site plan for the parking area that it appears the ingress and egress for that parking area for the 150 stalls is only on Garrison.

Mr. Baros responded it is primarily on Garrison, but that they have to maintain a connection back to the Walmart side, but we anticipate all the traffic to coming to Garrison.

Mr. Knapp asked if there will be security cameras installed for the open parking lot in the long range planning.

Mr. Thorn responded yes, it will be safe, well landscaped, well lit and with a significant number of security cameras.

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, that the Conditional Use Application for Ralston Gardens Parking Lot, generally located at 9250 Ralston Road, be recommended to City Council for approval, with the following condition.

The Conditional Use for the proposed parking lot shall only be valid if it is used to comply with the off-street parking requirements of the associated affordable multifamily development at the southeast corner of Ralston Road and Garrison Street.

This motion is based on the findings of fact and approval criteria on Page 8 and 9 of the Staff Report.

DISCUSSION OF MOTION

Mr. Hannan thanked the applicant and acknowledged this has been in the process for a number of years and it's nice to see it finally making it with the multifamily usage and affordable. He thanked Mr. Thorn for addressing the concern on the impact on the Paseo. He stated his support of the project.

Mr. Magee agreed with Mr. Hannan and expressed his appreciation on the separated sidewalks, without people having to walk through the parking lot traffic and acknowledged the solar to cover the area. He also stated his support of the project.

Ms. Connell stated her support of the project, because it allows access to the affordable housing, the utilization of space, connection and the modifications that were provided in the open space that is provided for people who can't afford to buy homes but have access to the amenities.

Mr. Griffith stated his apperception of the project and will be supporting it.

The following votes were cast on the motion:
Those voting Yes: Owens, Griffith, Gay, Connell, Magee, Hannan, Knapp
Those voting No: None
Those absent: None
The motion carried 7-0.

Mr. Owens explained that the motion carried.

Major Modification Greyshoe Unit Addition, Generally Located at 5430 Estes 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 record the Staff Report DA2021-0037 dated June 8, 2021, posting log affidavit, affidavit of mailing and posting log.

Mr. Moore gave a brief overview of the project and application for a major modification, the subject property contains 8,145 square feet and is located at the Northeast corner of Estes St. and West 54th Place. The proposal to add a unit will primarily require internal modifications to the existing building, as well as the addition of three off-street parking spaces to the site. Major Modifications are required since parking is not allowed within the front setback. The Major Modification is also to reduce the minimum lot size and minimum lot width requirements for the property. Mr. Moore continued to state that a site plan application and building permit will be required if this request is approved by the Planning Commission and City Council. The application would then be reviewed administratively.

Mr. Scherer, applicant, gave an overview of the design of the project. Mr. Scherer explained that the previous owner had made improvements to add a fourth unit by adding a fourth electrical meter. He stated that they only just learned that the fourth unit was not allowed, based on the zoning. They are requesting major modifications to allow for a fourth unit.

Ms. Hsu, applicant, gave an overview of the existing parking issue and the inability to add the required amount. She asked for a waiver on the parking requirement.

Mr. Moore clarified that staff's understating of the request has been to allow parking in the front setback, which is not allowed per the Land Development Code. He stated that there is a misunderstanding on the applicant's part and stated that all parking spaces would be required.

Ms. Hsu confirmed that Mr. Moore was correct.

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

PUBLIC COMMENT

IN FAVOR

None.

IN OPPOSITION

None.

APPLICANT REBUTTAL

None.

Mr. Owens closed public comment

QUESTIONS FROM THE COMMISSION

Mr. Knapp asked staff if there was already an overflow issue with parking in the neighborhood without the current proposal.

Mr. Moore stated that many properties on W 54th Pl did not meet parking or access standards. Those standards are intended to accommodate current residents, leaving street parking to guests and short term parking.

Mr. Gay asked staff if the request to eliminate parking spaces should change recommendation to reject application.

Mr. Moore stated that it shouldn't change the recommendation, as the parking reduction was not part of this request. To reduce parking spaces there would need to be significant benefit to The City of Arvada. Staff would not be able to support parking reduction.

Mr. Gay asked applicant if property was bought with express intent to create a four-unit property.

Ms. Hsu stated that the property was marketed with the intent to develop into a four-unit property at time of purchase.

Mr. Magee asked staff if additional parking could be added to Estes St. instead of extending non-conforming parking on south side.

Mr. Moore stated that parking off Estes St. is also considered a front setback and would have to conform to the same standard.

Mr. Griffith asked staff what the additional information requested from Police and Fire was for safety and if they were satisfied.

Mr. Moore stated that the information requested was asking about adding sprinklers to the building and an egress window and the applicant would need to respond to the request as part of the site plan and building permit.

Mr. Griffith asked staff what the length of the sidewalk/curb would be that needs to be replaced or repaired by the applicant.

Mr. Moore stated that it would be the entire broken sidewalk/curb on W. 54th Place.

MOTION:

It was moved by Mr. Magee, that a Major Modification for Greyshoe Unit Addition, generally located at 5430 Estes St., be recommended to City Council for approval and the staff condition about replacing the broken sidewalk and curb be included.

This motion is based on the findings of fact and approval criteria on Pages 7 and 8 of the Staff Report.

DISCUSSION OF MOTION

Mr. Owens stated that he encourages people to invest in the City of Arvada; however this isn’t the right place or option. He stated his concerns of due diligence when buying a property and not rely on citizens and the City to allow modifications not up to code. He stated that he will not be supporting the motion.

Mr. Hannan stated that this use makes sense in this neighborhood and only this neighborhood. He stated that due to the year built, he believes it to be a reasonable modification and will be supporting the motion.

Mr. Magee stated that 4 of the 5 approval criteria are not being met. He stated that due to the public safety and non-conforming zoning issues he will not be supporting the motion.

Mr. Gay stated he didn’t want to kill the entrepreneurial spirit in Arvada, and gathered no safety issues existed. He stated that he will be supporting the motion.

Mr. Knapp stated that parking is a big issue currently and if approved it will exacerbate the parking issue for the surrounding streets and create more public safety issues. He stated that he will not be supporting the motion.

Mr. Griffith stated that he carefully looked into the criteria to make sure there is a benefit to the community. He stated that neighborhood concerns were met in the neighborhood meeting and could potentially solve the some of the housing issue. He stated that he would be supporting the motion.

Ms. Connell stated she is reluctant to approve the request due to other potential applicants wanting to do the same thing in other areas. She stated that she will not be supporting the motion.

The following votes were cast on the motion:
Those voting Yes: Griffith, Hannan, Gay
Those voting No: Connell, Magee, Knapp, Owens
Those absent: None
The motion failed 3-4.

Mr. Owens explained that the motion failed.

9. **OTHER ITEMS**

Mr. Owens asked Staff if there are any items to consider.

Mr. Smetana reminded the Commission that there is a meeting on June 22, 2021. He stated that there are no items scheduled for the July 6, 2021 meeting.

It was moved by Mr. Owens to cancel the Planning Commission meeting on July 6, 2021, as there are no items on the agenda.

The following votes were cast on the motion:
Those voting Yes: Owens, Griffith, Gay, Connell, Magee, Hannan, Knapp
Those voting No: None
Those absent: None
The motion carried 7-0.

10. **ADJOURNED** at 7:46 P.M.

T.O. Owens, Chair

Patricia Connell
Patricia Connell, Secretary

Stephanie Wallace
Stephanie Wallace, Recording Secretary