

# City of Arvada

## Planning Commission Agenda

FEBRUARY 16, 2021  
VIRTUAL  
Workshop and 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 for items not on the agenda and during public hearings.

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](mailto: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. 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](mailto: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 – VIRTUAL 5:30 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS
4. WORKSHOP
  - A. LAND DEVELOPMENT CODE TRAINING
5. APPROVAL OF MINUTES
  - A. Approval of January 19, 2021 Meeting Minutes
6. GENERAL BUSINESS

7. REPORTS
8. PETITIONS & COMMUNICATIONS
9. PUBLIC HEARINGS
  - A. DA2020-0131 Habitat for Humanity Vacation of Right-of-Way, generally located at 5249 Carr St.
  - B. DA2020-0103 Lazy Susan Major Comprehensive Plan Amendment, generally located at 16790 and 16770 W. 63rd Place
  - C. DA2020-0103 Lazy Susan Annexation, generally located at 16790 and 16770 W. 63rd Place
  - D. DA2020-0103 Lazy Susan Rezoning, generally located at 16790 and 16770 W. 63rd Place
  - E. DA2020-0129 Conditional Use for Morgan Ralston Creek, generally located at 9881 W. 58th Ave.
10. OTHER ITEMS
11. ADJOURN



**SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD**  
**JANUARY 19, 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 McCarron, Andrew Gay, Patricia Connell, Michael P. Griffith, Doug Magee, Steve Hannan

**THOSE ABSENT**

None.

**ALSO PRESENT:** Ryan Stachelski, Director of Community and Economic Development; Rob Smetana, City Planning Manager; Laura Hemler, Sr. Ass't. City Attorney; Jacob Nitchals, Senior Planner; Jenny Wolfschlag, Manager of Development Engineering; Josie Suk, Manager of Dev. Systems and Administrative Services; Stephanie Wallace, Recording Secretary/Administrative Specialist

4. **APPROVAL OF MINUTES** – November 17, 2020. The minutes stand approved as printed.
5. **GENERAL BUSINESS**

None.

6. **REPORTS**

None.

7. **PUBLIC COMMENT**

Nancy Young expressed her concern regarding the mixed use zoning districts from the new Land Development Code. She stated she is aware of at least two more Conditional Use Applications coming that will be residential. She is worried that they are becoming more residential than mixed use in the middle of thriving retail commercial districts. She asked that the Planning Commission carefully consider the impact of eliminating retail commercial districts on the city.

Public Comment was closed.

8. **PUBLIC HEARINGS**

**DA2020-0077 A Conditional Use Application For Clear Creek Commons,  
Approximately Located At The Southeast Corner Of West 52nd Avenue And  
Marshall Street**

Mr. Owens entered into the record the Staff Report DA2020-0077 dated January 19, 2021, affidavit of mailing, posting log and public comment that was received via email.

Mr. Nitchals gave a brief overview of the project and the application for a Conditional Use Application. Staff recommends approval.

Mr. Salzberg, applicant, gave an overview of the design of the proposed project. He discussed the details and constraints of the site and nearby areas. He explained the reasons that the project fits the requirements for a Conditional Use Application.

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

**PUBLIC COMMENT**

**IN FAVOR**

Brandon Figliolino, emailed his comment and stated he supports the conditional use permit for the Clear Creek Commons project. I think it will bring much needed housing to this area of the city, and in reading the public hearing meeting summary, believe the developer did a good job of connecting with nearby residents to put forth a project that benefits everyone.

**IN OPPOSITION**

Pauline Spano, resident to the east of the proposed project. She referenced recorded documents and stated she has an easement over the adjacent property. She is opposed to this project, because they have greenhouses which are currently not being used. They have been there for 78 years and if the five story building goes in, it will hugely impede on them as far as sunlight and the view.

Nancy Young, resident, discussed her concerns that 52<sup>nd</sup> and Marshall is retail commercial in nature and that residential is out of place on that street. She expressed concerns about a Kombucha Brewery and retail that will be lost with redevelopment of the site. She also expressed her concern about the proposed project being vague and uncertain. She agrees that affordable housing is needed in Arvada. She stated, that this project should be approved only with the condition that it be affordable housing.

Roxy Vendena, resident, had no comment.

**APPLICANT REBUTTAL**

Mr. Salzberg stated that Ms. Spano brought up the asserted easement years ago and his title company does not recognize the easement. He said that documentation had been provided to Mr. Nitchals. He responded to Ms. Young's comment about the Kombucha permit stating there is no active license for a Kombucha user at the old farm house. He stated this area is ideal for retail; however, retail follows roof tops. He responded to the concerns about the existing greenhouses stating there will be a nominal impact on solar access.



Mr. Owens closed public comment.

### **QUESTIONS FROM THE COMMISSION**

Mr. Griffith stated his appreciation of the work put into this project, acknowledging there are benefits to this project. He believes in the concept of retail following rooftops, but he also knows retail follows activation and public life. He recommended activating the ground floor of the building along Marshall St. He approves of the smaller workforce housing development and affordable housing. He also recommends looking at ground level retail, such as a coffee shop. He asked what size the units will be.

Mr. Salzberg responded 36 two-bedroom units with the remainder approximately evenly split between one-bedroom and studios. Mr. Salzberg agrees with the recommendation regarding ground level retail and stated that the lobby is large enough that they could consider it in the future if it is conducive to the area.

There was discussion between Mr. Griffith and Mr. Owens, to add a condition that approval be based on the project receiving Low Income Housing Tax Credits.

Mr. Gay asked Staff, is there a concern on the mixed use zoning being retail and housing. His other concern was with the number of mixed-use zoning requests being approved for residential use only.

Mr. Nitchals responded City Staff evaluates these on case-by-case bases. That is why Council required a Conditional Use for developments with a residential land use in the Mixed-Use zone districts with the Land Development Code update. He reiterated what mixed use is.

Mr. Magee asked the applicant if the tax credit is part of the financial strategy to finance the project.

Mr. Salzberg responded the project could go two different directions. He stated if LIHTCs are available, this would be the preference. If not, I would do a market rate project.

There was further discussion between Mr. Magee and Mr. Salzberg on how the project would have to be 100% LIHTCs. Mr. Salzberg would like to move forward with the project even if LIHTCs is not available. Mr. Magee applauded Mr. Salzberg's willingness to address the existing neighbor's concerns.

Mr. Magee asked staff if Jefferson County has been contacted in any aspect of this project.

Mr. Nitchals responded Jefferson County was involved in the rezoning of this property to MX-S. They will be a referral agency when the actual site plan application comes in. He stated they have not been involved in the Conditional Use Application.

Mr. Magee added a few comments regarding the traffic study. Just to the south which is Wheat Ridge, traffic will bottle neck. He agrees with Mr. Owens to add the condition regarding affordability. He stated if this project is not granted LIHTCs, the applicant would be allowed to apply for a new Conditional Use for a four-story market rate project.

Mr. Griffith asked Mr. Salzberg for a ballpark timeframe of having clarity on which way the project may go.

PLANNING COMMISSION MINUTES  
January 19, 2021

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Mr. Salzberg responded it's a cart before the horse situation. We need thumbs up from the City, before the Colorado Housing and Finance Authority (CHFA) will award the project LIHTCs. He expressed his hope for approval to move forward with either option, LIHTCs or market rate.

Commissioners agreed that workforce housing would be highly desirable in this area.

Mr. Owens expressed his concern on Criteria 6, the mitigation on the adverse impacts on the surrounding area. He stated that no one has the right to a view and he understands the Spano Family has been there for years. His concern is regarding the solar impact and that a solar study has not been performed on the proposed building. The current use is for greenhouses on the adjacent property. He is not comfortable going forward without a solar study. His other concern is if the commission grants a Conditional Use Application then any type of housing could be built here.

The Commissioners had discussion on the solar study/impact and the use by right aspect of the Conditional Use. A question was raised on how long the greenhouses have been inactive. If it's been 20 to 30 years, then it's unlikely that they will be used in the future.

Mr. Salzberg commented he could obtain a solar study, but a setbacks study was done in lieu of a solar study.

Mr. Owens commented Mr. Salzberg is asking for the Commission to grant this conditional use application. However, the Commission has to balance what is the best use for Arvada and that neighborhood. He stated we need affordable housing in Arvada and if that is obtainable that is a tradeoff.

Ms. Connell expressed the same concern as Mr. Owens.

Mr. Griffith asked Staff if there are other affordable housing projects that could be looked at to compare the cart before the horse situation that Mr. Salzberg mentioned and how we got around that on those projects.

Mr. Smetana responded there have been three different projects that applied for Low Income Housing Tax Credits through CHFA. In all three cases CHFA wanted a letter from the City saying it is approvable and we provided it in those cases. CHFA is hesitant to grant funds for a project that doesn't have at least the zoning in place. Allison Village which is MX-U also, was a Conditional Use Application and the City did grant it.

Mr. Magee expressed his concern on having one vote for two projects, tax credit vs. market rate.

Mr. Smetana brought up the criteria for a Conditional Use Application and advised the Commission that they are being asked if a residential use is appropriate at this location and are there factors that need to be migrated to allow that residential use. The actual site design would be reviewed at the site plan level. Should the City Council approve the Conditional Use Application.

**MOTION:**

It was moved by Mr. Magee, that DA2020-0077, a Conditional Use Application for Clear Creek Commons, approximately located at the southeast corner of West 52nd Avenue and Marshall Street, be recommended to City Council for approval.

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

**DISCUSSION OF MOTION DA2020-0077**

Mr. Griffith motioned to amend the motion to include a condition that the applicant achieves the Low Income Housing Tax Credits, LIHTCs to move forward.

The following votes were cast on the amended motion:

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

Those voting No: None

Those absent: None

The motion carried 7-0.

Mr. Owens explained that they are voting to recommend approval of the Conditional Use Application, with the condition that the tax credits for affordable housing are required.

**DISCUSSION OF THE AMENDED MOTION DA2020-0077**

Mr. Griffith stated his appreciation to the applicant for doing business in Arvada.

Mr. Owens suggested acquiring a solar study so it could be reviewed at City Council. He stated the reason he supports the amendment is because of Criteria 4.

The following votes were cast on the motion:

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

Those voting No: None

Those absent: None

The motion carried 7-0.

Mr. Owens explained that the motion carried as amended.

**9. OTHER ITEMS**

Mr. Smetana stated that there are no items on the agenda for the February 2, 2021 meeting and that it should be cancelled. The next meeting will be February 16, 2021.

It was moved by Mr. Owens to cancel the Planning Commission meetings in February 2, 2021, as there are no items on the agendas.

The following votes were cast on the motion:

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

Those voting No: None

Those absent: None

The motion carried 7-0.

**12. ADJOURNED at 7:53 P.M.**

*T.O. Owens*

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T.O. Owens, Chair

*Patricia Connell*

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Patricia Connell, Secretary

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*Stephanie Wallace*

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Stephanie Wallace, Recording Secretary



## NOTICE OF PUBLIC MEETING

A public meeting will be held before the Arvada Planning Commission on 2/16/2021, at 5:30 p.m. virtually. Members of the public may join virtually via phone by emailing [jsuk@arvada.org](mailto:jsuk@arvada.org) for the meeting access. Requests must mention this meeting date.

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. Workshop for training Commission members
- B. DA2020-0131 Habitat for Humanity Vacation of Right-of-Way, generally located at 5249 Carr St.
- C. DA2020-0129 Conditional Use for Morgan Ralston Creek, generally located at 9881 W. 58<sup>th</sup> Ave.
- D. DA2020-0103 Lazy Susan Major Comprehensive Plan Amendment, Annexation, and Rezoning, generally located at 16790 and 16770 W. 63<sup>rd</sup> Pl.

**Date Posted: 2/5/2021**

**Time Posted: 4:00 P.M.**

A handwritten signature in black ink, 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.**

## NOTICE

A public hearing will be held virtually before the Arvada Planning Commission on February 16, 2021, at 6:15 p.m., when and where you may speak on the matter to consider a Vacation of Right-of-Way for Habitat for Humanity, generally located at 5249 Carr Street. Members of the public may join virtually via phone by emailing [jsuk@arvada.org](mailto:jsuk@arvada.org) for the phone number; the email must mention this meeting date. To submit a request for public comment, you must go to [arvada.org/PlnCommission](http://arvada.org/PlnCommission) and complete the public comment form by 5 p.m. on 2/16/2021. Additional information can be obtained from <https://www.arvadapermits.org/etrakit3/search/project.aspx?activityno=DA2020-0131>.

CITY OF ARVADA PLANNING COMMISSION

/s/ Patricia Connell,  
Secretary

Published: 1/21/2021



## Affidavit for Posting of Sign

Name of Project: DA2020-0131, Habitat for Humanity Right-of-Way Vacation

I, SIDUO DOROTHY KENT, 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 02/16/2021.

Said signs were posted on: 2/1/2021

  
Signature

STATE OF COLORADO )  
COUNTY OF Arapahoe<sup>SS</sup>

The above and foregoing Affidavit as subscribed before me this 16<sup>th</sup> day of February 2021 personally by Siduo Kent

  
Notary Public

My Commission expires: 2/14/2023

KAREN SWESTKA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20194006530  
MY COMMISSION EXPIRES 02/14/2023



## Affidavit of Mailing

Name of Project: DA2020-0131, Habitat for Humanity Right-of-Way Vacation

I, SIDNEY DOROTHY KENT, certify that letters of notification were mailed in accordance with Division 8-2-4 of the Land Development Code for the public hearing to be held on 02/16/2021. A copy of the letter and list of recipients is attached and made a part of this Affidavit.

Said mailing was made on: 2/1/2021

  
Signature

STATE OF COLORADO )

COUNTY OF Arapahoe<sup>SS</sup>

The above and foregoing Affidavit as subscribed before me this 16<sup>th</sup> day of February, 2021 personally by Sidney Kent

  
Notary Public

My Commission expires: 2/14/2023

KAREN SWESTKA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20194008530  
MY COMMISSION EXPIRES 02/14/2023





## POSTING LOG

### Planning Commission

Signs to be posted on: February 1, 2021 Mailing to be sent on: February 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: DA2020-0131, Habitat for Humanity Right-of-Way Vacation, generally located at 5249 CARR ST

| DATE      | TIME      | CONDITION OF SIGN |
|-----------|-----------|-------------------|
| 2/1/2021  | afternoon | good condition    |
| 2/2/2021  | afternoon | good condition    |
| 2/3/2021  | afternoon | good condition    |
| 2/4/2021  | afternoon | good condition    |
| 2/5/2021  | afternoon | good condition    |
| 2/6/2021  | afternoon | good condition    |
| 2/7/2021  | afternoon | good condition    |
| 2/8/2021  | morning   | good condition    |
| 2/9/2021  | afternoon | good condition    |
| 2/10/2021 | afternoon | good condition    |
| 2/11/2021 | afternoon | good condition    |
| 2/12/2021 | afternoon | good condition    |
| 2/13/2021 | morning   | good condition    |
| 2/14/2021 | afternoon | good condition    |
| 2/15/2021 | afternoon | good condition    |
| 2/16/2021 | morning   | good condition    |

  
Signature of Applicant

2/16/2021  
Date



## REPORT TO PLANNING COMMISSION

AGENDA ITEM  
9.A.

TO: PLANNING COMMISSION

DATE: February 16, 2021

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

### **Report in Brief**

MOTION:

MOVED BY: \_\_\_\_\_

That DA2020-0131, Habitat for Humanity Vacation of Right-of-Way, generally located at 5249 Carr St., be recommended to City Council for (approval) (denial).

This motion is based on the findings of fact and approval criteria on Page(s) 3-4 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:

Cheryl Drake, Senior Planner

2/8/2021

Josie Suk, Development Systems and Administrative Manager

2/8/2021

Robert Smetana, Manager of City Planning and Development

Ryan Stachelski, Director of Community and Economic Development

Enclosure, exhibits & attachments required to support the report

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

**W. 52<sup>nd</sup> Place Vacation**  
**Vacation of a portion of the W 52<sup>nd</sup> Place Right-of-Way**  
**DA2020-0131**

**NATURE OF REQUEST**

Habitat for Humanity is requesting approval of the vacation of a portion of the W. 52<sup>nd</sup> Place right-of-way.

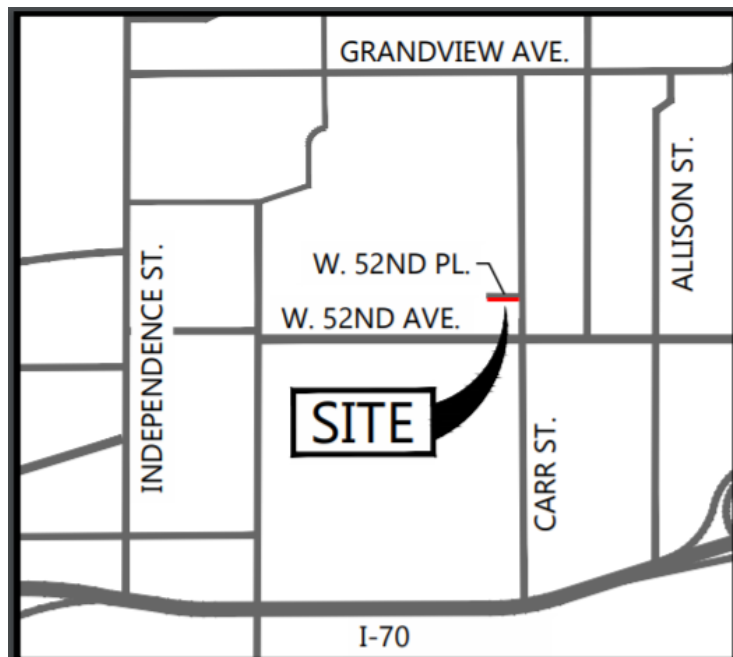
The right-of-way proposed to be vacated is 3,559 square feet, approximately 15 feet in width on the south side of W. 52<sup>nd</sup> Place immediately west of Carr Street.

**MAJOR MODIFICATIONS REQUESTED**

The Applicant is not requesting modifications to the Arvada Land Development Code (LDC) standards as part of this project.

**LOCATION AND HISTORY**

The subject property is located on the south side of W. 52<sup>nd</sup> Place immediately west of Carr Street and is currently vacant.



### **NEIGHBORHOOD MEETING**

Division 8-2-3-4 of the Land Development Code establishes that purpose of a neighborhood meeting is to inform City residents of pending development proposals rather than a proposed vacation of right-of-way, and was therefore not required.

### **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.

### **SEVERED MINERAL RIGHTS**

The notice required pursuant to Colorado Revised Statute 24-65.5-103 is not applicable to the right-of-way vacation request.

### **DEVELOPMENT REVIEW TIMELINE**

The application was completed within two reviews within nine weeks. Both staff and the applicant met the anticipated review and response times.

### **ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN**

This project aligns with the Community and Economic Development strategic goals.

### **ZONING AND LAND USE**

The subject property is currently zoned R24, Residential, 24 units per acre, and is approximately .082 acres in size. The street has been fully constructed and no further widening is anticipated. The proposed vacation would reduce the width of the right-of-way with no impact on the existing improvements.

Surrounding properties are zoned and utilized as follows:

| Direction | Zoning | Actual Use               |
|-----------|--------|--------------------------|
| North     | R24    | Single Family and Duplex |
| South     | R13    | Single Family            |
| East      | OS     | Single Family            |
| West      | R13    | Multifamily              |

### **VACATION ANALYSIS**

The applicant has requested the vacation of a portion of the W. 52<sup>nd</sup> Place right-of-way which is not in use as a portion of the street improvements. The request has been referred to the Arvada Fire Protection District as well as the dry utility companies has received no objection. The City has evaluated the request and determined that the right-of-way is surplus and will not be needed for the street improvements.

#### **Compliance with the Comprehensive Plan**

The property is designated as HDR, High Density Residential, on the future land use map of the Comprehensive Plan. W 52<sup>nd</sup> Place is designated as a local street and has been fully constructed.

### **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 table(s) 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. 8-3-1-1B.1 Vacation of Right-of-way                                                                                                                                                                         | 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 right-of-way is consistent with the Transportation Element of the Comprehensive 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 surplus width of the W. 52 <sup>nd</sup> Place right-of-way is not necessary for the public use and convenience.   |
| c. The vacation will not create any landlocked property;                                                                                                                                                         | Complies | The vacation will not result in any landlocked properties.                                                             |

|                                                                                                                                                     |          |                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------------------------------------------------------------------------------|
|                                                                                                                                                     |          |                                                                                       |
| 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 of land.            |
| 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 or emergency services. |

### **STAFF RECOMMENDATION**

Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the vacation request.

If the Planning Commission finds that a recommendation to approve the right-of-way vacation is supported by the approval criteria, then staff does not recommend any conditions be made part of the approval.

The Planning Commission may recommend denial of the request(s) if it cannot make affirmative findings of the approval criteria stated above.



**Date:** January 6, 2021

**To:** Cheryl Drake  
Community Development Department - Planning Division  
City of Arvada  
8101 Ralston Rd.  
Arvada, CO 80001

**Re:** W. 52nd Pl. and Carr St. ROW Vacation **Development Overview Letter**

Dear Ms. Drake,

On behalf of our client, Habitat for Humanity of Metro Denver (HFHMD), we are pleased to submit the enclosed Right of Way vacation request adjacent to the property at the southwest corner of W. 52nd Pl. and Carr St. The address is 5249 Carr St. the PIN for the site is 39-151-00-032. The design team on this project includes the following firms and individuals:

| OWNER AND APPLICANT                                                                                                                                                                                                                                                                                                                      | ARCHITECTS AND PLANNERS                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b><i>Habitat for Humanity of Metro Denver:</i></b><br/>3245 Eliot Street<br/>Denver, CO 80211<br/>303-534-2929</p> <p>Kory Whitaker<br/>Real Estate Manager<br/>720.496.2729<br/>kwhitaker@habitatmetrodenver.org</p> <p>Chelsey RB Hume, AIA<br/>Architecture Project Manager<br/>720-496-2734<br/>CHume@habitatmetrodenver.org</p> | <p><b><i>Radian :</i></b><br/>3264 Larimer Street<br/>Unit D, Denver, CO 80205</p> <p>Dorothy Ma<br/>Project Manager<br/>719-244-6088<br/>dorothy@radianinc.org</p> <p><b><i>Studio Completiva:</i></b><br/>Gabe Bergeron<br/>Project Manager<br/>gabe.bergeron@studiocompletiva.com</p> |

**Project Location, Description, and Zoning**

The vacated Right of Way request at 52nd Place will be combined with the adjacent property, currently owned by the Arvada Housing Authority and zoned R-24, which is **1.132 Acres** (49,294 SF). Proposed R.O.W. vacation includes **0.082 Acres** (3,559 SF). Total new lot size of adjacent property, combined with Right of Way vacation, is to be **1.213 Acres** (52,853 SF).

We believe the proposed right of way vacation is consistent with the Comprehensive Plan and with any other applicable, adopted City transportation plan or streets/roadway plan. The vacation requested does not disturb or change the street at 52nd Place and exists behind the curb and gutter, leaving the existing sidewalk to remain (re: site plan).

The vacation will not create any landlocked property and we believe the land to be vacated is not necessary for the public use and convenience. Moreover, the vacation does not restrict access to any lot, tract, or parcel so that the resulting access is unreasonable or economically prohibitive. Lastly, the vacation will not reduce the quality of public services or the provision of necessary emergency services to any lot, tract, or parcel. There is no gas or other utilities in the proposed right of way vacation, please see attached gas main exhibit.

We believe the request is consistent and in compliance with the right of way vacation criteria detailed in the LDC section 8-3-9-1.B.

Thank you for your review of the enclosed materials and we look forward to the in-person meeting. Please contact us with any questions.

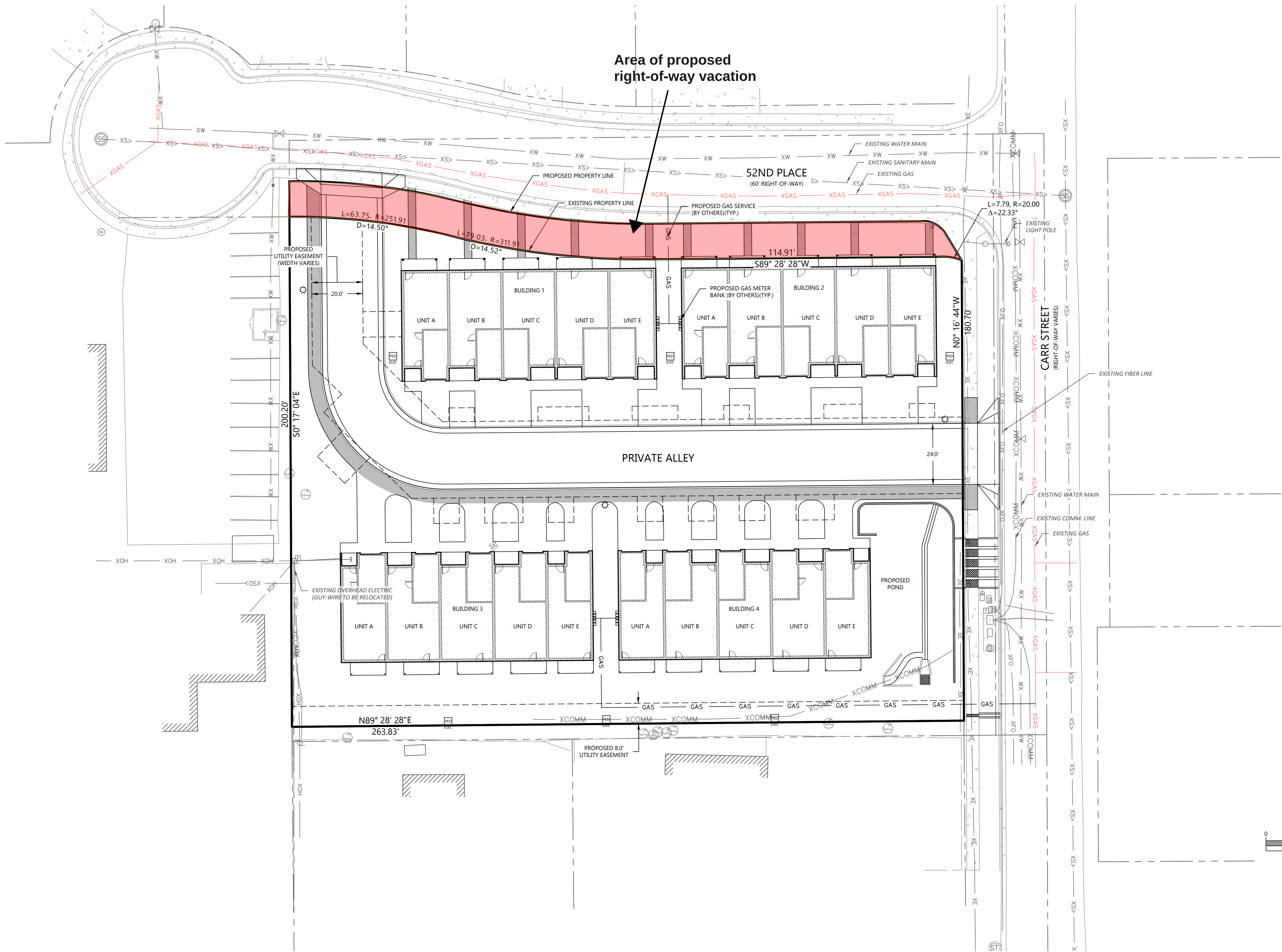
Sincerely,  
Radian

Dorothy Ma  
Project Manager.



HABITAT - 52ND & CARR STREET

A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 15,  
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M.,  
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO



- LEGEND:
- PROPERTY LINE
  - LIMITS OF PLANNING AREA
  - PROPOSED BUILDING
  - EXISTING BUILDING
  - PROPOSED EASEMENT
  - EXISTING EASEMENT
  - PROPERTY SETBACK
  - PROPOSED STORM LINE
  - EXISTING STORM LINE
  - PROPOSED INLET
  - EXISTING INLET
  - PROPOSED WATER LINE
  - EXISTING WATER LINE
  - PROPOSED HYDRANT & VALVE
  - EXISTING HYDRANT & VALVE
  - PROPOSED SAN SEWER LINE
  - EXISTING SAN SEWER LINE
  - EXISTING ELECTRICAL LINE
  - EXIST. OVERHEAD ELEC. LINE
  - EXISTING TELECOMM LINE
  - EXISTING GAS LINE
  - EXISTING IRRIGATION LINE
  - EXISTING FIBER OPTIC LINE
  - PROPOSED LIGHT POLE
  - EXISTING LIGHT POLE

NOTES:  
1. LAYOUT FOR DRY UTILITIES IS SCHEMATIC.  
DESIGN BY OTHERS.

**PROOF CIVIL**  
consulting engineers  
600 Grant Street | Suite 210 | Denver, CO

SEAL:

FOR AND ON BEHALF OF PROOF CIVIL CO.

| REVISIONS |             |
|-----------|-------------|
| NO.       | DESCRIPTION |
|           |             |
|           |             |
|           |             |
|           |             |

| PROJ. NO. | DATE       | DRAWN BY | CHECKED BY |
|-----------|------------|----------|------------|
| 20024     | 01/06/2021 | ANM      | JGD        |

GAS EXHIBIT

HABITAT - 52ND & CARR

COLORADO

ARVADA

DRAWING NO.

1 OF 1

## NOTICE

A public hearing will be held virtually before the Arvada Planning Commission on February 16, 2021, at 6:15 p.m., when and where you may speak on the matter to consider the Rezoning, Annexation, and Major Comprehensive Plan Amendment for the Lazy Susan Annexation, generally located at 16790 and 16770 W. 63rd Place. Members of the public may join virtually via phone by emailing [jsuk@arvada.org](mailto:jsuk@arvada.org) for the phone number; the email must mention this meeting date. To submit a request for public comment, you must go to [arvada.org/PlnCommission](http://arvada.org/PlnCommission) and complete the public comment form by 5 p.m. on 2/16/2021. Additional information can be obtained from <https://www.arvadapermits.org/etrakit3/search/project.aspx?activityno=DA2020-0103>.

CITY OF ARVADA PLANNING COMMISSION

/s/ Patricia Connell,  
Secretary

Published: 1/28/2021

## Affidavit of Mailing

Name of Project: DA2020-0103, Lazy Susan Annexation, Rezoning, and Major Comprehensive Plan Amendment

I, Susan Tindell, certify that letters of notification were mailed in accordance with Division 8-2-4 of the Land Development Code for the public hearing to be held on 02/16/2021. A copy of the letter and list of recipients is attached and made a part of this Affidavit.

Said mailing was made on: 1-29-2021

Susan Tindell  
Signature

STATE OF COLORADO    )  
                                          ) ss  
COUNTY OF Jefferson )

The above and foregoing Affidavit as subscribed before me this 29<sup>th</sup> day of January, 2021 personally by Susan Tindell

APR

Notary Public

My Commission expires: 03-08-2022

AMBER PETTY  
Notary Public - State of Colorado  
Notary ID 20184010944  
My Commission Expires Mar 8, 2022



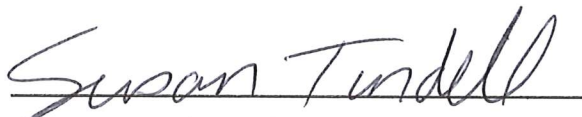
## Security Deposit Agreement for Public Hearing Signs

|                               |             |                          |                       |
|-------------------------------|-------------|--------------------------|-----------------------|
| <b>Project Number:</b>        | DA2020-0103 | <b>Project Name:</b>     | Lazy Susan Annexation |
| <b>Number of Signs Issued</b> | 2           | <b>Total Amount Paid</b> | \$200                 |
| <b>Date Paid</b>              |             | <b>Paid By</b>           |                       |
| <b>Type of Payment</b>        |             |                          |                       |
| <b>Project Number:</b>        | DA2020-0103 | <b>Project Name:</b>     | Lazy Susan Annexation |
| <b>Number of Signs Issued</b> | 0           | <b>Total Amount Paid</b> | \$4230                |
| <b>Date Paid</b>              | 10/7/2020   | <b>Paid By</b>           | Susan Tindell         |
| <b>Type of Payment</b>        | CREDIT      |                          |                       |

Refund of the full Security Deposit by the City of Arvada to the Developer Listed depends upon Owner/Developer's full performance of the following terms of this Agreement.

Owner/Developer agrees in order to avoid deductions from the Security Deposit:

1. Signs will be returned to Arvada City Hall 8101 Ralston Rd Arvada, CO 80002 on or before April 9, 2021.
2. Signs will be returned in the condition they were issued, signs will have no scratches, dents, rips, tears.
3. All costs of labor and materials needed for replacement beyond repair will be deducted from the security deposit.

  
Owner/Developer Signature of Authorized  
Designee

1-29-2021  
Date

## Affidavit for Posting of Sign

Name of Project: DA2020-0103, Lazy Susan Annexation, Rezoning, and Major Comprehensive Plan Amendment

I, Susan Tindell, 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 02/16/2021.

Said signs were posted on: 1-29-2021

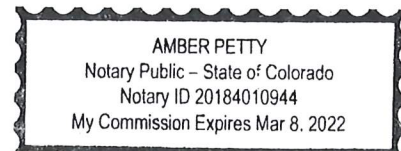
Susan Tindell  
Signature

STATE OF COLORADO    )  
                                          ) ss  
COUNTY OF Jefferson )

The above and foregoing Affidavit as subscribed before me this 29<sup>th</sup> day of January, 2021 personally by Susan Tindell

[Signature]  
Notary Public

My Commission expires: 03-08-2022





CITY OF  
ARVADA

Place Public Street Frontage

## POSTING LOG

Planning Commission

35-46

Signs to be posted on:

February 1, 2021

Mailing to be sent on:

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

| DATE      | TIME  | CONDITION OF SIGN               |
|-----------|-------|---------------------------------|
| 2/1/2021  | 9 am  | Great                           |
| 2/2/2021  | 3 pm  | Great, windy but secure         |
| 2/3/2021  | 12:45 | Great                           |
| 2/4/2021  | 1 pm  | Great -                         |
| 2/5/2021  | 9 am  | Great                           |
| 2/6/2021  | 8 am  | Great, straightened sign        |
| 2/7/2021  | 10 am | Great,                          |
| 2/8/2021  | 8 am  | High winds, resecured w/ chains |
| 2/9/2021  | 9 am  | Great                           |
| 2/10/2021 | 7 am  | Great                           |
| 2/11/2021 | 10 am | Great                           |
| 2/12/2021 | 8 am  | Perfect                         |
| 2/13/2021 | 8 am  | Great                           |
| 2/14/2021 | 7 am  | Great                           |
| 2/15/2021 | 7 am  | Great                           |
| 2/16/2021 | 7 am  | Good                            |

*Susan Tindell*

Signature of Applicant

2-16-2021

Date



## REPORT TO PLANNING COMMISSION

AGENDA ITEM  
9.C.

TO: PLANNING COMMISSION

DATE: February 16, 2021

SUBJECT: DA2020-0103 Lazy Susan Annexation, generally located at 16790 and 16770 W. 63rd Place

### **Report in Brief**

MOTION:

MOVED BY: \_\_\_\_\_

That DA2020-0103, Lazy Susan Annexation, generally located at 16790 and 16770 W. 63rd Place, be recommended to City Council for (approval) (denial).

This motion is based on the findings of fact and approval criteria on Page(s) 6-8 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:

Jeremiah Bebo, Planner II

2/8/2021

Josie Suk, Development Systems and Administrative Manager

2/8/2021

Robert Smetana, Manager of City Planning and Development

Ryan Stachelski, Director of Community and Economic Development

Enclosure, exhibits & attachments required to support the report



## REPORT TO PLANNING COMMISSION

AGENDA ITEM  
9.D.

TO: PLANNING COMMISSION

DATE: February 16, 2021

SUBJECT: DA2020-0103 Lazy Susan Rezoning, generally located at 16790 and 16770 W. 63rd Place

### **Report in Brief**

MOTION:

MOVED BY: \_\_\_\_\_

That DA2020-0103, Lazy Susan Rezoning, generally located at 16790 and 16770 W. 63rd Place, be recommended to City Council for (approval) (denial).

This motion is based on the findings of fact and approval criteria on Page(s) 6-8 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:

Jeremiah Bebo, Planner II

2/8/2021

Josie Suk, Development Systems and Administrative Manager

2/8/2021

Robert Smetana, Manager of City Planning and Development

Ryan Stachelski, Director of Community and Economic Development

Enclosure, exhibits & attachments required to support the report





## REPORT TO PLANNING COMMISSION

AGENDA ITEM  
9.B.

TO: PLANNING COMMISSION

DATE: February 16, 2021

SUBJECT: DA2020-0103 Lazy Susan Major Comprehensive Plan Amendment, generally located at 16790 and 16770 W. 63rd Place

### Report in Brief

MOTION:

MOVED BY: \_\_\_\_\_

That DA2020-0103, Lazy Susan Major Comprehensive Plan Amendment, generally located at 16790 and 16770 W. 63rd Place, be recommended to City Council for (approval) (denial).

This motion is based on the findings of fact and approval criteria on Page(s) 6-8 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:

Jeremiah Bebo, Planner II

2/8/2021

Josie Suk, Development Systems and Administrative Manager

Robert Smetana, Manager of City Planning and Development

Ryan Stachelski, Director of Community and Economic Development

Enclosure, exhibits & attachments required to support the report

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

## Lazy Susan Annexation Annexation/Rezoning/Comprehensive Plan Amendment DA2020-0103

### NATURE OF REQUEST

Susan Tindell of Lazy Susan, LLC. is requesting approval of an Annexation, Rezoning, and Comprehensive Plan Amendment application for two lots owned by the applicant. The property consists of Lots 18 and 19 of the McAtee Laubhan Subdivision which together are comprised of 1.15 acres. The properties are zoned Jefferson County R-1 (Residential) and the requested rezoning is RN-12.5 (Residential Neighborhood). To appropriately align with the Comprehensive Plan, an amendment to Suburban Residential is also being requested.

### LOCATION AND HISTORY

The subject property is located at 16770 and 16790 West 63<sup>rd</sup> Place and is currently occupied by one single-family home and one outbuilding. The subject property is located just southwest of the intersection of West 64<sup>th</sup> Avenue and West 63rd Place. The property is part of the McAtee Laubhan Subdivision which was platted in 1956.



### **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 February 20, 2020. The applicant, and staff were in attendance. No neighbors attended the meeting.

### **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.

### **SEVERED MINERAL RIGHTS**

At least 30 days prior to the public hearing, written notice of the application must be mailed to any owner of mineral rights associated with the subject property. The applicant has provided the required Certification of Notice pursuant to Colorado Revised Statute 24-65.5-103.

### **DEVELOPMENT REVIEW TIMELINE**

The application was accepted by the City for review on October 06, 2020. The standard review timeline allows for three reviews within a 20 week timeframe to reach a Planning Commission public hearing. This project required three reviews and will be presented to Planning Commission within 20 weeks of acceptance of the application.

### **ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN**

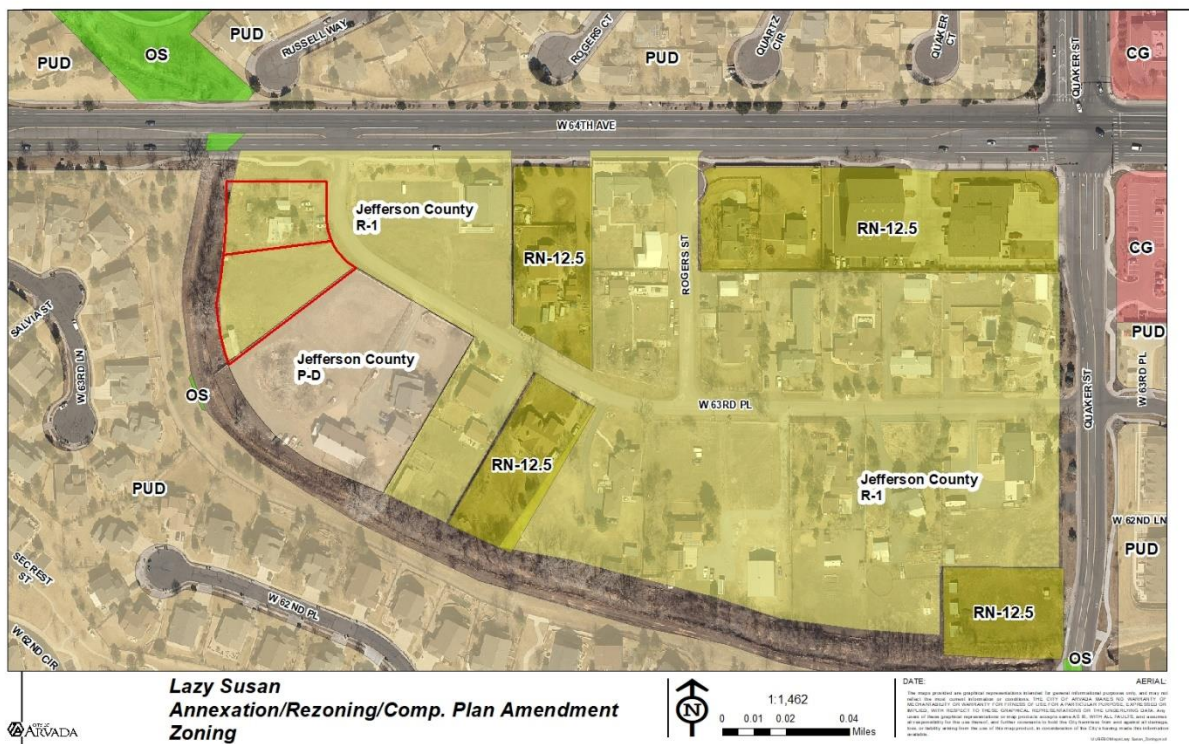
This project aligns with the Community and Economic Development strategic goals.

## ZONING AND LAND USE

The subject property is currently zoned Jefferson County R-1 and is approximately 1.15 acres in size.

Surrounding properties are zoned and utilized as follows:

| Direction                               | Zoning                               | Actual Use                 |
|-----------------------------------------|--------------------------------------|----------------------------|
| North (across W. 64 <sup>th</sup> Ave.) | PUD (Planned Unit Development)       | Single-Family Neighborhood |
| South                                   | Jefferson County Planned Development | Single-Family Home         |
| East (across W. 63 <sup>rd</sup> Place) | Jefferson County R-1                 | Single-Family Home         |
| West                                    | Jefferson County A-2                 | Church Ditch               |



The applicant is requesting to rezone the property to RN-12.5 (Residential Neighborhood). The intent of the RN-12.5 zone district is to maintain the character of mature, established neighborhoods in locations where residents expect that the character be relatively stable and allow development, redevelopment, and / or public projects that are consistent with a neighborhood's architectural character. Development standards within this district include a minimum lot size of 12,500 square feet and a minimum lot width of 100 feet.

## PROJECT ANALYSIS

## Staff Report

### **Annexation**

The applicant desires to annex into the City in order to access City water and sanitary sewer service.

Annexation into the City requires conformance with the contiguity requirements in Colorado Revised Statutes §31-12-101 which requires at least one-sixth of the property perimeter to be contiguous with the City of Arvada. The northern and western property boundaries share a boundary with the City of Arvada and meets this requirement.

### **Compliance with the Comprehensive Plan**

A Comprehensive Plan Amendment is being requested with the annexation and rezoning application.

The property is shown on the Comprehensive Plan Land Use map as Low-Density Residential. Low-Density residential areas are more rural in character containing larger lot sizes, lower densities, and more open space. As of the May 28, 2020 adoption of the Land Development Code, the new zoning district that aligns with the Low-Density Residential designation is RA (Residential/Agricultural). The RA zone district does not align with the annexation and rezoning history of other properties that have been annexed into the City nor is it compatible with the existing character of the neighborhood. Therefore an amendment to Suburban Residential is being requested.

The following goals and policies within the plan are supported by this application:

Goal L-2: Plan for a balanced mix of commercial and residential land uses in Arvada.

#### **Policy L-2.2: Allow Appropriate Expansion of City Boundaries**

The City will consider the annexation of land that includes land uses that are consistent with the Comprehensive Plan goals, the long-term needs of the community and the City's service capacity.

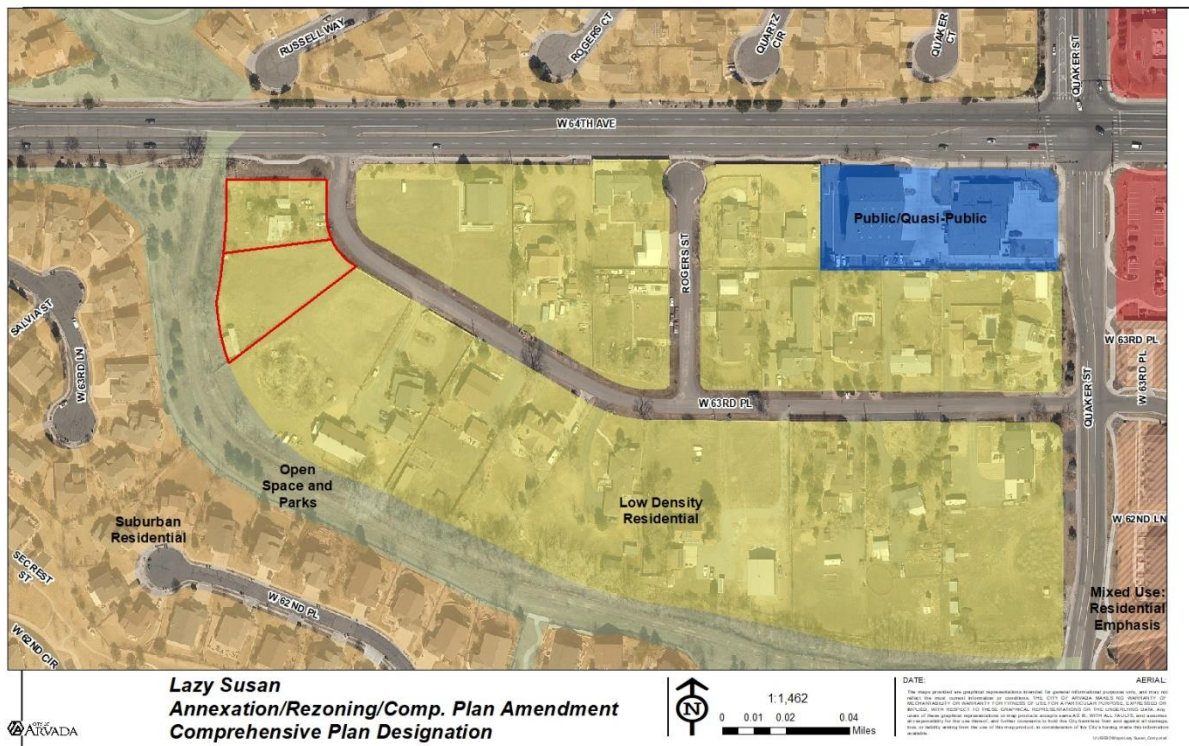
Goal CC-1: Plan Arvada as a City of different development character districts.

#### **Policy CC-1.1: Variety of Development Types**

The City will include a variety of development types including rural areas, suburban residential neighborhoods, historic districts, redevelopment areas, and mixed-use communities.

The application addresses these policies by incorporating land within an enclave into the city and zoning it to a RN zone district that is consistent with the existing context and adds to the City's housing stock. As previously mentioned, the Comprehensive Plan Amendment is consistent with the existing neighborhood character and previous annexation and rezoning requests within the neighborhood.





### Setbacks

The setbacks for the RN-12.5 are: 30 feet from the front, 10 feet from the side, and 15 feet from the rear. Setbacks will be reviewed with a building permit.

### Building Height

Single-family homes are restricted to a 28-foot height maximum. Height will be reviewed with a building permit.

### Parks

Park fees in-lieu of land dedication and park development fees will be required to be paid.

### Building Design

Any new building will have to meet the requirements of Chapter 5 of the LDC. Building design will be reviewed with a building permit.

### Circulation and Connectivity

One existing driveway exists for Lot 18. A new driveway for Lot 19 will have to be coordinated and approved by Jefferson County who is the owner of the W. 63<sup>rd</sup> Place right-of-way.

### Grading and Drainage

A grading plan will be reviewed with a building permit.

### Parking and Loading

Two off-street parking spaces per single-family home is required.

## Staff Report

### Utility Services

The City has an existing water line in W. 63<sup>rd</sup> Place and is available for the property. Lot 18 already receives out-of-city water service. A City sanitary sewer line is stubbed in front of Lot 18 and the applicant will be required to construct an extension of the line in order to service Lot 19.

### Police and Fire Protection

Arvada Police and Fire are able to serve the property.

### School District

School fees in-lieu of land dedication will be required to be paid.

## **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 table(s) 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. 8-3-3 Annexation and Disconnection Approval Criteria                                                                                                                                                       | Finding  | Rationale                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. The annexation is in accord with the Comprehensive Plan and the best interests of the City would be served by annexation of such property.                                                                   | Complies | The property is included within the Arvada Comprehensive Plan and the City has the ability to service it.                                                                                                   |
| 2. The property is capable of being integrated into the City and developed in compliance with all applicable provisions of this Code and the Arvada City Code.                                                  | Complies | The property is located within an existing residential neighborhood and already contains one single-family home. The other single-family home can be built in compliance with the LDC and other City codes. |
| 3. At the time any development of the area proposed to be annexed is completed, there will be capacity to adequately serve residents of such area with all necessary utilities, facilities and public services. | Complies | The City has capacity to serve these two lots.                                                                                                                                                              |

| Comprehensive Plan Amendment Considerations                              | Rationale                                                                                                                                                  |
|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. The existing Comprehensive Plan is in need of the proposed amendment. | The Comprehensive Plan is in need of this amendment in order to align with the purpose of the RN zone district and character of the existing neighborhood. |

## Staff Report

|                                                                                                                                                                                                          |                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Plan.                                                                                 | The proposed amendment to Suburban Residential is compatible with the existing neighborhood and the goals and policies of the Comprehensive Plan.                                                                           |
| 3. The proposed amendment will have no major negative impacts on transportation, services and facilities.                                                                                                | The proposed amendment will not have any major negative impacts on transportation, services, or facilities.                                                                                                                 |
| 4. The proposed amendment will have minimal effect on service provision, including adequacy or availability of urban facilities and services, and is compatible with existing planned service provision. | The proposed amendment will not have a negative effect on existing or proposed service provision.                                                                                                                           |
| 5. The proposed amendment, if for an area that is outside of the City's current municipal boundaries, is consistent with the City's ability to annex the property.                                       | The proposed amendment is for an area outside of the City's municipal boundary, however, it is being processed concurrently with an annexation application and is consistent with the City's ability to annex the property. |
| 6. Strict adherence to the Comprehensive Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan.                                              | Strict adherence to the Comprehensive Plan would result in a property outside of the character of the neighborhood.                                                                                                         |
| 7. The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Plan and the elements thereof.                                    | The proposed amendment will promote the public welfare and is consistent with the Comprehensive Plan.                                                                                                                       |

| Div. 8-3-4 Zoning and Rezoning Approval Criteria                                                                                                                                                                                                                                                                | Finding  | Rationale                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. The rezoning is consistent with the Arvada Comprehensive Plan, or an adopted sub-area plan, corridor plan, or urban renewal plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan.                                                                                     | Complies | The rezoning request to RN-12.5 is consistent with the Comprehensive Plan and the existing character of the neighborhood. Additionally, it is consistent with other previous rezoning requests of other properties in the neighborhood. |
| 2. The intended land use is consistent with the stated intent of the proposed zoning district.                                                                                                                                                                                                                  | Complies | The use of the properties as single-family residential is allowed in the RN-12.5 zone district.                                                                                                                                         |
| 3. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will, prior to development, be available to serve the subject property while maintaining adequate levels of service to existing development. | Complies | Facilities and services necessary to serve the property are available.                                                                                                                                                                  |
| 4. The intended land use for which the rezoning is sought will not result in significant adverse                                                                                                                                                                                                                | Complies | The intended land use (single-family residential) will not have any                                                                                                                                                                     |



## Staff Report

|                                                                                                                                                                                                                                                                     |          |                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------------------|
| impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.                                                                                                |          | significant adverse impacts.                                                        |
| 5. The rezoning is consistent with the character of existing or planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any negative impacts. | Complies | The rezoning request is consistent with the character of the existing neighborhood. |

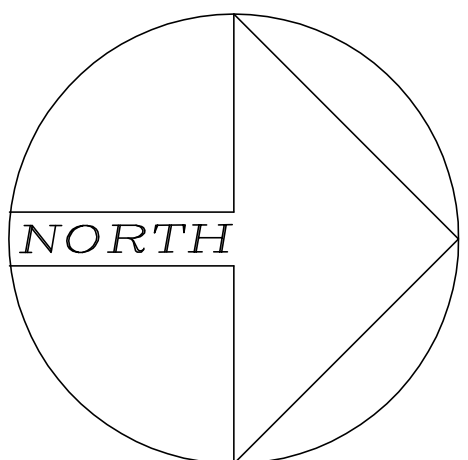
### **STAFF RECOMMENDATION**

Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the project.

The Planning Commission may recommend denial of the request(s) if it cannot make affirmative findings of the approval criteria stated above.

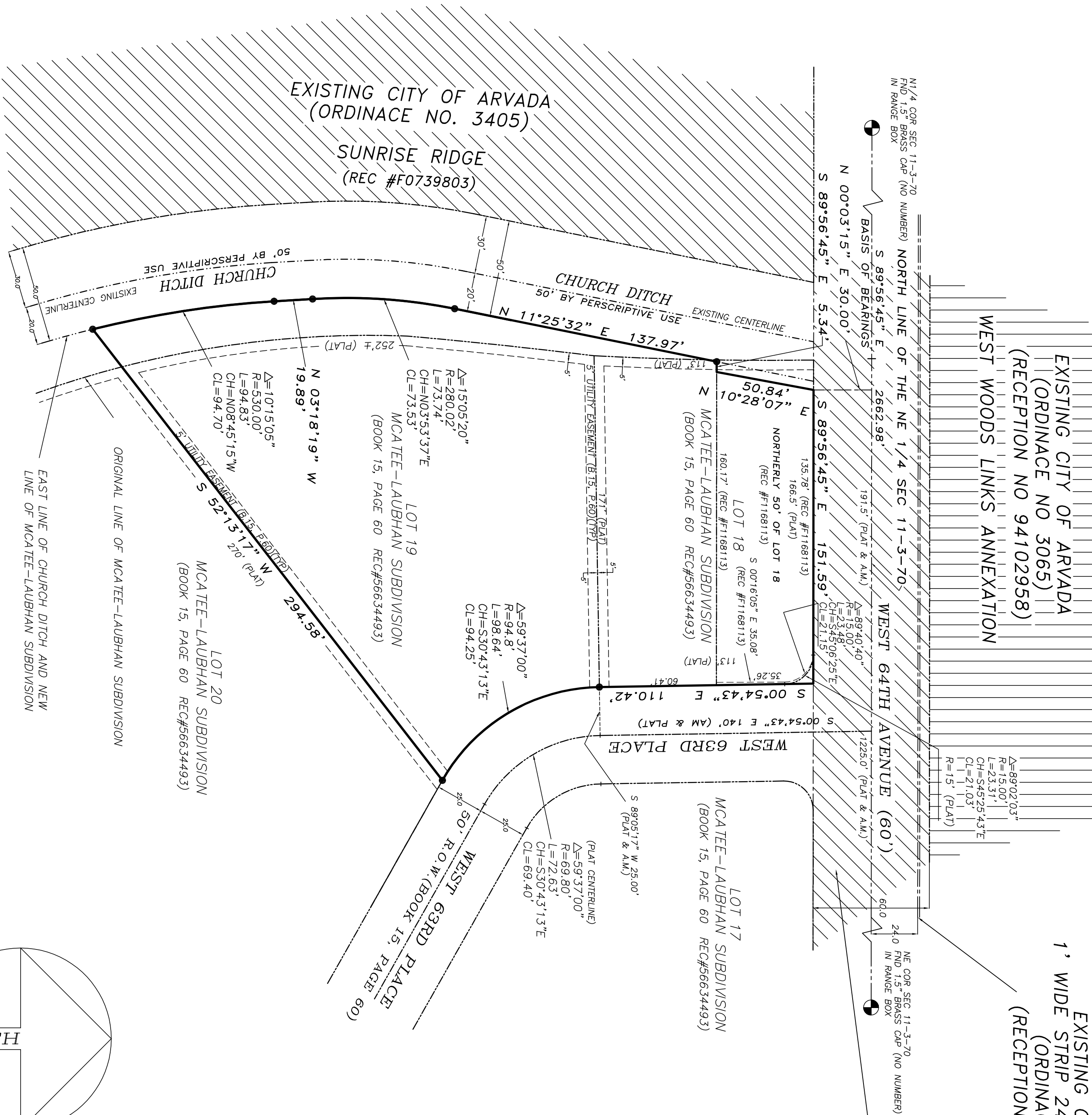
# LAZY SUSAN ANNEXATION

BEING LOTS 18 & 19, MCATEE-LAUBHAN SUBDIVISION  
LOCATED IN THE NE1/4 OF SEC 14, T3S, R70W OF THE 6TH P.M.  
COUNTY OF JEFFERSON, STATE OF COLORADO.



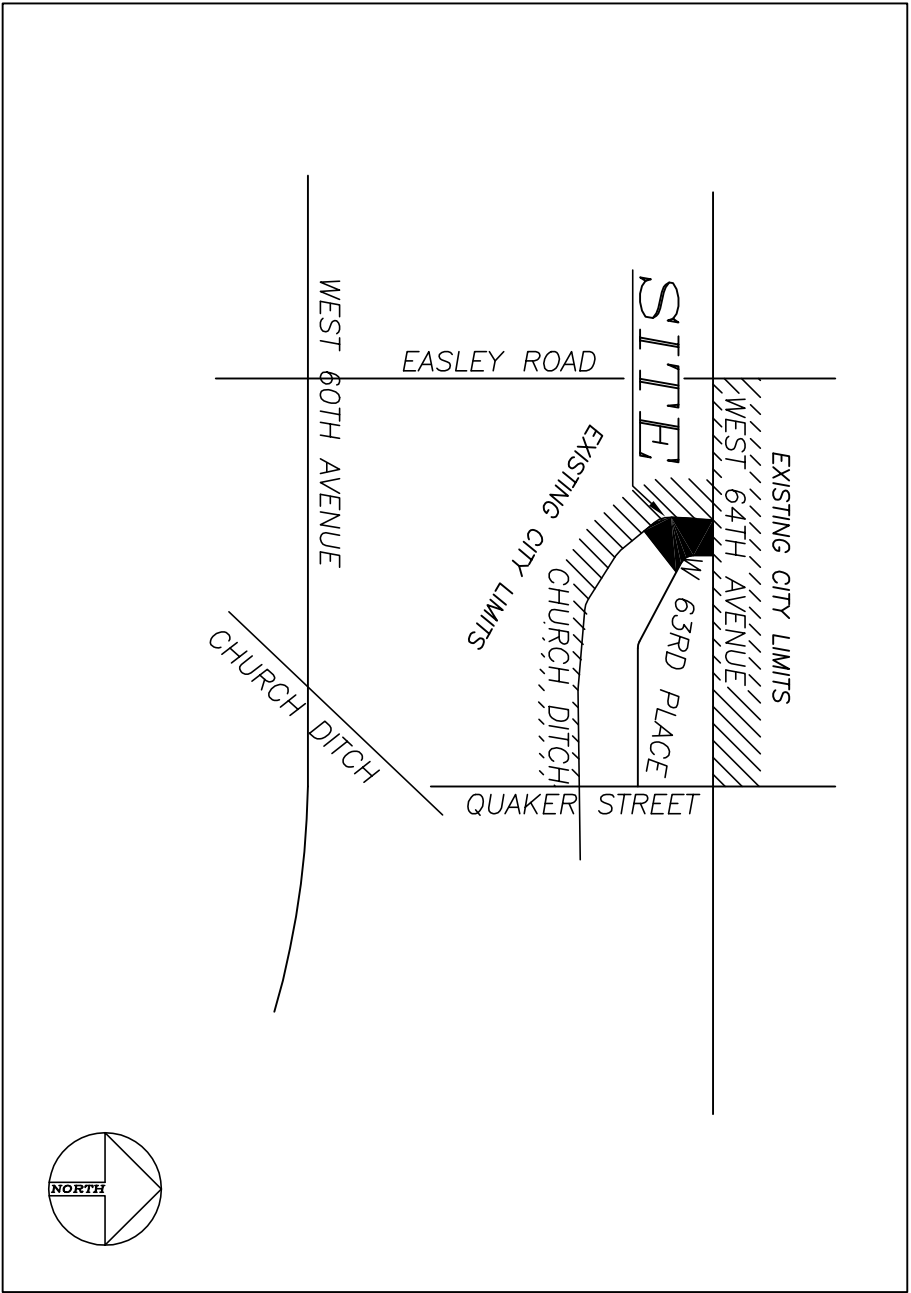
0 20 40 80 120 FT.

SCALE: 1"=40'



EXISTING CITY OF ARVADA  
1' WIDE STRIP 24' N. OF SECTION LINE  
(ORDINANCE NO 2371)  
(RECEPTION NO 86143746)

EXISTING CITY OF ARVADA  
(ORDINANCE NO'S 2808 & 2895)  
(RECEPTION NO 91052406)



VICINITY MAP  
NOT TO SCALE

## LEGEND:

- INDICATES FND MONUMENT AS NOTED
- INDICATES SET #4 REBAR W/1" CAP, P.E. & L.S. #11619
- INDICATES EASEMENT LINE
- INDICATES PLAT LINES
- INDICATES ANNEXATION BOUNDARY LINES
- INDICATES DITCH CENTERLINE

CLERK AND RECORDER:

RECEPTION NUMBER

Accepted for filing in the office of the Clerk and Recorder of Jefferson County, at Golden Colorado on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ O'clock.

JEFFERSON COUNTY CLERK AND RECORDER

BY:

DEPUTY CLERK

## LEGAL DESCRIPTION:

LOTS 18 AND 19, MCATEE-LAUBHAN SUBDIVISION, RECORDED IN BOOK 15, PAGE 60, JEFFERSON COUNTY RECORDS, IN THE NE 1/4 OF SECTION 14, T. 3 S., R. 70 W. OF THE 6TH P.M., JEFFERSON COUNTY, COLORADO,  
CONTAINING 57,860 SQUARE FEET OR 1.33 ACRES MORE OR LESS.

## APPROVAL CERTIFICATE:

APPROVED FOR FILING BY THE CITY OF ARVADA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

MAYOR \_\_\_\_\_ ATTEST: \_\_\_\_\_ CITY CLERK

ORDINANCE NUMBER \_\_\_\_\_

## ANNEXATION AREA

TOTAL AREA ANNEXATION 57,860 SF 1.33 ACS.  
TOTAL BOUNDARY ANNEXATION = 1037.82 FEET  
TOTAL BOUNDARY CONTIGUOUS = 534.20' FEET  
WITH CITY LIMITS

SIX CONTIGUOUS

## NOTE

THIS IS NOT A MONUMENTED LAND SURVEY.

## CONTIGUITY STATEMENT

THE ABOVE DESCRIBED LAND IS CONTIGUOUS TO THE CITY OF ARVADA AND MEETS THE REQUIREMENTS SET FORTH IN COLORADO REVISED STATUTES 1973, 31-12-104-(1)(g) THAT ONE-SIXTH (1/6) PART OF THE PERIMETER TO BE ANNEXED IS CONTIGUOUS WITH THE ANNEXING MUNICIPALITY.

## SURVEYOR'S CERTIFICATE

I, EDGAR B. JENNINGS, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS PREPARED UNDER MY DIRECT SUPERVISION AND ACCURATELY DESCRIBES THE LAND TO BE ANNEXED BY THE CITY OF ARVADA. I FURTHER CERTIFY THAT SAID LAND IS GREATER THAN 1/6 CONTIGUOUS WITH THE PRESENT BOUNDARY OF THE CITY OF ARVADA.

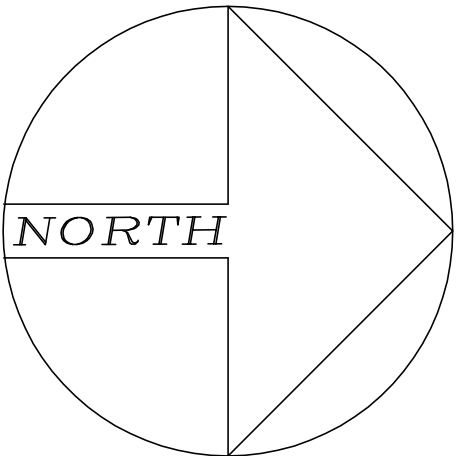
DATE \_\_\_\_\_ EDGAR B. JENNINGS

## NOTE:

1. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE SAID NE1/4 OF SECTION 11 AS BEING S 89°56'45" E, ASSUMED AND MONUMENTED AS SHOWN HEREON.

0 20 40 80 120 FT.

SCALE: 1"=40'



PREPARED FOR: Job # 2002-03A  
LAZY SUSAN, LLC

DESIGNED BY: J.A. Scale: Hor. 1" = 40' Vert. 1" = 20'  
CHECKED BY: EBJ Date: 4/13/20 In (200) sec-2003

REVISED NOV 13, 2020

RESOLUTION NO. CP2021-0001

A RESOLUTION BY THE PLANNING COMMISSION FOR THE CITY OF ARVADA, COLORADO TO AMEND THE 2014 ARVADA COMPREHENSIVE PLAN LAND USE DESIGNATION PERTAINING TO LAZY SUSAN FROM JEFFERSON COUNTY R-1 (RESIDENTIAL) ZONING TO RN-12.5 (RESIDENTIAL NEIGHBORHOOD) ZONING WITH AN AMENDMENT TO SUBURBAN RESIDENTIAL, LOCATED AT 16770 AND 16790 WEST 63<sup>RD</sup> PLACE.

WHEREAS, Planning Commission, by Resolution No. CP2014-0003, adopted the 2014 Arvada Comprehensive Plan on September 19, 2014; and

WHEREAS, pursuant to §2.1.1.A of the Land Development Code, City Council has final ratification and approval authority with respect to the Comprehensive Plan and any amendments thereto; and

WHEREAS, pursuant to Chapter 74, Article III, Section 74-64 of the code of the City of Arvada, the Planning Commission has held a public hearing as required by law, notice thereof being duly published in the Wheat Ridge Transcript and Arvada Press on January 21, 2021, and said public hearing being held before the Planning Commission for the City of Arvada on February 16, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ARVADA, COLORADO:

- Section 1. The 2014 Comprehensive Plan is hereby amended by changing the land use designation from Jefferson County R-1 (Residential) zoning to RN-12.5 (Residential Neighborhood) zoning with an amendment to Suburban Residential.
- Section 2. This Resolution shall be effective upon the ratification and approval by the City Council of the Comprehensive Plan amendment described herein.

APPROVED AND ADOPTED this 16<sup>th</sup> day of February, 2021.

CITY OF ARVADA PLANNING COMMISSION

\_\_\_\_\_  
T.O. Owens, Chairman

ATTEST:

\_\_\_\_\_  
Patricia Connell, Secretary

RATIFIED AND APPROVED this 5<sup>th</sup> day of April, 2021.

---

Marc Williams, Mayor

ATTEST:

---

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: \_\_\_\_\_



## NOTICE

A public hearing will be held virtually before the Arvada Planning Commission on February 16, 2021, at 6:15 p.m., when and where you may speak on the matter to consider a Conditional Use Permit for Morgan Ralston Creek, generally located at 9881 West 58<sup>th</sup> Avenue. Members of the public may join virtually via phone by emailing [jsuk@arvada.org](mailto:jsuk@arvada.org) for the phone number; the email must mention this meeting date. To submit a request for public comment, you must go to [arvada.org/PlnCommission](http://arvada.org/PlnCommission) and complete the public comment form by 5 p.m. on 2/16/2021. Additional information can be obtained from <https://www.arvadapermits.org/etrakit3/search/project.aspx?activityno=DA2020-0129>.

CITY OF ARVADA PLANNING COMMISSION

/s/ Patricia Connell,  
Secretary

Published: 1/21/2021

## Affidavit of Mailing

Name of Project: DA2020-0129, Morgan Ralston Creek Conditional Use

I, Rebecca Bailey, certify that letters of notification were mailed in accordance with Division 8-2-4 of the Land Development Code for the public hearing to be held on 02/16/2021. A copy of the letter and list of recipients is attached and made a part of this Affidavit.

Said mailing was made on: January 28, 2021

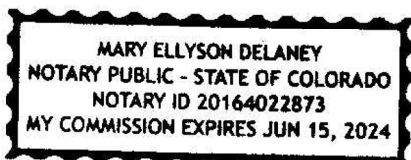
Signature Rebecca Bailey

STATE OF COLORADO )  
COUNTY OF Denver ) SS

The above and foregoing Affidavit as subscribed before me this 28<sup>th</sup> day of January, 2021, personally by Rebecca Bailey

Notary Public

My Commission expires: 6/15/2021



## Affidavit for Posting of Sign

Name of Project: DA2020-0129, Morgan Ralston Creek Conditional Use

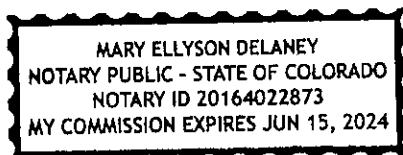
I, Tom Ellenwood, certify that signs have been posted in accordance with Division 8-2-4-3(C)(4) of the Land Development Code for the public hearing to be held on 02/16/2021.

Said signs were posted on: 02/01/2021

  
\_\_\_\_\_  
Signature

STATE OF COLORADO     )  
                                          ) ss  
COUNTY OF Denver     )

The above and foregoing Affidavit as subscribed before me this 16<sup>th</sup> day of February 2021 personally by Tom Ellenwood



  
\_\_\_\_\_  
Notary Public

My Commission expires: 6/15/2024





## POSTING LOG

### Planning Commission

Signs to be posted on: February 1, 2021 Mailing to be sent on: February 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: DA2020-0129, Morgan Ralston Creek Conditional Use, generally located at 9881 W 58th Ave

| DATE      | TIME     | CONDITION OF SIGN                        |
|-----------|----------|------------------------------------------|
| 2/1/2021  | 10:00 AM | Standing, Visible, and in Good Condition |
| 2/2/2021  | 10:45 AM | Standing, Visible, and in Good Condition |
| 2/3/2021  | 9:30 AM  | Standing, Visible, and in Good Condition |
| 2/4/2021  | 6:30 PM  | Standing, Visible, and in Good Condition |
| 2/5/2021  | 7:00 PM  | Standing, Visible, and in Good Condition |
| 2/6/2021  | 11:00 AM | Standing, Visible, and in Good Condition |
| 2/7/2021  | 10:30 AM | Standing, Visible, and in Good Condition |
| 2/8/2021  | 6:30 PM  | Standing, Visible, and in Good Condition |
| 2/9/2021  | 7:00 PM  | Standing, Visible, and in Good Condition |
| 2/10/2021 | 8:30 PM  | Standing, Visible, and in Good Condition |
| 2/11/2021 | 9:00 PM  | Standing, Visible, and in Good Condition |
| 2/12/2021 | 3:00 PM  | Standing, Visible, and in Good Condition |
| 2/13/2021 | 11:00 AM | Standing, Visible, and in Good Condition |
| 2/14/2021 | 5:30 PM  | Standing, Visible, and in Good Condition |
| 2/15/2021 | 3:00 PM  | Standing, Visible, and in Good Condition |
| 2/16/2021 | 8:15 AM  | Standing, Visible, and in Good Condition |

Leanne Vieler

Signature of Applicant

2/16/2021

Date



## REPORT TO PLANNING COMMISSION

AGENDA ITEM  
9.E.

TO: PLANNING COMMISSION

DATE: February 16, 2021

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

### **Report in Brief**

MOTION:

MOVED BY: \_\_\_\_\_

That DA2020-0129, Conditional Use for Morgan Ralston Creek, generally located at 9881 W. 58th Ave., be recommended to City Council for (approval) (denial).

This motion is based on the findings of fact and approval criteria on Page(s) 11-12 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:

Jeremiah Bebo, Planner II

2/8/2021

Josie Suk, Development Systems and Administrative Manager

2/8/2021

Robert Smetana, Manager of City Planning and Development

Ryan Stachelski, Director of Community and Economic Development

Enclosure, exhibits & attachments required to support the report

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

**Morgan Ralston Creek**  
**Conditional Use**  
DA2020-0129

**NATURE OF REQUEST**

Norris Design and Morgan Group are requesting approval of a Conditional Use in order to allow the development of a mixed-use community containing both multifamily residential units and commercial space within a MX-U (Mixed Use - Urban) zoning district. The Conditional Use would allow the residential use in the project. The property currently contains a vacant 104,000 square-foot big-box retail building (formerly Kmart) and a separate 822 square-foot fast-food restaurant with drive-through (Good Times) which is currently operating.

Two design options have been presented by the applicant, based on whether the Good Times portion of the site is either redeveloped (Option 1) or if the restaurant remains (Option 2). The new community would contain between 300 and 328 apartment units between two or three buildings on the 8.42 acre site. The ultimate count will depend on Good Times. In both options, the majority of the units (85 percent) will be either one-bedroom or two-bedroom units. A two-story parking garage will be located to the rear of the property and behind the main apartment building which will contain most of the parking for the residences. According to the applicants, five percent of the apartment units will be leased at affordable rates to residents making up to 80 percent of Area Median Income (AMI).

The commercial portion of the community (in both options) is located along the W. 58<sup>th</sup> Avenue frontage and along the main north/south internal drive. The commercial space represents 10,200 square feet and will be designed with the ability to accommodate various commercial, restaurant, art-space, office, and other uses allowed in the MX-U district. The commercial space closest to W. 58<sup>th</sup> Ave. is located in a single-story building while additional commercial space is located on the ground floor of the eastern building with three stories of residences above it as the building transitions in height.

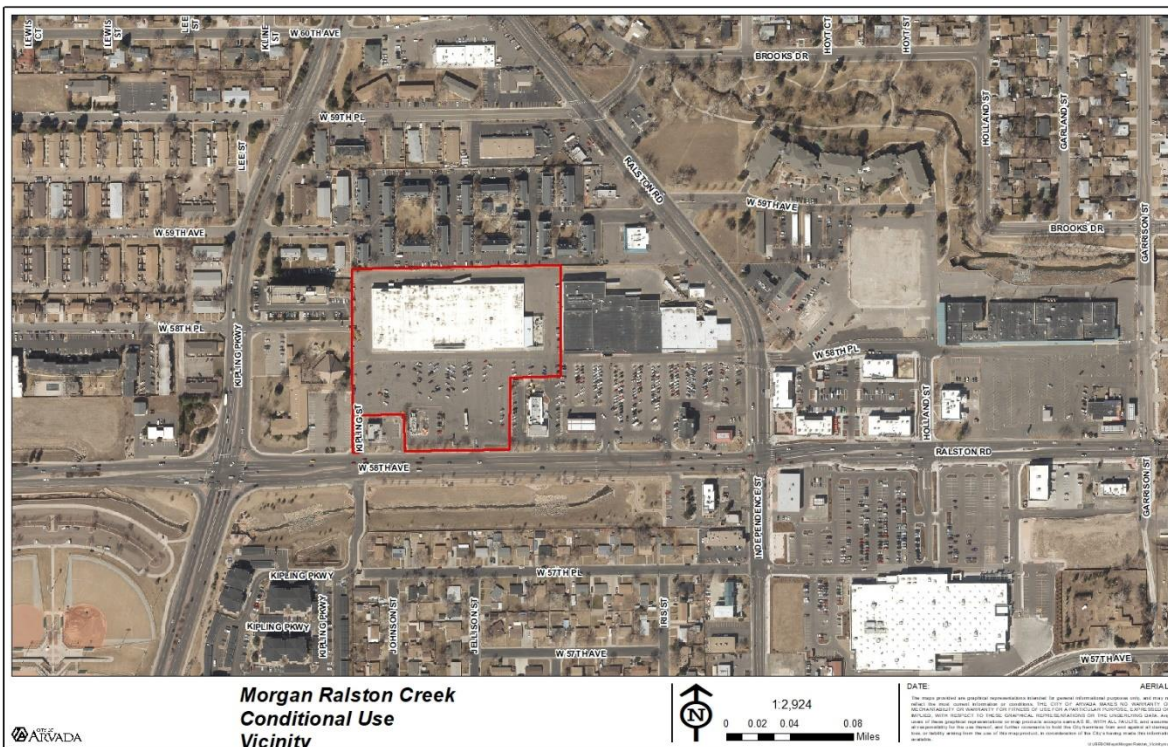
An additional building located on the west-side of the internal north/south drive and W. 58<sup>th</sup> Ave. will contain a two-story building containing the leasing office and amenity space for the residents, as well as additional residences in a four-story building as the building transitions north. Should the option for the Good Times to remain be selected, the leasing office/amenity building will be shifted further back and the residential building eliminated. Additional rooftop amenity space is provided on the main apartment building and an in-ground, outdoor pool is also available for residents.

## Staff Report

### LOCATION AND HISTORY

The subject property is located at 9881 W. 58<sup>th</sup> Avenue and currently contains a vacant 104,000 square-foot building (formerly K-mart) and a 822 square-foot drive-through fast food restaurant (Good Times) which is operating.

The property was annexed into the city in 1955 with the Burry Annexation. Kmart was constructed in 1968 and the property was platted on June 23, 1982 as Lot 1, K-Mart – McDonald's Subdivision and a Final Development Plan for Good Times was approved in 1996.



### 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 October 29, 2020. Both in-person and virtual options were provided. The applicant, staff, and 14 neighbors were in attendance at the in-person meeting. And the applicant, staff and 50 residents were in attendance at the virtual meeting.

## Staff Report

In both meetings general questions came up related to the number of residences, the amount of commercial, the amount of parking, and open space. Some other questions included opportunities for affordable units, ensuring that east/west connectivity through the site was provided, traffic related concerns, and water quality.

The applicant prepared a summary of the meeting, which is attached.

### **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.

### **SEVERED MINERAL RIGHTS**

At least 30 days prior to the public hearing, written notice of the application must be mailed to any owner of mineral rights associated with the subject property. The applicant has provided the required Certification of Notice pursuant to Colorado Revised Statute 24-65.5-103.

### **DEVELOPMENT REVIEW TIMELINE**

The application was accepted by the City for review on November 18, 2020. The standard review timeline allows for three reviews within a 20 week timeframe to reach a Planning Commission public hearing. This project required two reviews and will be presented to Planning Commission within 14 weeks of acceptance of the application.

### **ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN**

This project aligns with the Community and Economic Development strategic goals.

### **ZONING AND LAND USE**

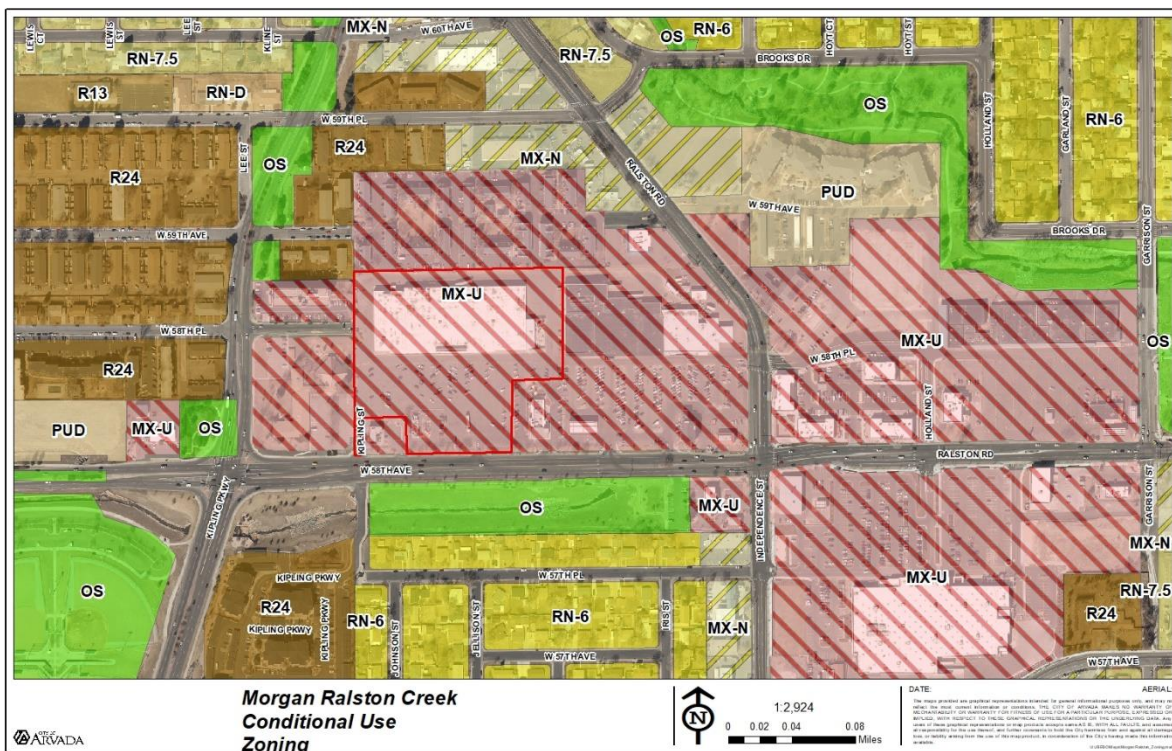


## Staff Report

The subject property is currently zoned MX-U and is approximately 8.42 acres in size.

Surrounding properties are zoned and utilized as follows:

| Direction                               | Zoning          | Actual Use                                                                                           |
|-----------------------------------------|-----------------|------------------------------------------------------------------------------------------------------|
| North                                   | MX-U            | Apartments                                                                                           |
| South (across W. 58 <sup>th</sup> Ave.) | OS (Open Space) | Van Bibber Creek                                                                                     |
| East                                    | MX-U            | Large Format Grocery Store and Associated Fueling Station<br>Fast-Food Restaurant with Drive-Through |
| West                                    | MX-U            | Church<br>Senior Living Facility                                                                     |



## **PROJECT ANALYSIS**

### **Compliance with the Comprehensive Plan**

The project site is designated as Mixed Use on the 2014 Comprehensive Plan Future Land Use map. The proposed Conditional Use is consistent with the following Comprehensive Plan Goals & Policies:

Goal L-2: Plan for a balanced mix of commercial and residential land uses in Arvada.

#### **Policy L-2.1: Complete Community**

The City will provide for a balanced mix of land uses by promoting redevelopment and continuing to reserve lands for future commercial and industrial development as well as a variety of housing choices.

Goal L-3: Encourage development of transit-supportive, higher-density, mixed-use, pedestrian-oriented areas.

#### **Policy L-3.1: Designated Mixed-Use Areas**

The plan designates mixed-use areas in Arvada to provide a mix of land uses, services, retail and commercial development, employment, and in some cases, a diversity of higher density housing in close proximity to transit, bike, and pedestrian connections.

#### **Policy L-3.2: Criteria for New and Redeveloping Mixed-Use Areas**

Mixed-use areas are envisioned as strategically located, high intensity, pedestrian-oriented activity areas providing a range of retail, business, civic, cultural, and residential opportunities

for the surrounding trade area. Mixed-use areas should be located in urban centers or designated corridors and should create or demonstrate the following characteristics:

- Transit-supportive residential densities with a mix of housing types and affordability;
  - Transit-supportive mix of retail and employment opportunities;
  - Streets or other physical features that help define the center;
  - Public plazas, gathering spaces or amenities designed as a focal point;
  - Transit service
  - Pedestrian oriented site design; and
  - Interconnected network of multi-modal streets linking to surrounding areas.
- Goal L-5: Designate and promote redevelopment and infill to generate economic revitalization, improve physical conditions, and provide and appropriate mix of quality housing choices.

#### **Policy L-5.1: Targeted Redevelopment Areas**

The City will continue to plan for and promote redevelopment in targeted redevelopment areas. Targeted redevelopment areas include Ralston Fields.

Goal ED-4: Redevelop and revitalize existing commercial and industrial areas.

#### **Policy ED-4.1: Promote Redevelopment of Underutilized Commercial Areas**

The City will promote through incentives and infrastructure investment, new development, and reinvestment in designated “redevelopment areas” to retain or attract

## Staff Report

businesses and repurpose areas for retail, office, and a diversity of housing types, as may be appropriate.

Goal CC-1: Plan Arvada as a City of different development character districts.

### Policy CC-1.1: Variety of Development Types

The City will include a variety of development types including rural areas, suburban residential neighborhoods, historic districts, redevelopment areas, and mixed-use communities that contain services, employment, and higher density housing.

Goal T-2: Strengthen the linkage between land use and transportation in Arvada.

### Policy T-2.2: Land Use Patterns to Support Transit

The City will plan future developments that support rail and bus transit along designated transit-supportive corridors. Development surrounding transit stations and corridors should have greater residential and employment density and a mix of uses.

Goal N-1: Plan for a range of neighborhoods and accessible housing of different tenure types to accommodate diverse incomes and all ages and abilities.

### Policy N-1.1: Range of Residential Categories

The Land Use Plan will include a mix of residential land use categories and minimum densities ranging from low density single-family homes to multi-family housing of different tenure types in mixed-use activity centers, in order to encourage varied housing needs.

Goal N-2: Encourage development of workforce or assisted housing throughout Arvada.

### Policy N-2.1: Dispersed Workforce or Assisted Housing

The City will require a range of new workforce or assisted housing to appropriate dispersed locations throughout the City, integrated with new, existing, and redeveloping neighborhoods.

### Policy N-2.6: Mixed Income Projects

The City will promote the development of mixed-income projects that combine market rate housing with affordable housing.

The Conditional Use application complies with the above goals and policies from the Comprehensive Plan by allowing residential uses to be built in a designated mixed-use area in the Land Use Plan. The site is located within a targeted redevelopment area (Ralston Fields) and the proposal would provide a mix of commercial and residential uses and buildings on an underutilized property.

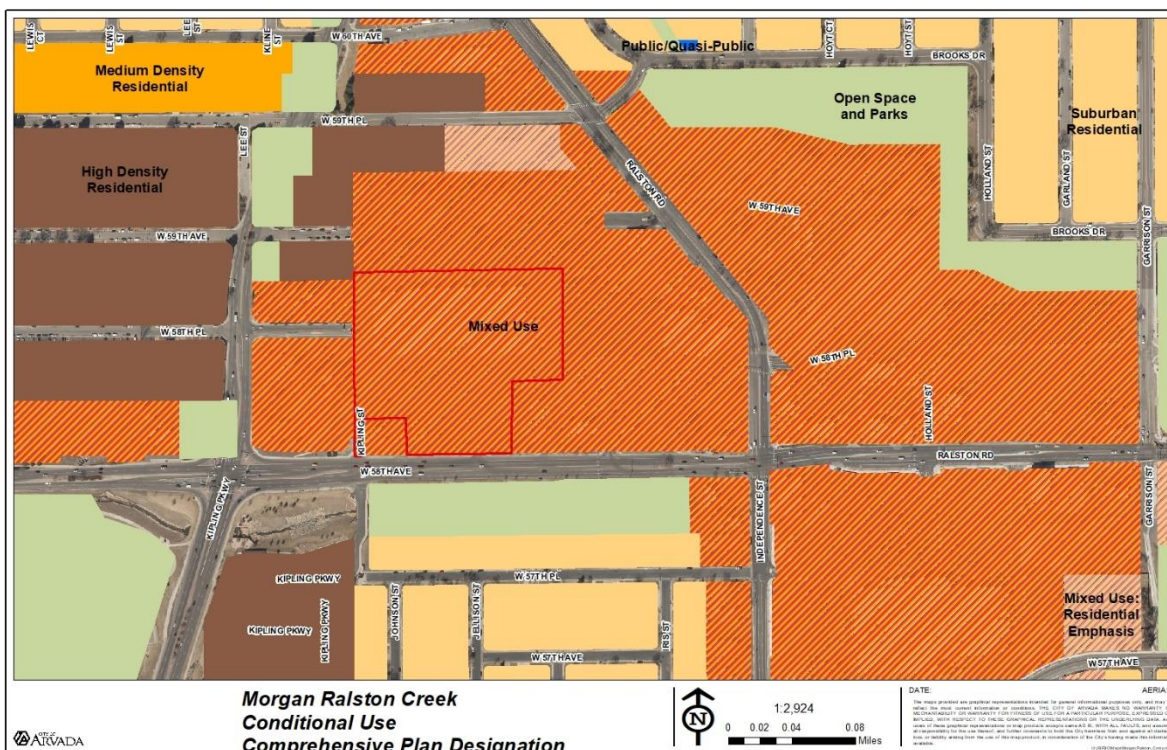
The housing type provided in the Conditional Use offers a product that is desired and planned for in mixed-use areas (high density) and the applicant has offered to provide at least five percent of the units as affordable to residents making up to 80 percent of the Area Median Income (AMI). Additionally, the Comprehensive Plan provides principles for Mixed Use designated areas in the City regarding affordable housing stating, "Where possible, encourage development of affordable rental and ownership housing opportunities for households earning



## Staff Report

the median income or below in redevelopment areas or near transit stations” (p. 2-34). The Conditional Use application adheres to this principle by providing affordable units.

The Comprehensive Plan expressly states in multiple goals and policies the need to provide a variety of housing types in order to meet varied needs of the community. The proposal will also create a mixed-income project that supports transit (bus), is located within walking distance of a grocery store (King Soopers), and is designed to accommodate through pedestrian connectivity, provides active public spaces, and generate economic revitalization.



## Compliance with Other Applicable Plans

Ralston Fields Urban Renewal Plan:

The subject property is located within the Triangle planning area of the plan. The Triangle is generally defined as the area along W. 58<sup>th</sup> Ave. between Kipling St. and Garrison St. (although the exact boundary is more fluid). The area was formally a group of three small shopping centers consisting of aging retail stock. The plan identifies this site as being Mixed Use desiring a mix of high-density residential and commercial uses. The plan states, “Mixed use residential and retail is proposed as a long-term on the north side of 58th east of Kipling. This mix of uses would not be triggered until or unless the major retail uses now there decide to relocate.” (Add page number?). The plan also envisions an east/west “Main Street” that provides light vehicle and good pedestrian connectivity between the development sites in the renewal area north of W. 58<sup>th</sup> Ave.

## Staff Report

The Conditional Use application supports the desired goals and outcomes of the Renewal Plan by providing a mixed-use, mixed-income project containing both high-density residential and commercial uses. Additionally, the site design will include pedestrian-friendly and mixed-use principles to create the urban, walkable community that the plan envisions.

### **Setbacks**

The MX-U zone district requires that urban multifamily buildings be located within a 10 to 20-foot wide frontage zone adjacent to public streets. And non-residential buildings be located within a 0 to 20-foot wide frontage zone. The side setback is 10 feet for the multifamily building and 0 feet for non-residential, while the rear setback for both can be zero.

Setbacks will be reviewed as part of a Site Plan application, should the Conditional Use approval be granted. The conceptual plan included as part of this application indicates that the building will comply with this frontage zone requirement, as well as the side and rear setbacks.

### **Building Height**

The maximum building height allowed in this MX-U zoning district is 65 feet. Building height will be reviewed as part of a Site Plan application, should the Conditional Use approval be granted. The conceptual plan included as part of this application indicates a maximum building height of 65 feet.

### **Open Space**

The MX-U zoning district requires a minimum of 15 percent of the site be landscape surface area. Additionally, small urban park space is required in an amount equal to 10 percent of the site area. Compliance with the landscaped surface area and small urban park will be reviewed as part of a Site Plan. However, the conceptual plan indicates that approximately 12.9 - 13.7 percent of the site will be utilized as a small urban park depending on which option is selected. A small pocket park as well as various hardscape amenity spaces will be provided.

### **Landscaping, Buffering and Fencing**

Specific details of the landscape plan will be reviewed as part of any future Site Plan application.

### **Building Design**

The conceptual renderings show three buildings with a modern architectural theme, with a variety of exterior materials being utilized. Large, transparent windows and pedestrian entries will be utilized along street frontages (both public and private) in order to create a more active pedestrian realm. Balconies are provided to many of the residential units and the renderings show the use of a mural on the western and eastern buildings. The final design of the buildings will be reviewed as part of a Site Plan application.



## Staff Report



Option 1: Good Times Redevelops



Option 2: Good Times Remains

### **Circulation and Connectivity**

There are two points of vehicular access to the site that are provided directly off of W. 58<sup>th</sup> Avenue. Additional cross-access connections are provided between this site and others to the east and west. The east/west internal drive will serve as a “main street” through this site providing both vehicular and pedestrian connectivity between the King Soopers and the residences on this site, the Arvada House, and other residences to the west(?).

A traffic study was required as part of the Conditional Use application. The report indicates that this project will generate an average of 2,172 weekday trips, with 120 morning and 178 evening peak hour trips. The study concluded the traffic impacts of the proposed project can be accommodated by the existing roadway network and no major improvements are needed.

### **Grading and Drainage**

Based on the conceptual plan and associated drainage letter, stormwater will be conveyed to an underground detention and water quality facility system. Further review of the details and design will take place as part of a Site Plan application.

### **Parking and Loading**

Minimum parking requirements are as follows:

|             |                |
|-------------|----------------|
| Studio      | 1.4 space/unit |
| One-Bedroom | 1.6 space/unit |
| Two-Bedroom | 2.1 space/unit |

Based on the Code, a total of 514 to 562 spaces are required depending on the final site plan option and unit count.

Additionally, 4 spaces per 1,000 square feet of gross floor area is required for type 1 retail and 5 spaces per 1,000 square feet of gross floor area is required for restaurant uses.

In both site plan options, 560 parking spaces are provided to accommodate both the residential and commercial uses. The conceptual plans state that the applicant will explore utilizing LDC 4-5-2-1 which allows the developer of a mixed-use project to reduce the number of required off-street parking spaces by preparing a shared parking study. Additional parking reduction opportunities as allowed by the code may be considered, based on a parking study.

Parking will be reviewed in more detail with a Site Plan application.

### **Utility Services**

Water and sanitary sewer service are provided by the City and are available. Both lines run along the northern portion of the site and modifications may need to be made. Additionally, a new water main will need to be looped through the site in order to provide service to the new buildings. A sanitary main extension will also need to be built.

### **Police and Fire Protection**

Police and Fire protection are both provided for the site and Arvada Fire has reviewed the conceptual plans.

### **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 table(s) 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:

| <b>Div. 8-3-5 Conditional Use Approval Criteria</b>                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Finding</b> | <b>Rationale</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. The application complies with the applicable standards of this LDC, other adopted City ordinances, resolutions and regulations including but not limited to any use-specific standards for the proposed conditional use in Division 3-1-3, any approved Master Development Plan that includes the property, and any conditions specifically applied to development of the property by the Planning Commission or City Council in a prior decision affecting the property; | Complies       | The application complies with all of the standards of the LDC and no modifications are being requested at this time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2. The application is consistent with the Arvada Comprehensive Plan;                                                                                                                                                                                                                                                                                                                                                                                                         | Complies       | The application is consistent with the Arvada Comprehensive Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 3. The use is consistent with the purpose and intent of the zoning district in which it is located;                                                                                                                                                                                                                                                                                                                                                                          | Complies       | The use is consistent with the intent of the Mixed Use – Urban zoning district.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 4. The size, scale, height, density, multi-modal traffic impacts, hours of operation and other similar characteristics of the proposed use are comparable with existing and planned uses in the surrounding area and the zoning district regulations;                                                                                                                                                                                                                        | Complies       | The size, scale, height, density, and traffic impacts are consistent with the planned uses in the surrounding area. All of the surrounding properties are identified as Mixed Use in the Comprehensive Plan and are zoned as MX-U with a height allowance up to 65 feet. Existing multi-family housing is located directly to the north and east and include the Arvada House which is six-stories tall. Planned uses for the Triangle planning area of the Ralston Fields Urban Renewal Plan include vertically mixed-use buildings containing commercial and high-density residential uses. Staff finds that the proposed conditional use is comparable with existing and planned uses in the surrounding area. |

## Staff Report

|                                                                                                                                                                                                                                                                                                                |          |                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------------------------------------------------------------------------------------|
| 5. Facilities and services including sewer, water, storm water, gas, electricity, police and fire protection, and roads and transportation will, prior to or as part of the development, be available to serve the subject property while maintaining adequate levels of service for existing development; and | Complies | All services are available for this site.                                                    |
| 6. The application mitigates any adverse impacts on the surrounding area to the degree practicable.                                                                                                                                                                                                            | Complies | The application mitigates adverse impacts to the surrounding area to the degree practicable. |

### **STAFF RECOMMENDATION**

Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the project.

If the Planning Commission finds that a recommendation to approve the Conditional Use is supported by the approval criteria, then staff recommends that the following conditions be made part of the approval:

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.

The Planning Commission may recommend denial of the request(s) if it cannot make affirmative findings of the approval criteria stated above.

## Neighborhood Meeting Summary



### MEETING NOTES

|                    |                                  |                  |                                  |
|--------------------|----------------------------------|------------------|----------------------------------|
| <b>Project:</b>    | Morgan Ralston Creek             | <b>Date:</b>     | October 29th, 2020               |
| <b>Subject:</b>    | Neighborhood Meeting             | <b>Time:</b>     | On-site: 5-6pm<br>Virtual: 6-7pm |
| <b>Minutes by:</b> | Bonnie Niziolek / Leanne Vielehr | <b>Location:</b> | Zoom<br>9881 W. 58th Ave.        |

### IN-PERSON MEETING

5:00-6:00 pm, on-site

#### Attendees

- 14 residents attended the in-person meeting; please see attendee list following this summary.
- City of Arvada staff
- AURA staff
- Development team

#### Format / Presentation

- Four timeslots were available for residents to choose from; each limited to 10-15 people to ensure social distancing.
- Boards showing the conceptual site plans and renderings were on display.
- Members of the applicant team walked residents through the plans and were available to answer questions.
- Please see boards following this summary.

#### Questions/Comments

- How many units are proposed?
- Where is the parking?
- Like that the style is consistent with the recent development to the east.
- What is the mix of affordable vs market rate units?
  - Would like to see more affordable units.
- Like that there's commercial included.
- Like that the commercial is located next to the bus stop.
- Explain the difference between the two options.
- What are you doing for water quality?
- What are the traffic impacts, how many cars, how does this compare to the Kmart use?
- Be mindful of designing nooks and crannies and people experiencing homelessness.
- All about doing something with this eyesore, but want to make it work for all people.
- Can people afford to live here?
- Will there be places for pets?
- Will views from Ralston Creek be impacted?
- Please include more inviting windows along Ralston frontage.



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**VIRTUAL MEETING**

6:30-7:40pm, zoom meeting

**Attendees**

- Approximately 50 residents
- City of Arvada staff
- Development team

**Format / Presentation**

- Development team presented the overall proposal for approximately 26 minutes; please see presentation following this summary.
- Participants provided questions/comments through the zoom chat box during the presentation and during Q&A; please see chat box list of questions following this summary.
- Development team walked through the questions/comments for approximately 40 minutes.

**Questions/Comments**

- See Zoom Chat log provided following this summary

**SUPPLEMENTAL DOCUMENTS**

The following documents were part of the meetings and are included after this summary:

- In-person meeting
  - Attendee list
  - Presentation boards
- Virtual meeting
  - Zoom chat log
  - Presentation

End of meeting notes.

## Staff Report

18:24:23 From Nathan Sciarra to Leanne Vielehr(Privately) : can you unmute me again

18:31:33 From Carolynne White to Leanne Vielehr(Privately) : I'll stay muted unless I'm needed so you don't hear my background noise

18:38:04 From Linda Bobbitt to Leanne Vielehr(Privately) : Can you tell us the name of the developer?

18:38:08 From Linda Bobbitt to Leanne Vielehr(Privately) : nevermind

18:46:51 From Mike Papantonakis to Leanne Vielehr(Privately) : What are your thoughts about working toward for sale residential instead of for rent? What's the down side to your company when we have such a shortage on for sale properties in Arvada.

18:47:56 From Adams, Charley to Leanne Vielehr(Privately) : How tall is the current abandoned building? and is the plan to go to full 65 ft with the new building?

18:50:52 From Taylor Jarnagin (He/His/Him) to Leanne Vielehr(Privately) : Will there be condominiums or all rental housing?

Will there be affordable and subsidized housing ??

I think there should be a mix of both and that those units should be mixed in with all the other units.

18:51:33 From Margaret Foderaro to Leanne Vielehr(Privately) : Seem odd that the pool is not connected to the main apartment building. Why is that?

18:51:36 From Linda Bobbitt to Leanne Vielehr(Privately) : Will the seniors who live in the apartments still be able to walk to the King Soopers. Many of them shop that way

18:53:05 From Linda Bobbitt to Leanne Vielehr(Privately) : Sorry, you may have covered this but, is any of the housing affordable housing?

18:53:13 From Barbara to Leanne Vielehr(Privately) : How many parking spaces are allocated to each unit?

18:53:18 From Margaret Foderaro to Leanne Vielehr(Privately) : Are the apartments studio, 1 bdrm, 2 bdrm? What is the price point for the apartments?

18:53:26 From Barbara to Leanne Vielehr(Privately) : Will some of the units be low income?

18:53:42 From Barbara to Leanne Vielehr(Privately) : Will the traffic lights be added?

18:55:16 From Travis Hodge to Leanne Vielehr(Privately) : this design is fantastic. what kind of unit mix are you proposing? would love to see a mix of smaller and larger units to provide a variety of housing options...

18:55:40 From Serena Chen to Leanne Vielehr(Privately) : What is considered AMI for Arvada?

18:56:20 From Arvadans for Social Justice to Leanne Vielehr(Privately) : Is there any plan option that includes a higher % of attainable housing (i.e. higher than this 5% number)

18:56:35 From Melissa Brown to Leanne Vielehr(Privately) : The pictures show a 3 lane street but it is currently only 2. Does that mean the city is widening the road? We already have so many new townhomes being built on 58th plus Ward. What does the city plan to do for traffic for Ward from 44th to 64th and from 58th and Ward, east to Wadsworth?

18:57:07 From Arvadans for Social Justice to Leanne Vielehr(Privately) : And what percentage entails involving AURA?

## Staff Report

18:57:35 From Melissa Brown to Leanne Vielehr(Privately) : Will Morgan be investing into areas around this?

18:57:48 From mindy to Leanne Vielehr(Privately) : I'm concerned about pedestrian safety along 58th with so many entrances for cars. Is there any way to reduce those or do more around traffic calming?

18:58:08 From Linda Bobbitt to Leanne Vielehr(Privately) : What is the population they expect to move in? Singles, families, seniors, singles???

18:58:11 From Steve Art to Leanne Vielehr(Privately) : Can you speak to access. Is there a signalized access to the parcel?

18:58:15 From Nick & Nikki Young to Leanne Vielehr(Privately) : Is there an anticipated timeline for bringing on a General Contractor once an Option is selected?

18:58:29 From genevivelaca to Leanne Vielehr(Privately) : Estimated time frame?

18:58:33 From Steve Art to Leanne Vielehr(Privately) : It may be early, but can you speak to building materials

18:58:52 From genevivelaca to Leanne Vielehr(Privately) : Any shops in mind?

18:58:53 From deemartinez to Leanne Vielehr(Privately) : What are the current occupancy rates in the area?

18:58:54 From Melissa Brown to Leanne Vielehr(Privately) : What other areas in the Denver Metro area do you already have sites?

18:59:26 From Margaret Foderaro to Leanne Vielehr(Privately) : What is the timeline of this project? When to you begin demolition and how long will it take for the complete build-out?

18:59:33 From Melissa Brown to Leanne Vielehr(Privately) : What will the average rent price be?

18:59:44 From Lisa Smith! to Leanne Vielehr(Privately) : The first version, the leasing office building looks a bit jail cell like with the high cement walls and narrow windows. (It kind of looks like the boston city hall structure). Just some feedback that maybe reconfiguring to make it look more welcoming from the lens of the people driving by. Hope it helps :)

19:00:07 From z to Leanne Vielehr(Privately) : if you're going to do for rent I'd like to see more than 10k sqft commercial...less tiny apartments and more retail and I

19:00:07 From John Schiel to Leanne Vielehr(Privately) : There are hundreds of new apartments already in the area. We don't need any more. What can we do to stop this?

19:00:24 From Kevin Miller to Leanne Vielehr(Privately) : in commercial area are you looking for some of that to be street level office access?

19:00:26 From Taylor Jarnagin (He/His/Him) to Leanne Vielehr(Privately) : What does 80% AMI mean for Arvada ?

19:00:32 From Melissa Brown to Leanne Vielehr(Privately) : How many parking spots per unit?

19:00:35 From Erik Syme to Leanne Vielehr(Privately) : how many parking spaces for the 300-330 units?

19:00:49 From Lisa Smith! to Leanne Vielehr(Privately) : Also, Are you looking to get any local, state or federal funding assistance to promote more affordable units?

19:01:01 From Chris's iPad to Leanne Vielehr(Privately) : what is AMI

## Staff Report

acronym?

19:01:02 From Mike Papantonakis to Leanne Vielehr(Privately) : The units should be partially affordable for rent and some for sale condos. If you can, look at partnering with a developer that can do for sale condos.

19:01:14 From Michele Crouse to Leanne Vielehr(Privately) : Concerns about affordable ADA units

19:01:39 From Michele Crouse to Leanne Vielehr(Privately) : Enough green space considering the number of renters with pets.

19:01:41 From deemartinez to Leanne Vielehr(Privately) : What is the target start and end dates for construction?

19:01:58 From Travis Hodge to Leanne Vielehr(Privately) : have you considered live/work units as part of the commercial space? sometimes it works, sometimes it doesn't. design and integration is key. but the benefit to residents is local small business rather than national chains that ultimately fail as evidenced by ralston creek vacant space

19:01:59 From Michele Crouse to Leanne Vielehr(Privately) : Electric charging stations?

19:02:39 From deemartinez to Leanne Vielehr(Privately) : What is the anticipated rent cost?

19:03:31 From Steve Art to Leanne Vielehr(Privately) : No covered parking?

19:04:06 From Arvadans for Social Justice to Leanne Vielehr(Privately) : Also, sorry if I missed this, but what is the price range for these units (the normal priced units)?

19:04:09 From Melissa Brown to Leanne Vielehr(Privately) : How is the pool the concern?

19:04:58 From Cheryl Ames to Leanne Vielehr(Privately) : What is the square footage for the apartments.

19:06:13 From Lisa Smith! to Leanne Vielehr(Privately) : Last question (I think) ... there two versions have different amount of units, will the 5% affordable units be respective to both of those versions or only one?

19:06:15 From Serena Chen to Leanne Vielehr(Privately) : Is this development part of a larger development corridor / urban plan, or is it considered a standalone project? (Sorry I joined a few minutes late in case this was covered in the beginning.)

19:06:38 From Katie Kermashek to Leanne Vielehr(Privately) : Have you considered or looked at how the max building height will obstruct the views residents have now from The Ralston Creek Central Park and the response that will come from that?

19:06:44 From Melissa Brown to Leanne Vielehr(Privately) : Thank you :\_

19:06:49 From Melissa Brown to Leanne Vielehr(Privately) : :)

19:07:34 From Travis Hodge to Leanne Vielehr(Privately) : 1.7 is too high of a parking ratio. Is it possible to replace parking with more commercial?

19:07:35 From Katie Edwards to Leanne Vielehr(Privately) : Will Morgan operate the apartments or will that be subcontracted out to a different property management group?

19:10:05 From Melissa Brown to Leanne Vielehr(Privately) : We appreciate the input on pricing. We want to know what kind of pricing because it tells us the type of residents we can expect. Sounds like it will fall in line with

## Staff Report

the new builds around it

19:11:04 From John Schiel to Leanne Vielehr(Privately) : I can only ask you questions. How do I get my questions to the developer?

19:12:39 From Lisa Smith! to Leanne Vielehr(Privately) : What variables determine the room size breakdown? Is it cost? Requests from city?

19:13:11 From Arvadans for Social Justice to Leanne Vielehr(Privately) : Why/how would the number grow?

19:13:48 From Melissa Brown to Leanne Vielehr(Privately) : What is the full name of the company? I would like to find other locations in

19:13:57 From Melissa Brown to Leanne Vielehr(Privately) : Denver that they have buildings

19:14:06 From Amber's iPhone to Leanne Vielehr(Privately) : sorry if this has already been addressed but can you go over when this will be open?

19:15:42 From Leanne Vielehr to Melissa Brown(Privately) : The Morgan Group

19:16:36 From Leanne Vielehr to John Schiel(Privately) : We are asking him your questions

19:17:42 From Katie Edwards to Leanne Vielehr(Privately) : Can you give us examples of other Morgan Communities in the Front Range or in Arvada specifically

19:17:48 From John Schiel to Leanne Vielehr(Privately) : Ok, thank you. Normally I see all participants in the chat area.

19:18:00 From Leanne Vielehr to John Schiel(Privately) : John, has your question already been answered, if not, we'll read your question to Scott

19:18:43 From John Schiel to Leanne Vielehr(Privately) : There is a lot of apartments going up in this area. Why do we need this and how can we stop it from moving forward?

19:19:48 From Leanne Vielehr to John Schiel(Privately) : You can send an email to the City Planner, Jeremiah. His email will be provided at the end. You will also have the opportunity to speak during the Planning Commission and City Council hearing

19:20:20 From Erik Syme to Leanne Vielehr(Privately) : nevermind, already answered at 1.7 spaces per unit.

19:20:49 From Leanne Vielehr to John Schiel(Privately) : jbebo@arvada.org (I believe)

19:21:21 From Adams, Charley to Leanne Vielehr(Privately) : Are young professionals really going to pay the market rates to live in an area without any of the things that generally attract young professionals? Not walking distance to large scale public transit, no bars/restaurants within walking distance, open space is limited to sports fields, no major attractions...especially when the rates aren't really a savings over Denver prices.

19:21:39 From John Schiel to Leanne Vielehr(Privately) : I'll be looking for his address and I'll have to look on arvada.org for those meetings.

19:21:49 From John Schiel to Leanne Vielehr(Privately) : Thank you.

19:22:32 From Leanne Vielehr to John Schiel(Privately) : Mailing notices will go out for those meetings. Likely a few month off.

19:23:26 From John Schiel to Leanne Vielehr(Privately) : Thank you.

19:26:15 From Melissa Brown to Leanne Vielehr(Privately) : Have there been enough surveys amongst the age group that you are targeting to know if they find the suburban type surroundings to be appealing? Reason I ask is that having a

## Staff Report

lot of vacancy hurts pricing.

19:26:41 From John Schiel to Leanne Vielehr(Privately) : Have they considered something other than residential usage for this property?

19:33:09 From Travis Hodge to Leanne Vielehr(Privately) : has there been any consideration to townhome units? perhaps decreasing the number of total units but making up that lost revenue with higher rent townhome units. could reduce the impact on infrastructure while still providing the developer with enough rent/noi to make the ROC feasible

19:34:55 From Kelly Eargle (she, her, hers) to Leanne Vielehr(Privately) : I think the amount of parking is perfect. All of the other apartments in Arvada have too little and cars are parked all over the streets. Thank you for being higher.

19:36:09 From Melissa Brown to Leanne Vielehr(Privately) : Thank you! I appreciate the transparency! And for the extra time y'all are putting into the meeting.

19:37:08 From Melissa Brown to Leanne Vielehr(Privately) : Random question and likely more for the city of Arvada, do you know who they are bidding up against for the property? If anyone else?

19:38:44 From Melissa Brown to Leanne Vielehr(Privately) : Thanks so much! I really do appreciate it. Anything will make that kmart look better. I am a 3rd gen native and 2nd gen Arvadan so this is very helpful

19:38:52 From Lisa Smith! to Leanne Vielehr(Privately) : What strategies are you doing to try to be more environmentally friendly in your builds? Other Than EV outlets, what else are you doing? Any solar? Etc?

19:39:09 From Leanne Vielehr to Melissa Brown(Privately) : Melissa, I believe The Morgan Group is the only buyer at this time

19:39:18 From Lisa Smith! to Leanne Vielehr(Privately) : And a heartfelt thank you for being honest and doing this. It means a lot to have the honesty and openness like this format

19:39:22 From Melissa Brown to Leanne Vielehr(Privately) : Thank you :)

19:39:43 From Kelly Eargle (she, her, hers) to Leanne Vielehr(Privately) : Have y'all walked around the King Soopers or the ARC? Have you talked to the shop owners on the other side of Independence and Ralston? Might be a good insight of who lives in that area. A lot of people in the area avoid that Kings...

19:39:48 From Travis Hodge to Leanne Vielehr(Privately) : no need to read aloud and answer, just want to say that it appears you've put a lot of thought into this project and excited to see this site developed into something that adds value to the community

19:39:59 From Kelly Eargle (she, her, hers) to Leanne Vielehr(Privately) : Private question...that doesn't need to be read.

19:40:07 From Gary Stout to Leanne Vielehr(Privately) : Morgan Group has a plan that fits the AURA guidelines and I like that they will run this soup to nuts. I support this project. Thanks everyone for your work.

19:40:45 From Melissa Brown to Leanne Vielehr(Privately) : Thanks!

19:40:51 From John Schiel to Leanne Vielehr(Privately) : Thank you for your help tonight.

## Staff Report

### Morgan MF Neighborhood Meeting RSVP

Oct. 29, 2020

| 5:00 - 5:20 pm | # of attendees | Name               | Email                                                        | Notes                         |
|----------------|----------------|--------------------|--------------------------------------------------------------|-------------------------------|
|                | 1              | Lori McLaren       | Lori McLaren <LMcLaren@nicholspartnership.com>               |                               |
|                | 2              | Brian McLaren      | BRIAN D LORI L MCLAREN <bmcclaren2000@msn.com>               |                               |
|                | 3              | Carrie Briscoe     | <a href="mailto:cbriscoe@arvada.org">cbriscoe@arvada.org</a> |                               |
|                | 4              | Maureen Phair      | <a href="mailto:mphair@arvada.org">mphair@arvada.org</a>     |                               |
|                | 5              | Brandon Figliolino | Brandon Figliolino <Brandon.Figliolino@live.com>             |                               |
|                | 6              | Chris Hill         | Chris Hill <chill@odysseybeerwerks.com>                      |                               |
|                | 7              | Tim Steinhaus      |                                                              | AURA                          |
|                | 8              | Cliff              |                                                              | walk-in, didn't get last name |
|                | 9              |                    |                                                              |                               |
|                | 10             |                    |                                                              |                               |
|                | 11             |                    |                                                              |                               |
|                | 12             |                    |                                                              |                               |
|                | 13             |                    |                                                              |                               |
|                | 14             |                    |                                                              |                               |
|                | 15             |                    |                                                              |                               |

| 5:20 - 5:40 pm | # of attendees | Name                   | Email                                                              | Notes                  |
|----------------|----------------|------------------------|--------------------------------------------------------------------|------------------------|
|                | 1              | Steve Byers            | <a href="mailto:steve@arvadarising.com">steve@arvadarising.com</a> |                        |
|                | 2              | Sharon Henderson Davis | Sharon Henderson Davis <shdavis2009@hotmail.com>                   |                        |
|                | 3              | Paul Albani-Burgio     | Paul Albani-Burgio <palbaniburgio@coloradocommunitymedia.com>      | Arvada Press Newspaper |
|                | 4              | Ian Harwick            | Ian Harwick <ianharwick@gmail.com>                                 |                        |
|                | 5              | Brian DeLauro          |                                                                    |                        |
|                | 6              | Mindy Moore            |                                                                    |                        |
|                | 7              |                        |                                                                    |                        |
|                | 8              |                        |                                                                    |                        |
|                | 9              |                        |                                                                    |                        |
|                | 10             |                        |                                                                    |                        |
|                | 11             |                        |                                                                    |                        |
|                | 12             |                        |                                                                    |                        |
|                | 13             |                        |                                                                    |                        |
|                | 14             |                        |                                                                    |                        |
|                | 15             |                        |                                                                    |                        |



November 13, 2020

Jeremiah Bebo  
**City of Arvada**  
8101 Ralston Rd.  
Arvada, CO 80002

**RE: MORGAN RALSTON CREEK :: CONDITIONAL USE  
APPLICATION NUMBER: PA2020-0150  
DEVELOPMENT OVERVIEW LETTER**

Dear Mr. Bebo

We are pleased to be making the initial submittal for a Conditional Use application on behalf of the Owner, Ralston KMGD Denver LLC, and the Applicant, The Morgan Group. The following team of consultants has been assembled to complete this application:

|                                                                                                                                                                                                                    |                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant:</b><br>The Morgan Group<br>Scott Makee<br>3001 Brighton Blvd, Suite 445<br>Denver, Colorado 80216<br>scottm@morgangroup.com<br>704-615-0554                                                          | <b>Architect:</b><br>KTYG<br>Nathan Sciarra<br>820 16th Street, Suite 500<br>Denver, CO 80202<br>nsciarra@ktgy.com<br>303.389.6005                                        |
| <b>Planner / Landscape Architect:</b><br>Norris Design<br>Bonnie Niziolek / Brad Haigh<br>1101 Bannock Street<br>Denver, Colorado 80204<br>bniziolek@norris-design.com<br>bhaigh@norris-design.com<br>303.892.1166 | <b>Civil Engineer:</b><br>Kimley-Horn<br>Meaghan Turner<br>1125 17 <sup>th</sup> Street, Suite 1400<br>Denver, CO 80202<br>Meaghan.turner@kimley-horn.com<br>303.228.2322 |

We look forward to working with the City of Arvada through the application and approval processes to realize this exciting addition to the Ralston Fields Urban Renewal Area. Feel free to contact myself directly should you have any comments, questions and / or requests for additional information.

Sincerely,  
Norris Design



Bonnie L. Niziolek  
Principal

## CONTEXT

The proposed mixed-use community is located on the north side of W 58<sup>th</sup> Avenue, between Ralston Road and Kipling Parkway and includes approximately 8.42 acres. The parcel is made up of Lot 1 of the Kmart McDonalds Subdivision and is currently zoned as Mixed-Use Urban (MX-U). The site includes the vacant Kmart store and associated parking lot and, potentially, the land where the existing Good Times restaurant and associated parking lot are located. With this proposal, the existing McDonald's, Starbucks and King of Glory Lutheran church are planned to remain along W 58<sup>th</sup> Avenue. In addition to the existing retail along W 58<sup>th</sup> Avenue, the property is adjacent to existing big box retail to the east (King Soopers), medium density residential to the north and a higher density assisted living community to the west. The proposed community has great access to park amenities, including Apex Field House, Harold D. Lutz Sports Complex and the Ralston-Central Park, and the Arvada Ridge Station, located just 1 mile to the south.

The site is bounded by parcels with similar and compatible comprehensive land use designations and zone districts as noted below:

### Comprehensive Plan and Zoning Context

| Adjacency | 2014 Comprehensive Plan Land Use Designation | Zone District                                                            |
|-----------|----------------------------------------------|--------------------------------------------------------------------------|
| Site      | Mixed-Use                                    | Mixed-Use, Urban (MX-U)                                                  |
| North     | Mixed-Use                                    | Mixed-Use, Neighborhood (MX-N) and Medium-High Density Residential (R24) |
| South     | Mixed-Use / Open Space and Parks             | Conservation Parks and Open Space (OS) and Mixed-Use, Urban (MX-U)       |
| East      | Mixed-Use                                    | Mixed-Use, Urban (MX-U)                                                  |
| West      | Mixed-Use / High Density Residential         | Mixed-Use, Urban (MX-U) and Medium-High Density Residential (R24)        |

## CONCEPTUAL SITE PLAN

The proposed mixed-use community includes residential and non-residential uses in a vertically mixed-use configuration with an urban character, consistent with the purpose of the Mixed-Use, Urban (MX-U) zone district. The community design is oriented around a gridded urban circulation network with a primary entry from West 58<sup>th</sup> Avenue terminating into an east-west Main Street road bisecting the site. The proposed Main Street is consistent with the vision of the Triangle Area of the Ralston Fields Urban Renewal Plan and creates connections between the existing uses to the east and west while intersection jogs slow traffic through the proposed mixed-use community. Both the primary entry drive and Main Street feature detached sidewalks and tree lawns with direct access to the multi-family homes and commercial uses to create a pedestrian-friendly urban streetscape. Street sections are reduced to the minimum required by the Fire Department with the addition of on-street parking to encourage reduced vehicular speeds and promote walkability.

In the conceptual site plan that redevelops the Good Times site, one and two-story buildings front W. 58<sup>th</sup> Avenue and transition to four-story buildings to the north along the primary access street. The portions facing 58<sup>th</sup> include activated uses – approximately 10,200 square feet of commercial space while approximately 7,000 square feet of private amenity spaces are provided along the western frontage of 58<sup>th</sup>. The building elevations along these frontages will be designed to further create an active, urban edge and support the mixed-use, pedestrian-oriented character of the Ralston Fields Urban Renewal Plan. The balance of the two front buildings includes artist studios or other boutique commercial space at the ground floor of the eastern building and multi-family homes occupying the remaining building space. The artist studios or boutique spaces, if configured with living areas as well, help fulfill the need for a unit type that has been identified as part of the “Missing Middle Housing” in the Arvada Housing

Assessment and Strategy report. Parking is proposed on both the entry drive and behind the proposed eastern buildings.

The conceptual site plan that works around the existing Good Times footprint and parking includes the same approximate commercial square footage and residential buildings facing 58<sup>th</sup> Avenue along the eastern frontage and continuing north along the primary access street. The existing Good Times restaurant remains on the west side with access off both the proposed primary access road and the existing access drive to the west. Just north of Good Times is an approximately 7,000 square foot amenity/leasing building for the multi-family residents and pool deck.

The balance of the site includes a five-story multi-family building with ground floor units and stoops fronting the north side of the east-west Main Street, activating the street level. In addition to on-street parallel parking along Main Street, the majority of parking is provided in a two-story parking garage located behind the multi-family building hidden from public view. The proposed buildings range in height from 20' to 65' which is compatible with the existing 6-story multi-family building to the west and within the allowed 65' maximum height. This rear building will also feature an amenity space on the 5<sup>th</sup> floor.

The site plans include an Urban Park, approximately 9,300 square feet in size, proposed at the western end of the Main Street, north of the existing Starbucks. Consistent with the Land Development Code, the proposed urban park provides a place for social interactions and leisure opportunities and creates focal points and activity nodes within the urban fabric of the area. The balance of the required Urban Park area will be a combination of urban sidewalks and plazas as shown in the conceptual landscape plan to incorporate the park and pedestrian experience across the site. The proposed park creates an extension to the private pool amenities while providing outdoor space for patrons of the adjacent Starbucks. Specific design features will be determined as the site plan is further refined. Additional site amenities include a pool deck and open space with seating and plaza space to comply with zoning requirements. Additional public land dedication requirements are noted below:

#### School and Public Land Dedication

| Type        | Required                                                                       | Anticipated to Provided |
|-------------|--------------------------------------------------------------------------------|-------------------------|
| Park Land   | = 328 units * 1.87 ppl/unit = 614 people<br>614*10 ac / 1,000 people = 6.14 ac | Cash-in-lieu            |
| School Land | = 328 units * 1.87 ppl/unit = 614 people<br>614*4 ac / 1,000 people = 2.45 ac  | Cash-in-lieu            |

*\*Above numbers assume the 328-unit plan that redevelops the Good Times site; land dedication numbers will vary based on final Site Plan.*

The conceptual site plan that redevelops Good Times, proposes a total of 328 units, including approximately 16 (5%) of units at 80% AMI, are proposed ranging from studio to 2- bedroom units, creating a density of approximately 38 du/ac. The units at 80% AMI in contribute to the City's need for more attainable housing as outlined in the Arvada Housing Assessment and Strategy report. The Mixed-Use, Urban zone district does not have a maximum allowed density and the proposed density is consistent with the minimum density of 12 du/ac stated in the Comprehensive Plan. The number of required parking spaces and proposed number of parking spaces will be determined at time of Site Plan based on unit mix and commercial area however the City's parking ratios have been used in developing the conceptual site plan. 560 parking spaces are currently being proposed in both options. The parking program includes a mix of surface parking spaces, garages spaces, and tuck under garages. Carports on the upper level of the parking garage are also proposed to provide additional covered parking spaces. The proposed redevelopment plan intends to utilize the Shared Parking Reduction (Table 4-5-2-4A) in the Land Development Code; the mix of residential and retail/commercial and potentially restaurant uses make it feasible to share parking and reduce the overall amount of parking spaces required.

The proposed site plan meets the setbacks as noted below:

#### Required / Provided Setbacks

| Type                  | Required Dimension      |
|-----------------------|-------------------------|
| Front Setback         | 10'                     |
| Interior Side Setback | 10'                     |
| Rear Setback          | 0'                      |
| Frontage Zone         | 35% between 10' and 20' |

Please note all site plans, site data and images provided in the Conditional Use plan set are conceptual and will be finalized at time of site plan review.

### GRADING, DRAINAGE AND UTILITIES

Existing utility infrastructure are in place surrounding the site. Water mains are located in the adjacent rights-of-way and easements with a 12" PVC main in W. 58<sup>th</sup> Avenue and 8" PVC mains located in the existing easements along the western and northern property lines. There are existing 8" sanitary sewer mains located in W. 58<sup>th</sup> Avenue and on the northern property line within an existing easement. Storm sewer infrastructure exists along the western and eastern property boundaries.

In support of the site's use change, water main and sanitary sewer extensions are anticipated within the site to provide required fire hydrant coverage and sanitary services for the proposed structures. Water quality and stormwater detention will also be provided that will treat the developed storm runoff prior to discharging to the existing storm sewer system and will ultimately outfall to the Van Bibber Creek. A drainage and utility letter has been provided with this initial submittal to provide additional information on how the project development and proposed use will be supported.

### CONDITIONAL USE APPROVAL CRITERIA

Multi-family is a Conditional Use under the Mixed-Use, Urban zone district. The Land Development Code requires that any Conditional Use shall be reviewed for compliance with the criteria below. At time of formal submittal for the Conditional Use, a comprehensive summary will be provided showing compliance with the Conditional Use approval criteria. General conformance is described below for consideration in this initial pre-application review.

1. The application complies with the applicable standards of this LDC, other adopted City ordinances, resolutions and regulations including but not limited to any use-specific standards for the proposed conditional use in Division 3-1-3, any approved Master Development Plan that includes the property, and any conditions specifically applied to development of the property by the Planning Commission or City Council in a prior decision affecting the property;  
***The multi-family use has been designed to comply with all applicable standards, resolutions, regulations, plans, and conditions. The LDC does not set forth any use-specific standards for the multi-family use.***
2. The application is consistent with the Arvada Comprehensive Plan;  
***The multi-family use is consistent with the Arvada Comprehensive Plan, which designates the proposed site and much of its surrounding context as Mixed-Use. Per the Plan, the Mixed-Use category is intended to promote a wide range of land uses, including retail, office, light-industrial, live-work and medium and higher density residential. The Plan goes on to describe a minimum density of 12 du/ac when residential is proposed to provide greater housing diversity and support transit. It notes locations near arterial streets with a design framework that focuses on integrated, pedestrian-friendly designs. The proposed plan is consistent with the minimum density of 12 du/ac***

*and provides additional diverse housing options for the overall Mixed-Use area while creating a transition between existing retail and residential uses. It provides additional retail opportunities along the existing arterial streets and creates the initial framework for an integrated, pedestrian-friendly neighborhood.*

3. The use is consistent with the purpose and intent of the zoning district in which it is located;  
*The purpose of the Mixed-Use, Urban zone district is to provide for a variety of residential and nonresidential uses, in vertically mixed-use, horizontally mixed-use or single-use configurations with an urban character. While the zone district is intended to include a variety of uses, the MX-U zoning between 58<sup>th</sup>, Ralston Road and Kipling Parkway includes limited residential uses today – medium density multi-family homes to the north and senior housing to the west. The proposed mixed-use community provides additional residents to the currently underutilized land and obsolete vacated Kmart building, further activating the retail uses in the immediate area while providing commercial spaces along the arterial frontage of 58<sup>th</sup> Avenue. The proposed plan enhances both the mix of uses and how the uses are mixed – it adds a new options for residents (podium parked stacked flats and potential artist studios) as well as a vertically mixed-use building to the existing horizontal mix of uses.*
4. The size, scale, height, density, multi-modal traffic impacts, hours of operation and other similar characteristics of the proposed use are comparable with existing and planned uses in the surrounding area;  
*The characteristics of the proposed uses are comparable with the existing uses in the surrounding area, including the 6-story multi-family development to the west, the multi-family development to the north, and the commercial uses to the east of the property.*

*The characteristics of the proposed uses are also comparable with the planned uses in the surrounding area, as reflected in the Ralston Fields Urban Renewal Plan, which was initiated to provide an overall planning and implementation guide for three adjacent areas near 58<sup>th</sup> and Kipling, including the Triangle area between 58<sup>th</sup> Avenue, Ralston Road and Kipling Parkway, including the redevelopment parcel. The Ralston Fields Urban Renewal Plan states that the Triangle “needs to be made more attractive to existing and new residents, and enlivened by the addition of mixed uses, including residential development.” The proposed plan complies with the following principles of the Development Plan set forth in the Ralston Fields Urban Renewal Plan:*

- *Create an attractive, pedestrian-oriented village center at the Triangle*
- *Conversion of some commercial land to higher density residential to create a more viable setting for retail enterprise*
- *Incorporate existing shops, stores and restaurants into the retail pattern*
- *Mix housing and retail uses in Triangle area to activate the area*
- *Include mixed income and affordable housing*

*Additional descriptions of land use within the Ralston Fields Urban Renewal Plan note the long-term future land use is proposed as multi-family residential at the north end of the Triangle, building on the existing residential in the area. It notes the existing retail uses may stay in place for the short term but would change to residential to support commercial in the rest of the Triangle.*

5. Facilities and services including sewer, water, storm water, gas, electricity, police and fire protection, and roads and transportation will, prior to or as part of the development, be available to serve the subject property while maintaining adequate levels of service for existing development; and  
*Availability and adequate levels of services will be studied during the review process to ensure compliance prior to hearings. In addition to the services listed above, the Arvada Housing Assessment and Strategy report identifies the need for Live/Work unit types that has been identified*

***as part of the “Missing Middle Housing”. The proposed artist studios, boutique commercial space and 5% of units at 80% AMI help fulfill the needs identified in the housing report.***

6. The application mitigates any adverse impacts on the surrounding area to the degree practicable. ***The applicant team is in conversation with adjacent commercial landowners to discuss the proposed plan and potential impacts to the surrounding area. Connection points on all sides of the site have been created to promote pedestrian access, while maintaining (traffic calming) vehicular access to surrounding uses. The redevelopment of this parcel will provide new residents to Arvada to help support the surrounding commercial uses and utilize the nearby Arvada Ridge Station while revitalizing the property from its current existing vacant building and associated uses.***



RECORDED IN  
JAMES P. MCNALLY  
COUNTY CLERK, KANSAS  
Dec 8 4 19 PM '66  
1911 792

UNITED STATES OF AMERICA  
STATE OF KANSAS  
COUNTY OF CLATSOP  
FILED IN MY OFFICE ON

220056

DECLARATION OF RESTRICTIONS AND EASEMENTS

WHEREAS, The Arvada Development Co., Inc., a Kansas Corporation (hereinafter referred to as "Development Company") is presently the Lessee of the tract of land described in Exhibit A attached hereto, which tract is hereinafter referred to as "Tract A", and

WHEREAS, said Development Company is the owner of the two tracts of land described in Exhibits B and C attached hereto, which tracts are hereinafter referred to as "Tract B" and "Tract C", respectively, and

WHEREAS, Lloyd J. King (hereinafter referred to as "King") the present owner of the tract of land described in Exhibit D attached hereto, which tract is hereinafter referred to as "Tract D", and

WHEREAS, the parties hereto are desirous of declaring and granting certain easements, conditions and restrictions on the use of the above described tracts (collectively referred to as the "Shopping Center") so that such tracts may be developed as a single Shopping Center.

NOW, THEREFORE, in consideration of the sum of ten dollars (\$10.00) in hand paid by each of the parties hereto to the other and the mutual covenants and agreements hereinafter set forth, the parties hereto, their heirs, successors or assigns, hereby declare and grant the following easements, conditions and restrictions on the use of the herein described parcels which shall be binding upon all present or subsequent owners and/or land lessees of any or all of said tracts and shall run with the land for a term of fifty (50) years from said date of recording of this instrument.

A. King hereby grants unto Development Company an easement to enter upon and to pave at Development Company's expense Tract D in accordance with the same specifications and construction used on Development Company's Tracts A, B and C.

B. The parties hereto agree that no top soil or earth fill shall be placed on or removed from the herein described tracts without the written approval of each other, and agree that all of the above tracts will have a common grade.

C. All utility lines except those along the North boundary of the herein described tracts shall be under ground.

D. All work provided for herein shall be performed in a careful manner. Development Company agrees to indemnify King and to save him harmless from all actions, claims, demands, costs, damages, penalties or expense of any kind which may be brought or made against said King, by reason of any work performed pursuant to this agreement.



E - Development Company shall construct or cause to be constructed on all of the above tracts parking areas (to the extent that three (3) square feet of parking area shall be provided for each one (1) square foot of gross building area), parking lot facilities, driveways, walkways, perimeter roads, landscaping and other facilities reasonably necessary in connection with the operation of a high quality retail shopping center. It is hereby agreed that all parking lots, access roads and driveways shall consist of six (6) inch compacted stone base with a cover of two (2) inch asphalt concrete. All parking areas shall be lined for angular parking of either 60 degrees or 75 degrees. If a 60 degree angle is used, the center lines of each parking row shall be not less than 56 feet apart. If a 75 degree parking angle is used, the center line of each parking row shall be not less than 61 feet apart. Lighting in the parking lots and on access roads and driveways shall consist of mercury vapor lamps on round tapered tube type standards at not less than 200 feet intervals and shall be sufficient to provide at least three-fourths foot candles of light at any point in the parking area and on the access roads and driveways.

F. King and Development Company agree not to physically partition or divide any of the above tracts and agree to permit use in common of all of said tracts for pedestrian and vehicular ingress and egress to any building situated on either parcel, use in common of all parking areas, driveways, walks, roadways, highways and streets which may be constructed and maintained on either parcel except during such periods as the same shall be closed for necessary repairs and maintenance.

G. The parties hereto declare that all parking areas constructed and maintained on all of said tracts shall be used in common for the purposes of automobile and other ground vehicle parking, except during such periods as the same shall be closed for necessary repair and maintenance, and the parties declare that the full license, rights and easements granted by virtue of the provisions of the above paragraphs hereof, may also be used and enjoyed by such employees, agents, patrons, invitees, and visitors and by the occupants of the tracts of real estate herein described.

H. The parties hereto declare that the common areas of any or all tracts (parking areas, driveways, walks, roadways, highways and streets described in paragraph E) shall, at the expense and cost of the Development Company, (a) be suitably and adequately lighted, and (b) be maintained in good operating condition and repair. The phrase "good operating condition and repair" shall include, but not be limited to, the repair and replacement of any surface paving whenever necessary and the maintenance of the said common areas properly drained and free of ice, water, snow and rubbish and in a clean and sanitary condition. Development Company shall indemnify and save harmless said King and all tenants and occupants of such real property against and from all claims for injury or death to persons or damage to or loss of property arising out of the use,

operation and maintenance of the buildings, structures, parking areas, driveways, sidewalks, pedestrian malls and landscaped areas within the respective portion or portions of the Shopping Center unless such damage or injury shall have been due to the negligence of such tenant or occupant. For the purpose of protecting other owners, tenants and occupants, Development Company shall, during the term of this agreement, maintain, or cause to be maintained, in full force and effect, with good and solvent insurance companies authorized to do business in the State of Colorado, a policy or policies of Public Liability Insurance with limits of \$100,000./\$300,000.00 for Bodily Injury and Property Damage Insurance with a limit of not less than \$50,000.00. Said insurance shall be carried by Development Company on all tracts herein described whether owned by Development Company or King and shall show King as co-insured on the tracts owned by said King.

I. The Development Company shall perform the necessary site preparation and commence the construction on part or all of the portions of said parcels as designated on Exhibit One hereto. Such work shall be prosecuted to completion with diligence, and shall be completed within three (3) years from the date of the complete execution and delivery of this agreement; provided, however, that the commencement, continuance or completion of such work may be postponed or delayed when suitable labor and materials are not available from customary sources and sufficient quantities to permit the orderly and continuous performance of such construction work to completion, and during any periods in which the performance of such construction work is impracticable in the Development Company's judgment, reasonably exercised by reason of governmental restrictions, strikes, labor disputes, acts of God and other causes beyond the Development Company's control. It is hereby agreed that no building or other structure shall during the term of this agreement be erected on any portion of any of said tracts south of that area designated as "Building Setback Zone" on Exhibit One hereto except as otherwise shown on said exhibit and except as shown by said canopy and sidewalk outline. The portions of the Shopping Center on which the parking areas, driveways, walkways, perimeter roads, access roads, landscaping and other facilities described in Section E hereof as from time to time located (whether within or without Building Setback Zones as shown on Exhibit One hereto) are herein called "Common Areas". It is hereby agreed by both King and Development Company that a 30 foot easement is granted for use by delivery vehicles along a north boundary line of all tracts as shown on said Exhibit One.

J. In the event that Development Company shall be in default of its obligations and duties with respect to the construction of the parking areas, roadways, and walks specified in paragraph E hereof, or with respect to the lighting, maintenance and other matters, specified in paragraph E hereof, King, his agents, employees and contractors may enter upon the land of the Development Company and perform said acts required to be done by the Development Company. All costs and expenses incurred by King in curing such defaults and any amounts due hereunder shall

bear interest at the rate of seven (7%) per cent per annum and shall become a lien upon the land of the Development Company. King hereby agrees to notify Development Company's first mortgagee of any such default, and shall give said first mortgagee thirty (30) days from receipt of such written notice of such default to cure such default, before King exercises any remedies available to him under this paragraph, provided, however, that King is informed in writing of the name and address of such first mortgagee; and further provided that notice to said first mortgagee need not be given in case of an emergency. Emergency, for the purposes of this paragraph shall be defined as any event or events which will threaten any immediate loss of life or property and shall include, but not be limited to, loss of electrical power in the Common Areas.

K. No charge shall be made for the full licenses, rights and easements granted by this agreement.

L. The terms of this agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns, and the respective tenants, subtenants, invitees, licensee and occupants of all of said tracts. The seller of any parcel or assignor of the leasehold estate herein described, as the case may be, (except in the instance of an assignment for security purposes) shall automatically, upon delivery of the transferring document, be released and relieved from any and all liability and obligation under this agreement in respect to such parcel or portion thereof sold or assigned, provided that the purchaser or assignee, as the case may be, shall automatically be responsible for the performance of the liabilities and obligations in this agreement contained.

M. In the event that any provision in this instrument shall be held to be invalid for any reason whatsoever, the remainder of this instrument shall continue in full force and effect.

N. All notices, approvals, consents or requests given or made pursuant to this agreement shall be given or made by certified mail with postage prepaid or by telegram with charges prepaid. So long as King is the owner of a portion of the Shopping Center, notices to King shall be addressed to Lloyd J. King at 1400 West Third Avenue, Denver, Colorado 80217. So long as the Development Company is an owner of a portion of the Shopping Center, notices to the Development Company shall be addressed to Development Company at 7 North Meridian Street - Suite #600 - Indianapolis, Indiana 46204. Any party hereto may change the address to which such notices are to be sent by notice to the other parties hereto.

O. The parties hereby agree that they will not modify or cancel this agreement without the consent of any first mortgagee of any of the real estate herein described. Any modification or cancellation without such consent shall be null and void.

P Notwithstanding any provision herein to the contrary, King, his successors and assigns, shall have the exclusive right to construct improvements upon and otherwise develop and use the North 285 feet of Tract D for any lawful purpose whatsoever.

Notices to successors or assigns of any party hereto shall be addressed to such successor or assigns as they may notify the other parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed under seal in several counterparts, each of which shall be deemed an original, as of the 8th day of December, 1966.

THE ARVADA DEVELOPMENT CO., INC.  
a Kansas corporation

ATTEST:

*Herbert Simon*  
Secretary

*Melvin Simon*  
President

*Lloyd J. King*  
Lloyd J. King

STATE OF INDIANA )  
COUNTY OF MARION ) ss.

The foregoing instrument was acknowledged before me this 8th day of December, 1966, by Melvin Simon as President, and Herbert Simon as Secretary of THE ARVADA DEVELOPMENT CO., INC., a Kansas corporation.

WITNESS my hand and official seal.

My commission expires: 10/11/68

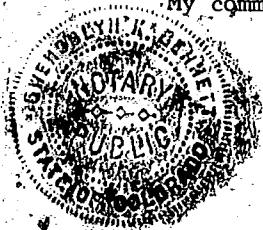
*Idema*  
Notary Public

STATE OF COLORADO )  
 CITY AND ) ss  
 COUNTY OF DENVER )

The foregoing instrument was acknowledged before me  
 this 8th day of December, 1966, by LLOYD J KING

WITNESS my hand and official seal

My commission expires: March 21, 1970



Geraldine F. Bennett  
 Notary Public

CONSENT OF FEE OWNER

The undersigned being the sole owners of Tract A described in the foregoing agreement by and between Lloyd J. King and The Arvada Development Co., Inc., which agreement is entitled as "Declaration of Restrictions and Easements", for \$10.00 and other good and valuable consideration hereby approve, consent and agree to be bound by the terms and conditions therein contained, regardless of whether the lease of Tract A between the undersigned and The Arvada Development Co., Inc., survives the term of said agreement.

IN WITNESS WHEREOF, we have caused this consent to be executed this 8th day of December, 1966.

Dwight Nelson  
 DWIGHT NELSON

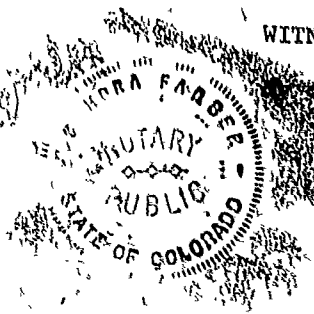
Richard Nelson  
 RICHARD NELSON

STATE OF COLORADO )  
 CITY AND ) ss  
 COUNTY OF DENVER )

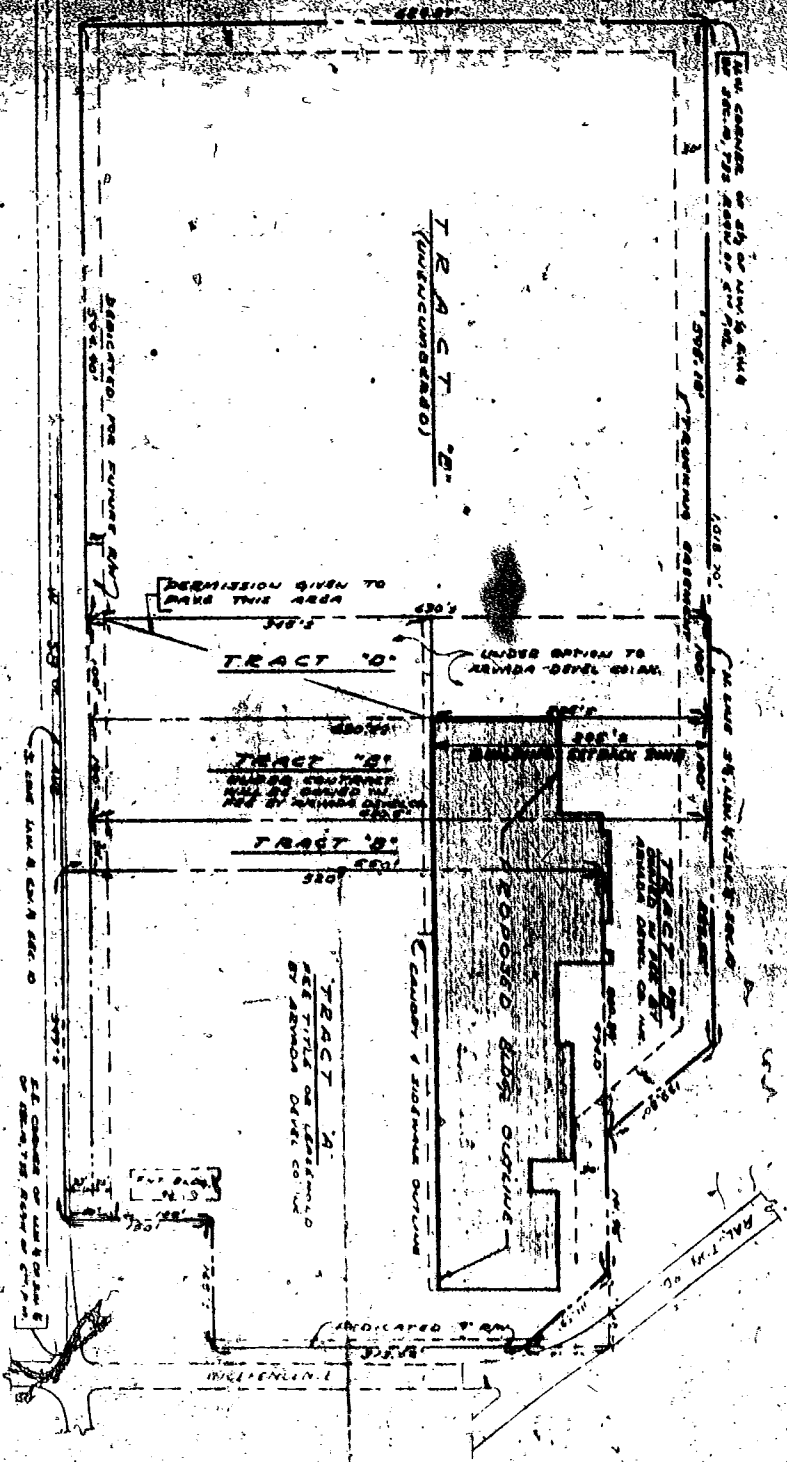
The foregoing instrument was acknowledged before me  
 this 8th day of December, 1966, by DWIGHT NELSON and RICHARD NELSON

WITNESS my hand and official seal

My commission expires Sept 22, 1968



Sandra Farber  
 Notary Public



PLOT PLAN  
SCALE: 1" = 500'

APPROVED BY:  
Lloyd J. King  
ARVADA DEVELOPMENT COMPANY

EXHIBIT ONE

## EXHIBIT A

(TRACT A)

Part of the Northwest one-quarter of the Southwest one-quarter of Section 10, Township 3 South, Range 69 West of the 6th Principal Meridian, described as follows:

Beginning at a point 150 feet North of the Southeast corner of the Northwest one-quarter of the Southwest one-quarter of said Section 10, thence North 200 feet; thence West 474 feet; thence South 550 feet; thence East 349 feet; thence North 150 feet; thence East 125 feet; more or less, to the point of beginning; EXCEPT the East 9.0 feet and also EXCEPT the South 50.0 feet of the above described property, as conveyed to The City of Arvada by deed recorded in Book 1763 at page 723, Jefferson County records, County of Jefferson, State of Colorado.

## EXHIBIT B

(TRACT B)

Part of the South one-half of the Northwest one-quarter of the Southwest one-quarter of Section 10, Township 3 South, Range 69 West of the 6th Principal Meridian, described as follows:

Beginning at a point on the North line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10, said point 308.70 feet East of the Northwest corner of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10, thence North along said North line 223.55 feet; thence South 630.5 feet, more or less, to a point 30 feet North of the South line of the Northwest one-quarter of the Southwest one-quarter of said Section 10; thence East and parallel to said South line, 50 feet, more or less, to a point on the Westerly line of a tract described in deed recorded in Book 160 at page 207, Jefferson County records; thence North along said Westerly line, 520 feet to the Northwest corner of said tract; thence East 260.29 feet; thence Northwesterly to the point of beginning; EXCEPT the South 20.0 feet of the above described property, as conveyed to The City of Arvada by deed recorded in Book 1763 at page 724, Jefferson County records, County of Jefferson State of Colorado.



## EXHIBIT A

(TRACT A)

of the Northwest one-quarter of the Southwest one-quarter of Section 10, Township 3 South, Range 69 West of the 6th Principal Meridian, described as follows:

Beginning at a point 150 feet North of the Southeast corner of the Northwest one-quarter of the Southwest one-quarter of said Section 10, thence North 15.0 feet; thence West 474 feet; thence South 550 feet; thence East 349 feet; thence North 150 feet; thence East 125 feet; more or less, to the point of beginning; EXCEPT the East 9.0 feet and also EXCEPT the South 50.0 feet of the above described property, as conveyed to The City of Arvada by deed recorded in Book 1763 at page 723, Jefferson County records, County of Jefferson, State of Colorado.

## EXHIBIT B

(TRACT B)

of the South one-half of the Northwest one-quarter of the Southwest one-quarter of Section 10, Township 3 South, Range 69 West of the 6th Principal Meridian, described as follows:

Beginning at a point on the North line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10, said point 8.70 feet East of the Northwest corner of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10, thence along said North line 212.5 feet; thence South 930.5 feet, more or less, to the Northwest corner of the Southwest one-quarter of the Northwest one-quarter of said Section 10, thence East and parallel to said line, 50 feet; more or less, to a point on the Westerly line of a tract as in deed recorded in Book 100 at page 207, Jefferson County records; thence along said Westerly line, 500 feet to the Northwest corner of the said tract; thence East 200.29 feet; thence Northwest to the point of beginning; EXCEPT the South 20.0 feet of the above described property, as conveyed to The City of Arvada by deed recorded in Book 1763 at page 724, Jefferson County records, County of Jefferson, State of Colorado.

## EXHIBIT C

(TRACT C)

Beginning at a point on the North line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of Section 10, Township 3 South, Range 69 West of the 6th Principal Meridian, said point being 695.15 feet East of the Northwest corner of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10; thence Easterly and along the North line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 100.00 feet to a point; thence Southerly and parallel to the West line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 630.50 feet, more or less, to a point 30.00 feet North of the South line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10; thence Westerly and parallel to the South line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 100.00 feet to a point; thence Northerly and parallel to the West line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 630 feet, more or less, to the point of beginning; EXCEPT the South 20.0 feet of the above described property; as conveyed to The City of Arvada by deed recorded in Book 1763 at page 724, Jefferson County records, County of Jefferson State of Colorado.

Containing in all 1.4 acres, more or less.

## EXHIBIT D

(TRACT D)

Beginning at a point on the North line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of Section 10, Township 3 South, Range 69 West of the 6th Principal Meridian, said point being 595.15 feet East of the Northwest corner of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10; thence Easterly and along the North line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 100.00 feet to a point; thence Southerly and parallel to the West line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 630 feet, more or less, to a point 30.00 feet North of the South line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10; thence Westerly and parallel to the South line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 100.00 feet to a point; thence Northerly and parallel to the West line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 630 feet, more or less, to the point of beginning; EXCEPT the South 20.0 feet of the above described property; as conveyed to The City of Arvada by deed recorded in Book 1763 at page 724, Jefferson County records, County of Jefferson State of Colorado.

Containing in all 1.4 acres, more or less.

## EXHIBIT C

(TRACT C)

Beginning at a point on the North line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of Section 10, Township 3 North, Range 69 West of the 6th Principal Meridian, said point being 695.15 feet East of the Northwest corner of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10; thence Easterly along the North line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 100.00 feet to a point; thence Southerly and parallel to the West line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 630.50 feet, more or less, to a point 30.00 feet North of the South line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10; thence Westerly and parallel to the South line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 100.00 feet to a point; thence Northerly and parallel to the West line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 630 feet, more or less, to the point of beginning; EXCEPT the South 20.0 feet of the above described property; as conveyed to The City of Arvada by deed recorded in Book 1763 at page 724, Jefferson County records, County of Jefferson State of Colorado.

Containing in all 1.4 acres, more or less.

## EXHIBIT D

(TRACT D)

Beginning at a point on the North line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of Section 10, Township 3 North, Range 69 West of the 6th Principal Meridian, said point being 595.15 feet East of the Northwest corner of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10; thence Easterly along the North line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 100.00 feet to a point; thence Southerly and parallel to the West line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 630 feet, more or less, to a point 30.00 feet North of the South line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10; thence Westerly and parallel to the South line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 100.00 feet to a point; thence Northerly and parallel to the West line of the South one-half of the Northwest one-quarter of the Southwest one-quarter of said Section 10 a distance of 630 feet, more or less, to the point of beginning; EXCEPT the South 20.0 feet of the above described property; as conveyed to The City of Arvada by deed recorded in Book 1763 at page 724, Jefferson County records, County of Jefferson State of Colorado.

Containing in all 1.4 acres, more or less.

LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10,  
TOWNSHIP 3 SOUTH RANGE 69 WEST OF THE 6TH P.M.  
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

PARCEL 1:  
LOT 1, K-MART - MCDONALDS SUBDIVISION,  
COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL 2:  
NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND PARKING AS SET FORTH IN  
MODIFICATION AND RESTATEMENT OF DECLARATION OF EASEMENT RECORDED JUNE 28, 1982 AT  
RECEPTION NO. 82044093 AND MODIFICATION OF DECLARATION OF EASEMENT RECORDED MARCH  
9, 1995 AT RECEPTION NO. F0026161.

**OWNER:**  
RALSTON KMGD DENVER LLC.  
C/O WLA INVESTMENTS, INC.  
1301 DOVE ST. 1080  
NEWPORT BEACH, CA 92660  
PHONE: 949 - 851-2020  
CONTACT: JON SCHISLER & DAN VITTON

DEVELOPER/APPLICANT:  
THE MORGAN GROUP  
3001 BRIGHTON BLVD, SUITE 445  
DENVER, COLORADO 80216  
PHONE: 704-615-0054  
CONTACT: SCOTT MAKEE

**PLANNER:**  
NORRIS DESIGN  
1101 BANNOCK STREET  
DENVER, COLORADO 80204  
PHONE: 303-892-1166  
CONTACT: BONNIE NIZIOLEK

**ARCHITECT:**  
KTGY  
820 16TH STREET, SUITE 500  
DENVER, COLORADO 80202  
PHONE: 303-389-6005  
CONTACT: NATHAN SCIARRA

**CIVIL ENGINEER:**  
**KIMLEY-HORN AND ASSOCIATES**  
1125 17TH STREET, SUITE 1400  
DENVER, COLORADO 80202  
PHONE: 303-228-2300  
CONTACT: MEAGHAN TURNER

**LANDSCAPE ARCHITECT:**  
NORRIS DESIGN  
1101 BANNOCK STREET  
DENVER, COLORADO 80204  
PHONE: 303-892-1166  
CONTACT: BRAD HAIGH

NOTE: ALL SITE PLANS, SITE DATA AND IMAGES PROVIDED IN THIS PLAN SET ARE CONCEPTUAL AND WILL BE FINALIZED AT TIME OF SITE PLAN REVIEW.

DUE TO AN EXISTING LEASE, IT IS UNCERTAIN AT THIS TIME IF THE PORTION OF THE SITE THAT IS OCCUPIED BY GOOD TIMES WILL REMAIN IN OPERATION OR BECOME PART OF THE PROPOSED REDEVELOPMENT. TWO OPTIONS HAVE BEEN PROVIDED TO RESPOND TO BOTH SCENARIOS. OPTION 1 ASSUMES GOOD TIMES WILL BE REDEVELOPED. OPTION 2 ASSUMES GOOD TIMES WILL REMAIN FOR THE TIME BEING. IN EITHER SCENARIO, IT IS DESIRED TO INCLUDE THIS PORTION OF THE SITE WITH THE CONDITIONAL USE APPROVAL FOR MASTER PLANNING PURPOSES.

|    |                                                |
|----|------------------------------------------------|
| 1  | COVER SHEET                                    |
| 2  | CONCEPTUAL SITE PLAN - OPTION 1                |
| 3  | CONCEPTUAL AERIAL VIEW A - OPTION 1            |
| 4  | CONCEPTUAL AERIAL VIEW B - OPTION 1            |
| 5  | CONCEPTUAL GROUND LEVEL PERSPECTIVE - OPTION 1 |
| 6  | CONCEPTUAL LANDSCAPE ILLUSTRATIVE - OPTION 1   |
| 7  | CONCEPTUAL SITE PLAN - OPTION 2                |
| 8  | CONCEPTUAL AERIAL VIEW A - OPTION 2            |
| 9  | CONCEPTUAL AERIAL VIEW B - OPTION 2            |
| 10 | CONCEPTUAL GROUND LEVEL PERSPECTIVE - OPTION 2 |

| ZONING TABLE                                   |                                                                                                  |                                               |                                               |
|------------------------------------------------|--------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| SITE ZONING:                                   | Mixed-Use Urban (MX-U)                                                                           |                                               |                                               |
| SITE AREA:                                     | 8.42 AC.                                                                                         |                                               |                                               |
| COMMERCIAL AREA**:                             | MIN. 10,200 SF.                                                                                  |                                               |                                               |
| NUMBER OF UNITS **:                            | 328 (300*)                                                                                       |                                               |                                               |
| AFFORDABLE UNITS                               | 5% at 80% AMI                                                                                    |                                               |                                               |
|                                                | REQUIRED                                                                                         | PROPOSED OPTION 1<br>(INCLUDING GOOD TIMES)** | PROPOSED OPTION 2<br>(EXCLUDING GOOD TIMES)** |
| UNIT TYPE:                                     |                                                                                                  |                                               |                                               |
| STUDIO                                         | NA                                                                                               | 50 (15.2 %)                                   | 46 (15.3%)                                    |
| 1-BEDROOM                                      | NA                                                                                               | 187 (57%)                                     | 171 (57%)                                     |
| 2-BEDROOM                                      | NA                                                                                               | 91 (27.7 %)                                   | 83 (27.7%)                                    |
|                                                | 10% OF NET PARCEL AREA<br>OPTION 1: 0.84 AC or 36,677<br>SF<br>OPTION 2: 0.80 AC or<br>34,847 SF | 50,496 SF (13.7%)                             | 45,182 SF (12.9%)                             |
| SMALL URBAN PARK **                            |                                                                                                  |                                               |                                               |
| LANDSCAPE AREA **                              | 15%                                                                                              | MIN. 15%                                      | MIN. 15%                                      |
| BUILDING HEIGHT **:                            | MAX. 65'                                                                                         | MAX. 65'                                      | MAX. 65'                                      |
| SETBACKS**:                                    |                                                                                                  |                                               |                                               |
| FRONT/REAR/SIDES                               | 10' / 0' / 10'                                                                                   | 10' / 0' / 10'                                | 10' / 0' / 10'                                |
| FRONTAGE ZONE** (MIN. % FRONT FAÇADE IN ZONE): | 35%                                                                                              | MIN. 35%                                      | MIN. 35%                                      |
| PARKING**:                                     |                                                                                                  |                                               |                                               |
| STANDARD                                       | BASED ON FINAL UNIT MIX***                                                                       | 560 (1.71 SPACE/UNIT)                         | 560 (1.87 SPACES/UNIT)                        |
| TANDEM                                         | 50% MAX. / PER UNIT                                                                              | 16 (3%)                                       | 16 (3%)                                       |
| % COVERED (GARAGES AND CARPORTS)               | 50%                                                                                              | MIN. 50%                                      | MIN. 50%                                      |

\* WHERE THE TWO SITE PLAN OPTIONS DIFFER, NUMBERS PROVIDED IN PARENTHESES REFLECT OPTION 2.

\*\* DUE TO THE CONCEPTUAL NATURE OF THIS SITE PLAN, THE ABOVE ITEMS AND FINAL DESIGN WILL BE FINALIZED AT TIME OF SITE PLAN REVIEW.

\*\*\* THE FOLLOWING PARKING RATIOS WILL BE USED IN DETERMINING REQUIRED NUMBER OF PARKING AT TIME OF SITE PLAN: 1.4 SPACES / STUDIO, 1.6 SPACES / 1 BEDROOM, 2.1 SPACES / 2-BEDROOM, 4 SPACES / 1,000 GFA OF RETAIL TYPE 1, AND 5 SPACES / 1,000 GFA OF RESTAURANT. IN ADDITION, PER THE SHARED PARKING REDUCTION TABLE (TABLE 4-5-2.4A) IN THE LAND DEVELOPMENT CODE: THE MIX OF RESIDENTIAL AND RETAIL/COMMERCIAL AND POTENTIALLY RESTAURANT USES MAKE IT FEASIBLE TO SHARE PARKING AND REDUCE THE OVERALL AMOUNT OF PARKING SPACES REQUIRED. PER SECTION 4-5-2.5 (D)(5), THE NUMBER OF OFF-STREET PARKING SPACES MAY BE FURTHER REDUCED AS A RATIO OF ONE MOTOR OR VEHICLE PARKING SPACE FOR EACH TWO ADDITIONAL SECURED BICYCLE PARKING SPACES ABOVE THE MINIMUM PARKING REQUIREMENTS, UP TO A MAX. OF 5% OF THE REQUIRED OFF-STREET PARKING SPACES. PARKING REDUCTION SHALL BE DETERMINED AT TIME OF SITE PLAN.

# MORGAN RALSTON CREEK

CONDITIONAL USE  
58TH AVENUE & KIPLING STREET  
ARVADA, CO

**OWNER:**  
RALSTON KMGT DENVER LLC  
1301 DOVE STREET  
SUITE 1080  
NEWPORT, CA 80002

NOT FOR  
CONSTRUCTION

DATE:  
11/13/20 SUBMITTAL  
12/23/20 SUBMITTAL  
01/15/2021 - PC

SHEET TITLE:

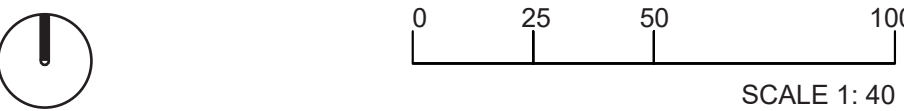
COVER





| Building Summary - Option 1          |              |                            |
|--------------------------------------|--------------|----------------------------|
|                                      | No. Units    | Mix                        |
| Studio                               | 50           | 15.2%                      |
| 1 bed                                | 187          | 57.0%                      |
| 2 bed                                | 91           | 27.7%                      |
| <b>Total Units</b>                   | <b>328</b>   |                            |
| <b>Retail</b>                        | <b>10200</b> | <b>SF</b>                  |
| <b>Total parking spaces provided</b> |              | <b>560 1.71 space/unit</b> |

OPTION 1 - GROUND LEVEL



NOT FOR  
CONSTRUCTION

DATE:  
11/13/20 SUBMITTAL  
12/23/20 SUBMITTAL  
01/15/2021 - PC

SHEET TITLE:  
CONCEPTUAL  
SITE PLAN - OPTION 1





**MORGAN RALSTON CREEK**

CONDITIONAL USE  
58TH AVENUE & KIPLING STREET  
ARVADA, CO

OWNER:  
RALSTON KMGD DENVER LLC.  
1301 DOVE STREET  
SUITE 1080  
NEWPORT, CA 80002



NOT FOR  
CONSTRUCTION

DATE:  
11/13/20 SUBMITTAL  
12/23/20 SUBMITTAL  
01/15/2021 - PC

SHEET TITLE:  
CONCEPTUAL  
AERIAL VIEW A - OPTION 1

OPTION 1 - AERIAL VIEW - A





**MORGAN RALSTON CREEK**

CONDITIONAL USE  
58TH AVENUE & KIPLING STREET  
ARVADA, CO

OWNER:  
RALSTON KMGD DENVER LLC.  
1301 DOVE STREET  
SUITE 1080  
NEWPORT, CA 80002



NOT FOR  
CONSTRUCTION

DATE:  
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12/23/20 SUBMITTAL  
01/15/2021 - PC

SHEET TITLE:  
CONCEPTUAL  
AERIAL VIEW B - OPTION 1

OPTION 1 - AERIAL VIEW - B





**MORGAN RALSTON CREEK**  
CONDITIONAL USE  
58TH AVENUE & KIPLING STREET  
ARVADA, CO

OWNER:  
RALSTON KMGD DENVER LLC.  
1301 DOVE STREET  
SUITE 1080  
NEWPORT, CA 80002



NOT FOR  
CONSTRUCTION

DATE:  
11/13/20 SUBMITTAL  
12/23/20 SUBMITTAL  
01/15/2021 - PC

SHEET TITLE:  
CONCEPTUAL  
GROUND LEVEL PERSPECTIVE  
OPTION 1

OPTION 1 - PERSPECTIVE VIEW





58TH PLACE

PARKING GARAGE

ROOFTOP  
AMENITY

URBAN  
PARK

POOL

AMENITY

COMMERCIAL

58TH AVENUE

URBAN PARK LIMITS

| SMALL URBAN PARK |                        |            |
|------------------|------------------------|------------|
|                  | REQUIRED               | PROPOSED** |
| SMALL URBAN PARK | 10% OF NET PARCEL AREA | MIN. 10%   |
|                  | 36,677 SF              | 50,496 SF  |

\*\* DUE TO THE CONCEPTUAL NATURE OF THIS SITE PLAN, THE ABOVE ITEM AND FINAL DESIGN WILL BE FINALIZED AT TIME OF SITE PLAN REVIEW.

----- URBAN PARK LIMITS





MORGAN RALSTON CREEK

CONDITIONAL USE  
58TH AVENUE & KIPLING STREET  
ARVADA, CO

OWNER:  
RALSTON KMGDT DENVER LLC  
1301 DOVE STREET  
SUITE 1080  
NEWPORT, CA 90002

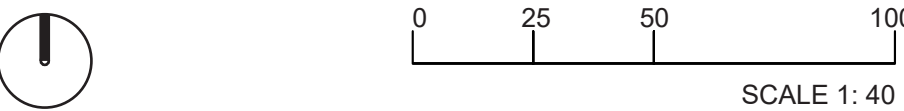


NOT FOR  
CONSTRUCTION

DATE:  
11/13/20 SUBMITTAL  
12/23/20 SUBMITTAL  
01/15/2021 - PC

| Building Summary - Option 2   |              |                 |
|-------------------------------|--------------|-----------------|
|                               | No. Units    | Mix             |
| Studio                        | 46           | 15.3%           |
| 1 bed                         | 171          | 57.0%           |
| 2 bed                         | 83           | 27.7%           |
| <b>Total Units</b>            | <b>300</b>   |                 |
| <b>Retail</b>                 | <b>10200</b> | <b>SF</b>       |
| Total parking spaces provided |              |                 |
|                               | 560          | 1.87 space/unit |

OPTION 2 - GROUND LEVEL







**MORGAN RALSTON CREEK**

CONDITIONAL USE  
58TH AVENUE & KIPLING STREET  
ARVADA, CO

OWNER:  
RALSTON KMGD DENVER LLC.  
1301 DOVE STREET  
SUITE 1080  
NEWPORT, CA 80002



NOT FOR  
CONSTRUCTION

DATE:  
11/13/20 SUBMITTAL  
12/23/20 SUBMITTAL  
01/15/2021 - PC

SHEET TITLE:  
CONCEPTUAL  
AERIAL VIEW A - OPTION 2

OPTION 2 - AERIAL VIEW - A

CHECKED BY: BR  
DRAWN BY: XX





CHECKED BY: BR  
DRAWN BY: XX

OPTION 2 - AERIAL VIEW - B

**MORGAN RALSTON CREEK**  
CONDITIONAL USE  
58TH AVENUE & KIPLING STREET  
ARVADA, CO

OWNER:  
RALSTON KMGD DENVER LLC.  
1301 DOVE STREET  
SUITE 1080  
NEWPORT, CA 80002



NOT FOR  
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DATE:  
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01/15/2021 - PC

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SHEET TITLE:  
CONCEPTUAL  
AERIAL VIEW B - OPTION 2





**MORGAN RALSTON CREEK**  
CONDITIONAL USE  
58TH AVENUE & KIPLING STREET  
ARVADA, CO

OWNER:  
RALSTON KMGD DENVER LLC.  
1301 DOVE STREET  
SUITE 1080  
NEWPORT, CA 80002



NOT FOR  
CONSTRUCTION

DATE:  
11/13/20 SUBMITTAL  
12/23/20 SUBMITTAL  
01/15/2021 - PC

SHEET TITLE:  
CONCEPTUAL  
GROUND LEVEL PERSPECTIVE  
OPTION 2

OPTION 2 - PERSPECTIVE VIEW



RESOLUTION NO. CP2021-0001

A RESOLUTION BY THE PLANNING COMMISSION FOR THE CITY OF ARVADA, COLORADO TO AMEND THE 2014 ARVADA COMPREHENSIVE PLAN LAND USE DESIGNATION PERTAINING TO LAZY SUSAN FROM JEFFERSON COUNTY R-1 (RESIDENTIAL) ZONING TO RN-12.5 (RESIDENTIAL NEIGHBORHOOD) ZONING WITH AN AMENDMENT TO SUBURBAN RESIDENTIAL, LOCATED AT 16770 AND 16790 WEST 63<sup>RD</sup> PLACE.

WHEREAS, Planning Commission, by Resolution No. CP2014-0003, adopted the 2014 Arvada Comprehensive Plan on September 19, 2014; and

WHEREAS, pursuant to §2.1.1.A of the Land Development Code, City Council has final ratification and approval authority with respect to the Comprehensive Plan and any amendments thereto; and

WHEREAS, pursuant to Chapter 74, Article III, Section 74-64 of the code of the City of Arvada, the Planning Commission has held a public hearing as required by law, notice thereof being duly published in the Wheat Ridge Transcript and Arvada Press on January 21, 2021, and said public hearing being held before the Planning Commission for the City of Arvada on February 16, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ARVADA, COLORADO:

- Section 1. The 2014 Comprehensive Plan is hereby amended by changing the land use designation from Jefferson County R-1 (Residential) zoning to RN-12.5 (Residential Neighborhood) zoning with an amendment to Suburban Residential.
- Section 2. This Resolution shall be effective upon the ratification and approval by the City Council of the Comprehensive Plan amendment described herein.

APPROVED AND ADOPTED this 16<sup>th</sup> day of February, 2021.

CITY OF ARVADA PLANNING COMMISSION

\_\_\_\_\_  
T.O. Owens, Chairman

ATTEST:

\_\_\_\_\_  
Patricia Connell, Secretary



RATIFIED AND APPROVED this 5<sup>th</sup> day of April, 2021.

\_\_\_\_\_  
Marc Williams, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By:\_\_\_\_\_