



City of Arvada

Planning Commission Agenda

JANUARY 16, 2024
CITY COUNCIL CHAMBERS
Regular Business

Commission Members:

Michael P. Griffith, Chair
Doug Magee, Vice Chair
Tim Knapp, Secretary
Tom Aljinovich
Brandon Figliolino
Andrew Gay
Steve Hannan

Staff Members Usually Present:

Jessica Garner, Dir. of Community and Econ Development
Emily Grogg, Senior Assistant City Attorney
Rob Smetana, Planning Manager
Claudia Vaughan, Manager of Development Engineering
Josie Suk, Systems and Administrative Manager
Heidi Van Gieson, Administrative Specialist
Dixielee Rodriguez, Administrative Specialist

Info: 720-898-7435

The meeting will include an open comment period where participants will have three minutes to provide comments to the Commission. Members of the public who wish to provide public comment on any agenda item or during general public comment should go to www.arvada.org/PLNCOMMISSION for information about how to participate. If any member of the public wishes to submit written comment regarding the item on the agenda, you may submit comments in writing via email to the Planning Department at cedboardsandcommission@arvada.org. Comments must be received no later than 5 p.m. the day before the meeting. All timely comments submitted will be presented to the Planning Commission. Please contact Josie Suk with any questions at 720-898-7627.

PLANNING COMMISSION MEETING – 6:15 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS
4. APPROVAL OF MINUTES
 - A. Approval of November 21, 2023 Meeting Minutes
5. GENERAL BUSINESS
6. REPORTS
7. PETITIONS & COMMUNICATIONS
8. PUBLIC HEARINGS
 - A. Major Land Development Code Amendment Associated with the Floodplain Regulations

9. OTHER ITEMS

10. ADJOURN



SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
NOVEMBER 21, 2023

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

1. **CALLED MEETING TO ORDER– By Michael P. Griffith at 6:17 P.M.**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL OF MEMBERS**

Those present: Michael P. Griffith, Andrew Gay, Brandon Figliolino, Tom Aljinovich, Doug Magee, Steve Hannan

THOSE ABSENT

Tim Knapp

ALSO PRESENT: Jessica Garner; Director of Community and Economic Development, Rob Smetana, City Planning Manager; Emily Grogg, Sr. Ass't. City Attorney; Josie Suk, Development Systems and Administrative Manager; Cheryl Drake, Sr. Planner; Jenny Wolfschlag, City Engineer, Heidi Van Gieson, Recording Secretary.

Michael Griffith made a motion to excuse Tim Knapp

Those voting Yes: Griffith, Hannan, Ajinovich, Magee, Gay, Figliolino

Those voting No:

Those absent: Knapp

The motion carried 6-0

4. **APPROVAL OF MINUTES**

Doug Magee made a change to the minutes, on the second line from the bottom of page two, Marshall Street is to the "East" not "South".

August 8, 2023. The minutes stand approved as printed with the change.

5. **GENERAL BUSINESS**

None

6. **REPORTS**

None

7. PUBLIC COMMENT

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

8. PUBLIC HEARINGS

8.A. DA2023-0005 Comprehensive Plan Amendment, Annexation, Rezoning and PUD Development Plan Amendment of Canyon Pines approximately located at 52 Canyon Pines Drive

Mr. Griffith opened the public hearing.

Mr. Griffith asked if all of the required documents were in order.

Ms. Drake stated the posting notice and affidavit are in order.

Mr. Griffith entered into the record the staff report for DA2023-0005, publication and affidavit.

Mr. Griffith asked Ms. Drake to introduce the project.

Ms. Drake introduced the project.

Nathan Laudick 3203 Hillside Drive, Wheat Ridge 80033

Mr. Laudick stated that the two parcels they are referring to are the Debrouillarde and Triangle that would need to be annexed into the city. The reasons for the annexation is that the water pumping station that the City of Arvada Contractors built is on the Debrouillarde property. There were easements on the property but when this project came about in 2019/2020 the city wanted the pump station to be on property located within the City limits. There is no new public infrastructure that needs to be built for these lots.

PUBLIC COMMENT

N/A

IN FAVOR

IN OPPOSITION

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

APPLICANT REBUTTAL

QUESTIONS FROM THE COMMISSION

Mr. Aljinovich asked if the PUD's will be together or separate.

Ms. Drake stated that there will be one.

Mr. Hannan asked if the screening/landscaping will be addressed

Mr. Laudick stated that Lot 30 and 31 will not change as they have screening from the ridge. The new Lots will have foreshcreening and Lot one will have both foreshcreening and back drop screening.

Mr. Magee asked if the City is paying for the pump station.

Ms. Wolfschlag stated that the City designed and is building the pump station but the developer will be paying for it.

Mr. Magee asked since there is no water out there, if there are buildings yet.

Ms. Wolfschlag stated that there are foundation only permits at this time and above grade permits will be issued once the pump station is operational.

Mr. Magee asked if these files can be found online.

Ms. Drake stated that they can be found but it will be back in 2007, but that the city is also incorporating those items in with the new lots so that it is easily accessible.

Mr. Gay asked what the order was of the items.

Ms. Drake stated that it would be a Comp Plan before the Annexation, Rezoning and PUD.

Mr. Gay asked about the LDR, why is it not zoned Low Density Residential.

Ms. Drake stated that the LDR is a broad spectrum category of designations on the Comprehensive Plan. These are different than the zoning designations. The Comprehensive Plan provides the larger picture and the zoning breaks the designation down into more specific categories.

Mr. Gay asked if this was a standalone development would we do something different.

Mr Smetana stated that this one was kept as a PUD on the LDC update because of its history and the unique nature of it.

Mr. Gay asked about the neighborhood meeting, what do we do to set those up when there are no neighbors.

Ms. Drake stated that a mailing is sent and that the radius is not increased unless we think there will be a reason for concern.

Mr. Gay asked if there was anyone that attended that received the mailing.

Ms. Drake stated that there was one attendee at the first meeting and no one at the second meeting.

Mr. Figliolino asked for clarification about the sewer lines, when it would become public as it is listed in the report.

Ms. Wolfschlag stated that it is defined on the construction plans. There is a private pressurized system from the homes to the first manhole. From that manhole, where the system is gravity fed, it becomes public.

Mr. Figliolino stated that it shows that the Pump Station will be designated Open Space, are all of the water and pump stations within the city Open Space?

Ms. Drake and Mr. Smetana stated that most of them are.

MOTION FOR 8.A.1

It was moved by Mr. Figliolino that CP2023-0008 A resolution by the Planning Commission for the City of Arvada, Colorado to amend the 2014 Arvada Comprehensive Plan Land Use designation pertaining to Canyon Pines, Triangle Property (Annexation No. 1) from Jefferson County Rural Residential to City of Arvada Low Density Residential, a parcel of land approximately located At 52 Canyon Pines Drive in the County of Jefferson and State Of Colorado. be approved.

This motion is based on the findings of fact and approval criteria on Page(s) 10 & 11 of the Staff Report.

DISCUSSION OF MOTION

Those voting Yes: Griffith, Hannan, Ajinovich, Magee, Gay, Figliolino

Those voting No:

Those absent: Knapp

The motion carried 6-0

MOTION FOR 8.A.2

It was moved by Mr. Figliolino that an ordinance annexing certain land into the City of Arvada for Canyon Pines, Triangle Property (Annexation No. 1), a parcel of land approximately located at 52 Canyon Pines Drive in the County of Jefferson and State of Colorado, be recommended to City Council for approval subject to the condition(s) stated in the Staff Report.

This motion is based on the findings of fact and approval criteria on Page 11 of the Staff Report.

DISCUSSION OF MOTION

Those voting Yes: Griffith, Hannan, Ajinovich, Magee, Gay, Figliolino

Those voting No:

Those absent: Knapp

The motion carried 6-0

MOTION FOR 8.A.3

It was moved by Mr. Figliolino that an ordinance rezoning certain land within the City of Arvada, from Jefferson County A-1 (Agricultural-One) to City of Arvada PUD (Planned Unit Development) and amending the official zoning maps of the City of Arvada, Colorado, approximately located at 52 Canyon Pines Drive, also known as Canyon Pines, Triangle Property (Annexation No. 1), be recommended to City Council for approval subject to the condition stated in the Staff Report.

This motion is based on the findings of fact and approval criteria on Pages 11 & 12 of the Staff Report.

DISCUSSION OF MOTION

Those voting Yes: Griffith, Hannan, Ajinovich, Magee, Gay, Figliolino

Those voting No:

Those absent: Knapp

The motion carried 6-0

MOTION FOR 8.B.1

It was moved by Mr. Magee that CP2023-0009 A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend The 2014 Arvada Comprehensive Plan Land Use Designation Pertaining to Canyon Pines, Debrouillarde (Annexation No. 2) From Jefferson County Rural Residential to City of Arvada Low Density Residential and Public/Quasi-Public, a parcel of land approximately located at 52 Canyon Pines Drive in the County of Jefferson and State of Colorado .

This motion is based on the findings of fact and approval criteria on Page(s) 10 & 11 of the Staff Report.

DISCUSSION OF MOTION

Those voting Yes: Griffith, Hannan, Ajinovich, Magee, Gay, Figliolino

Those voting No:

Those absent: Knapp

The motion carried 6-0

MOTION FOR 8.B.2

It was moved by Mr. Magee that an ordinance annexing certain land into the City of Arvada for Canyon Pines, Arvada's Debrouillarde Pump Station (Annexation No. 2) approximately located at 52 Canyon Pines Drive in the County of Jefferson and State of Colorado, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page 11 of the Staff Report.

DISCUSSION OF MOTION

Those voting Yes: Griffith, Hannan, Ajinovich, Magee, Gay, Figliolino

Those voting No:
Those absent: Knapp
The motion carried 6-0

MOTION FOR 8.B.3

It was moved by Mr. Magee that an ordinance rezoning certain land within the City of Arvada, from Jefferson County A-2 (Agricultural-Two) to City of Arvada PUD (Planned Unit Development) and OS (Open Space) and amending the official zoning maps of the City of Arvada, Colorado, approximately located at 52 Canyon Pines Drive, also known as Canyon Pines, Arvada's Debrouillarde Pump Station (Annexation No. 2), be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Pages 11 & 12 of the Staff Report.

DISCUSSION OF MOTION

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

MOTION FOR 8.C

It was moved by Mr. Magee that Canyon Pines Filing No.1 PUD Development Plan Amendment & Canyon Pines Filing No. 2, PUD Development Plan located at approximately 52 Canyon Pines Drive, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page 12 & 13 of the Staff Report.

DISCUSSION OF MOTION

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

8. OTHER ITEMS

There will be no meeting on December 5th or December 19th.

It was moved by Mr. Magee that we cancel both December meetings.

Those voting Yes: Griffith, Hannan, Ajinovich, Magee, Gay, Figliolino

Those voting No:
Those absent: Knapp
The motion carried 6-0

9. **INTRODUCTION OF JESSICA GARNER**

Jessica did a short presentation on her background, updates on the Community and Economic Development work system, and upcoming projects.

10. **ADJOURNED** at 7:13 P.M.

Michael P. Griffith, Chair

Tim Knapp, Secretary

Heidi Van Gieson, Recording Secretary



REPORT TO PLANNING COMMISSION

AGENDA ITEM
8.A.

TO: PLANNING COMMISSION

DATE: January 16, 2024

SUBJECT: Major Land Development Code Amendment Associated with the Floodplain Regulations

Motion

That a Major Land Development Code Amendment Associated with the Floodplain Regulations in the City of Arvada, be recommended to City Council for (approval)(denial).

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

Prepared by:
Dixielee Rodriguez, Administrative Specialist

Reviewed by:

Approved by:

Josie Suk, Development Systems and Administrative Manager	1/9/2024
Rob Smetana, Planning Manager	1/10/2024
Laura Hemler, Assistant City Attorney	1/10/2024
Jessica Garner, Director of Community and Economic Development	1/10/2024

Enclosure, exhibits & attachments required to support the report

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

**Land Development Code Amendment Relating to Floodplain
Regulations
OTH2023-0004**

NATURE OF REQUEST

The City of Arvada is requesting approval of an ordinance amending the Land Development Code to include changes to various floodplain regulations.

BACKGROUND

While City Council has periodically adopted certain Flood Insurance Studies (FIS) per FEMA regulations, there have not been any substantive revisions to the Floodplain Regulations contained within the Land Development Code for quite some time.

City staff proposes several edits to the Land Development Code to update Floodplain Regulations to align with current City practices and Mile High Flood District Regulations.

The proposed changes also enable City staff to use the most updated Floodplain boundaries without requiring these boundaries to be formally adopted by Council. It also will enable staff to use sound engineering judgement when reviewing flood risk on new developments or re-developments, as well as fencing requests.

PUBLIC NOTIFICATION

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

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.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

This action supports the principle for providing the community with a safe, resilient, high-quality drainage system for full city build out.

PROJECT ANALYSIS

Summary of Proposed Update

This amendment will modify the following (see redlined pages):

1. Elimination of Section 2-1-2-5, Official floodplain maps, to allow our digital maps to be updated in real time for the use of our staff and the community.
2. The addition in Sections 4-1-2-4, 4-1-2-7, and 4-1-2-8 to prohibit makeshift structures or enclosures meant for human habitation in floodplain areas.
3. Revision of Section 4-1-2-5, Adoption of official DFIRMs and related FISs and basis for establishing the Regulatory Floodplain. This allows for auto adoption of Letters of Map Revisions without Council action. Revised Flood Insurance Studies (FIS) that affect the City will still require adoption per FEMA regulations. This also defines a Regulatory Floodplain as those boundaries established by Mile High Flood District and accepted by the Colorado Water Conservation Board (CWCB).
4. Eliminating the fencing restriction table in Section 4-1-2-6 E. and reviewing each fence request in the Regulatory Floodplain on a case-by-case basis.
5. Adding in Section 4-1-2-7 clarifying that new construction or substantially improved structure also set the mechanical equipment or attendant utilities at an elevation per the City's floodplain regulations.
6. Throughout Division 4-1-3, referencing Arvada City Code (ACC) for stormwater control measure regulations in anticipation of updates to Chapter 50 of the ACC later this year. Also, shifting supervisory responsibilities from the Community and Economic Development Director to the City Engineer which aligns with current supervisory hierarchy.

Compliance with the Comprehensive Plan

N/A

Consistency with the Purpose of the Code

The proposed amendment is consistent with the Purposes of the Code set out in Section 1-1-1-2, Purpose and Intent, in that the amended regulations will promote the public health, safety, convenience, comfort, prosperity, and general welfare of the City.

LAND DEVELOPMENT CODE APPROVAL CRITERIA

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 Division 8-3-2 of the Land Development Code, and presents the following findings:

Division 8-3-2 Approval Criteria (05-18-20)	Finding	Rationale
A. The proposed amendment is consistent with the Arvada Comprehensive Plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan.	Complies	The proposed amendment is consistent with the Arvada Comprehensive Plan because the proposed amendments will ensure that the community and developers can clearly understand and interpret the LDC.
B. The proposed amendment is consistent with the Purposes of the Code set out in Section 1-1-1-2, Purpose and Intent, of the LDC.	Complies	The proposed LDC amendments are consistent with the intent and purposes of the Code because the regulations will promote the public health, safety, convenience, comfort, prosperity, and general welfare of the City.

STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, the City team recommends approval of these amendments.

Floodplain Land Development Code Changes

Feb 12, 2024

Summary of changes

- Simplify procedures for updating floodplain boundaries in digital mapping
- Prohibition of encampments in high-risk flooding areas
- Fencing allowed in floodplains reviewed on case-by-case basis
- Allow staff to regulate to non-FEMA high-risk flooding areas
- Stormwater division edited to refer to Chapter 50 of the Arvada City Code in preparation for changes to that chapter

Mapping and Data Management:

- Official Floodplain Map elimination
- “Auto adopt” all boundary changes resulting from a LOMR
 - FEMA only requires Council to adopt Flood Insurance Studies that update FIRM panels impacting Arvada
 - Enables our GIS floodplain boundaries to reflect all LOMRs on their effective date
- Digital Flood Insurance Rate Map (DFIRM) obtained from FEMA will replace all references to the “Official Floodplain Map” throughout the LDC

LOMR = Letter of Map Revision
FEMA = Federal Emergency Management Agency
FIRM = Flood Insurance Rate Map
LDC = Land Development Code

Encampments / Fencing / Non-FEMA High-Risk Zones

- Adding language to prohibit makeshift structures meant for human habitation in high-risk flood zones (already in Mile High Flood District regulations)
- Remove language regarding specific fencing and make all reviews a case-by-case basis
- Applying floodplain regulations to non-FEMA high-risk flood zones:
 - Studies generated in partnership with Mile High Flood District
 - Accepted by Colorado Water Conservation Board (CWCB)

Miscellaneous

- Edited language of the Stormwater and Drainage Control Division to reference Chapter 50 of the Arvada City Code, which will be updated later this year
- Clarifying that mechanical equipment of new or Substantial Improvement (SI) structures must also be placed at an elevation in accordance to LDC (CRS credit requirement)
- Defining SI to mean cumulative improvements made over the course of 5-years (CRS credit requirement and current practice)
- Shifting supervisory responsibilities from the CED Director to City Engineer to align with current supervisory hierarchy

CRS = Community Rating System
CED = Community and Economic Development

Conclusion

Division 8-3-2 Approval Criteria (05-18-20)	Finding	Rationale
A. The proposed amendment is consistent with the Arvada Comprehensive Plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan.	Complies	The proposed amendment is consistent with the Arvada Comprehensive Plan because the proposed amendments will ensure that the community and developers can clearly understand and interpret the LDC.
B. The proposed amendment is consistent with the Purposes of the Code set out in Section 1-1-1-2, Purpose and Intent, of the LDC.	Complies	The proposed LDC amendments are consistent with the intent and purposes of the Code because the regulations will promote the public health, safety, convenience, comfort, prosperity, and general welfare of the City.