

City of Arvada

Planning Commission Agenda

MARCH 16, 2021
CITY COUNCIL CHAMBERS
Regular Business

Commission Members:

T.O. Owens, Chairman
Michael P. Griffith, Vice Chairman
Patricia Connell, Secretary
Doug Magee
Steve Hannan
Michael McCarron
Andrew Gay

Staff Members Usually Present:

Ryan Stachelski, Dir. of Community and Economic Development
Emily Grogg, Senior Assistant City Attorney
Rob Smetana, Manager of City Planning and Development
Jenny Wolfschlag, Manager of Development Engineering
Josie Suk, Systems and Administrative Manager
Sara Hutchinson, Administrative Specialist
Stephanie Wallace, Administrative Specialist

Info: 720-898-7435

In accordance with physical distancing guidelines, the Planning Commission meeting will be held remotely using webinar technology. A recording of the meeting will also be available later on. The meeting will include an open comment period where participants will have three minutes to provide comments to the Commission. Members of the public who wish to provide public comment on any agenda item or during general public comment should email their name, address, phone number and the topic to Josie Suk (jsuk@arvada.org). You will receive instructions on registering for and participating in the webinar. Upon receiving the request, Ms. Suk will provide registration instructions and the rules and the procedures to follow when providing input. Interested members of the public who prefer to use the telephone may call the Planning Department at 720-898-7435 to participate. If any member of the public wishes to submit a comment regarding the item on the agenda, you may submit comments in writing via email to the Planning Department at cedboardsandcommission@arvada.org. Comments must be received no later than 5 p.m. on the day of the meeting. All timely comments submitted will be presented to the Planning Commission, and, if requested, read aloud at the meeting. Please contact Josie Suk with any questions about this alternative method of public participation at 720-898-7627.

PLANNING COMMISSION MEETING – VIRTUALLY 6:15 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS
4. APPROVAL OF MINUTES
 - A. Approval of February 16, 2021 Meeting Minutes
5. GENERAL BUSINESS
6. REPORTS

7. PETITIONS & COMMUNICATIONS

8. PUBLIC HEARINGS

- A. DA2020-0122 Public Access Easement for Wet Rabbit Car Wash, generally located at 9159 Kendrick St.
- B. DA2020-0122 Major Modifications for Wet Rabbit Car Wash, generally located at 9159 Kendrick St.
- C. DA2020-0118 Maple Valley Park Annexation, approximately located at 6900 Indiana St. - RESCHEDULED TO APRIL 20, 2021
- D. DA2020-0118 Maple Valley Park Rezoning, approximately located at 6900 Indiana St. - RESCHEDULED TO APRIL 20, 2021
- E. DA2020-0117 Project Indiana Annexation, generally located at 6730 Indiana St.- RESCHEDULED TO APRIL 20, 2021
- F. DA2020-0117 Project Indiana Rezoning, generally located at 6730 Indiana St.- RESCHEDULED TO APRIL 20, 2021

9. OTHER ITEMS

- A. Future Meeting Formats

10. ADJOURN



**SUMMARY MINUTES OF PLANNING COMMISSION MEETING AND WORKSHOP HELD
FEBRUARY 16, 2021**

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

1. **WORKSHOP – Land Development Code Training**

Ms. Grogg led a workshop for the Commission, including information about Colorado Open Records Act (CORA), Colorado Open Meetings Law, the Land Development Code, and the Planning Commission Bylaws.

There was general discussion among Staff and the Commissioners about the memo that was given to the Commissioners about the workshop topics.

2. **CALLED MEETING TO ORDER–** By T.O. Owens at 6:16 P.M.

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL OF MEMBERS**

Those present: T.O. Owens, Andrew Gay, Patricia Connell, Michael P. Griffith, Doug Magee

THOSE ABSENT

Mr. Owens moved to excuse Steve Hannan and Michael McCarron from the meeting.

The following votes were cast on the motion:

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

Those voting No: None

Those absent: Hannan, McCarron

The motion carried 5-0.

ALSO PRESENT: Ryan Stachelski, Director of Community and Economic Development; Rob Smetana, City Planning Manager; Emily Grogg, Sr. Ass't. City Attorney; Cheryl Drake, Senior Planner; Jeremiah Bebo, Planner II; Jenny Wolfschlag, Manager of Development Engineering; Josie Suk, Manager of Dev. Systems and Administrative Services; Sara Hutchinson, Recording Secretary/Administrative Specialist

5. **APPROVAL OF MINUTES – JANUARY 19, 2021.**

Page three addition from Mr. Gay: his concern was with the number of mixed-use zoning requests being approved for residential use only. The minutes stand approved as corrected.

6. **GENERAL BUSINESS**

None.

7. **REPORTS**

None.

8. **PUBLIC COMMENT**

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

9. **PUBLIC HEARINGS**

DA2020-0131 Habitat for Humanity Vacation of Right-of-Way, generally located at 5249 Carr St.

The public hearing was opened.

Ms. Drake made a correction to page 3 of the Staff Report, as the top row citation is incorrect. This citation should be Division 8-3-9-1 instead of 8-3-1-1.

Mr. Owens entered into the record the corrected Staff Report DA2020-0131 dated February 16, 2021, affidavits of mailing and posting, and posting log.

Ms. Drake gave a brief overview of the project. Staff recommends approval.

Mr. Whitaker, representative of the applicant, explained Habitat for Humanity of Metro Denver. He discussed the reasoning for the request of the Right-of-Way Vacation for the site.

Ms. Ma, representative of the applicant, explained Radian and other partners in the project.

Mr. Yong, representative of the applicant, explained his architecture firm and their mission.

Ms. Ma gave an overview of the site. She described the area that the ROW Vacation request is for and discussed the zoning.

Mr. Deyoung, representative of the applicant, explained the site plan and the need for the ROW Vacation with the proposed design of the site.

Ms. Ma gave further description of the reasoning for the ROW Vacation request.

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 asked about tree removal with the proposed site design.

Mr. Whitaker stated that they are working with Ms. Drake and other Staff to make sure all tree removal is done well and any removal that is done is necessary for the design.

Mr. Owens asked for clarification on who owns the ROW property currently.

Ms. Drake clarified that the ROW is currently owned by the City.

Mr. Griffith asked about the maintenance of the ROW land if it is vacated.

Ms. Drake stated that this portion of the land will either be managed by the individual homeowners or by the homeowner's association.

Mr. Whitaker confirmed Ms. Drake's statements and said that there will be a homeowner's association.

MOTION:

It was moved by Mr. Magee, DA2020-0131 Habitat for Humanity Vacation of Right-of-Way, generally located at 5249 Carr St., be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Pages 3 and 4 of the Staff Report.

DISCUSSION OF MOTION DA2020-0131

The following votes were cast on the motion:

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

Those voting No: None

Those absent: Hannan, McCarron

The motion carried 5-0.

Ms. Connell stated her support for Habitat for Humanity.

DA2020-0103 Lazy Susan Major Comprehensive Plan Amendment, Annexation, and Rezoning, generally located at 16790 and 16770 W. 63rd Pl.

Mr. Owens entered into the record the Staff Report DA2020-0103 dated February 16, 2021, affidavits of mailing and posting, and posting log.

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

Ms. Tindell, applicant, explained the site, the zoning, and the reasons for the requests.

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

PUBLIC COMMENT

IN FAVOR

None.

IN OPPOSITION

Ms. Bartoletti, resident, asked what types of homes are allowed within the zoning.

Mr. Owens explained the procedure for the public comment portion of the public hearing, and let Ms. Bartoletti know that they would ask her question to Staff in their discussion period.

APPLICANT REBUTTAL

Ms. Tindell stated that it would be a single family residential home going onto the property.

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Griffith repeated Ms. Bartoletti's question.

Mr. Bebo explained that only single-family homes can be built within this zoning, and he stated the lot size requirements.

MOTION: Major Comprehensive Plan Amendment

It was moved by Mr. Magee that DA2020-0103 Lazy Susan Major Comprehensive Plan Amendment, generally located at 16790 and 16770 W. 63rd Pl., be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Pages 6-8 of the Staff Report.

DISCUSSION OF MOTION DA2020-0103 Major Comprehensive Plan Amendment

The following votes were cast on the motion:

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

Those voting No: None

Those absent: Hannan, McCarron

The motion carried 5-0.

MOTION: Annexation

Mr. Magee asked Staff about the adjacent ditch property. He asked why the Lazy Susan property is allowed to be annexed in - based on State statutes – while it is adjacent to the ditch.

Mr. Bebo explained that the ditch is viewed as a natural feature and that the property was able to obtain contiguity through the State statutes.

Mr. Gay asked for reiteration from the applicant on the reasoning for the requests.

Ms. Tindell confirmed the reasoning Mr. Gay provided.

It was moved by Mr. Magee that DA2020-0103 Lazy Susan Annexation, generally located at 16790 and 16770 W. 63rd Pl., be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Pages 6-8 of the Staff Report.

DISCUSSION OF MOTION DA2020-0103 Annexation

The following votes were cast on the motion:

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

Those voting No: None

Those absent: Hannan, McCarron

The motion carried 5-0.

MOTION: Rezoning

It was moved by Mr. Magee that DA2020-0103 Lazy Susan Rezoning, generally located at 16790 and 16770 W. 63rd Pl., be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Pages 6-8 of the Staff Report.

DISCUSSION OF MOTION DA2020-0103 Rezoning

Mr. Owens stated his appreciation for Ms. Tindell presenting her project in front of the Commission.

The following votes were cast on the motion:

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

Those voting No: None

Those absent: Hannan, McCarron

The motion carried 5-0.

DA2020-0129 Conditional Use for Morgan Ralston Creek, generally located at 9881 W. 58th Ave.

Mr. Owens entered into the record the Staff Report DA2020-0129 dated February 16, 2021, affidavits of mailing and posting, and posting log. Additionally a written letter of public comment was received and read by the Commissioners. This letter has been added to the record.

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

Mr. Brockman, representative of the applicant, gave background on the developer and he explained the discussion ongoing with Brixmor Property Group. He gave background on the site and the project.

Ms. Niziolek, representative of the applicant, discussed public outreach that the applicants have undergone with members of the community. She explained how the proposed design will fit with the City Comprehensive Plan and zoning. She explained the two different options with the potential design plan for the site.

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

PUBLIC COMMENT

IN FAVOR

None.

IN OPPOSITION

Mr. Sugden, council to the owner of the Arvada Plaza (the property to the east of the proposed redevelopment site), discussed the contents of the letter of public comment that he submitted. He described the Arvada Plaza's history. He discussed concerns about ingress and egress for the loading docks at Arvada Plaza. He described the condition that they are requesting, which would allow the continued easy access to the loading docks and would not change the proposed design of the site.

APPLICANT REBUTTAL

Mr. Brockman, stated their desire to work with Brixmor Property Group (owner of the Arvada Plaza).

Ms. White, representative of the applicant, stated that this issue is most properly addressed at the site plan stage. She stated that Mr. Sugden's concerns are not impacted by this conditional use application in terms of the conditional use of the site, instead by the potential design. She agreed that this should continue to be a conversation.

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Owens asked about the shared access agreement at the site held by Brixmor.

Mr. Brockman stated that this shared access agreement had expired five years ago.

Mr. Owens stated that this means that there is no legal claim to this access as it currently stands.

Mr. Brockman agreed with this statement.

Mr. Owens reiterated the definition of the Conditional Use and stated that he believes without any legal claim to this access, it is not an issue for the applicant. He stated his belief that it is instead an issue for Brixmor to address. He stated that if it was an issue for the applicant, he believed this would be addressed in the site plan stage of the application and not through the Conditional Use.

Mr. Gay stated the adjacent ARC property already may have loading issues of their own, and that there could be concerns with the loading docks access as well.

Mr. Owens stated his understanding of this issue, but reiterated that he does not believe this burden should fall upon the neighboring property developer (the applicant).

Mr. Magee asked about the lease negotiations with the Good Times on the site. He asked for clarification on who holds the lease right now.

Mr. Brockman stated that the lease is set to end in five years, but that they are under negotiations to buy them out at the end of December 2021. He said the lease holder is the owner of the Kmart.

Mr. Magee stated his appreciation for holding the neighborhood meeting both virtually and in-person. He asked about the percentage of affordable housing proposed for the site and asked if they considered any increase in the percentage.

Mr. Brockman stated that if they increase the percentage, the market rate units have to go up in rent and that they do not feel that is fair to the community.

Mr. Magee asked if the first floor units are at grade in order to be accessible.

Mr. Brockman stated that they will follow ADA guidelines and Federal Fair Housing guidelines.

Mr. Magee asked if all of the northern building units are accessed internally.

Mr. Brockman stated that they are, and that eventually there may be more connectivity to the street through the patios.

Mr. Magee recommended that in the site plan there might be some access to the green spaces from the northern side units. He asked about the ratio of guest parking.

Ms. Niziolek stated that the parking is set up in accordance with Code, but that this will continue to be addressed through the design process.

Mr. Magee asked about bike parking.

Ms. Niziolek stated that they believe it is important, and that it will be addressed in the site plan stage.

Mr. Magee suggested putting bike parking within the covered parking structure proposed for the site.

Mr. Griffith stated his hope that as the development continues, the ground access should be supported to make it feel more residential and walkable. He asked Staff about traffic impacts of this project.

Mr. Bebo stated that the traffic study indicated that the project could be accommodated with the existing traffic system in the area.

Mr. Griffith asked about the traffic impact on 58th Avenue specifically.

Mr. Bebo stated that those specific details will be looked at more closely with the site plan design, but that Staff feels comfortable that it will not be a problem for the traffic systems.

Ms. Wolfschlag stated that at build-out, this development will be at a C level or better, and that the residential use generates lower traffic than a store like Kmart.

Mr. Griffith stated his desire for a shade analysis and investigation into snow removal in the amenity green space areas to be done further into the design process. Mr. Griffith asked Staff about the definitions of affordable housing criteria with Area Median Income (AMI).

Mr. Bebo stated that the previous Land Development Code did not state a definition for AMI for affordable housing. He stated that the new Code focuses more on conditions that will require affordable units (typically LIHTC), such as a height incentive. He clarified that this is a unique situation, where the developer is deciding to put affordable units in without doing so as part of a request for a height incentive or other condition.

Mr. Smetana stated that even for LIHTC housing, there is usually a sliding scale of AMI to qualify.

Mr. Gay asked about the walking path between the apartments and the King Soopers.

Mr. Brockman confirmed that the intent is to create connectivity in the area and provide a walkable space, including for residents to get groceries.

Mr. Gay asked where the answers are to the questions from residents at the neighborhood meeting that was given in the packet.

Ms. Niziolek stated that all the responses were answered out loud in the meeting but are not typed out in the written record. She stated that they have a recording and can add the responses to the packet.

Mr. Gay stated his concerns over ARC's donation drop-off site in the area.

Ms. Connell stated that some of the traffic may be eliminated with the potential design.

MOTION:

Ms. Grogg stated that conditions are not required to be put into the motion, whether from the Staff or from public comment request.

It was moved by Mr. Griffith that DA2020-0129 Conditional Use for Morgan Ralston Creek, generally located at 9881 W. 58th Ave., 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.

Mr. Owens requested to amend the motion to include the two conditions on page 12 of the Staff Report.

Mr. Griffith amended the motion to include the two conditions on page 12 of the Staff Report:

1. In order to preserve a portion of the site for retail and commercial uses and to mitigate the loss of a larger amount of retail space (Criteria 6), a minimum of 10,200 square feet of commercial space shall be provided on site.
2. In order to adhere to Criteria 2, the applicant shall offer a minimum of five percent of the apartment units as affordable to residents making up to 80% of Area Median Income. The means of restricting these units shall be determined at the Site Plan application and shall be at the discretion of City staff.

DISCUSSION OF MOTION DA2020-0129

Mr. Magee stated his appreciation of the design but noted his disappointment that there will not be added retail or commercial space at the location. He stated his preference for the Option 2

design in order to keep commercial space on the site. He stated his concerns over the King Soopers loading docks access, but that he agrees with Mr. Owens in his analysis of the situation. He stated his support of the project.

Mr. Griffith stated his support of the project and noted his excitement to have new development with pedestrian focus instead of a vacant space.

Mr. Owens stated his support of the project and commented that it is not an easy site to deal with.

The following votes were cast on the motion:
Those voting Yes: Owens, Gay, Connell, Griffith, Magee
Those voting No: None
Those absent: Hannan, McCarron
The motion carried 5-0.

10. OTHER ITEMS

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

Mr. Smetana stated that there are no items scheduled for the March 2, 2021 meeting.

It was moved by Mr. Owens to cancel the Planning Commission meeting on March 2, 2021, as there are no items on the agenda.

The following votes were cast on the motion:
Those voting Yes: Owens, Gay, Connell, Griffith, Magee
Those voting No: None
Those absent: Hannan, McCarron
The motion carried 5-0.

Mr. Smetana explained the projects that are on the agenda for March 16, 2021.

Ms. Connell thanked everyone for their participation.

Mr. Griffith asked about the plan for moving forward with eventual in-person meetings at City Hall.

Mr. Stachelski stated that this will be up to discussion based on what the Commission prefers, and that it could be added as a future agenda item. He stated that it could be based upon an agreed upon criteria. He explained how Council has addressed this discussion. He stated that Staff is currently trying to minimize contact and that at the City they are encouraging remoteness when possible.

Mr. Owens asked if the Commissioners are hoping to have in-person meetings, with some of the Commissioners in-person and some at home. He stated his desire not to impose on Staff in requiring them be in-person.

Mr. Magee stated that he does not have a strong desire to be in-person, but that Covid numbers seem to be going down. He stated that he feels that the current virtual system has been working well. He commented that the seating at the dais in Council Chambers doesn't allow Commissioners to be six feet apart.

Ms. Connell stated that she would prefer to wait a few more months and see what the vaccination numbers look like. She stated her appreciation that the City has been holding the meetings virtually.

Mr. Griffith stated that he wants to discuss it, but that he is not trying to move back to be in-person soon. He stated concerns of accessibility with virtual meetings.

Mr. Gay stated his appreciation for the virtual meetings, but that he eventually hopes that at least once a quarter that the Commissioners could meet in person.

Mr. Owens stated that in April the Commission can have another check-in and discussion about what the criteria should be in order to decide when to have in-person meetings again. He doesn't want to push anyone to come back if they are uncomfortable.

Ms. Suk stated that due to increased interest with the projects going on the March 16, 2021 meeting, the meeting will be done on live stream and shown on KATV. She stated the desire to make it easier for more members of the public to watch future meetings, even if they do not want to participate in the meeting.

Mr. Magee stated his concern of imposing on the City/Staff if some of the Commissioners were to be in-person at Chambers and some were to be present virtually at future meetings. He stated his preference to have meetings be either completely virtual or completely in-person.

Ms. Grogg stated that because of a potential increase in public comment for the March 16, 2021 meeting, Staff will be trying to get the Commissioners their packets sooner than normal in order to allow the Commissioners as much time as possible to read all of the public comment as it is received.

12. **ADJOURNED** at 8:06 P.M.

T.O. Owens, Chair

Patricia Connell, Secretary

Sara Hutchinson, Recording Secretary



NOTICE OF PUBLIC MEETING

A public meeting will be held before the Arvada Planning Commission on 3/16/2021, at 6:15 p.m., virtually. Members of the public may join virtually via phone by emailing jsuk@arvada.org for the meeting access. Requests must mention this meeting date. Due to increased interest in this meeting, Members of the public may watch the meeting on Comcast channels 8 and 880 or on the live stream at arvada.org/live-stream. Written comments can be submitted to cedboardsandcommission@arvada.org, all comments must be submitted by 5:00 p.m. on March 16, 2021.

Complete packets will be posted online 3 days before the scheduled meeting at <https://arvada.org/city-hall/government/boards-and-commissions>. Please review the specific board's webpage to see packets.

The items on the agenda for this meeting are:

- A. DA2020-0122, Wet Rabbit Car Wash Major Modification and Vacation of Right of Way Located at 9159 Kendrick St.
- B. DA2020-0118, Maple Valley Park Annexation and Rezoning approximately located at 6900 Indiana St.
- C. DA2020-0117, Project Indiana Annexation and Rezoning approximately located at 6730 Indiana St.

Date Posted: 2/25/2021

Time Posted: 4:00 P.M.

A handwritten signature in cursive script, appearing to read 'Sara Hutchinson', is written over a horizontal line.

Sara Hutchinson Recording Secretary

Note: If you need any special services, assistance, or accommodations, please contact the City of Arvada five (5) business days before the meeting by calling Sara Hutchinson, (720) 898-7435.



POSTING LOG

Planning Commission

Signs to be posted on: March 1, 2021 Mailing to be sent on: March 1, 2021

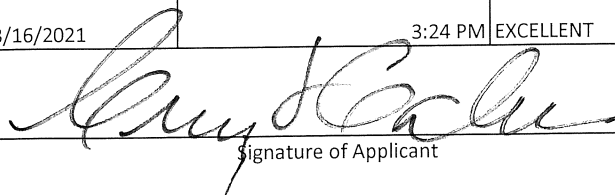
In accordance with Division 8-2-4-3(C) of the Arvada Land Development Code, signs shall be posted on the property by the applicant, at least fifteen (15) consecutive days prior to and including the public hearing date. (See attached notice or Division 8-2-4-3(C) of Code for specific requirements as to the placement of such signs)

The applicant will be responsible for checking the signs each day of the required posting period and keeping an accurate log. If a sign has been moved, destroyed, or fallen, the sign must be replaced by the applicant within forty-eight (48) hours.

Applicants must sign the log which states he/she has checked the signs daily and followed the procedures outlined in Division 8-2-4-3(C) of the Land Development Code and present it at the time of the Public Hearing. Failure to comply with the required posting procedure shall require the Public Hearing to be rescheduled.

Posting Log for: DA2020-0122, Wet Rabbit Car Wash, vacation of Right-of-Way and a major mod.

DATE	TIME	CONDITION OF SIGN
3/1/2021	9:48 AM	NEW
3/2/2021	10:43 AM	EXCELLENT
3/3/2021	2:10 PM	EXCELLENT
3/4/2021	9:12 AM	EXCELLENT
3/5/2021	9:20 AM	EXCELLENT
3/6/2021	8:06 AM	EXCELLENT
3/7/2021	7:13 PM	EXCELLENT
3/8/2021	1:34 PM	EXCELLENT
3/9/2021	9:36 AM	EXCELLENT
3/10/2021	11:03 AM	EXCELLENT
3/11/2021	2:24 AM	EXCELLENT
3/12/2021	4:32 PM	EXCELLENT
3/13/2021	1:36 PM	EXCELLENT
3/14/2021	N/A - BLIZZARD	EXCELLENT - SNOWY
3/15/2021	4:52 PM	EXCELLENT
3/16/2021	3:24 PM	EXCELLENT


Signature of Applicant

3/16/2021
Date

Affidavit for Posting of Sign

Name of Project: DA2020-0122, Wet Rabbit Car Wash, Vacation of Right-of-Way and a
Major Modification

I, CRAIG I. CAHEN, certify that signs have been posted in
accordance with Division 8-2-4-3(C)(4) of the Land Development Code for the public
hearing to be held on 03/16/2021.

Said signs were posted on: 02/26/2021

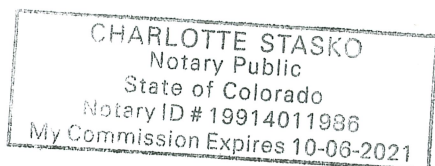

Signature

STATE OF COLORADO)
) ss
COUNTY OF Arapahoe)

The above and foregoing Affidavit as subscribed before me this 1st day of
March, 2021 personally by Craig I Cahen


Notary Public

My Commission expires: 10/06/21



NOTICE

A public hearing will be held virtually before the Arvada Planning Commission on March 16, 2021, at 6:15 p.m., when and where you may speak on the matter to consider annexation and rezoning Maple Valley Park, approximately located 6900 Indiana St. Members of the public may join virtually via phone by emailing jsuk@arvada.org for the phone number; the email must mention this meeting date. To submit a request for public comment, email comments to cedboardsandcommission@arvada.org by 5 p.m. on 3/16/2021. Members of the public may watch the meeting on Comcast channels 8 and 880 or on the live stream at arvada.org/live-stream Additional information can be obtained from <https://www.arvadapermits.org/etrakit3/search/project.aspx?activityno=DA2020-0118>.

CITY OF ARVADA PLANNING COMMISSION
/s/ Patricia Connell,
Secretary

Published: 2/25/2021

**At time of packet finalization and review for the March 16, 2021
Planning Commission Meeting the following item(s) are missing:**

-Mailing Affidavit



REPORT TO PLANNING COMMISSION

AGENDA ITEM
8.A.

TO: PLANNING COMMISSION

DATE: March 16, 2021

SUBJECT: DA2020-0122 Public Access Easement for Wet Rabbit Car Wash, generally located at 9159 Kendrick St.

Report in Brief

MOTION:

MOVED BY: _____

That DA2020-0122, Public Access Easement for Wet Rabbit Car Wash, generally located at 9159 Kendrick Street, be recommended to City Council for (approval) (denial).

This motion is based on the findings of fact and approval criteria on Page(s) 7-9 of the Staff Report.

This motion is based on the following findings of fact for denial: (Recite approval criteria you believe the evidence fails to satisfy and your reasons).

YES _____ NO _____ ABSENT _____

Prepared by:

Sara Hutchinson, Administrative Specialist

Reviewed by:

Approved by:

Carol Ibanez, Senior Planner

3/3/2021

Josie Suk, Development Systems and Administrative Manager

3/3/2021

Robert Smetana, Manager of City Planning and Development

3/3/2021

Ryan Stachelski, Director of Community and Economic Development

3/9/2021

Enclosure, exhibits & attachments required to support the report



REPORT TO PLANNING COMMISSION

AGENDA ITEM
8.B.

TO: PLANNING COMMISSION

DATE: March 16, 2021

SUBJECT: DA2020-0122 Major Modifications for Wet Rabbit Car Wash, generally located at 9159 Kendrick St.

Report in Brief

MOTION:

MOVED BY: _____

That DA2020-0122, Major Modifications for Wet Rabbit Car Wash, generally located at 9159 Kendrick Street, be recommended to City Council for (approval) (denial).

This motion is based on the findings of fact and approval criteria on Page(s) 7-9 of the Staff Report.

This motion is based on the following findings of fact for denial: (Recite approval criteria you believe the evidence fails to satisfy and your reasons).

YES _____ NO _____ ABSENT _____

Prepared by:

Sara Hutchinson, Administrative Specialist

Reviewed by:

Approved by:

Carol Ibanez, Senior Planner	3/3/2021
Josie Suk, Development Systems and Administrative Manager	3/3/2021
Robert Smetana, Manager of City Planning and Development	3/3/2021
Ryan Stachelski, Director of Community and Economic Development	3/9/2021

Enclosure, exhibits & attachments required to support the report

City of Arvada
Community and Economic Development Department
PUBLIC HEARING STAFF REPORT

Wet Rabbit Car Wash
Major Modification Request
and
Vacation of a Public Access Easement
DA2020-0122

NATURE OF REQUEST

Craig I Cahen, Cahen Architectural Group, PC is requesting approval of three major modifications to the Land Development Code and the Vacation of a Public Assess Easement for the Wet Rabbit Car Wash Development generally located on the northeast corner of Candelas Parkway and West 91st Place.

The Wet Rabbit Car Wash is located on Lot 1, a vacant 1.5 acre within the Candelas Commercial Filing No. 4. Subdivision. A 5,900 square foot single story building with an enclosed tunnel car wash is proposed. The building entrance is from the south side with cars exiting the tunnel on the north side of the building. Out-door vacuum stations are on east side of the building.

MAJOR MODIFICATIONS REQUESTED

The Applicant is requesting modifications to the Arvada Land Development Code (LDC) motor vehicle use and screen wall height standards as part of this development project. The modifications are as follows:

1. Subsection 3-1-3-8 F.1.c. Enclosed Motor Vehicle Wash Facility standards require that all enclosed car wash must have bay doors. No bay door shall face the adjacent street or an adjacent residential district.

The building is designed to have the entrance door facing W. 91st Place with cars exiting on the north side of the lot. The bay door is setback of 82 feet from W. 91st Place. A four foot high earthen berm with a screen of evergreen plantings is proposed to mitigate the bay entrance door from W. 91st Place.

2. Subsection 3-1-3-8F.1.c. All car wash facilities must be self-contained, except for drying, polishing or vacuuming which may be performed outdoors. Exterior vacuums must have the machinery located within the main wash building with only vacuum hoses located outside.

The machinery equipment will be located outdoors and will be screened by solid masonry fence to shield the equipment and reduce the noise generated by the equipment to the adjacent lot. There is no current user for the adjacent lot. However, it would likely be a commercial land use.

3. Table 4-7-2-1 The maximum height for fences/walls shall not exceed 6'-0" in height within the CG (Commercial, General) zoning district.

The height of the trash enclosure will be seven feet. The vacuum equipment will be stored within a 10 foot 4 inch solid masonry wall to completely shield the equipment. The screen walls will also aid in the quieting of the vacuums themselves

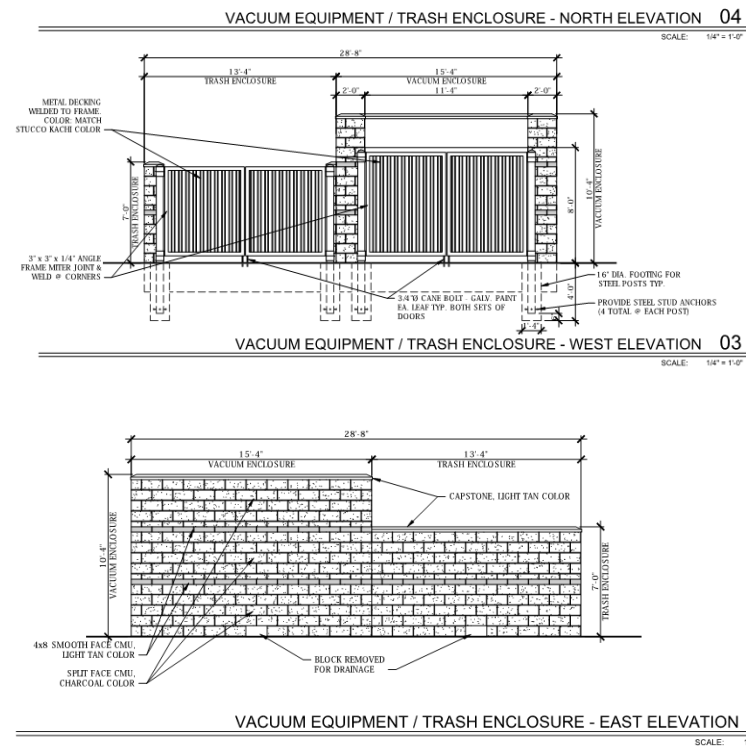
Staff supports the Major Modifications with the proposed site mitigation that includes a four foot berm with additional landscape materials to screen the bay door from W 91st Place. A seven foot fence for the trash enclosure with a 10'4" masonry wall will shield the equipment and noise from the adjacent properties.



VIEW FROM W. 91st PLACE



AERIAL INDICATING SITE LAYOUT AND BERM LOCATION



LOCATION AND HISTORY

The subject property is generally located on the northeast corner of Candelas Parkway and West 91st Place within the Kings North commercial center. The property will be subdivided into two lots for the tunnel car wash and a future commercial user.

The Kings North commercial center consists of the newly constructed Primrose School, Les Schwab Tire Center, and Chase Bank.

NEIGHBORHOOD MEETING

Division 8-2-2 of the Land Development Code requires that at least one neighborhood meeting be held for projects that require public hearings before the Planning Commission and City Council.

The required neighborhood meeting for this project took place on December 3, 2020. The applicant and staff held a virtual meeting. However, no one attended the meeting nor any written comments were received.

PUBLIC NOTIFICATION

Division 8-2-4 of the Land Development Code requires public notification for all public hearings as follows:

Written Notice: At least 15 days prior to all public hearings, written notice must be mailed to all property owners within 500 feet of the subject property and to all homeowners associations and neighborhood associations with a known interest in the subject property. The applicant will provide an affidavit of mailing verifying this requirement has been met prior to the public hearing.

Posted Notice: At least 15 days prior to all public hearings, signs notifying the public of the hearing must be posted on the subject property. The applicant will provide a posting log verifying that this requirement has been met prior to the public hearing.

Published Notice: At least 15 days prior to all public hearings, notice of the hearing must be published in a newspaper of general circulation in the City. The required notice has been published.

DEVELOPMENT REVIEW TIMELINE

The application was accepted by the City for review on November 10, 2020. The application was processed under the standard review and met the timeline that included the required public hearings.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

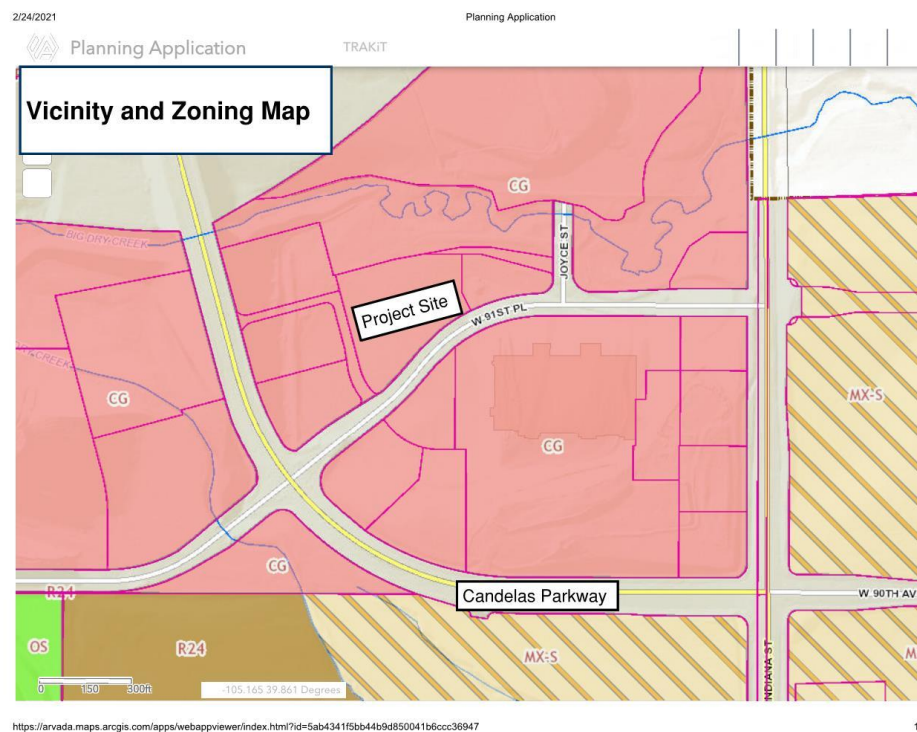
This project aligns with the Community and Economic Development strategic goals that 95% of the development approvals conform to the City's Comprehensive Plan on an annual basis.

ZONING AND LAND USE

The subject property is currently zoned CG (Commercial General) and is approximately 1.5 acres in size.

Surrounding properties are zoned and utilized as follows:

Direction	Zoning	Actual Use
North	CG	Vacant land
South	CG & MX-S	Commercial and vacant land
East	MX-S	Vacant land for commercial, office and residential
West	CG	Commercial, medical office and vacant land



PROJECT ANALYSIS

The Wet Rabbit Car Wash is 5,900 square foot single story building with an enclosed tunnel car wash. Customers will remain in their vehicles and enter the car wash entrance on the south

side of the property, and proceed north through a single tunnel. Once exiting customers can access the exterior vacuum station or exit the site. The car wash is designed to be environmentally friendly with a water reclaim system. The recirculating/re-capture equipment utilized by the Wet Rabbit Car Wash has an average water use per car of 26 gallons, thus saving over 7 million gallons of water per year.

Compliance with the Comprehensive Plan

The site is within area designated as Commercial on the 2014 Comprehensive Plan Future Land Use Map.

Setbacks

The CG zone district setbacks are as follows:

Setback Standards	Minimum	Provided
Front	20 ft.	70'
Street Side	20	52'
Interior Side	10 ft.	82
Rear	20 ft.	143'
Front Parking	20'	24

Building Height

The maximum building height is 45 feet. The proposed building height is 30 feet.

Open Space

The 1.5 acre site has 20,344 square feet of landscape area or approximately 31%.

Landscaping, Buffering and Fencing

The minimum landscape requirement is 20 percent with 31 percent provided. Perimeter landscape includes combination of deciduous, ornamental and evergreen trees mixed with shrubs and grasses. A four foot high earthen berm with a heavy screen of evergreen plantings facing W. 91st Place is provided to screen the entrance bay door.

Building Design

The building design is a modern commercial building and is consistent with the adjacent building facades within the commercial center. The single story building has two tower elements anchoring each end of the building. A variety of building materials include cement board siding, cultured stone, stucco, and concrete blocks. The building facades provide windows and awnings and change in materials, colors, and texture to create architectural interest.



Circulation and Connectivity

Primary access to the site will be from Kendrick Street and W. 91st Place. Public access easements will be dedicated on along the north south side of the site.

Grading and Drainage

The site slopes to the southeast. The site will be graded to convey drainage to the regional detention pond located to the north of the site.

Parking and Loading

The LDC 4-5-2-2 parking requirements for a motor vehicle wash is 2 spaces per 1,000 sf. Twelve parking spaces are required; 25 spaces are provided and include parking for the vacuum stations.

Utility Services

Water and sewer mains are located within Kendrick Street and will connect to. Dry utilities will be provided by Xcel, Century Link and other providers.

Police and Fire Protection

Police and fire protection is available to serve this site.

Vacation of Public Access Easement Analysis

The applicant has requested the vacation of a portion of a public access easement on Lot 4 B which was platted with the Candelas Filing No. 3 subdivision. The access easement was dedicated prior to any proposed land uses and was located to access the detention pond and the adjacent lots. With the proposed Wet Rabbit Car Wash Site Plan, the public access easement will need to be vacated. A new public access easement configuration is proposed and will be dedicated by a minor plat.

LAND DEVELOPMENT CODE APPROVAL CRITERIA

It is the responsibility of the applicant to justify the requested land use application. The Planning Commission should make a recommendation to the City Council based on its findings regarding the approval criteria shown in the tables below and upon testimony heard during the public hearing as it applied to the criteria.

Staff performed an analysis of the proposal, based on the approval criteria listed in Section 3 of the Land Development Code, and presents the following findings:

Div. 8-3-11 Major Modification Approval Criteria	Finding	Rationale
1. The requested modification is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district.	Complies	The modifications are consistent with the Comprehensive Plan and the CG zoning district.
2. The requested modification addresses a unique situation or incorporates creative site design.	Complies	The modification includes a 4' berm with additional landscape materials

		to screen the bay door from W 91st Place. A 7' tall fence with a 10'4" masonry wall will shield the equipment and noise from the adjacent properties.
3. The requested modification will not result in incompatible development.	Complies	The modification will not result in incompatible development.
4. The requested modification will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public.	Complies	The modifications will have no adverse impact on the health, safety or general welfare of the adjacent property owners or the general public,
5. Any adverse impacts resulting from the modification will be mitigated to the extent reasonably feasible.	Complies	The site plan mitigates any adverse impacts.

§8-3-9-1 Approval Considerations 05-2020	Finding	Rationale
a. The vacation is consistent with the Comprehensive Plan and with any other applicable, adopted City transportation plan or streets/roadway plan;	Complies	The vacation of a portion of the public access easement is consistent with City transportation and streets/roadway plan;
b. The land to be vacated is no longer necessary for the public use and convenience, or the public right-of-way or public vehicular access easement has become useless, inconvenient, or burdensome to the City;	Complies	The vacated public access easement will be vacated and a new public access easement configuration is proposed and will be dedicated by a minor plat.
c. The vacation will not create any landlocked property;	Complies	The vacation will not create any landlocked property;
d. The vacation will not restrict access to any lot, tract, or parcel so that the resulting access is unreasonable or economically prohibitive; and	Complies	The vacation will not restrict access to any lot, tract or parcel.
e. The vacation will not reduce the quality of public services or the provision of necessary emergency services to any lot, tract, or parcel.	Complies	The vacation will not have any impact on the quality of public and emergency services.

STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the Major Modifications and the Vacation of the Public Access Easement.

The Planning Commission may recommend denial of the requests if it cannot make affirmative findings of the approval criteria stated above.



February 9, 2021

Ms. Carol Ibanez
City of Arvada - Community Development Department
8101 Ralston Road
Arvada, Colorado 80001
(720-898-7463) / cibanez@arvada.org

Project Title: Wet Rabbit Car Wash
Project Location: NE Corner Candelas Parkway & W. 91st Place
Project Number: PA2020-0088

REQUEST FOR MAJOR MODIFICATIONS

Dear Ms. Ibanez:

This Request for Major Modification is sent to accompany our Site Plan Approval package for the development of the Wet Rabbit Express Car Wash project to be located in the Candelas development at the NE corner of Candelas Parkway and W. 91st Place in Arvada, Colorado.

Per our discussions and e-mails, there are three areas of our proposals which will require a Request for Major Modification. They are:

- 1) The Entrance door to the car wash tunnel which faces the adjacent street, and;
- 2) Per 3-1-3-8 F c ii, stating that the vacuum producing equipment be located within the main wash building
- 3) The height of the screen wall around the vacuum storage area exceeding the 6'-0" limit per Fence Table 4-7-2-1- IL zoning district.

REQUEST NO. 1 – CAR WASH ENTRANCE

Per your Pre-Application Summary dated 7/1/2020, the Project, located in the CVG zoning district does not meet LDC standard 3-1-3-8 for Motor Vehicle Wash c.i. Enclosed Motor Vehicle Wash Facility stating "that no bay doors shall face the adjacent street or an adjacent residential district". Our request for the Major Modification is based on the following:

- 1) The entrance door is just that, the entrance to the single-tunnel car wash. It is neither a service bay door nor the tunnel exit where the dryers are located.
- 2) Due to the site constraints and configuration, the entrance overhead door, not a bay door for service, is facing W. 91st Place. It is not achievable to rotate the building, which even if possible,

would result in the entrance door facing the street along the west property line. At its closest point, the door is 82'-0" from the property line along W. 91st Place, which is over 4 times the required building setback.

- 3) We propose to construct a 4'-0" high earthen berm on which will be placed a heavy screen of evergreen plantings effectively blocking the visual access to the entrance door from 91st Avenue (please see the 3-D rendering below).
- 4) We meet all other LDC standards as far as building setbacks, building height, and landscape setbacks.
- 5) This car wash is being designed to be environmentally friendly with a water reclaim system. That is, the average homeowner washing their car in their driveway will pour 100 gallons or more of potable water down the drain while washing their one car. Due to the recirculating/re-capture equipment utilized by the Wet Rabbit Car Wash, the average water use per car is 26 gallons, thus saving over 7 million gallons of water per year. The wash solutions used are also Environmentally/Green Safe
- 6) We feel that the Project as proposed meets all approval criteria:
 - a. It is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district;
 - b. The requested modification address the unique site alignment situation and incorporates creative site design;
 - c. The requested modification will not result in incompatible development. In fact, at our first neighborhood meeting, residents that attended were positive about the service coming to the community and no residents brought forth concerns about the entrance location.
 - d. The requested modification will have no significant adverse impact on health, safety or the general welfare of the surrounding property owners nor public;
 - e. Any potential adverse impacts (none that we can see) are mitigated.

Here are the renderings of the proposed design:



VIEW FROM W. 91ST PLACE



VIEW FROM W. 91ST PLACE – FURTHER WEST



AERIAL INDICATING SITE LAYOUT AND BERM LOCATION

REQUEST NO. 2 – LOCATION OF EXTERIOR MACHINERY

Per your latest review comments, the Project, does not meet LDC standard 3-1-3-8 F c ii, stating all enclosed motor vehicle wash facilities must be self-contained except services such drying, polishing or vacuuming which may be performed outdoors. Exterior vacuums must have machinery located within the main wash building with only vacuum hoses located outside. Our request for the Major Modification is based on the following:

- 1) The vacuum system is much more efficient being located closer to the vacuum hoses, thus minimizing the length of time it takes to thoroughly vacuum the vehicle. We propose to fully screen the vacuum producing equipment behind solid masonry walls completely screening the equipment and thus blocking the potential for any noise level issues and to visually shield the equipment for our adjacent neighbors.
- 2) The screen walls are located far from the adjacent streets, and there are no residential developments nearby as well.

REQUEST NO. 3 – OUTDOOR SCREEN WALL HEIGHT

Per your latest review comments, the Project, located in the CVG zoning district does not meet Fence Table 4-7-2-1 IL Zoning District for walls within the required setback area, that the maximum height of outdoor fenced storage areas, etc., shall not exceed 6'-0" in height.. Our request for the Major Modification is based on the following:

- 1) The vacuum equipment, which is stored behind these fences, is 9'-0" +/- tall. The solid masonry fence is proposed at 10'-4" (to masonry course) in order to completely shield the equipment for our adjacent neighbors.
- 2) The screen walls are located far from the adjacent streets, and there are no residential developments nearby as well.
- 3) The screen walls will also aid in the quieting of the vacuums themselves.
- 4) There is a new lot created by this development, directly east of the fenced areas, but this lot is currently owned by the Car Wash Developer and there are currently no plans for this lot for development. Any future development will treat these fenced in areas as an "existing condition".

BUILDING ARTICULATION

As requested, Building Articulation for this project complies with LDC Section 5-1-2-6-B (1 & 2) in the following manner:

- i. "A change in materials , colors, textures or pattern" – The proposed building is comprise dof all of these factors on all sides.
- ii. "A change in window sizes, styles or placement across the façade". There is a variety of window sizes, placement applications and elevations across the facades.
- iii. "A change in roof or parapet height of at least three feet, or a change in roof form". The proposed building incorporates parapet stepping with material changes plus two tower forms on each end of the building.
- iv. "Use of masonry such as brick or stoneto delineate the ground floor". The building proposes the use of stone to achieve this articulation.
- v. "Use of cornices or projecting roof lines". The building has projecting roof forms to provide additional shadow line projection to break up the building massing.

We respectfully request your approval of these Modifications.

Sincerely,



Craig I. Cahen AIA
Cahen Architectural Group, P.C.
7000 E. Belleview Avenue, Suite 355
Greenwood Village, CO 80111
(303) 743-0002 x-211

EXHIBIT A

ACCESS EASEMENT VACATION

A 25 FOOT ACCESS EASEMENT RECORDED AT RECEPTION NO. 2018086569 LOCATED WITHIN LOT 4B, BLOCK 1, CANDELAS COMMERCIAL, FILING NO. 3, AMENDMENT NO. 1 RECORDED AT RECEPTION NO. 2020003223, SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4B AND CONSIDERING THE WEST LINE OF SAID LOT TO BEAR S15°04'22"E MONUMENTED BY A 1" YELLOW PLASTIC CAP STAMPED "R. NOBBE PLS 23899" ON THE NORTH END AND A 1.25" ORANGE PLASTIC CAP STAMPED "LS 38069" ON THE SOUTH END WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE ALONG SAID WEST LINE, S15°04'22"E, A DISTANCE OF 51.62 FEET TO THE POINT OF BEGINNING;

THENCE THE FOLLOWING SIX (6) COURSES AROUND THE PERIMETER OF SAID 25 FOOT ACCESS EASEMENT:

1. N74°55'38"E, A DISTANCE OF 86.17 FEET;
2. N25°31'35"E, A DISTANCE OF 68.04 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 4B;
3. ALONG SAID NORTH LINE, N74°54'26"E, A DISTANCE OF 32.94 FEET;
4. S25°31'35"W, A DISTANCE OF 100.98 FEET;
5. S74°55'38"W, A DISTANCE OF 97.67 FEET TO A POINT ON THE SAID WEST LINE OF LOT 4B;
6. ALONG SAID WEST LINE, N15°04'22"W, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,411 SQUARE FEET OR 0.101 ACRES, MORE OR LESS.

CAMERON M. WATSON, PLS
COLORADO LICENSE NUMBER 38311
FOR AND ON BEHALF OF POINT CONSULTING, LLC
8460 W KEN CARYL AVE, #101
LITTLETON, CO 80128
(720) 258-6836
cwatson@pnt-llc.com



DATE
02.01.2021

-
DESCRIPTION
ORIGINAL PREPARATION

SHEET 1/2

DESCRIPTION

WET RABBIT CAR WASH

ARVADA, COLORADO

JOB NO. 20.034



POINT CONSULTING, LLC 8460 W KEN CARYL AVE #101
LITTLETON, CO 80128 720-258-6836 www.pnt-llc.com

ILLUSTRATION FOR EXHIBIT A ACCESS EASEMENT VACATION

10' UTILITY EASEMENT
REC. NO. 2018086569

LOT 3, BLOCK 1,
CANDELAS COMMERCIAL FILING NO. 3
REC. NO. 2018086569

TRACT 1B,
CANDELAS COMMERCIAL
FILING NO. 3, AMENDMENT NO. 1
REC. NO. 2020003223

STORM WATER EASEMENT
REC. NO. 2018086569

25' EXCLUSIVE UTILITY EASEMENT
REC. NO. 2018086569

S15° 04' 22"E
51.62'

P.O.C.
1" YELLOW PLASTIC CAP
"R. NOBBE PLS 23899"

N25° 31' 35"E
68.04'

N74° 54' 26"E
32.94'

S25° 31' 35"W
100.98'

N74° 55' 38"E
86.17'

S74° 55' 38"W
97.66'

25' ACCESS EASEMENT
REC. NO. 2018086569

40' EXCLUSIVE UTILITY EASEMENT
REC. NO. 2018086569

30' FIRE LANE, PUBLIC ACCESS
& EMERGENCY ACCESS EASEMENT
REC. NO. 2018086569

LOT 2, BLOCK 1,
CANDELAS COMMERCIAL FILING NO. 3
REC. NO. 2018086569

LOT 4B, BLOCK 1
CANDELAS COMMERCIAL, FILING NO. 3,
AMENDMENT NO. 1
REC. NO. 2020003223

BASIS OF BEARINGS
S15° 04' 22"E

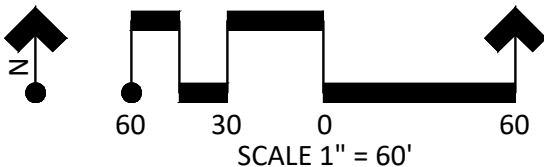
TRACT 3, CANDELAS COMMERCIAL FILING NO. 3
(PRIVATE ROAD)

KENDRICK STREET
CANDELAS COMMERCIAL FILING NO. 3

1.25" ORANGE PLASTIC
CAP "LS 38069"

LOT 1, BLOCK 1,
CANDELAS COMMERCIAL FILING NO. 3
REC. NO. 2018086569

W. 91ST PLACE
72' PUBLIC RIGHT-OF-WAY
REC. NO. 2016117761



DATE
02.01.2021
-
DESCRIPTION
ORIGINAL PREPARATION
-
SHEET 2/2

EXHIBIT
WET RABBIT CAR WASH
ARVADA, COLORADO
JOB NO. 20.034



POINT CONSULTING, LLC 8460 W KEN CARYL AVE #101
LITTLETON, CO 80128 720-258-6836 www.pnt-llc.com

