

City of Arvada

Planning Commission Agenda

JANUARY 19, 2021
CITY COUNCIL CHAMBERS
Regular Business

Commission Members:

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

Staff Members Usually Present:

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

Info: 720-898-7435

PLANNING COMMISSION MEETING - CITY COUNCIL CHAMBERS

6:15 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS
4. APPROVAL OF MINUTES
 - A. Approval of November 17, 2020 Meeting Minutes
5. GENERAL BUSINESS
6. REPORTS
7. PETITIONS & COMMUNICATIONS
8. PUBLIC HEARING
 - A. Conditional Use Application for Clear Creek Commons, approximately located at the southeast corner of West 52nd Avenue and Marshall Street.
9. OTHER ITEMS
10. ADJOURN



**SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
NOVEMBER 17, 2020**

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; Emily Grogg, Sr. Ass't. City Attorney; Cheryl Drake, Senior Planner; Jenny Wolfschlag, Manager of Development Engineering; Josie Suk, Manager of Dev. Systems and Administrative Services; Sara Hutchinson, Recording Secretary/Administrative Specialist

4. **APPROVAL OF MINUTES** – October 20, 2020. The minutes stand approved as printed.
5. **GENERAL BUSINESS**

None.

6. **REPORTS**

None.

7. **PUBLIC COMMENT**

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

8. **PUBLIC HEARINGS**

DA2020-0102 Alternative Sign Program For The Goddard School, generally located at 12720 W 54th Drive

The public hearing was opened.

Mr. Owens entered into the record the Staff Report DA2020-0102 dated November 17, 2020, affidavit of mailing and posting log.

Mr. Smetana gave a brief overview. He explained the Alternative Sign Program request for The Goddard School. He stated that the height and area of the proposed sign requires the applicant to apply for an ASP, but that under an ASP the sign will fit within the Land Development Code requirements. Staff recommends approval.

Mr. Hinman, representative of the applicant, gave background on The Goddard School. He discussed the reasoning behind the proposed sign design. He described the signs, which are metal sunflowers with timed lighting.

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

PUBLIC COMMENT

IN FAVOR

None.

IN OPPOSITION

None

APPLICANT REBUTTAL

None

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Magee stated that his questions about lighting were answered. He asked about the proposed tree removal.

Mr. Hinman stated that the landscaping plan was revised, but that the tree is not currently existing on the site.

Mr. Magee stated that there is a spelling error on the third page of the plan sets and recommended correction of the error.

MOTION:

It was moved by Mr. Griffith, DA2020-0102, an Alternative Sign Program for The Goddard School, generally located at 12720 W 54th Drive, be approved by the Community and Economic Development Director.

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

DISCUSSION OF MOTION DA2020-0102

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. He stated his appreciation for the project.

Mr. Hinman stated his thanks to the Commission and Staff.

DA2020-0096 A Conditional Use Permit for Olde Town Residences, generally located at 7267 W 56th Avenue

Ms. Drake corrected the Staff Report to state that the number of neighborhood attendees at the neighborhood meeting was 19, not 60.

Mr. Owens entered into the record the Staff Report DA2020-0096 dated November 17, 2020, affidavit of mailing and posting log.

Ms. Grogg explained that a previous application for the proposed project went before Planning Commission a few years ago under the previous Land Development Code. She stated that the current proposed project is a new application under the new Land Development Code.

Ms. Drake gave a brief overview of the project and the application for a Conditional Use Permit. Staff recommends approval.

Mr. Mosher, 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 Permit.

Ms. Lashbrook, applicant, discussed some of the criteria for a Conditional Use Permit for the proposed project and explained why the project fits the criteria.

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

PUBLIC COMMENT

IN FAVOR

None

IN OPPOSITION

Ms. Young, resident, discussed her concerns that the residential-only nature of the property will deactivate Vance and that it will create connection challenges for the area. She stated her concerns that the buildings will be too large for the area and that she does not think transit-oriented development is viable given the impacts of Covid-19 and the local/regional transit systems.

APPLICANT REBUTTAL

Mr. Mosher stated that the massing of the building has been broken up to assist with preserving views. He stated his belief that the project will not deactivate the street as there is currently no development in the area. He stated that the project does not break up any existing connections,

especially with the lack of current access in the area. He stated that there have been efforts to make sure that the property will add to the area, encourage pedestrian connections, and will provide housing for residents who want to live in Arvada, and not just use the transit in the area.

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Hannan asked Staff why the proposed design for the property is residential-only and not mixed use.

Ms. Drake stated that the site has remained vacant for quite some time, and that the market does not indicate that there are any other uses that are interested in the property. She stated that this appears to be the best use that will be seen on the property.

Mr. Smetana stated that the site has been looked at holistically with the site to the south, where a hotel and retail development have been approved. He explained that with the sites together, there is a mixed-use component.

Mr. Hannan stated his concerns about parking on the site. He asked Staff if the proposed parking will be enough.

Ms. Drake stated that there were extensive studies done on parking when the new Land Development Code was adopted. She stated that the breakdown of the bedrooms/units in the proposed design exceeds the parking requirements per the Land Development Code for transit-oriented development.

Mr. Owens stated that the application for the Conditional Use Permit has a narrow focus on the use of the property, and that the parking, which exceeds the requirements of the LDC, does not fall into the evaluation criteria.

Mr. Hannan clarified the reasoning for his question under criteria number four of the Conditional Use Permit. He asked if the buildings will be higher than the tree canopy on Grandview Avenue.

Mr. Mosher stated that the project is on the south side of the tree canopy on Grandview. He stated that some of the trees are even in height with the buildings and some are slightly taller.

Mr. Hannan asked if the City will be maintaining the west sidewalk and park on the site.

Ms. Drake said it is privately owned and will be privately maintained.

Mr. Gay asked for clarification of the overall height of the proposed structures due to equipment on top of the buildings.

Mr. Ferguson, representative of the applicant, stated that there is mechanical equipment on the roof which will be screened and is estimated to be an additional eight feet on top of the roof height. The roof height is the required height measured for the LDC, and it fits within the LDC requirements.

Mr. Griffith asked which design changes occurred between the previously held Planning Commission about this site and the current meeting, based on previously given recommendations.

Mr. Mosher explained that the top floor has been eliminated on one portion of the northwest building, the parking has increased, and the unit count has been lowered. He stated that there were various façade improvements as well.

Ms. Lashbrook stated that the urban parks were increased, including the added dog park.

Mr. Mosher stated that the sidewalk and parks along Vance were changed after working with the Parks Department. He stated that some changes were made at the corners of the property for screening of electrical facilities, and some changes were made due to sewer easements and CDOT requirements with the landscape.

Mr. Griffith stated that he imagined fire compliance and access was challenging on the project design.

Mr. Mosher stated that the fire compliance and access was challenging. He stated that when it came to considering retail for the site, the limited parking made it difficult to have interested retail parties to add to the development.

Mr. Griffith asked Staff what the requirements would be for the site if it was only retail.

Ms. Drake stated that the setbacks would be different, but she would have to check the LDC for the other differences.

Mr. Griffith asked about the accessibility and usability of the open space and trail on the north side of the site.

Mr. Mosher stated that the only inaccessible area on the north side is an area with a steep slope near the railroad tracks, and that a small portion of the sidewalk was removed because of safety concerns.

Mr. Griffith stated his concern about safety of children in that space.

Ms. Drake confirmed her previous statement that the biggest difference with a residential and retail use is the setbacks, as a non-residential building could be built up to the property line for the length of the street.

Mr. Griffith stated his hope that the Grandview Avenue view would be preserved. He asked if Downtown Denver will still be able to be seen from Grandview once the proposed buildings are built.

Mr. Mosher stated that the trees currently block the view without the added buildings, but that Downtown Denver can be seen from the transit station.

Mr. Magee asked Staff what the traffic impact of the residential development will be in combination with the approved hotel and retail on the south side.

Ms. Wolfschlag stated that the traffic study actually shows the combined traffic impacts of these sites, and that neither project, together nor individually, has a negative impact on traffic in the area.

Mr. Magee asked about level of service with full build-out of the sites.

Ms. Wolfschlag stated that with the developments, it remains at an acceptable level of service, both with the current year build out and in the twenty-year build-out evaluation.

Mr. Magee asked about energy efficiency and water conservation measures, during and after construction of the buildings.

Mr. Mosher stated that they will comply with all LDC requirements and that they will be mindful of minimizing water and electricity expenses for residents.

Mr. Magee stated his appreciation for the materials being used. He asked if the bricks will be real brick or a facade.

Mr. Mosher stated that they are real brick but that they are a brick facing. He stated that the design of the enclosure of the building, in relation to stability, is also taking into the account the railroad vibrations nearby.

Mr. Magee asked about the number of bedrooms within the units.

Mr. Mosher stated that there will be studio, one-bedroom, two-bedroom, and some two-story units.

Mr. McCarron stated his appreciation for the work that has been done to have the best possible proposal for the site. He stated his belief that the proposed design will be a good use for the site.

Ms. Connell stated her appreciation for the proposal and the increased access to Olde Town from residential units. She stated her appreciation that concerns have been addressed in design.

Mr. Griffith asked if the sidewalk on Vance has a public and private walk separation.

Mr. Mosher stated that the sidewalks are accessible for all members of the public, and that the design with the separation of paths is created to have a meandering park walkway.

Mr. Griffith stated his concern that residents may think that one walk will be a private walkway and be concerned with members of the public using it.

Mr. Mosher stated that safety concerns have been looked at and he does not believe it will be as issue for residents or members of the public.

MOTION:

It was moved by Mr. Griffith, that DA2020-0096, a Conditional Use Permit for Olde Town Residences, generally located at 7267 W 56th Avenue, be recommended to City Council for approval.

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

DISCUSSION OF MOTION DA2020-0096

Mr. Gay stated his appreciation for the thought put into the plan. He stated his concerns about the changes in the view from Grandview Avenue, the massing of the buildings, the density of the area, and potential traffic changes. He stated that he will not be supporting the motion.

Mr. Hannan thanked Staff for their efforts on the project. He discussed the changes that have occurred around Grandview Avenue over time. He stated his support for the motion.

Mr. Magee stated his agreement on the complexity of the project and appreciation for the work put into the proposed design. He stated his appreciation for the green space and parking. He stated his support.

Mr. Griffith stated his appreciation of the work put into the proposed design. He recommended that thought be put into where dogs may be walked and the impact on the grass on the side. He stated his concerns about safety of children on the northern part of the site with a steeper slope. He stated his appreciation for the placement of the parking. He stated his support but cautioned that he does not want to set a precedent to have purely residential uses in mixed-use zoning.

Mr. Owens explained the criteria for the Conditional Use Permit and stated that the view does not fall into the criteria. He stated his belief that the project fits all of the Conditional Use criteria. He stated that no project in the area will make every resident happy but that he appreciates the work that was done by Staff, AURA, and the applicants. He stated his support.

The following votes were cast on the motion:

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

Those voting No: Gay

Those absent: None

The motion carried 6-1.

Mr. Owens explained that the motion carried.

9. WORKSHOP

Ms. McCartney gave a Sub-Area Planning Workshop. She gave an overview of sub-area planning and its impact on the Comprehensive Plan. She asked Commissioners if they would be willing to join Steering Committees for the sub-areas.

Mr. Griffith stated his willingness to volunteer for the Steering Committee for the New Town sub-area.

Mr. Gay stated his interest in the Northwest Corner sub-area.

Mr. Magee stated his interest in the Square Lake sub-area.

Ms. Connell stated her interest. She asked for clarification on the sub-areas that remain.

Ms. McCartney stated that there will be areas in the future that Commissioners can join.

Mr. Magee asked if the Steering Committees will be reviewing the sub-area plans when they are in preliminary draft form.

Mr. Smetana stated that the Steering Committees will be involved in quarterly stakeholder meetings. He stated that ultimately the plans will come to Planning Commission to be approved and sent to Council.

10. OTHER ITEMS

Mr. Magee asked if there are any other major changes in the update of the Land Development Code sent to Commissioners, other than the addition of short-term rentals.

Mr. Smetana stated that other than the additional of short-term rentals, the changes in the update of the LDC were minor corrections.

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

Mr. Smetana stated that there are no items scheduled for either meeting in December of 2020.

It was moved by Mr. Owens to cancel the Planning Commission meetings in December 2020, 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.

The motion carried.

12. ADJOURNED at 7:55 P.M.

T.O. Owens, Chair

Patricia Connell, Secretary

Sara Hutchinson, Recording Secretary

POSTING LOG

Planning Commission

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.

DATE	TIME	CONDITION OF SIGN
1/4/2021	10 AM	Good / visible
1/5/2021	1 PM	Good / visible
1/6/2021	11 AM	Good / visible
1/7/2021	3 PM	Good / visible
1/8/2021	4 PM	Good / visible
1/9/2021	11 AM	Good / visible
1/10/2021	11 AM	Good / visible
1/11/2021	12 PM	Good / visible
1/12/2021	1 PM	Good / visible
1/13/2021	10 AM	Good / visible
1/14/2021	12 PM	Good / visible
1/15/2021	1 PM	Good / visible
1/16/2021	3 PM	Good / visible
1/17/2021	10 AM	Good / visible
1/18/2021	1 PM	Good / visible
1/19/2021	12 PM	Good / visible

Signature of Applicant

Date

1-19-2021



NOTICE OF PUBLIC MEETING

A public meeting will be held before the Arvada Planning Commission on 1/19/2021, at 6:15 p.m., virtually. Members of the public may join virtually via phone by emailing jsuk@arvada.org for the phone number. Requests must mention this meeting date.

Date Posted: 12/23/2020

Time Posted: 5:00 P.M.

A handwritten signature in blue ink, appearing to read 'S. Wallace', is written over a horizontal line.

Stephanie Wallace, 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 Stephanie Wallace, (720) 898-7435.

NOTICE

A public hearing will be held virtually before the Arvada Planning Commission on January 19, 2021, at 6:15 p.m., when and where you may speak on the matter to consider a Conditional Use Application for Clear Creek Commons, approximately located at the southeast corner of West 52nd Avenue and Marshall Street. Members of the public may join virtually via phone by emailing jsuk@arvada.org for the phone number, the email must mention this meeting date. To submit a request for public comment, you must go to arvada.org/PlnCommission and complete the public comment form by 5 p.m. on 1/19/2021. Additional information can be obtained from <https://www.arvadapermits.org/etrakit3/search/project.aspx?activityno=DA2020-0077>.

CITY OF ARVADA PLANNING COMMISSION

/s/ Patricia Connell,
Secretary

Published: 12/17/2020

NOTICE

A public hearing will be held virtually before the Arvada Planning Commission on January 19, 2021, at 6:15 p.m., when and where you may speak on the matter to consider a Conditional Use Application for Clear Creek Commons, approximately located at the southeast corner of West 52nd Avenue and Marshall Street. Members of the public may join virtually via phone by emailing jsuk@arvada.org for the phone number, the email must mention this meeting date. To submit a request for public comment, you must go to arvada.org/PlnCommission and complete the public comment form by 5 p.m. on 1/19/2021. Additional information can be obtained from <https://www.arvadapermits.org/etrakit3/search/project.aspx?activityno=DA2020-0077>.

CITY OF ARVADA PLANNING COMMISSION

/s/ Patricia Connell,
Secretary

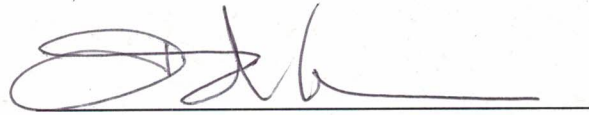
Published: 12/17/2020

Affidavit for Posting of Sign

Name of Project: DA2020-0077, Clear Creek Commons, Conditional Use Application

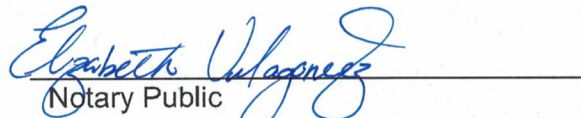
I, JOHN CIANCHI, certify that signs have been posted in accordance with Division 8-2-4-3(C)(4) of the Land Development Code for the public hearing to be held on 01/19/2021.

Said signs were posted on: January 4, 2021


Signature

STATE OF COLORADO)
COUNTY OF DEUVER) ss

The above and foregoing Affidavit as subscribed before me this 4th day of January, 2021 personally by JOHN CIANCHI


Notary Public

My Commission expires: march 7, 2022

ELIZABETH VILLAGOMEZ GUZMAN
Notary Public
State of Colorado
Notary ID # 20184010721
My Commission Expires 03-07-2022

**At time of packet finalization and review for the January 19, 2021
Planning Commission Meeting the following item(s) are missing:**

-Mailing Affidavit



REPORT TO PLANNING COMMISSION

AGENDA ITEM
8.A.

TO: PLANNING COMMISSION

DATE: January 19, 2021

SUBJECT: Conditional Use Application for Clear Creek Commons, approximately located at the southeast corner of West 52nd Avenue and Marshall Street.

Report in Brief

MOTION:

MOVED BY: _____

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)(denial).

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

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

YES _____ NO _____ ABSENT _____

Prepared by:

Stephanie Wallace, Administrative Specialist

Reviewed by:

Approved by:

Jacob Nitchals, Senior Planner	1/11/2021
Josie Suk, Development Systems and Administrative Manager	1/11/2021
Robert Smetana, Manager of City Planning and Development	1/12/2021
Ryan Stachelski, Director of Community and Economic Development	1/12/2021

Enclosure, exhibits & attachments required to support the report

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

Clear Creek Commons
Conditional Use
DA2020-0077

NATURE OF REQUEST

The owner of the property at the southeast corner of W 52nd Avenue and Marshall Street, Brew Lab LLC, is requesting Conditional Use approval to allow for the development of an apartment community within a MX-S (Mixed Use-Suburban) zoning district. The site currently contains a single family detached structure, greenhouses, and numerous other accessory buildings.

The new community would contain 275 units in one five-story building on the 4.36 acre site. The majority of the 275 units will be studio and one-bedroom units. A parking podium will comprise most of the ground floor with the exception of the lobby and eight units on the north side of the property, adjacent to W 52nd Avenue. Above the parking deck, on the second floor, there are two large outdoor amenity areas.

As described in more detail below, the five story height is achievable under the Land Development Code (LDC) as the applicant plans to pursue affordable housing tax credits for the project.

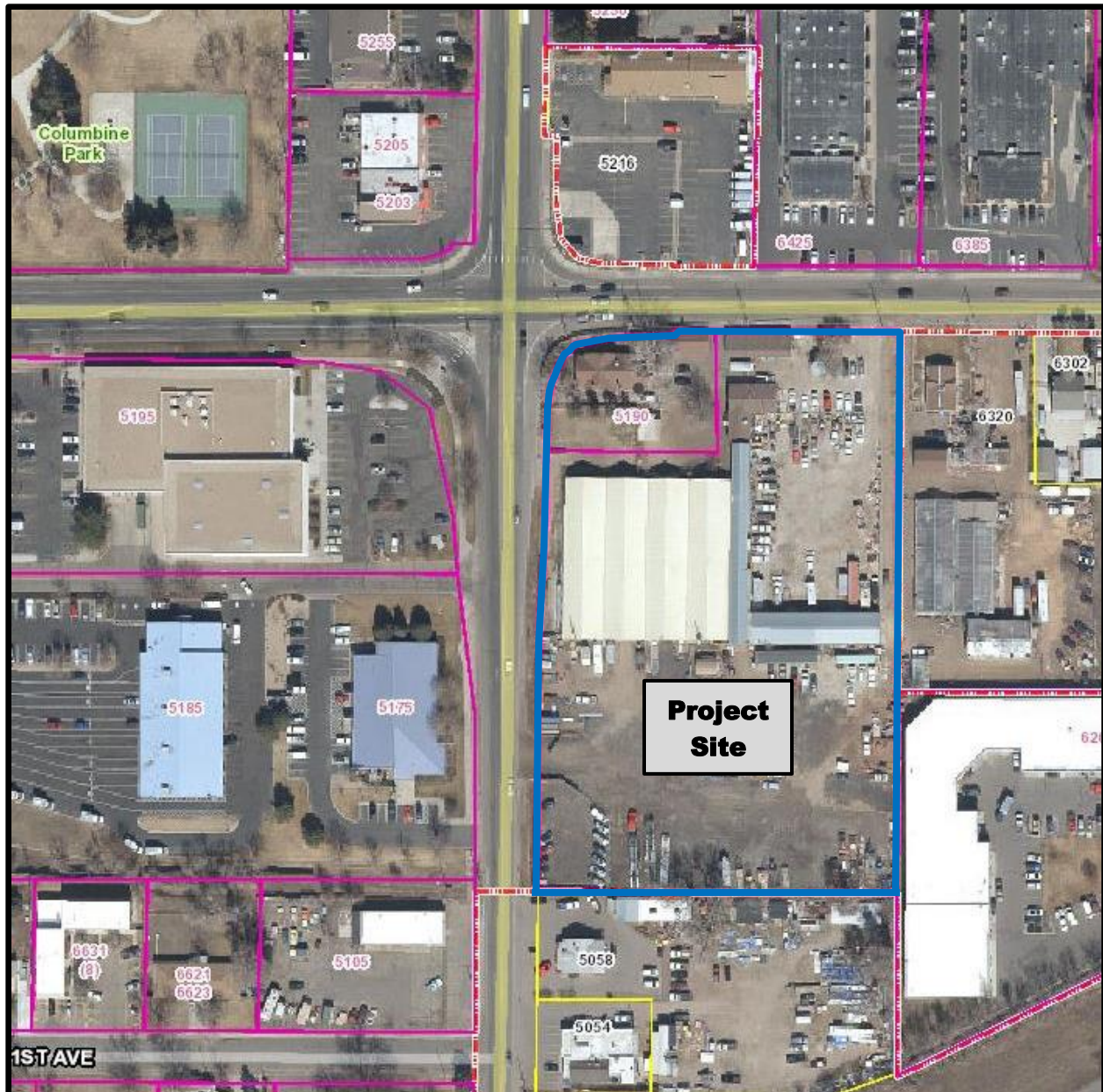
LOCATION AND HISTORY

The subject property consists of two parcels located at the southeast corner of W 52nd Avenue and Marshall Street, also known as 5190 Marshall Street.

The property was annexed into the City of Arvada in 2016 as the Spano Corner Annexation. With annexation, the property was zoned CC-A (Clear Creek Zoning District – Industrial and Commercial Sub-District). The current MX-S zoning was adopted in May of 2020 as part of the remapping associated with the adoption of the LDC.

According to Jefferson County Assessor records, most of the buildings on site were built between 1957 and 1960.

Vicinity Map



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 January 8, 2021. The applicant, staff, and six members of the public were in attendance.

Some of the issues discussed during the meeting included: traffic impacts, site access, the existing condition of Marshall St. and how the project will impact the street, the need for traffic calming and other safety measures on Marshall St., solar access and loss of western views from adjacent properties, the use of "Section 8" vouchers, and homeless camps in the area.

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 August 31, 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 21 weeks of acceptance of the application.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

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

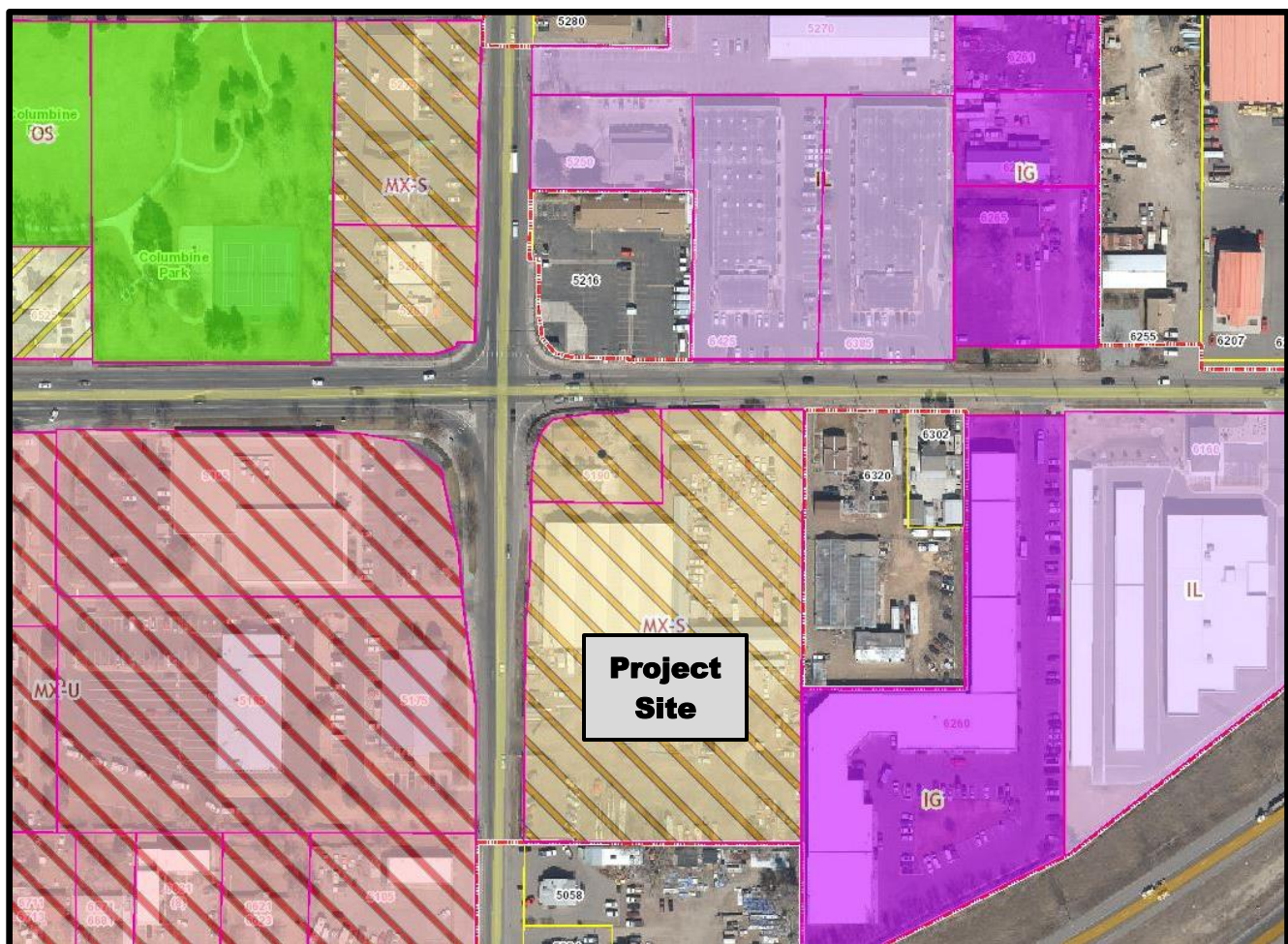
ZONING AND LAND USE

The subject property is currently zoned MX-S and is 4.36 acres in size.

Surrounding properties are zoned and utilized as follows:

Direction	Zoning	Actual Use
North	IL (Light Industrial) and Jefferson County C-1 (Commercial One)	Office & Light Industrial and Retail & Vehicle & Equipment Rental (U-Haul)
South	Split Zoned Parcel: Jefferson County C-1 & R-2 (Residential-Two)	Restaurant and unknown storage yard
East	Split Zoned Parcel: Jefferson County R-2 and A-1 (Agricultural-One)	Single-Family Residential
West	MX-U (Mixed-Use Urban)	Light Industrial & Office (Vehicle Emission Testing Facility & Corporate Office) Warehouse & Office (Complete Business Systems)

Zoning – City of Arvada



Zoning – Jefferson County



PROJECT ANALYSIS

Compliance with the Comprehensive Plan

The project site is within an area designated as Clear Creek on the 2014 Comprehensive Plan Future Land Use map. The proposed Conditional Use is consistent with the following Comprehensive Plan Goals:

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

Setbacks

The MX-S zone district requires that urban multifamily buildings be located within a 10 to 35-foot wide frontage zone adjacent to public streets. The side setback is 10 feet, while the rear setback can be zero.

Although 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 and Height Transition

The maximum building height allowed in this MX-S zone district is 45 feet. In addition the 45-foot maximum building height, section 2-1-10-4 allows a 15-foot height bonus for projects that include affordable housing units, resulting in a maximum building height of 60 feet.

Although 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 approximately 54.5 feet. In order to construct the proposed five-story building, the project will need to be awarded Low Income Housing Tax Credits (LIHTCs) through the Colorado Housing and Finance Authority (CHFA). The conceptual plans include renderings of a four story building, demonstrating what the project might look like should the project not be awarded LIHTCs.

The single family house on the lot to the east of the project site triggers the height transition requirements in the Land Development Code. In this case, the height transition limits the height of the building located within 35 feet of the eastern property line to 35 feet.

Although compliance with the height transition 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 entire building is located outside of the height transition zone. The closest portion of the building is set back 58 feet from the eastern property line and the majority of the building is set back 132 feet.

Open Space

The MX-S zoning district requires that a minimum of 25 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 landscape surface area will be reviewed as part of a Site Plan. However, the conceptual plan indicates that approximately 34 percent of the site will be landscaped and approximately 11% will be utilized as a small urban park.

Landscaping, Buffering and Fencing

Specific details of the landscape plan, including buffering materials and fencing will be reviewed as part of any future Site Plan application. However, the conceptual plan indicates compliance with all applicable landscaping standards including parking lot landscaping, street trees, and bufferyards.

Building Design

The conceptual plan shows a building with a modern architectural theme, with a variety of exterior materials being utilized. Some of the proposed materials identified include synthetic wood, stucco, and brick.



Circulation and Connectivity

There are two points of vehicular access proposed, one off of Marshall St. at the southern edge off the property and the other off W 52nd Ave. at the eastern edge of the property. Fire and emergency access is provided between the two points of access.

A trip generation report was required as part of the Conditional Use application. The report indicates that this project will generate an average of 1,502 weekday trips, with 93 morning and 117 evening peak hour trips. The study concluded the traffic impacts of the proposed project can be accommodated by the adjacent roadway network without major modifications.

With the development, sidewalks will be constructed along Marshall St. and W 52nd Avenue. Pedestrian access to the lobby is located at the northwest corner of the property.

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.

Parking and Loading

Per Division 4-5-2 of the LDC, an affordable multifamily project such as this is required to provide 1.4 parking spaces for each studio or one bedroom unit, two spaces for each two bedroom or larger unit, and two loading spaces. Based on the Code, a total of 409 spaces are required. The conceptual plan includes 408 spaces; however, there is room for an additional space on the southernmost and easternmost parking rows. Parking will be reviewed in more detail with a Site Plan application.

Utility Services

This site is served by City of Arvada water. Clear Creek Valley Water and Sanitation District provides sanitary service.

Police and Fire Protection

Police and fire protection is available for this project.

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 8 of the Land Development Code, and presents the following findings:

8-3-5-1 Conditional Use Permit Approval Criteria (5-18-20)	Finding	Rationale
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 proposed use complies with all of the requirements of the LDC. No Code modifications are proposed or required.
2. The application is consistent with the Arvada Comprehensive Plan;	Complies	The proposed use is consistent with numerous Comprehensive Plan goals.
3. The use is consistent with the purpose and intent of the zoning district in which it is located;	Complies	The proposed use is consistent with the purpose of the MX-S zone district, which allows for a variety of residential and nonresidential uses, in a mixed-use or single-use configuration. The project, as planned, will comply with all of the dimensional and development standards of the 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;	Complies	The size, scale, height, density, and traffic impacts are consistent with the planned uses in the surrounding area. The land on the west side of Marshall St. has a Comprehensive Plan Future Land Use designation of Mixed-Use and is zoned MX-U which allows for mixed-use buildings up to 65 feet in height. This project would act as a transition between the more intensive development and taller maximum building heights allowed in the MX-U zone district to the west. It is also consistent with the planned

		uses on the west side of Marshall St. north of W 52 nd Ave. which is also zoned MX-S. Much of the surrounding area to the north and west is zoned IL (Light Industrial) or IG (Heavy Industrial) and include industrial uses in large industrial buildings, many of which are two stories in height, but allowed to heights of between 40 and 45 feet, depending on the zoning district, if redeveloped in the future. While the proposed building is taller than the other existing buildings in the area, it complies with the maximum height allowed within the MX-S zone district with the height bonus for LIHTCs. In addition, as explained above, the site layout substantially exceeds the height transition requirement. For these reasons, staff finds that the proposed conditional use is comparable with existing and planned uses in the surrounding area.
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 facilities and services are available to this site. The proposed use will not have an adverse impact on facilities or services.
6. The application mitigates any adverse impacts on the surrounding area to the degree practicable.	Complies	The location of the building along the western and northern sides of the property and the design which orients the majority of the units toward the Marshall St and W 52 nd Ave. rights-of-way mitigates adverse impacts on surrounding properties to the degree practicable.

STAFF RECOMMENDATION

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

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

5190 Marshall / Clear Creek Commons

Meeting Notes on January 7, 2020 Zoom Neighborhood Meeting

The following details the major items from the zoom meeting held by Ilan Salzberg, principal, Brew Lab LLC, as redevelopers of the parcel at 5190 Marshall in coordination with Jacob Nitchals on behalf of Arvada Planning and Zoning.

In attendance via zoom were the immediately adjacent neighbors of the site to the East and South, both in unincorporated Jefferson County and other interested neighbors owning land in the vicinity.

The project received general support as a needed enhancement and welcome upgrade for the area from all but the neighbor to the east.

There was substantial discussion as to the need for new asphalt grading and bike lanes on Marshall and forethought in roadway design to address traffic concerns. There was substantial additional discussion as to road widening and turn out lanes that was beyond the scope of the Clear Creek Commons project but nonetheless received significant attention. Despite the concern, neighbors acknowledged that currently no one had experienced waits of more than one light cycle at the 52nd and Marshall intersection and traffic does flow rather well. There were some concerns raised as to additional traffic impacts of the proposed residential use. Neighbors were referred to the transportation study included in the Clear Creek Commons Application for impacts from the proposed project.

The neighbor to the east raised concerns over the location of the proposed curb cut 35 feet west of the property line and this impact on her property. The developer and the city explained that the proposed curb cut was placed in its location on consultation with transportation engineering as best practice away from the existing intersection. The significant buffering between the adjacent property and the proposed curb cut was shown to little effect.

The neighbor to the east further raised concern as to the shade impact of the new structure. The developer showed the attached study detailing the developer's decision to pull the property 58' off the east property line. The solar impacts on the adjacent property are far greater from the required tree planting 5' off the property line. The developer explained that other site uses, including industrial would result in building a 35' building at 10' from the property line with far more dramatic impacts, similar to the Clear Creek Business Park that abuts the neighbor property on the south and west. The Developer further explained that the bulk of the proposed building is located in almost precisely the same location as the tallest existing buildings on site. This did little to change this neighbor's position that they would bear the brunt of the impacts of this redevelopment.

The neighbor asked at length if the owners of the Clear Creek Business Park had been notified of the meetings and plans. It was confirmed that they were notified and all required processes had been followed.

The other neighbors consistently wished the project success and appreciated the thoughtful design. There was some focus and aspiration that the greenhouse project to the west of Marshall be redeveloped as well. This again was outside the focus of the night's meeting.

The meeting lasted One hour and fifteen minutes.

CLEAR CREEK COMMONS
SITE DEVELOPMENT PLAN
5190 MARSHALL, ARVADA, CO, 80002

LEGAL DESCRIPTION

PARCEL 1: A TRACT OF LAND IN THE NW 1/4 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 25 FEET SOUTH OF THE NORTHEAST CORNER OF SAID NW 1/4 OF THE SW 1/4 OF SECTION 13, THENCE SOUTH ALONG THE EAST LINE OF SAID NW 1/4 OF THE SW 1/4, 548.3 FEET; THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID NW 1/4 OF THE SW 1/4, 356.25 FEET TO A POINT ON THE EAST LINE OF MARSHALL STREET; THENCE NORTHERLY ALONG THE EAST LINE OF MARSHALL STREET, 548.33 FEET; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID NW 1/4 OF THE SW 1/4, 350.00 FEET TO THE TRUE POINT OF BEGINNING, EXCEPTING THEREFROM A TRACT OF LAND IN THE NW 1/4 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID NW 1/4 OF THE SW 1/4 OF SECTION 13, THENCE SOUTH ALONG THE EAST LINE OF SAID NW 1/4 OF THE SW 1/4, 25 FEET; THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID NW 1/4 OF THE SW 1/4, 180.0 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH AND PARALLEL TO THE EAST LINE OF SAID NW 1/4 OF THE SW 1/4, 126.0 FEET; THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID NW 1/4 OF THE SW 1/4, 171.45 FEET TO A POINT ON TH EAST LINE OF MARSHALL STREET; THENCE NORTHERLY ALONG THE EAST LINE OF MARSHALL STREET, 126.0 FEET; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID NW 1/4 OF THE SW 1/4, 170.0 FEET TO THE TRUE POINT OF BEGINNING AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF ARVADA IN DEED RECORDED APRIL 18, 1985 UNDER RECEPTION NO. 85036218. PARCEL 2: A TRACT OF LAND IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, THENCE SOUTH ALONG THE EAST LINE OF THE SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, 25 FEET; THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, 180.0 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH AND PARALLEL TO THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, 126.0 FEET; THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, 171.45 FEET TO A POINT ON THE EAST LINE OF MARSHALL STREET; THENCE NORTHERLY ALONG THE EAST LINE OF MARSHALL STREET, 126.0 FEET; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, 170.0 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT THAT PORTION DESCRIBED IN DEED RECORDED APRIL 18, 1985 UNDER RECEPTION NO. 85036220, COUNTY OF JEFFERSON, STATE OF COLORADO.
DEVELOPMENT NOTE: This proposal constitutes the maximum number of stories and/or number of units the developer intends to construct within the current land development code. The final development and structure may be reduced in stories and/or the number of units to achieve the developer's final desired project at this location. See sheet 10 of 10 for renderings of a sample 4 story design.

ZONING INFORMATION

ZONE DISTRICT	MX-S	
GENERAL ZONE LOT INFORMATION	SQ-FT	ACRES more-or-less
TOTAL ZONE LOT SIZE (GROSS PROJECT AREA)	189,992sf.	±4.36
TOTAL ROW DEDICATED AREA	2290sf	
TOTAL ZONE LOT SIZE MINUS ROW DEDICATION	187,702sf.	±4.30
PRIMARY STREET	WEST 52nd AVENUE	
SIDE STREET	MARSHALL	
PROPOSED USE	URBAN MULTI-FAMILY	
LOT STANDARDS	REQUIRED/ ALLOWABLE	PROVIDED
MAX LOT COVERAGE	60%/112,621sf	42.1%/79,120sf
BUILDING AND SITING STANDARDS	REQUIRED/ ALLOWABLE	PROVIDED
PRIMARY STREET FRONTAGE ZONE	10'/35'	VARIES 23'-4 ⁵ / ₈ "
MIN. FRONT (52nd AVE) BUILDING FACADE WITHIN FRONTAGE	20%=68.67'	74%=255.1'
MIN. SIDE (MARSHALL) BUILDING FACADE WITHIN FRONTAGE	20%=108.33'	38%=204'
SIDE STREET	10'/35'	VARIES 28'-6 ¹ / ₂ "
SIDE INTERIOR	10'	VARIES 58'-2 ³ / ₈ "
REAR	10'	90'-7"
BUILDING STANDARDS	REQUIRED/ ALLOWABLE	PROVIDED
BUILDING HEIGHT, FT MAX = 45'	SEE BELOW	SEE BELOW
45' max. height in MX-S with 15'-0" increase per section 2-1-10-4 of the LDC =	60'	59'-0"
SITE STANDARDS	REQUIRED/ ALLOWABLE	PROVIDED
MIN. LANDSCAPE AREA	25%	35.9%
MIN. URBAN PARK	10%	11.9%

SHEET INDEX

1 OF 10	COVER
2 OF 10	LAND SURVEY PLAT
3 OF 10	SITE PLAN
4 OF 10	GRADING & UTILITY PLAN
5 OF 10	LANDSCAPE PLAN
6 OF 10	ARCHITECTURAL FLOOR PLANS
7 OF 10	ARCHITECTURAL ELEVATIONS
8 OF 10	ARCHITECTURAL ELEVATIONS
9 OF 10	ARCHITECTURAL RENDERINGS 3D VIEWS
10 OF 10	ARCHITECTURAL RENDERINGS 3D VIEWS

VICINITY MAP



PROJECT LOCATION



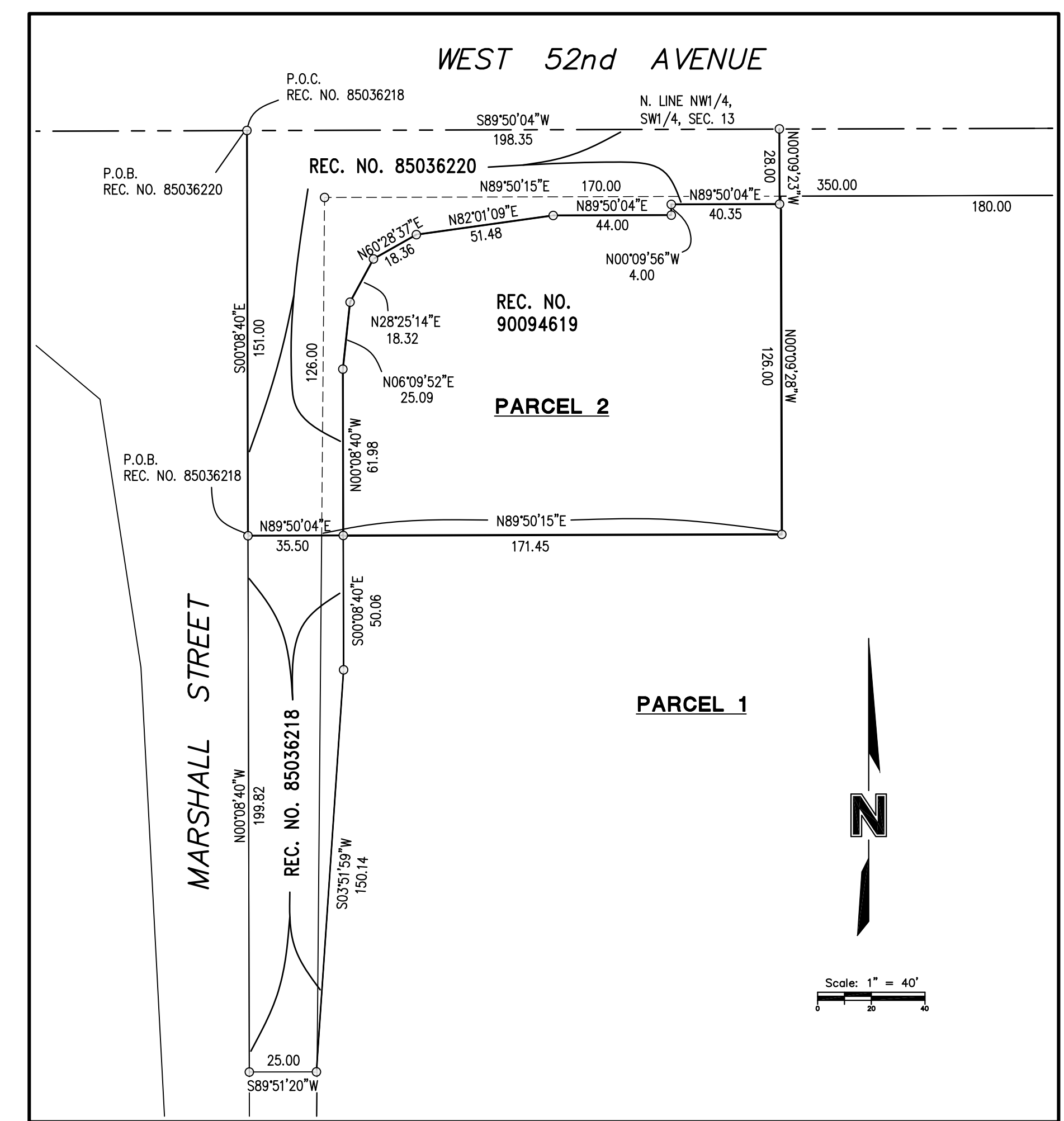
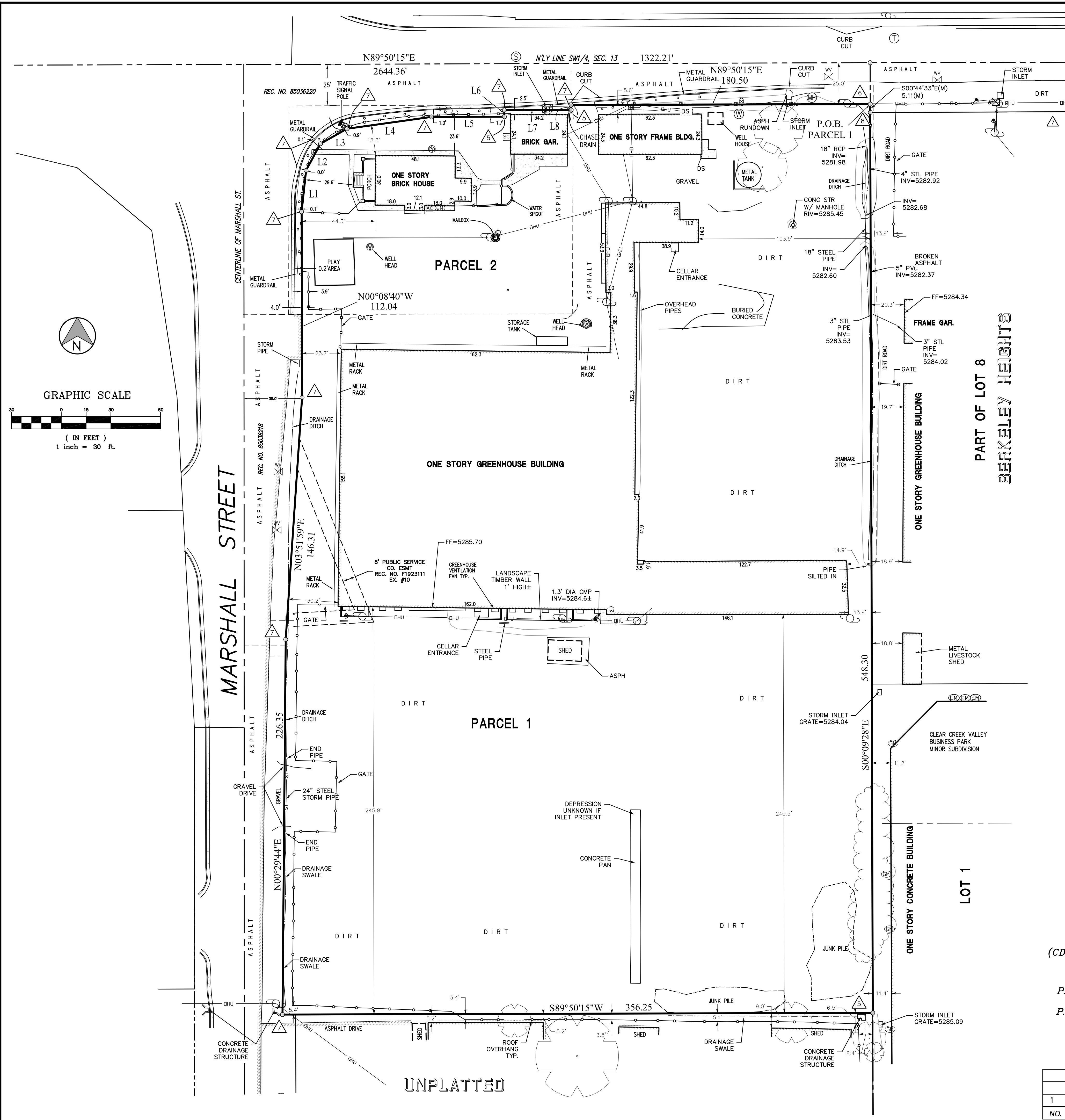
DATE	ISSUE
7.31.2020	City Submittal
10.16.2020	Revised City Submittal
12.02.2020	Revised City Submittal

COVER

SHEET 1 OF 10

PROJECT NO. PA2020-0021

P:\Esl Projects\5190 Marshall St\dwg\esl 5190 Marshall St.dwg 11/25/2015 5:11:11 PM MST



PARCEL DIAGRAM - 2

LEGEND

- UTILITY POLE
- CHAINLINK FENCE
- OVERHEAD UTILITY LINES
- CONCRETE
- TRAFFIC SIGNAL POLE
- TRAFFIC VAULT
- EDGE OF ASPHALT
- WOODEN FENCE
- GAS METER
- GUY DOWN
- TELECOMMUNICATIONS PEDESTAL
- CLEANOUT
- CABLE PEDESTAL
- WATER VALVE
- AIR CONDITIONING UNIT
- LIGHT POLE
- WELL HEAD
- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
- DOWNSPOUT

MONUMENT LEGEND

- FOUND A 3-1/4" ALUMINUM CAP IN A RANGE BOX STAMPED AS SHOWN HEREON AT THE WEST QUARTER CORNER OF SECTION 13
- FOUND A 2-1/2" BRASS CAP IN A 2" CONCRETE DIVIDER 2.6' OFF OF THE GROUND STAMPED AS SHOWN HEREON AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 13
- FOUND A 3-1/4" ALUMINUM CAP IN A RANGE BOX STAMPED AS SHOWN HEREON AT THE SOUTHWEST CORNER OF SECTION 13
- DID NOT LOCATE THIS CORNER. ESTABLISHED THE SURVEY POSITION FROM THE CITY OF WHEAT RIDGE CONTROL DATA. THIS DATA AGREES WITH OTHER LAND SURVEY PLATS AND CDOT INFO.
- FOUND A GREEN PLASTIC CAP ON A #5 REBAR STAMPED "FRONTIER SURV. - PLS 30830"
- SET A NAIL AND WASHER UNDER THE DIRT IN THE ASPHALT SURFACE STAMPED "PLS 30830"
- SET A YELLOW PLASTIC CAP STAMPED "ESI LAND SURV - PLS 30830"
- FOUND A YELLOW PLASTIC CAP ON A REBAR STAMPED "LS 10945"
- FOUND A 1.5" ALUMINUM CAP ON A REBAR STAMPED "ENG SVC - PLS 16837"
- FOUND A STEEL ROD

- (R) - RECORD ANGLES & DISTANCES ARE AS SHOWN ON RECORDED DEEDS AND PLATS
- (M) - MEASURED ANGLE AND/OR DISTANCE AS PER FRONTIER SURVEYING, INC. FIELD SURVEY
- (S) - ANGLE AND/OR DISTANCE AS PER FRONTIER SURVEYING, INC. FIELD SURVEY
- (CDOT) - ANGLE AND/OR DISTANCE AS PER THE COLORADO DEPARTMENT OF TRANSPORTATION DEEDS AND RIGHT OF WAY SURVEY

P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING

NO.	DATE	DESCRIPTION	BY
1	11/05/15	FINAL SURVEY	D.L.L.

Esi land surveying, llc

3531 S. Logan St. 303-340-0113
Unit D-324
Englewood, CO 80113

LAND SURVEY PLAT

SITUATED IN
THE SW1/4 SECTION 13, TOWNSHIP 3 SOUTH
RANGE 69 WEST OF THE SIXTH P.M.
CITY OF ARVADA, JEFFERSON COUNTY, COLORADO

FIELD WORK COMPLETED NOVEMBER 5, 2015

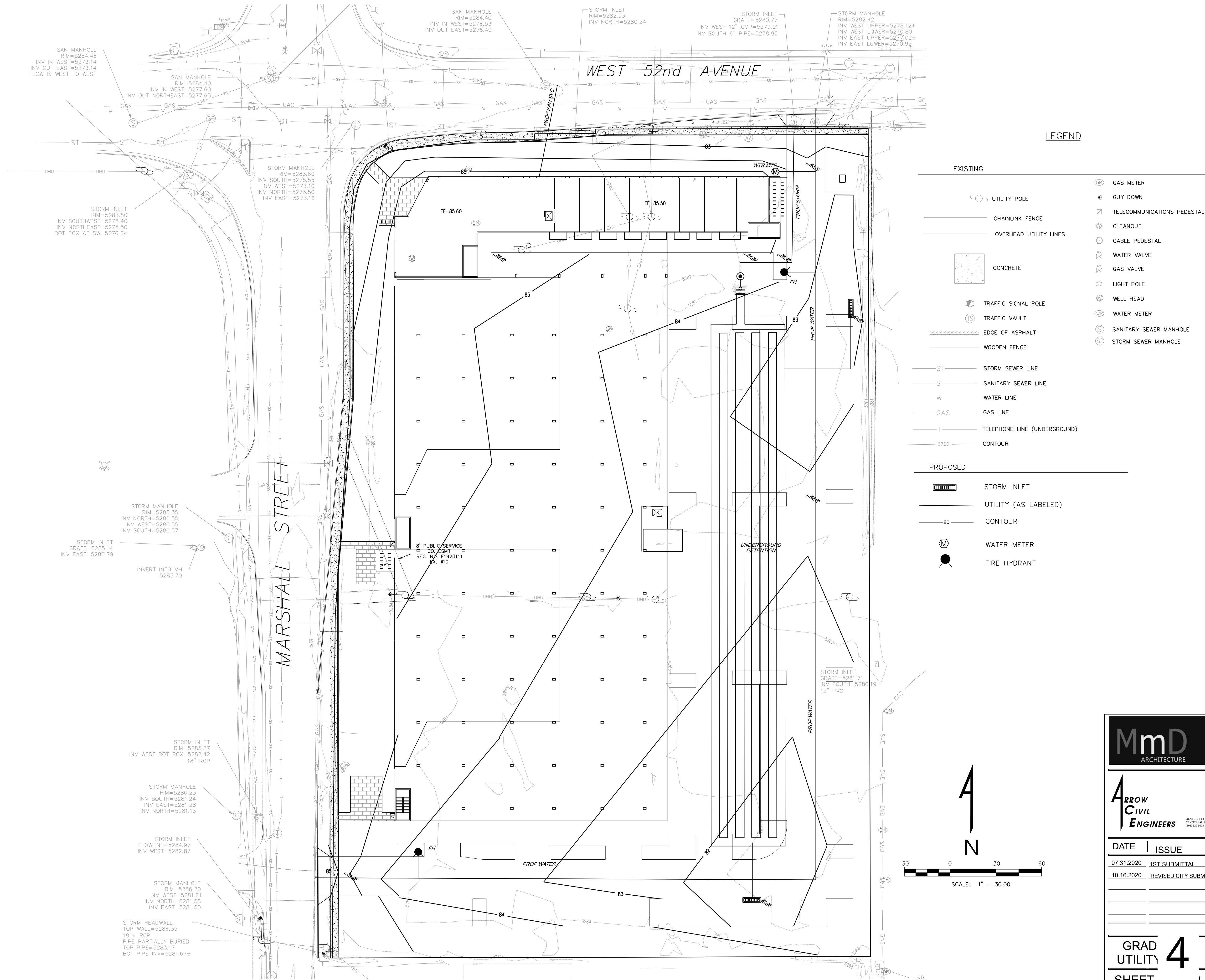
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CLEAR CREEK COMMONS

SITE DEVELOPMENT PLAN

5190 MARSHALL, ARVADA, CO 80002



MmD
ARCHITECTURE

ARROW
CIVIL
ENGINEERS

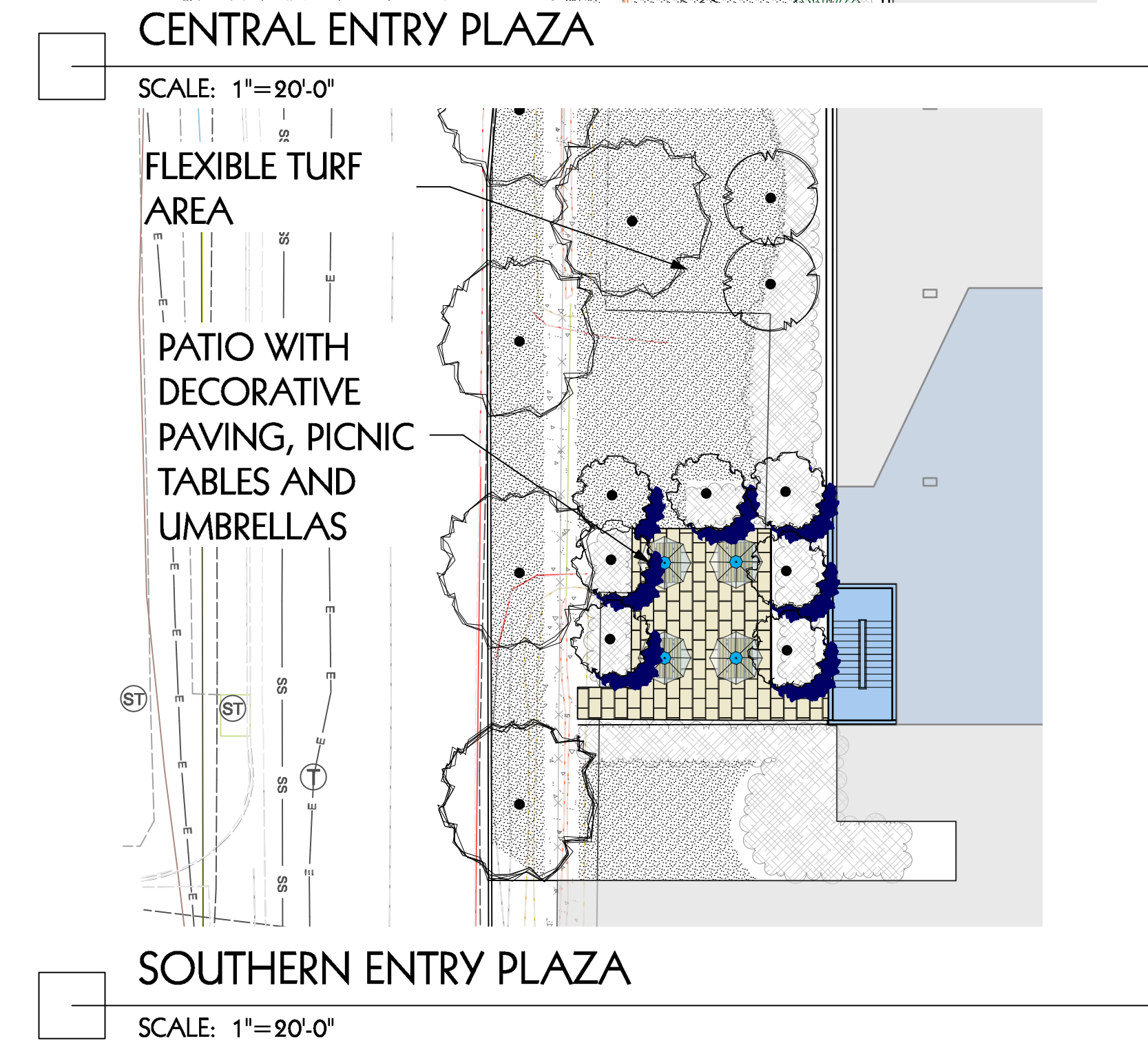
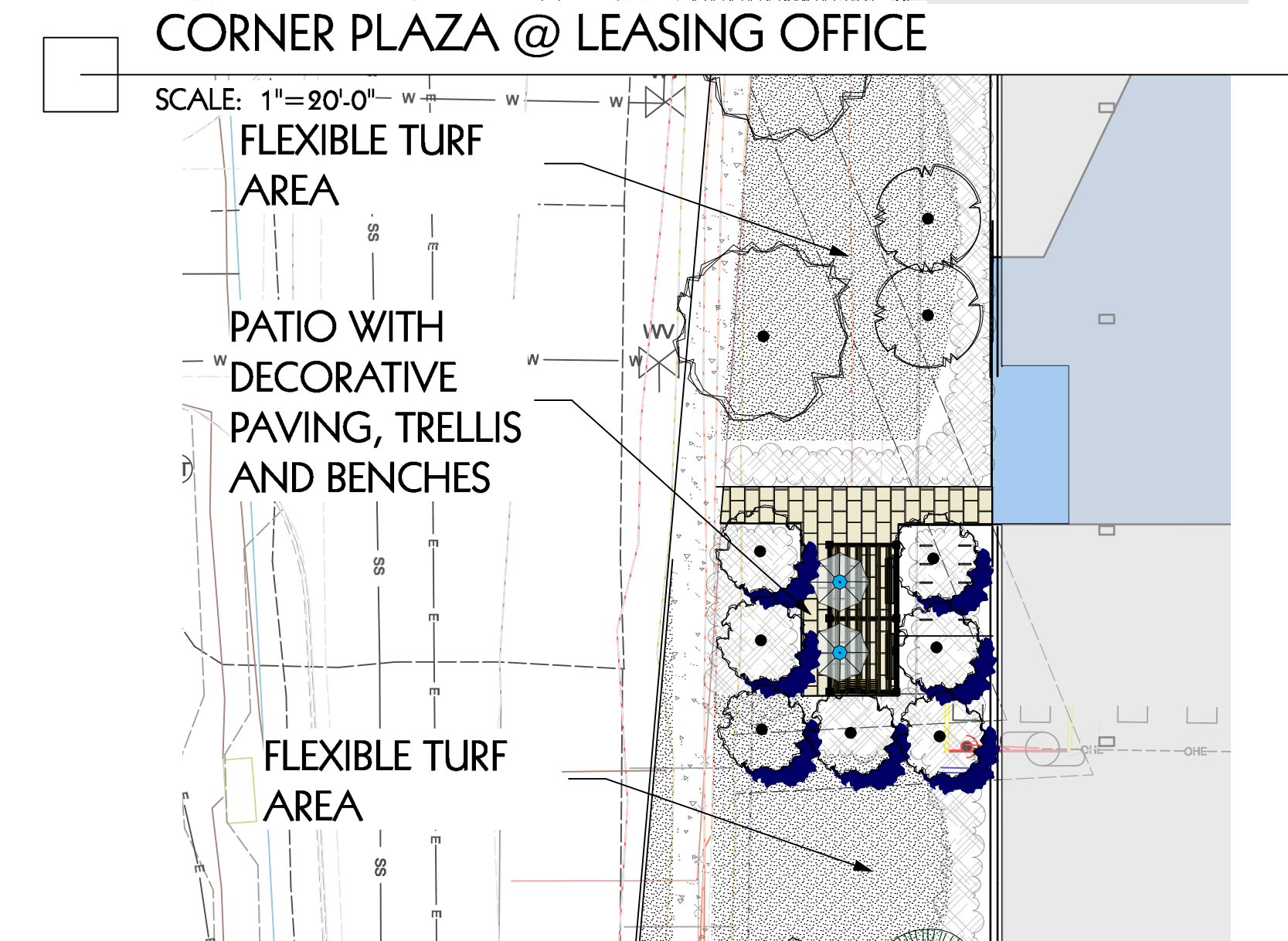
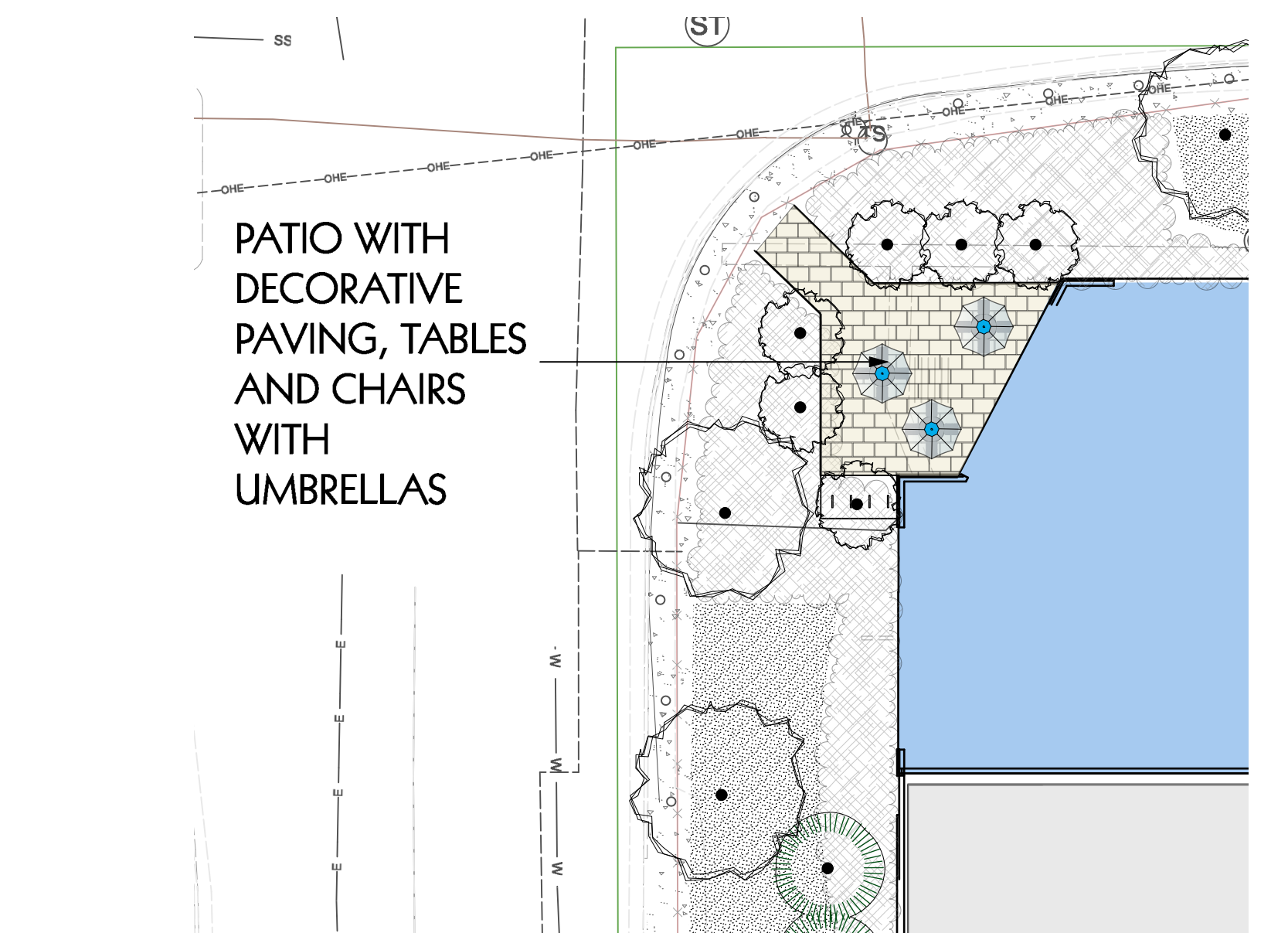
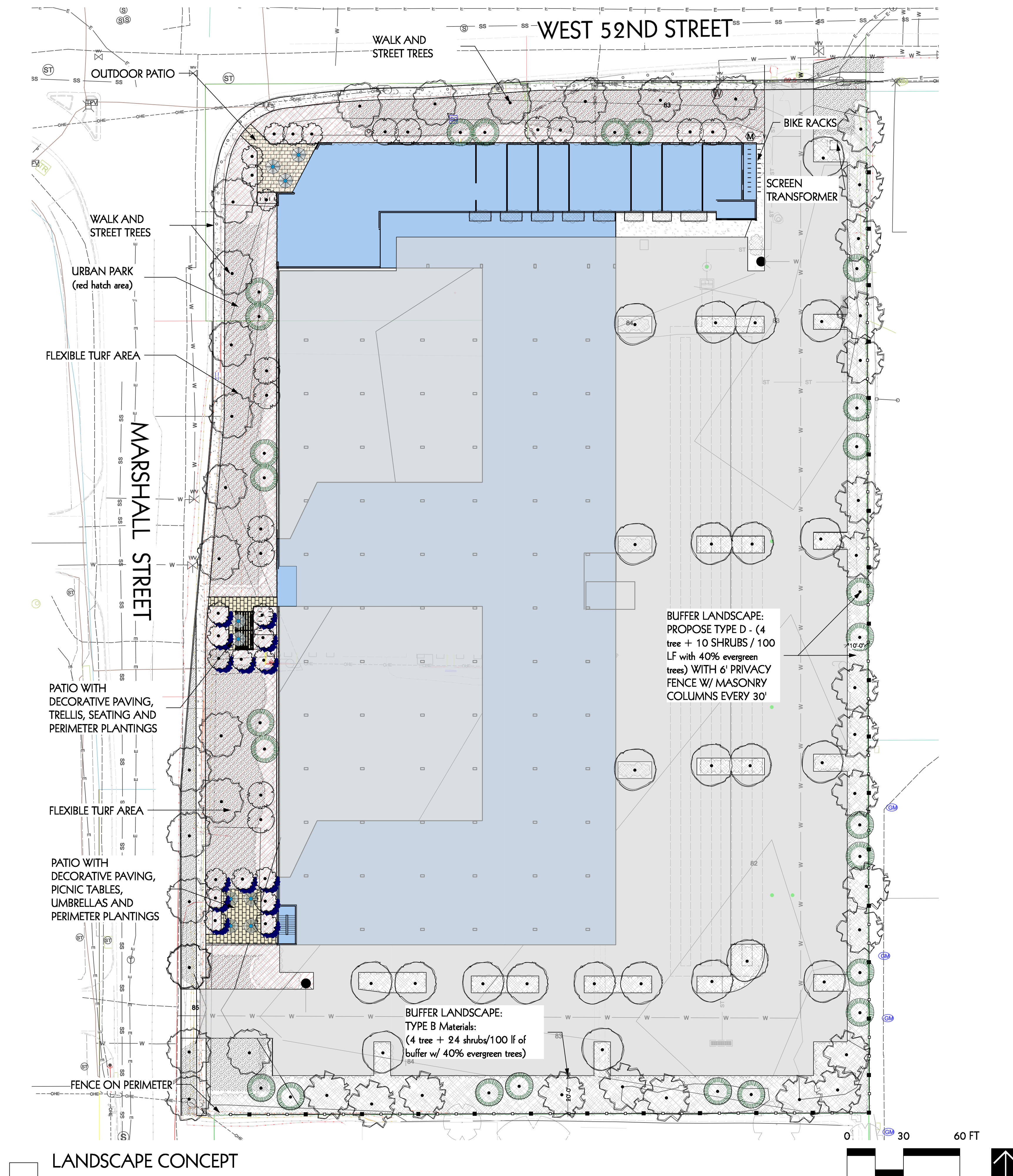
DATE | ISSUE

07.31.2020 | 1ST SUBMITTAL

10.16.2020 | REVISED CITY SUBMITTAL

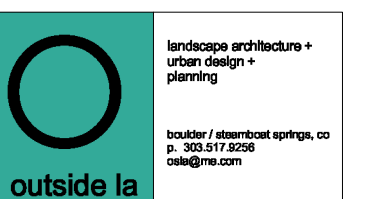
GRAD
UTILITY
SHEET

4



NOTES:

1. ALL PLANTS TO BE SELECTED FROM ARVADA APPROVED PLANT LIST
2. FINAL PLANS TO BE STAMPED, SIGNED & DATED BY CO. REGISTERED LANDSCAPE ARCH.

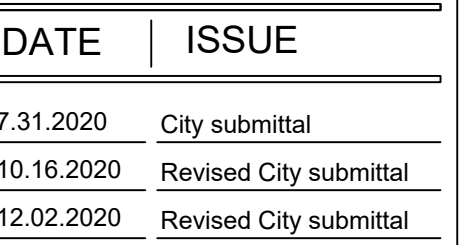
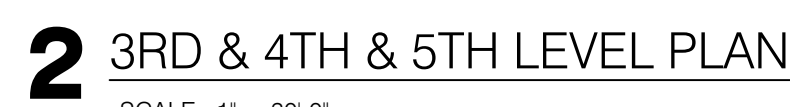


DATE	ISSUE
7.31.2020	City submittal
10.16.2020	Revised City submittal
12.02.2020	Revised City submittal #2

**LANDSCAPE
CONCEPT PLAN**

5190 MARSHALL, ARVADA, CO 80002

WEST 52nd Ave



SHEET 6 OF 10

PROJECT NO. PA2020-0021

5190 MARSHALL, ARVADA, CO, 80002



2 52nd AVE (NORTH) ELEVATION

SCALE: 1/16" = 1'-0"

3 52nd AVE (NE ANGLE) ELEVATION

SCALE: 1/16" = 1'-0"

REQUIRED (MIN.)	PROVIDED
21,634 SQ FT * 20% = 4,327 SQ FT	7,148 SQ FT GLAZING / 21,634 SQ FT BUILDING FACADE =33% TRANSPERANCY

CLEAR CREEK COMMONS
SITE DEVELOPMENT PLAN
5190 MARSHALL, ARVADA, CO, 80002



1 EAST ELEVATION
SCALE: 1/16" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/16" = 1'-0"

MmD
ARCHITECTURE

DATE	ISSUE
7.31.2020	City Submittal
10.16.2020	Revised City Submittal
12.02.2020	Revised City Submittal

BUILDING
ELEVATIONS

SHEET 8 OF 10

PROJECT NO. PA2020-0021

CLEAR CREEK COMMONS
SITE DEVELOPMENT PLAN
5190 MARSHALL, ARVADA, CO, 80002



1 5 STORY OPTION / AERIAL VIEW FROM 52nd AND MARSHALL



2 5 STORY SOUTHWEST PERSPECTIVE FROM MARSHALL



3 5 STORY NORTH EAST PERSPECTIVE FROM W. 52nd AVE



DATE	ISSUE
7.31.2020	City Submittal
10.16.2020	Revised City Submittal
12.02.2020	Revised City Submittal

5 STORY OPTION
3D VIEWS

SHEET 9 OF 10

PROJECT NO. PA2020-0021

CLEAR CREEK COMMONS
SITE DEVELOPMENT PLAN
5190 MARSHALL, ARVADA, CO, 80002



1 4 STORY OPTION / AERIAL VIEW FROM 53ND AND MARHALL



2 4 STORY SOUTHWEST PERSPECTIVE FROM MARSHALL



3 4 STORY NORTH EAST PERSPECTIVE FROM W. 52nd AVE



DATE	ISSUE
7.31.2020	City Submittal
10.16.2020	Revised City Submittal

4 STORY OPTION
3D VIEWS

SHEET 10 OF 10

PROJECT NO. PA2020-0021

10 02
MRB

STATE DOCUMENTARY FEE

MAR 3 1995

THIS DEED is made by _____ as Personal Representative of the Estate of
_____ MARY SPANO _____, deceased, Grantor,
to _____ Anthony C. Spano _____, Grantee,
whose legal address is _____ 6320 W. 52nd Avenue _____
_____ Arvada, CO 80002 _____
_____ of the _____ *County of _____ Jefferson _____, State of _____ Colorado _____
WHEREAS, the Last Will and Testament of the above-named decedent was made and executed in the lifetime of the
decedent, and is dated _____ December 30 _____, 19 _____ 88 _____, which Will was duly admitted to (formal) (informal)**
probate on _____ May 3 _____, 19 _____ 91 _____, by the _____ District _____ Court in and for the
_____ County of _____ Jefferson _____, State of Colorado, Probate No. _____ 91 PR 391 _____;
WHEREAS, Grantor was duly appointed Personal Representative of said Estate on _____ May 3, 1991 _____,
19 _____, and is now qualified and acting in said capacity.
NOW THEREFORE, pursuant to the powers conferred upon Grantor by the Colorado Probate Code, Grantor does
hereby sell, convey, assign, transfer and set over unto said Grantee (in joint tenancy)** (for and in consideration of
_____ Dollars)**
(As the person entitled to distribution of the property in the above captioned Will)** the following described real
property situate in the _____ County of _____ Jefferson _____, State of Colorado:

A parcel of land situated in a portion of Lot 8, Berkeley Heights,
being a portion of the SW 1/4 of Section 13, Township 3 S, Range 69 W of the
Sixth Principal Meridian, more particularly described in the attached
legal description, together with the easement of road right of way on the
West of said lot as a private driveway, as now established, together with
water rights appurtenant to said property, and one-third interest in well
on property situate on the West of the above described property, with pipe
line easement to above property, upon condition that the grantee contri-
butes one-third of the expense and maintenance of the well.

THIS DEED IS FILED TO CORRECT THE LEGAL DESCRIPTION SET FORTH IN THAT
CERTAIN PERSONAL REPRESENTATIVE'S DEED RECORDED IN THE RECORDS OF JEFFERSON
COUNTY, COLORADO ON FEBRUARY 11, 1993 AT RECEPTION NO. 93019268, AND
IS INTENDED TO RELATE BACK TO SAID RECORDING DATE.

also known by street and number as _____ 6320 W. 52nd Avenue, Arvada, CO 80002.

With all appurtenances, subject to covenants, easements and restrictions of record, and subject to general property
taxes for the year 19 _____ 92 _____, and subject to _____ none _____.

As used herein, the singular includes the plural and the plural the singular.

Executed

Feb 27

95

Paula V. V. V.

THIS DEED, Made this 21st day of September in the year of our Lord
one thousand nine hundred and forty-five between Clyde Spano

of the County of Jefferson and State of Colorado, of the first part, and
Clyde Spano and Mary Spano
of the County of Jefferson and State of Colorado, of the second part:

WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of

Two and no/100- - - - - DOLLARS,
to the said part Y of the first part in hand paid by the said parties of the second part, the receipt

whereof is hereby confessed and acknowledged, has remised, released, sold, conveyed and quit
claimed, and by these presents do remise, release, sell, convey and quit claim unto the said parties of the
second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the
heirs and assigns of such survivor forever, all the right, title, interest, claim and demand which the said
part Y of the first part has in and to the following described lot or parcel of land,
situate, lying and being in the County of Jefferson
and State of Colorado, to-wit:

The West 339.0 feet of each of the Lots Six (6), Seven (7), and
Eight (8), Berkeley Heights, together with the easement of road
right of way on the West of said Lots as a private driveway, as
now established, together with water rights appurtenant to Lots
Six (6), Seven (7), and Eight (8), Berkeley Heights, excepting
therefrom the following: Beginning on the North line of said Lot
Eight (8), 120 feet East of the Northwest corner of said Lot,
thence South 145 feet, thence East 75 feet, thence North 145 feet
to the North line of said Lot Eight (8), thence West 75 feet to
the point of beginning. Also granting one-third interest in well
on property of S. A. Lombardi and Elizabeth Lombardi, situate on
the West of the above described property, with pipe line easement
to above property, upon condition that the parties of the second
part contribute one-third of the expense and maintenance of the
well. It is mutually agreed that the water from the well shall
be used only for household domestic use.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privi-
leges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest
and claim whatsoever of the said part Y of the first part, either in law or equity, unto the said parties
of the second part, the survivor of them, their assigns, and the heirs and assigns of such survivor forever