City of Arvada
Planning Commission Agenda

FEBRUARY 18, 2025
CITY COUNCIL CHAMBERS
Regular Business

Commission Members:
Michael P. Griffith, Chair
Tim Knapp, Vice Chair
Brandon Figliolino, Secretary
Tom Alijinovich
Andrew Gay
Steve Hannan
Doug Magee

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.arvadaco.gov/276/Planning-Commission 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 September 17, 2024 Meeting Minutes
   - B. Approval of November 12, 2024 Meeting Minutes

5. GENERAL BUSINESS
   - A. CP2025-0001 a Resolution by the Planning Commission for the City of Arvada, Colorado, Adopting the 2014 Arvada Comprehensive Plan as Arvada's Three Mile Plan Pursuant to Section 31-12-105(1)(E), C.R.S., as Amended
   - B. Review and update Planning Commission Bylaws for new meeting times

6. REPORTS

7. PETITIONS & COMMUNICATIONS

8. PUBLIC HEARINGS

   A. Bonfire Burritos Alternative Sign Program for Bonfire Burritos sign located at 5800 Wadsworth Blvd

9. OTHER ITEMS

   A. Workshop - New Legislative items

   B. Compensation Update

10. ADJOURN

SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
September 17, 2024

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, Tim Knapp, Brandon Figliolino, Tom Aljinovich, Doug Magee, Steve Hannan

THOSE ABSENT

None

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; Emiley Yoshihara, Civil Engineer II; Jake Moyer, Stormwater Administrate; Jeremiah Bebo, Sr. Planner; Heidi Van Gieson, Development Technician I; Dixielee Rodriguez, Recording Secretary.

4. APPROVAL OF MINUTES

June 18, 2024. The minutes stand approved as printed.

5. GENERAL BUSINESS

None

6. REPORTS

None

7. PUBLIC COMMENT

There was no one wishing to speak. (This is for Items NOT on the Agenda) Public Comment was closed.

8. **PUBLIC HEARINGS**

8.A. <u>Major Comprehensive Plan Amendment for 6800 Kilmer RV Storage, a 14.01 acre parcel, addressed as 6800 Kilmer St. and located at the terminus of West 68th Avenue just west of Indiana Street.</u>

Before beginning the hearing, Mr. Griffith made a statement explaining what the Planning Commission would be voting on. And that it is a recommendation to the City Council and just a part of the process.

Emily Grogg explained that the Planning Commission only has authority to determine the Comp Plan amendment. She explained what that meant and the remaining opportunities for public involvement if the project progresses. She reiterates what Mr. Griffith stated.

Mr. Griffith swore in all guests that would be speaking.

Mr. Griffith opened the public hearing.

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

Mr. Bebo stated that publication in the newspaper was required and posting log and mailing affidavit for the noticing requirements were in order.

Mr. Griffith asked are there any additions or corrections to the Staff Report?

Mr. Bebo stated Yes there are corrections to the Staff Report. two corrections on page 7-"Ay" to "any" - then "slop" to "slope" and added the neighborhood meeting summary to the staff report.

Ms. Grogg stated that all public comment that has been received has been provided to the Planning Commissioners which included the prior public comment from 2021.

Mr. Griffith stated the following items have been submitted and will be made a part of the permanent record, publication notice, posting notice, mailing notice and affidavit, and public comment to include complete email chains between staff and public.

Mr. Griffith asked Mr. Bebo to introduce the project.

Mr. Bebo introduced the project. Norris Design requests approval of a Major Comprehensive Plan Amendment from mixed use to office/industrial to match the IL (Industrial, Light) zoning that is already in place. Subject property is about 14 acres in size located West 68th Avenue just west of Indiana Street and is currently undeveloped. The Applicant has submitted a site plan amendment and Staff conducted historical research to understand the planned future land uses for the site based on past Arvada Comprehensive Plans. Arvada's first Comprehensive Plan was adopted in 1964 and designated this site as Low-Density Residential. In 1973, the land use designation was changed to Industrial Office Park. However, in 2005, the land use designation was changed to Mixed Use – Residential Emphasis and remains as such. In May of 2020, the property was rezoned to IL as part of the larger Arvada Land Development Code (LDC) Update and citywide rezoning. Concurrently, a Comprehensive Plan Update was approved in order to align the new zone districts with the Comprehensive Plan. The land use designation of the subject property was not revised as part of this update, which resulted in the continued conflict. December 2021, a similar application for an RV storage with a higher number of RV parking spaces was proposed, Ultimately that application was withdrawn. Current application that has been submitted has a reduced number of RV parking spaces and removed the need for any Major Modifications. With the administrative review for the site plan and minor subdivision plat the volunteer clean up application, along with any environment clean up review will be required to follow CDPHE (Colorado Department of Public Health and Environment). Staff took into consideration the following: transportation, surrounding land uses, access, and natural features of the site Areas around this site are zoned light industrial. Staff recommends approval of the Comprehensive Plan Amendment.

Applicant - Eva Mather with Norris Design - not a resident of Arvada. Describes the location and where the Ralston Creek Trail borders the site, Geos and West Woods Mesa to the north. Forest Springs and Croke Canal to the south. Industrial developments to the east and Westwoods golf course to the west. Existing constraints make a multi-modal interconnected street layout with public plazas and pedestrian-oriented design makes it incredibly difficult to achieve. Mass transit in this area is scarce. There are easements and open space requirements on the north that cannot be changed. Site is surrounded by natural features and is only accessible by one road through an industrial park which makes the site an “island”. The property is a former landfill site. Costs to build single-family homes would be too high or infeasible. Applicant agrees to dedicate a public access easement for the Ralston Creek Trail and clean up the environmental conditions.

PUBLIC COMMENT

The public input portion of the hearing was opened.

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

IN FAVOR

Alisha Svaldi - Unincorporated resident but owns a building and has business in this area that is light industrial. Has been there since ‘98. Her company is the manufacturer for AeroSpace. Has big semi’s coming through this area to her business. Currently it doesn't bother anyone because there is no one around except for this property. Feels it should be changed to industrial/office. Does not want it to have Residential in this area. Having the RV’s storage down that road would be best use for this property. You do not want kids riding around this area. Would like our businesses to be protected. This would be the best use for this property.

IN OPPOSITION

Elaine Fitzsgerald - Resident of Arvada, She lives on the south border of the site. Three things she disagrees with, minimum impact surrounding areas, she strongly disagrees, developer stated only 7 houses would be impacted. She is one of the 7 and stated that she is offended that she doesn’t count. Compatibility with the surrounding area, come by and see if you think this is compatible with the area. Public welfare, RV spewing pollution, light pollution, trash and graffiti.She asked that they do not change it.

David Soucie - Resident of Arvada, Been in Arvada since 6th grade, he has done several developments and two large projects. He thinks that the comp plan is developed by and for the people of Arvada. This is the intent for the development of Arvada. Now the city is saying it's wrong and wants to change it. Shows a picture of where his home is. That he had owls that live in a large tree behind his home. What has been conveniently left out is that there is wild life there, which is compatible with mixed use residential. There are other options with this property. Perhaps mixed use is not the right thing but Industrial light is not the right one. And it is the developers responsibility not the City's.

Ed Yovak - Resident of Arvada speaking for Rainier Gerbatsch lives in Geos (currently out of town). Size of RV storage is outside the boundaries of the area of the classification of IL (industrial light). The city staff seeks the approval even though the developer has failed to submit a complete and concise plan.Over the last 40 years 3 separate Geotechnical Engineers have issued warnings not to develop this site unless there is full remediation of this site. To ensure safety and responsible development, it is centered on minimizing cost while not ignoring these geological warnings.There have been detailed reports that have been documented and submitted in public comments.

Eric Mathys - Resident of Arvada, also representing comments of someone (did not give name) that could not be present for the meeting. There are 7 listed approval criteria to consider, he is addressing item 6 and 7 of the criteria listed. Item 6 -The land was a landfill and with proper remediation it can be used for residential purposes and can be made safe. Higher cost remediation is recommended for all type development. Lower cost alternatives can be considered but if the developer decides to do this they are responsible for the higher risk of failure and high level of continued maintenance.This creates more potential environmental exposure. Item 7 - Applicants' response states this will be consistent with public welfare and goals of the surrounding area. Site improvements are on private property and no improvements for water, sewer and electricity. Approved improvements are to the regulated improvements like lights and landscape for the project. Gravel parking lot will create a blighted site and dust, emission problems and other environmental concerns. If the developer is not willing to ensure the safety of the surrounding residents the city should not be allowed this proposal for this site.

Debra Gander - Resident of Arvada - Also represents a group of people too. Asking the PC commissioners to not approve the comp plan amendment. Developer stated the proposed development will be an extension of the industrial area already there. This use may be compatible with the property on the east side of the property. It is not compatible with neighborhoods to the north, west and south of the site. With access to Ralston creek and trail this is ideal for residential and small commercial use. If the developer is not willing to invest in this property to ensure the safety of the site the city should not approve their application. Project is avoiding improvements that are needed in many areas. Given the legacy of the environmental contamination of the site, any proposal of the site should go to public hearing, not administrative process hidden from public view.

Rich Bohling - Resident of Arvada. no reason for the Planning Commission to amend the comp plan for a single parcel to facilitate a property owners still incomplete proposal. Regarding item #1- doubtful it can be developed without remediation. The landowner is unwilling to spend the money for remediation. Changing the comp plan to industrial/office does not lessen the enormous process of the site. This cannot ignore the problems of the site. The geo report back in 91' it says the area should not be developed for commercial or residential on the site.

Sharon McCarthy - Resident of Arvada - Speaking for a group of people - Forest Springs. West side of town located in unincorporated Jeffco there are already 2 RV storage lots. There is a 3rd parcel on 72 there are RV's parked in the back. On the east side there are 3 RV storage lots located in IG, and are in industrial, not in residential area. In the LDC 5-1-6-3- b2 defines what this means. A RV storage lot near the surrounding residential area will create an unsafe area and create hazards to the residents.

Rick Simms - Resident of Arvada - Lives in Forest Springs area - Believes the comp plan should not be amended. Current comp plan goes with the current surrounding area. There is no reason to amend the comp plan of specific use or facilitate a owners land use proposal and cannot be developed without complete remediation to the site. Just recently Jeffco's planning commission reviewed a proposal off Indiana and candelas was denied. Feels it is not compatible. Land use runs with the land not the owner. Urge you to look at what serves the people of Arvada and to deny this request.

Jay Smolen - Resident of Arvada- shows a picture on the overhead projector. He does not approve of the rezoning of the plan. How deep is the layer of garbage at this site? How deep do they have to dig for redevelopment of this site? Rezoning could affect air quality and water in Croke Creek and Ralston creek. Disrupt the wildlife in the area. The rezoning should be thought through before it is approved.

Emily Grogg spoke up to make some legal clarification about Rezoning. Tonight is about a Comprehensive Plan amendment. This developer already has the correct rezoning. This is only for the Comprehensive Plan Amendment. Rezoning is very different from what we are dealing with tonight.

APPLICANT REBUTTAL

Kevin Saylor - Not a resident - Works for Terracon - Working on the environment aspects of the project. Will address concerns with the streambank and in communication with Mile High Flood District. Concerning all environment items, they are working with CDPHE (Colorado Department of Public Health and Environment), and have an approved plan for that. When the project is under development it will be under full oversight of an Environmental Field Professional.

Ms. Mather stated doesn't like to be accused of avoiding things. Had Kevin speak on the environment items. She felt that she addressed the comments from the public in her presentation already. Reiterating on Alisha's comment about this being an extension of the industrial and the heavy industrial fleet that exists. Feels kids living and playing on a street that does not have sidewalks usually don't go together. There are no streets to extend to. Only one way in and out. When a comp plan amendment may not happen regularly but it does happen. It just happened not too long ago for the Taphouse down the road.

QUESTIONS FROM THE COMMISSION

Mr. Hannan asked the following question to staff: Is the comp plan a vision and long range plan for implementation and legally enforceable?

Ms Grogg stated: Correct, there is no legal requirement for properties to be in compliance with the comp plan. This is the guiding document for new development. The LDC is what is codified and law.

Mr. Hannan asked if there are other instances where there is this kind of disconnect with the comp plan and Land Development Code.

Mr. Bebo stated that it is not super common but yes there are other areas where we have conflicts between the comp plan and zoning or vice versa.

Ms. Grogg stated that one of the criterias in the LDC for the site plan states that it must meet Comp Plan.

Mr. Hannan asked when the site plan is developed will it be looked at administratively and can it be called up by City Council to be reviewed at any time?

Mr. Bebo stated that a site plan can be reviewed and approved administratively. If the project is approved or denied by staff, it can be called up by the City Council.

Mr. Hannan stated the environmental condition is concerning to him. What is the city's role?

Mr. Bebo stated we defer environmental issues to (CDPHE) Colorado Department of Public Health and Environment. As we don't have our own environment department.

Ms. Grogg stated legally we do not have any authority to overrule CDPHE. We have to follow state law. We do not have the required personnel on staff.

Mr. Hannan asked about the 2020 LDC review. Was there any discussion about this property at that point?

Mr. Bebo stated No, this property was not singularly identified and reviewed.There is a history of this property changing over time in the comp plan but was industrial for a very long period of time. Unsure why it was changed to Mixed Use - Residential in 2005.

Mr. Gay asked, does this meet the criteria for infill development?

Mr. Bebo stated it is a little challenging, it is one of the last remaining undeveloped parcels in the city and is surrounded by development on all sides which make it infill. However, this is larger property than what is typically seen in infill development in Arvada.

Mr. Gay asked if the Comp Plan Amendment is a precursor to a site plan discussion? And when that happens is that internal or goes to a public hearing or administrative?

Mr. Bebo stated that it would be approved or denied by city staff and would not come before the Planning Commission. But can be called up by the City Council and then a public hearing would be held on that.

Ms. Grogg stated that if the Planning Commission decides to deny the Comp Plan Amendment the applicant can go forward with the Site Plan because they do have the zoning. That is where as stated before, it would be missing the criteria that is looked at by staff. Final decision would be made by the Director. If the administrative decision is made then the City Council can call up and public comment could be made again at that time.

Mr. Gay asked criteria #2 - What was the logic that was used to not count the north and south borders of the parcel the same as the east when analyzing compatibility?

Mr. Bebo stated he felt it was more compatible to what is to the east based on the utilization of access with the existing Industrial area to the east.He also discussed how the presence of the

Ralston Creek and Croke Canal act as natural buffers to the neighborhoods to the north and south. making this site integrate more with the industrial to the east.

Mr. Gay asked about criteria #7 - Is there a public benefit for industrial uses versus residential uses on this site? Is this anecdotal or actual data that shows this?

Mr. Bebo stated that Staff believes that prohibiting residential uses on this property is in the interest of public welfare due to the existing conditions of the site, access limitations, and the presence of light and heavy industrial uses along West 68th Avenue. If residential was built on the site, they would have to drive, walk and bike through industrial uses which also have heavy truck traffic.

Ms. Grogg stated that there is not a definition to “public welfare” in the Comprehensive Plan. Staff did their best on interpreting that criterion.

Mr. Magee asked that no matter what the Planning Commission decides the City Council can make whatever decision they please in their discussion and hearing comments from the public.

Ms. Grogg stated that is correct, the City Council can make their own decisions on this and does not have to follow what Planning Commission recommendation. We have decided to follow the path that allows the most public input.

Mr. Magee asked about the zoning which is industrial light in the Land Development Code, has been this since the early 80’s changed in 2020 pud industrial to current industrial light. Then land use designation from ‘73 - ‘05 it was industrial office and not sure why it was changed to its current use.

Mr Bebo responded that is correct.

Mr. Magee asked the applicant about the clean up on this development. No matter what you pursue on this site you will need to follow the guidance by the State department?

Mr. Saylor stated yes they have to follow CDPHE guidance and if they have to they will amend their plan.

Mr. Magee asked if they will get different guidance depending on what development they do?

Mr. Saylor stated if the project changes they could be looking at institution controls or engineering controls.

Mr. Magee asked if the embankment improvement for protection is it voluntary or required?

Mr. Saylor stated the program administrator wanted to see some improvements in their plan.

Mr. Figliolino asked staff the Industrial Light definition in the LDC, does not say outdoor storage or RV. Is this allowed under IL?

Mr. Bebo stated that there are general zoning statements that are not intended to capture all uses. We have the use tables that are within chapter 3 showing the uses in detail what can be used. These are intent statements not the bread and butter of the use.

Mr. Knapp asked for clarification about page 9 #7 of the staff report. That this project does comply and promote public health and welfare. What other uses can be constructed at this site?

Mr. Bebo stated That is part of the problem, we have other permitted uses that can go under the current IL zoning district. Give examples of these. If rezoning to Mixed use, it would be forced to a higher density residential in this area primarily townhomes, small lot single family dwellings, condo or apartments..Which brings up the issue with transportation is this area.

Mr. Aljinovich stated thank you to all that spoke tonight. To the City, this is a small step to the other items for this site. A check box and could be many changes along the way Bigger plan..

Ms. Grogg stated yes that is correct. The site plan review is in its early stages. There are many more ahead.

Mr. Aljinovich asked, "Are we here for a small step in that process?

Ms. Grogg stated yes that is correct. Wanted to point out that the site plan has an entirely different set of criteria that must be met.

MOTION: 8.A.1

It was moved by Mr. Figliolino that a Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan Land Use Designation pertaining to 6800 Kilmer RV Storage from Mixed Use: Residential Emphasis to Industrial/Office, generally located a 14.01 acre parcel, addressed as 6800 Kilmer St. and located at the terminus of West 68th Avenue just west of Indiana Street, City of Arvada and State of Colorado be approved and recommended to City Council for ratification..

This motion is based on the finds of fact and approved criteria on Pages 8 & 9 of the staff report.

DISCUSSION OF MOTION

Mr. Knapp stated that the applicant's testimony was clear that their intended use of the subject parcel is to be for the storage of recreational vehicles. He also stated that the applicant testified that the property would be lighted for security and accessibility. Mr. Knapp further stated that the applicant testified that it had prepared and submitted documents to the City in furtherance of their stated intended use of the property.
Mr. Knapp stated that staff had testified, and that he personally observed during a recent site visit, that there are residential properties lying both north and south of the subject parcel. He stated that he observed minimal separation and screening between the residential properties and the subject parcel consisting of a creek, canal, walking trail and deciduous trees and shrubs. Further, that it was his opinion that the proposed operations would be visible to the adjacent properties. Based on these and other factors presented, Mr. Knapp stated he does not believe the application satisfies Criteria #'s 2 and 7 in that would not benefit the public welfare and that the intended use of the property is compatible with the adjacent properties.

Mr. Hannan stated there are 7 criterias that need to be met, #2 is the access and the boundaries to this site. Gave examples of where there is access if residential remained that use. #6 Keeping with key elements, we got confused about this area. IL seems less invasive to the area than residential. There are natural boundaries north and south. What is best for Arvada? Feels putting a townhome there would be a good use there. He will be voting against the comp plan amendment.

Mr. Gay stated that criteria #2- about the natural barriers on the north and south, is not good enough for him. These are not really barriers to him, they are land features. Criteria #7- that light industrial would be less invasive for this area than residential is not a fact that we know. This is not a yes or no, more like change or no change. He will be voting against the amendment.

Mr. Figliolino stated he is concerned with criteria #2 does not believe it is an island. For #7 - He does not believe this project will promote public welfare. He feels that this project does not meet criteria 1, 2 and 7. He will be voting no.

Mr. Griffith extended gratitude to the public that has come out to the meeting and staff. Tough for him he sees an undeveloped land that is contaminated and it is unclear how much. City does not have a department that would deal with what remediation would be required. Meeting the goals and objectives in the 2014 Comprehensive Plan and # 2 and 7 about meeting those goals. These do not match the goals. He will be voting against this motion.

Those voting Yes: Magee
Those voting No: Knapp, Gay, Figliolino, Hannan, Griffith, Aljinovich
Those absent: None
The motion not carried: 6 no - 1 yes

9. **OTHER ITEMS**

Mr. Smetana stated that there are no items scheduled for the next Planning Commission meetings on October 8th and October 22nd, and therefore the meetings can be canceled.

Motion to cancel the October 8th and October 22nd meetings: 7 Yes - 0 No. Motion carries.

Mr. Smetana asked to cancel the Nov 5th meeting due to it being election night and proposed to have a special meeting on 11/12

Motion to cancel the November 5th meeting and schedule a special meeting on November 12th: 7 Yes - 0 No. Motion carries.

10. **ADJOURNED** at 8:20pm

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Michael P. Griffith, Chair

Brandon Figliolino, Secretary

Dixielee Rodriguez, Recording Secretary

SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
November 12, 2024

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, Tim Knapp, Tom Aljinovich, Doug Magee, Steve Hannan

THOSE ABSENT Brandon Figliolino

Motion to excuse Mr. Figlilino for his absence

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

ALSO PRESENT: Rob Smetana, City Planning Manager; Emily Grogg, Sr. Ass't. City Attorney; Rozalynne Thompson, Principal Planner; Jessica Garner, Director of Community and Economic Development ;Jeremiah Bebo, Sr. Planner; Nathaniel Gonzales, Planner I, Shane Greenburg, Senior Planner, Jake Sawaya, Development Engineer, Claudia Vaughn, City Engineer, Dixielee Rodriguez, Recording Secretary.

4. APPROVAL OF MINUTES

September 17, 2024. The minutes stand approved as printed.

5. GENERAL BUSINESS

None

6. REPORTS

None

7. PUBLIC COMMENT

Mr. Griffith swore in all guests that will be speaking.

Mike Schweitzer; resident of Arvada, stated his disappointment in no longer having remote attendance access to the planning commission meetings. He would like the city to re-instate the availability of online attendance. He believes that the benefits outweigh the cost to provide this to the community.

Mike Rawluk; not an Arvada resident but speaking on behalf of Ralston Valley Coalition. He stated that the RVC would like the City of Arvada to consider amending the Public Comment or Testimony rules for Planning Commission and City Council Meetings.They feel that it is difficult to develop effective testimony within three minutes. They are asking if The city can adopt a similar rule that Jeffco follows which allows HOA representatives to have 10 minutes of testimony as registered groups. They would also ask that Non Profits have 10 minutes of testimony. They also ask that they can have a layout similar to what the Amazon hearing looked like, where the applicant and public comment representative had an equal amount of time to present, have a rebuttal and closing remarks.

Mr. Griffith asked if they are allowed to address the public comment brought up.

Ms. Grogg stated that the City Council does not engage in back and forth with these types of Public Comments.That does not mean that if there were comments that the commission wanted to make, they are welcome to but we cannot make decisions or vote on these matters as it is not something that staff has prepared for.

Mr Griffith stated that these are all good points that have been brought up during public comment and that he would encourage them to make them to City Council as well. Points that were made about accessibility are valid and it is something that staff can get with City Council to discuss further.

8. PUBLIC HEARINGS

8.A. DA2024-0071 A Major Modification from LDC Section 2-1-3-3(A) for the Purpose of Modifying Lot Widths and Setbacks at 7399 Carr Street

Mr. Griffith swore in all guests that will be speaking.

Mr. Griffith opened the public hearing.

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

Mr. Gonzales stated the publication, posting log, and mailing notice are in order.

Ms. Grogg stated that in the staff report it notes that there is a summary of the neighborhood meeting, we do not have that in the packet at the moment. She stated that we will be sure to have a summary before the packet goes to the City Council. She also stated that although there is one person in the audience with public comment, we also received an emailed public comment that is in the packets as well.

Mr. Griffith entered into the record the staff report,publication, mailing notice and all public comments received. for DA2024-0071 dated November 12, 2024.

Mr. Griffith asked Mr. Gonzales to introduce the project.

Mr. Gonzales introduced the project concerning lot widths and associated setbacks at 7399 Carr Street, just west of the Indian Tree Golf Course.The Subdivision and Site Plan for the project have already been approved and are not the subject of the request tonight.

Ken Toland with KT Engineering presented the project for Matt Cavanaugh. He does live in Arvada. The project is a single cul-de-sac with 9 Single Family lots that access off of Carr Street. The front lots are not at the required 75 ft lot width.They are requesting to bring the setbacks from 30-50 ft down to a standard 20 ft setback, which would also decrease the front width down as well. This will allow for a nicer product and a larger house that fits in with the area better.

PUBLIC COMMENT

IN OPPOSITION

Monica Garivay, Arvada Resident that lives on the property line of this new development.
She stated that she has concerns about the development. She feels that it is not lending itself to similar type housing as what is currently there. She is also concerned about where the houses will be located as she has not been able to see a site plan, there is a lot of traffic and she has witnessed more accidents in her life over there.

She also wanted to know how there was a change to the zoning with any notification or a public hearing .

She stated that she was concerned about the extra cars, exhaust and noise since the drive is right on her property line.

She stated that to her and the acreage they have, two- three homes would be appropriate for that area.

APPLICANT REBUTTAL

Mr. Toland explained that he was not a part of the plat approval but that the current project does meet the zoning requirements. Verified that it was only the front setbacks that are changing. Rear setbacks will remain the same and will not encroach on the road causing any more sight distance problems on the road.

Mr. Griffith closed public comment portion of the meeting

QUESTIONS FROM THE COMMISSION

Mr. Hannan stated that the property has been agricultural and horse property for the 40 years that he has lived 2 miles away and walked along the trail that goes along the back of it. Mr. Hannan asked if the property has always been RN 7.5 or if it was rezoned?

Mr. Smetana stated that the zoning of the property was changed with the re-mapping of the City in 2020. It went from A-1 to RN 7.5.

Mr. Hannan questioned if there was the availability of public input.

Mr. Smetana stated that yes there was.

Mr. Hannan questioned about the zoning to the West and to the South?

Mr. Smetana stated that the surrounding area is also RN 7.5.

Mr. Hannan asked if there were traffic studies done?

Mr. Smetana stated that there were traffic studies done with the actual subdivision that was approved.

Mr. Gay asked that to his understanding the lot sizes are not changing from the Site Plan?

Mr. Gonzalez stated that that was correct.

Mr. Gay stated that the only thing changing was the area that a house could be put on the lot.

Mr. Gonzalez stated that that was correct. No dimensions were changing.

Mr. Griffith stated that the setbacks on Carr were not changing, just the setbacks on the Cul-de-Sac.

Mr. Gonzalez stated that that was correct.

Mr. Griffith asked what the rear set back was?

Mr. Gonzalez stated that the rear setback is 10 ft.

Mr. Griffith asked if there would be a change in that?

Mr. Gonzalez said there would not be.

Mr. Magee asked if the zoning had been changed administratively?

Mr. Smetana stated that yes, it had been.

Mr. Magee said he didn't really have a question. He was just stating where the detention pond was.

Mr. Knapp stated/asked about the width being changed of the lots and the setbacks that there are two things that will be modified.

Mr. Smentana stated the two are intertwined with which the set back can be met.

Mr. Knapp asked about how the lot is measured?

Mr. Smetana stated that you have to have 75' of frontage where the home can then be located on pie shaped lots. The front of the lot for the measurement is adjacent to the right-of-way.

Mr. Knapp asked again about the width. How did we approve the plat with the applicant needing this request?

Mr. Smetana stated that this plat as it stands, is approved. They can currently build, but are requesting a modification to those setbacks to better place the home on the lot.

Mr. Gonzalez tried to clarify.

Mr. Knapp stated that, as it stands now. The lots are not at the required 75' which would give room for driveways and for emergency vehicle access.

Mr. Smetana verified what is being requested of this modification.

Mr. Knapp stated that the building envelope will move closer to the street.

Mr. Smetana agreed that that was correct.

Mr. Knapp asked if staff has addressed the public concern about the screening of the property on the back lot?

Mr. Gonzalez stated that the city has sight triangle requirements in regards to moving vehicles. The screening will be handled with each individual building permit that comes in. There are landscaping requirements for each home.

MOTION:

It was moved by Mr. Knapp, that a Major Modification from LDC Section 2-1-3-3(A) for the purposes of modifying lot widths to comply with the standard setbacks at 7399 Carr Street, be recommended to City Council for approval.

This motion is based on the finds of fact and approved criteria on Page 5 of the staff report.

DISCUSSION OF MOTION

There was No Discussion

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

8.B. <u>DA2023-0018 An Annexation of a Section of 64th Avenue Right-of-Way generally located at 15812 W 64th Ave</u>

Mr. Griffith opened the public hearing.

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

Mr. Greenburg stated the posting notice, mailing notice and Published notice are in order, and affidavits for the mailing and posting notice were received.

Mr. Griffith entered into the record the staff report, posting log and affidavit and mailing log and affidavit for DA2023-0018 dated November 12, 2024.

Mr. Griffith asked Mr. Greenburg to introduce the project.

Mr. Greenburg introduced the project. Stating that the request is being made for an annexation of Right-Of-Way that is owned by the City but was never annexed in with the previous annexation. This is a legal formality and cleanup and does not change ownership or maintenance requirements of the roadway or sidewalk.

Mr. Greenburg stated that at this same address there is also a Site Plan being reviewed and that this does not apply to that Site Plan and approval of this Annexation does not approve anything with the Site Plan.

PUBLIC COMMENT

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

IN FAVOR

None.

IN OPPOSITION

Gloria Olson, a resident of Arvada did not want to speak but is opposed to this project.

Mr. Griffith closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Magee asked if we noticed this piece of property needing annexation through the Site Plan Review?

Mr. Greenburg stated, no, they found it while an adjacent piece of property was being annexed into the City.

MOTION:

It was moved by Mr. Magee, that an Annexation of the public Right-of-Way generally located at 15812 W 64th Avenue, be recommended to City Council for approval. This motion is based on the finds of fact and approved criteria on Page 4 of the staff report.

DISCUSSION OF MOTION

There was no discussion of the Motion.

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

8.C.1 <u>DA2024-0037 A PUD Development Plan for Luxelocker located at Lot 1, Block 2 Candelas 93-72 South Filing No. 1 (Southwest corner of State Highway 72 and Liberty Canyon Lane)</u>

Mr. Griffith opened the public hearing.

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

Mr. Bebo stated the posting in the newspaper, mailed notice and sign posting. The Mailing Affidavit and Posting Log are in order.

Mr. Griffith entered into the record the staff report, publication, posting log and affidavit and the mailing affidavit.

Mr. Griffith asked Mr. Bebo to introduce the project.

Mr. Bebo stated that representatives with Luxelocker are requesting approval a PUD Development Plan and a Major Subdivision Preliminary Plat for Lot 1, Block 2 Candelas 93-72 South Filing No. 1. The property is zoned PUD or Planned Unit Development and as such the PUD Development Plan and Major Subdivision Plat require public hearing. The applicant wishes to construct 6 buildings to be used for self storage. The storage units will be marketed both for sale and for lease in an owners association created for the site. City Staff recommends approval and is available for questions.

David Ferrette, does not live in Arvada stated that Luxelocker is a national brand mainly in the western United States but they are in about 7 different states that solely builds luxury RV and boat storage. Typically they like to build around single family residences. They are looking at the area near Candelas as it is a growing area. They like to think of themselves as a benefit of the local area as many times these areas have HOA's that don't allow RV's and boats and they bring them indoors. The units are metal buildings that are fully enclosed from the elements. These units are typically for rent or they condo them out with strict CC&R's. Nobody can live in them, or run a business out of them. They have security cameras throughout. There There is no one onsite but there are people around doing landscaping and maintenance. There will be two restrooms, a wash bay and RV dump for all users. It is generally a very low trip count for this size of development. They have been meeting with Candelas to meet their design guidelines. They have been been reviewing the landscape standards with the city and have exceeded what is required.

PUBLIC COMMENT

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

QUESTIONS FROM THE COMMISSION

Mr. Magee asked staff why it states that this project is in compliance with the Northwest Sub Area plan?

Mr. Bebo stated that Amendment 6 of the ODP allows general commercial uses in the area so this project is in compliance with that.

Mr Magee stated that in the approval criteria for the Preliminary Plat, the rationale under criteria 3 states that there is infrastructure already being built. Can you explain what is being built right now?

Mr. Bebo stated that this is being built under a separate City approved Master Development Plan for that area. The master developer plotted these larger lots for commercial development and as such they are going to be building the infrastructure to support these individual pad sites including the roads and underground utilities. Luxelocker will not be able to go vertical until all of that is in place. Luxelocker will be providing their own utility connections as well as the public sidewalk along their frontages.

Mr. Magee asked the applicant about the project location slide that showed other outdoor storage facilities. He asked the applicant about the market analysis they have done and it must show a need for this product and services they are providing.

Mr. Ferrette stated that most of the other storage areas are uncovered and open to the elements. They have found that when they go to cold weather climates, people want to get their $300,000 coach out of the snow or sun. A lot of times they are in the hot areas, Phoenix, Las Vegas or cold areas and they want to get their boats or classic cars out of the elements.

Mr. Bebo stated that the Sub Area Plan recommended keeping the areas as planned.

Mr. Knapp asked if everything would be inside.

Mr. Ferrette stated that, yes there is no covered storage, everything is enclosed.

Mr. Knapp asked if what was being presented today was reviewed with Candelas as the applicant had been talking with them.

Mr. Ferrette stated that he has been updating them along the way and once it was going to the Planning Commission, they sent them an official package and it is in their hands now. He stated that they do not have written approval from Candelas at this time, he is still waiting to hear back from them.

Mr. Knapp stated that in the report it stated that there will be no trees on Highway 93. He would like to know what the reasoning is for that?

Mr. Ferrette stated that there is already an enhancement being done with the Master Developer that has been approved by the City.

Mr. Bebo confirmed that.

Mr. Knapp asked if it will be done when this is built.

Mr. Bebo stated that it will be based on the master developer and the Luxelocker developer managing their timelines as this project is on-going. But they will be planted.

Mr. Knapp asked if the landscape being done will help break up the wall on 93?

Mr. Bebo stated that it should screen it. They did suggest doing shrubs, trees and a 6 ft Privacy Fence.

Mr. Ferrette stated that they will also have a monument sign on Highway 93.

Mr. Aljinovich asked if there will be any propane or propane filling on the property?

Mr. Ferrette said that there will not be any propane and that they will be sprinkled.

Mr. Aljinovich asked how big the septic will be?

David Kuntz, Civil Engineer with Martin & Martin and not an Arvada Resident stated that there will be a sanitary sewer that will connect to the City Sewer system. Also, there are five fire hydrants on the property.

Mr. Gay stated that this project is not an anchor. It doesn’t really meet that criteria.

Mr. Bebo stated to keep in mind that the Comp Plan is a visionary document. The city would hope that there will be some kind of anchor there, maybe not this user but it is the first thing coming into that area.

Mr. Gay asked why there were two sets of criteria?

Mr. Bebo stated that the PUD is all the vertical work that will be done and they needed to do an amendment to the Plat that was done with the Master Developer. This Plat will dedicate the needed easements for Utilities and Fire access.

Ms. Grogg stated that she would not recommend voting differently for the two as they need both approvals to move forward. The PUD should be voted on first as that guides as to whether the plat should be amended.

MOTION:

It was moved by Mr. Magee that the PUD Development Plan for Luxelocker located at Lot 1, Block 2 Candelas 93-72 South Filing No. 1 (southwest corner of State Highway 72 and Liberty Canyon Lane), be recommended to City Council for approval.

This motion is based on the finds of fact and approved criteria on Page 8 & 9 of the staff report.

DISCUSSION OF MOTION

None

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

8.C.2 <u>DA2024-0037 A Major Subdivision Preliminary Plat for Luxelocker located at Lot 1, Block 2 Candelas 93-72 South Filing No. 1 (Southwest corner of State Highway 72 and Liberty Canyon Lane)</u>

MOTION:

It was moved by Mr. Magee, that the Major Subdivision Preliminary Plat for Luxelocker located at Lot 1, Block 2 Candelas 93-72 South Filing No. 1 (southwest corner of State Highway 72 and Liberty Canyon Lane), be recommended to City Council for approval.

This motion is based on the finds of fact and approved criteria on Page 7 & 8 of the staff report.

DISCUSSION OF MOTION

Mr. Hannan wanted to thank the applicant for answering all of the questions and bringing a great application to the commission.

Mr. Griffith stated that he remembers a moratorium on storage facilities.

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

9. **OTHER ITEMS**

Jessica Garner discussed that the City Council would like to move their meeting to Tuesday instead of Monday. She stated that she wanted to bring this to the Commission's attention. They will be looking at either Wednesday or Thursday for the Planning Commission meetings, but this will not happen until April or May of 2025.

Mr. Griffith stated that he appreciates it being brought to the attention of the Commission. He also stated that this may be a great time to make any changes that may be necessary as we move the day of the week. He also stated that we may want to look at how long we allow people to speak.

Ms. Garner stated that regarding the amount of time the public is allowed to speak, we need to be mindful that the applicant that comes before us has the right to Due Process. They work diligently to have their day in court and be able to make their case for whatever project they are advocating for or working towards. The public does have the right to comment and there are many mechanisms that they can do that include neighborhood meetings, sharing their comments verbally or in written form. It becomes overly burdensome when they combine groups so they can get more time to speak and also not in the spirit of the nature in which we conduct these quasi judicial hearings.

Mr. Magee stated that this may be a good time for a workshop and to look at our Bylaws and make any necessary changes.

Mr. Knapp thinks we should allow for more time to say an HOA.

Mr. Garner stated that she will bring these items to the City Leadership and bring you back an answer.

Ms. Grogg stated that they have not had anyone since RVC ahead of time asking for additional time to present on behalf of a group of people. The problem is that we have people coming in and expecting that additional time without any communication ahead of time. Due process goes to the land owner, the public may have legal standing to challenge and we’ve built a lot of public input into our process but they could have written pages of public comment and submitted it beforehand. We want to be careful because we are gonna get to a point where we are going to infringe on the land owners rights. Also, a lot of cities are moving away from virtual, especially with City Councils. It is also rare to see that many people use the virtual platform.

Mr. Knapp stated that it would be nice to have it streaming.

Ms. Grogg stated that it would be great to have it but we have to think through these requests.
Mr. Griffith stated that Wednesdays would work, Thursdays might be a problem.

Mr. Smetana stated that December 3rd and 17th Commission meetings can be canceled.

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

9. **ADJOURNED** at 8:11 P.M.

____
Michael Griffith, Chair

____
Brandon Figliolino, Secretary

____
Heidi Van Gieson, Recording Secretary

CITY OF ARVADA

REPORT TO PLANNING COMMISSION	AGENDA ITEM 5.A.

TO: PLANNING COMMISSION DATE: February 18, 2025

SUBJECT: CP2025-0001 a Resolution by the Planning Commission for the City of Arvada, Colorado, Adopting the 2014 Arvada Comprehensive Plan as Arvada's Three Mile Plan Pursuant to Section 31-12-105(1)(E), C.R.S., as Amended

Motion

MOTION: 5.A. MOVED BY: ________________
That CP2025-0001 a Resolution by the Planning Commission for the City of Arvada, Colorado, Adopting the 2014 Arvada Comprehensive Plan as Arvada's Three Mile Plan Pursuant to Section 31-12-105(1)(E), C.R.S., as Amended, be approved and recommended to City Council for ratification (denial).

YES _________________ NO _________________ ABSENT ________________

Prepared by:
Dixielee Rodriguez, Administrative Specialist

Reviewed by:

Approved by:

Rob Smetana, Planning Manager 2/10/2025
Emily Grogg, Senior Assistant City Attorney 2/10/2025
Jessica Garner, Director of Community and Economic Development 2/10/2025

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. CP2025-0001

A RESOLUTION BY THE PLANNING COMMISSION FOR THE CITY OF ARVADA, COLORADO ADOPTING THE 2014 ARVADA COMPREHENSIVE PLAN AS ARVADA'S THREE MILE PLAN PURSUANT TO SECTION 31-12-105(1)(E), C.R.S., AS AMENDED

WHEREAS, Section 31-12-105(1)(e), C.R.S., as amended, of the Colorado Municipal Annexation Act provides that no annexation by a municipality shall have the effect of extending a municipal boundary more than three miles in any one year; and

WHEREAS, Section 31-12-105(1)(e), C.R.S., as amended, further provides that the municipality shall have in place a plan for the three-mile area outside present municipal boundaries prior to any annexation and that such plan be updated at least annually; and

WHEREAS, the Planning Commission adopted, to the extent applicable, the 2014 Comprehensive Plan as the City's Three Mile Plan in accordance with the Municipal Annexation Act, which action was ratified by the Arvada City Council on October 6, 2014; and

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

That, to the extent applicable, the 2014 Comprehensive Plan is hereby adopted as the City's Three Mile Plan pursuant to Section 31-12-105(1)(e), C.R.S., as amended.

APPROVED AND ADOPTED this ______ day of __________, 2025.

CITY OF ARVADA PLANNING COMMISSION

____
Michael Griffith, Chairman

ATTEST:

____
Brandon Figliolino, Secretary

RATIFIED AND APPROVED this ______ day of _______, 2025.

____
Lauren Simpson, Mayor

ATTEST:

____
City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

____

City of Arvada Community and Economic Development Department

STAFF REPORT

Three Mile Plan
Comprehensive Plan Amendment
CP2025-0001

NATURE OF REQUEST

The purpose of this resolution is to comply with Section 31-12-105(1)(e), C.R.S. of the Colorado Municipal Annexation Act, which requires that the City's Three Mile Plan regarding future annexations be updated at least once annually.

The City has used the Arvada Comprehensive Plan as Arvada's Three Mile Plan for purposes of compliance with Section 31-12-105(1)(e). That section generally requires:

1. That no annexation have the effect of extending a municipal boundary more than three miles in any one year; and

2. That, as a precondition to final adoption of an annexation ordinance within the three mile area outside present city boundaries, the municipality has in place a plan for that area, in the nature of a comprehensive or master plan. The plan must be updated at least annually.

The Three Mile Plan is intended to provide guidance on land use decisions in the plan area; to promote well-ordered development compatible with the indigenous character of the area; and to encourage the simplification of governmental structure and efficient provision of services through discouragement of special district creation. To that end, the plan must generally describe items such as proposed streets, other public ways, open spaces, utilities and proposed land uses within the three mile area.

All plans require an annual update in order to comply with the statute. Accordingly, Arvada's Three Mile Plan must be reviewed (and updated where necessary) to ensure such conformance. The 2014 Comprehensive Plan, as amended in association the new Land Development Code adopted in May of 2020, addresses proposed land uses and other statutorily prescribed matters with respect to land within the three mile area; consequently, it should be adopted as the City's Three Mile Plan.

CITY OF ARVADA

REPORT TO PLANNING COMMISSION	AGENDA ITEM 5.B.

TO: PLANNING COMMISSION DATE: February 18, 2025

SUBJECT: Review and update Planning Commission Bylaws for new meeting times

Motion

I move that the suggested changes to the Planning Commission Bylaws be approved.

Prepared by:
Josie Suk, Development Systems and Administrative Manager

Reviewed by:

Approved by:

Josie Suk, Development Systems and Administrative Manager 2/10/2025
Emily Grogg, Senior Assistant City Attorney 2/12/2025

Enclosure, exhibits & attachments required to support the report

CITY OF ARVADA
8101 Ralston Road, Arvada, CO 80002

Planning Commission Bylaws

Meetings

Regular Planning Commission ("Commission") Meetings

The Commission shall meet in regular session on the 1st and 3rd Wednesday of each month provided. Meetings shall commence at 6:15 P.M. unless called earlier if requested by the Chair. The Commission may by motion dispense with any regular meeting. The place of meeting shall be the Council Chambers in the Municipal Building unless otherwise designated and properly noticed.

Special Meetings

Special meetings shall be called by the Recording Secretary on the written request of the Chair or any two (2) members of the Commission on at least twenty-four (24) hours written notice to each member of the Commission, the City Manager and the Manager of City Planning and Development ("Planning Manager"); but a special meeting may be held on shorter notice and without advance notice to the City Manager if all members of the Commission and the Planning Manager or the Manager's representative are present or have waived notice thereof in writing.

Continued Meetings

Any meeting of the Commission may be continued for more than one day, but no continuance shall be for a period longer than sixty (60) days.

Executive Session

The Commission may meet in executive session under the following rules of procedure:

1. An executive session may be convened on a vote by two-thirds of a quorum present at either a regular or special

meeting;

2. Attendance at the executive session shall be limited to the members of the Commission and staff members required for advice and information;
3. No formal action shall be taken on any matter under discussion; and
4. The only items which may be discussed are those dealing with:
    a. Conferences with the Commission's attorney for the purpose of receiving legal advice on specific legal issues;
    b. Matters required to be kept confidential by federal or state law;
    c. Consideration of documents protected by the Open Records Act;
    d. Details of security arrangements or investigations; or
    e. Personnel matters.

Quorum

A majority of the members of the Commission in office at the time shall constitute a quorum for the transaction of business at all Commission meetings. In the absence of a quorum, a lesser number may continue any meeting to a later time or date; and, in the absence of all members, the Recording Secretary may continue any meeting for not longer than two (2) weeks.

Canceling Meetings

At a regularly scheduled meeting, the Commission may vote to cancel a future meeting when it has been determined that no business items are scheduled.

In the event a determination has been made by staff that there are no items to be scheduled on the Commission agenda, the Chair may cancel the meeting or any portion of the meeting at his or her discretion. The Recording Secretary shall notify all Commission members of the cancellation.

Commission Officers

Chair

The Chair shall call the meeting to order at the hour appointed for the Commission meeting, and conduct the meeting to its conclusion.

1. During the absence or disability of the Chair (or when there is a vacancy in the office of Chair), the Vice-Chair shall perform the Chair's duties.

2. During the absence or disability of the Chair and Vice-Chair (or when there is a vacancy in both offices), the Secretary shall perform the Chair's duties.

3. If none of the officers are present, then the members present shall select a person among the present Commission members to fulfill the duties of the Chair for the meeting.

Vice Chair

The Vice-Chair shall serve as Chair under the conditions described above in paragraph Commission Officers, Chair (1).

Secretary

The Secretary shall serve notice of the meeting and sign the minutes. Additionally, the Secretary shall serve as Chair under the conditions described above in paragraph Commission Offices, Chair (2).

The Secretary shall also approve the minutes of all meetings, and attest to the signature of the Chair on all documents, where necessary. In the absence of the Secretary, the Vice-Chair or Recording Secretary may sign any documents required to be signed by the Secretary. Commission officers shall perform such other duties as may be required or assigned by the State Statutes, the City Charter, City Ordinances, or these Bylaws.

Election of Officers

The Chair, Vice-Chair and Secretary of the Commission shall be elected for a period of two (2) years. Elections shall occur at the first regular meeting in June of each election year, or at the next regular meeting following the permanent vacation of any officer's seat on the Commission. Such vacancy shall be the first order of business at that meeting and the Planning Manager shall preside until the election of the Chair. Any member may nominate any member (including themselves) to fill the vacant position, and no second shall be required. Any nominee may decline the nomination. After nominations, each officer shall be elected by a majority vote of the Commission in the following order: Chair, Vice-Chair, and Secretary. Until one person has received the vote of a majority of all members of the Commission, successive votes will be taken. Once the officers are elected, they will preside for the remainder of the current meeting.

Temporary Presiding Officer

In the case of the absence of the Chair, Vice-Chair, and Secretary, the Recording Secretary shall call the Commission to order and call the roll of the members. The Commission shall proceed to elect, by a majority vote of those present, a presiding officer of the meeting to act until the Chair, Vice-Chair, or Secretary appears.

Other City Personnel

Other Employees in Attendance

Other officers and employees of the City attending any session of the Commission shall be under the control and direction of the Chair during such session.

Recording Secretary

A City employee appointed by the Planning Manager shall serve as Recording Secretary of the Commission and shall keep minutes of the meetings and perform such other and further duties in the meeting as may be ordered by the Chair, Commission, City Manager, or Planning Manager.

The Recording Secretary will prepare summary minutes of each meeting, but the official minutes shall be the recorded transcript of the meeting. The Chair shall sign the summary minutes after approval and correction, and the Secretary shall attest to the Chair's signature. The Recording Secretary shall provide a copy of the summary minutes of all Commission meetings to each member of the Commission, and the City Council.

City Clerk

Publication of all official notices for the Commission shall be the responsibility of the City Clerk or other City employee appointed to do so by the City Manager.

City Manager

The City Manager or an appointed representative from his or her office may attend all meetings of the Commission. He or she may make recommendations to the Commission and may take part in discussions on all matters concerning the welfare of the City but shall have no vote in the meetings of the Commission.

Manager of City Planning and Development

The Planning Manager or an appointed senior staff member, and designated Planning Staff members shall attend all meetings of the Commission unless excused by the Commission or the City Manager. The Planning Manager shall keep the Commission fully advised as to all matters related to the planning and zoning conditions and needs of the City. The Planning Manager may make recommendations to the Commission and may take part in discussions on all matters coming before the Commission but shall have no vote in the meetings of the Commission.

City Attorney

The City Attorney shall, either in person or by deputy or assistant, attend all meetings of the Commission. Any member of the Commission may at any time call upon the City Attorney for an oral or written opinion to decide any question of law but not to decide upon any rule of procedure.

Other City Personnel

When the Commission needs to confer with the head of any department or any officer or employee of the City on any matter relating to zoning or planning, the Planning Manager shall be asked to request that such officer or employee attend any regular or special meeting.

Commission Members – Duties and Privileges

Oath

Each newly appointed Commission member shall take the oath of office at the first regular or special meeting of the Commission after the appointment of such Commission member.

Seating Arrangement

Members shall occupy the respective seats in the Council Chamber assigned to them by the Chair, but any two (2) or more members may exchange seats by joint written notice to the Chair.

Decorum and Order

The Chair shall preserve decorum and decide all questions of order, subject to appeal to the Commission. If a member transgresses the rules of the Commission, the Chair shall call the member to order, in which case they shall relinquish the floor unless permitted to explain. Signs or placards are prohibited in the audience area of the chambers.

Right of Appeal

Any member may appeal to the Commission, a ruling of the Chair. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the appeal, and the Chair may briefly explain the reason for the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "Yes," the ruling of the Chair is sustained; if not, it is overruled.

Limitation of Debate

No member shall be allowed to speak more than once on any subject until every other member choosing to speak thereon shall have spoken, and no member shall speak more than twice upon any subject, nor for a longer time than ten (10) minutes, without leave of the Commission.

Making Motions

No motion presented by any member will require a second except a motion;

1. Appealing the decision of the chair, or
2. For the previous question. The Chair will have the same rights and privileges of making motions as any other member.

Disqualification of Member

No member of the Commission may participate in the debate or vote upon any question in which that member has a direct financial interest, other than the common public interest, or on any question concerning that member's own conduct. Request to be excused from participation in or voting upon a question for any other reason must be made before the vote is taken and shall require the consent of the majority of the Commission present. The requesting member shall state the reason for the request, and the Commission shall thereupon vote on the request without further debate. Any member refusing to vote, except when required to abstain by this paragraph shall be guilty of misconduct in office.

All members of the Commission serve at the pleasure of the City Council and may be removed at any time after a vote by the City Council pursuant to Arvada City Code Section 2-78.

Voting Passage and Failure of Motions

The vote by "Yes" and "No" shall be taken upon all motions and entered upon the minutes of the Commission proceedings. Any member may explain his or her vote after the motion is made or after the vote is taken. Such explanation shall be recorded in the minutes. A motion shall pass if it receives the affirmative votes of a majority of Commission members present and voting, except that any recommendation for an amendment to the Zoning Ordinance, including any rezoning, shall require the affirmative vote of the majority of all members of the Commission for passage.

Any motion for approval or recommendation of approval failing to receive a majority vote shall result in denial, or recommendation of denial, as the case may be.

Reconsideration of Vote

Any member on the prevailing side of a vote on a question may move for reconsideration of the question. Such motion for reconsideration will be in order only at the same meeting at which the original vote was taken or the next regular meeting thereafter, provided that the City Council has not yet acted on the Commission's original action. If the motion for reconsideration passes, the Commission will then proceed to reconsider. If the action to be reconsidered is a public hearing, then the matter shall be heard in accordance with notice and public hearing requirements. The Chair may permit additional presentation prior to a vote on the issue at the discretion of the Chair or at the request of a majority of the members of the Commission. If the Commission reconsiders an issue, it may do so by voting on the original motion or by voting on a new motion made in the course of reconsideration. The reconsidered decision shall replace the initial decision as the decision of the Commission. After a motion for reconsideration has once been acted on, no additional motion for reconsideration thereof shall be made without unanimous consent of the Commission.

Personal Privilege

The right of a member to address the Commission on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are assailed, questioned, or impugned.

Dissents and Protests

Any member shall have the right to express dissent from or protest against any action of the Commission and have the reason therefor entered upon the minutes of the Commission proceedings. Such dissent or protest must be filed in writing or made orally on the record, couched in respectful language and presented to the Commission not later than the next regular meeting following the date of the action protested; provided, however, that written dissents or protests not received prior to the deadline for inclusion in the materials forwarded to City Council shall not become part of the Commission record. Dissents or protests related to quasi-judicial matters heard by the Commission shall not include references to information or evidence which was not made part of the record presented to the Commission during the public hearing.

Attendance Required

A written report signed by the Chair and Secretary shall be sent to the City Council concerning any member of the Commission who has three unexcused absences from Commission meetings, for Council determination as to whether this should be cause for removal of that member from the Commission. Such report shall be sent to the Council within three (3) days following such member's third unexcused absence.

Excused from Attendance

No member shall be excused from attendance at a Commission meeting except upon roll call and then only by a vote of the majority of the members present. If the majority of members present do not vote to excuse the member from attendance, it shall be considered an unexcused absence.

1. Members shall notify the Chair or City staff at least 48 hours before a meeting for an absence to be considered as an excused absence.
2. In the event of an emergency, members shall notify the Chair or City staff as soon as possible; absences due to an emergency will be considered for excusal without the 48 hour notice requirement. If the emergency prevented the member from contacting anyone prior to the meeting, the Commission may revisit an unexcused absence and vote to determine if the absence should have been excused at the next scheduled business meeting.

Excused During Meeting

No member may leave the Council Chamber while in regular session without permission from the Chair.

Commission Procedure

Delivery of Agendas, Staff Report and Related Materials

On the Thursday preceding any regular Commission meeting, the agenda showing the order of business, copies of communications, staff reports with supporting documents, and other items relating to the business to be conducted at the meeting will be posted on the City's website, and packets will be available electronically or for pickup by the Commission. If the Planning Manager finds that the materials will not be available by the Thursday preceding the meeting, the Recording Secretary shall notify the Commission members that distribution of materials will be late.

Order of Business

The business of all regular meetings of the Commission shall be transacted in the following order unless the Commission, by a vote of at least two-thirds of the members present, shall suspend the rules and change the order. Within each numerical heading, the Commission's agenda shall be arranged by the Planning staff in such manner of which the staff determines to be most appropriate for the agenda items to be heard. The items will be numbered consecutively with the exception that related items will have the same numerical designation but different alphabetic designation.

1. Call to order
2. Pledge of allegiance
3. Roll call of members
4. Approval of summary of minutes of preceding meeting(s)
5. General business
6. Reports
7. Petitions and communications
8. Workshops
9. Public hearings
10. Other items
11. Adjournment

Call to Order

The Chair shall take the chair at the hour appointed for the Commission to meet and shall immediately call the members to order.

Regular Meetings

The Commission may consider agenda items numbered 1-6 at any regular meetings. No public hearing shall be set or heard at any time prior to 6:15 P.M., with the exception of public hearings opened and continued from a previous meeting, and the Commission shall not proceed to consideration of any public hearing prior to the time actually set for such public hearing.

Conduct of Public Hearings

Oath

All those desiring to be heard on a particular issue at a regular public hearing before the Commission shall, when called upon by the Chair, attest by sworn oath that all evidence they present will be the truth.

Presentation of Evidence

All evidence received by the Commission shall be contained within the confines of the public hearing. The Chair shall declare the public hearing opened and shall receive testimonial and demonstrative evidence into the record.

1. Presentation of the Applicant's Case. The applicant and anyone related to the project shall be allowed a maximum of 30 minutes in total to present their case.
2. Members of the Public. Public comment is limited to 3 minutes per member of the public unless the Chair finds that it is appropriate to lengthen or shorten the time due to the nature of the hearing. All persons requesting to speak will be given an equal opportunity to do so. No person may speak more than once except with the permission of the Chair, and in no event until all persons requesting an opportunity to speak have done so. Members of the public may choose to submit written comments in lieu of speaking at the hearing as long as the comments are received by the cutoff posted by city staff prior to the meeting.
3. Following the presentation and public comment, the applicant will be given an opportunity for a ten-minute rebuttal.
4. After all of the evidence has been taken, the Chair will declare the public comment portion closed, and the question remanded to the Commission for consideration.
5. The Chair shall have the authority to make minor modifications to the set time limits when deemed necessary.

Commission Consideration

During consideration by the Commission, any Commission member may address questions to any individual. The question must directly relate to the subject matter before the Commission.

Reopening of a Public Hearing

If a public hearing has been opened and continued to another date, or has been closed and the Commission wishes to take additional evidence prior to a vote or a reconsideration of a vote, the Chair may reopen the public hearing for purposes of taking such additional evidence. The Chair may limit the scope of such evidence to be taken. If a public hearing is reopened and additional evidence is taken, all such additional evidence shall be incorporated into the original public hearing record.

Verbatim Transcripts

A motion to instruct staff to prepare a verbatim transcript of all comments and debate by the Chair and Commission members regarding any motion may be made by the Chair or any member of the Commission. A motion for a verbatim transcript is not debatable. The motion shall pass if a majority of the members of the Commission present and voting vote in favor of the motion. A motion for a verbatim transcript may only be made during the regular or special meeting of the Commission. A unilateral decision by the Chair to request a verbatim transcript may be appealed pursuant to Commission Members – Duties and Privileges, Right to Appeal. Verbatim transcripts may be requested at any time by the Planning Manager or the City Attorney if necessary to perform their respective duties.

Meetings Extending Past 11:00 pm.

At 11:00 P.M., if the regular meeting of the Commission has not previously been adjourned, all public hearings not previously considered shall be opened and continued to another date. Further proceedings shall not extend beyond thirty (30) minutes after 11:00 P.M. and shall be limited to the business then under consideration and no other. The Chair shall call for a motion on how to proceed with the business under consideration when the meeting extends past 11:00 P.M; this may include a motion to vote on the matter, a motion to suspend the bylaws and continue the meeting, or a motion to continue the matter to another date. All other matters remaining on the agenda shall be continued to another date unless a majority of Commission members vote to suspend the bylaws and continue the meeting.

Communications

Unsigned communications shall not be introduced before the Commission; electronic signature shall be acceptable for purposes of this Section. All correspondence presented to the Commission must include the author's name and address in order to be considered by the Commission. Any correspondence relating to a scheduled agenda item must be received by the Recording Secretary no later than 5:00 P.M. one (1) day prior to the day of the scheduled meeting.

Precedence of Motions

When a question is before the Commission, no motion shall be entertained except:

1. To fix the hour of adjournment,
2. To adjourn,
3. To lay on the table,
4. For the previous question,
5. To postpone to a certain day,
6. To refer,
7. To amend, and
8. To postpone indefinitely.

These motions shall have precedence in the order indicated. Any such motion, except a motion to amend or a motion to postpone indefinitely, shall be put to vote without debate.

Motions to be Stated by Chair

When a motion is made, it shall be stated by the Chair before debate. A motion may be withdrawn by the movant without the approval of the Commission at any time prior to a call for a vote on the motion.

Motion to Adjourn; When not in Order; Not Debatable

1. A motion to adjourn shall be in order at any time except as follows: when repeated without intervening business or discussion;

2. When made as an interruption of a member while speaking;
3. When the previous question has been ordered; and
4. While a vote is being taken.

A motion to adjourn is debatable only as to the time at which the meeting is adjourned.

Motion to Lay on Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a member and with the consent of a majority.

The Previous Question

The previous question is the motion used to bring the Commission to an immediate vote on the issue at hand. When the previous question is moved and seconded by one other member, it shall be put as follows: "Shall the main questions be now put?" There shall then be no further amendment or debate, but pending amendments shall be put in their order before the main questions. If the question "Shall the main question be now put?" is decided in the negative, the main question remains before the Commission, and debate shall continue.

Division of Question

If the question contains two or more divisible propositions, the Chair may, and upon request from a member shall, divide the same.

Motion to Amend

The discussion on a motion to amend is limited to the proposed amendment. A motion to amend may take the form of inserting, striking out, or striking out and inserting words, sentences, or paragraphs. All amendments must be germane to the motion.

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. The Commission member making a motion to amend will have the opportunity to state the reason for the amendment either when making the motion or the Chair shall call on the Commission member making a motion to amend first before other Commission members have voted.

Motion to Postpone or Continue

All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost. All motions to continue shall be to a date certain.

Procedure in Absence of Rule

In the absence of a rule to govern a point of procedure, reference shall be made to Robert's Rules of Order Revised.

Recess

A recess may be called at any time either by the Chair or upon motion by a member and with the consent of the majority. The Commission shall not adjourn while in recess but must reconvene prior to adjournment.

Miscellaneous

Privileges of Floor

No persons except members of the Commission, City officials named in these Bylaws, or persons invited by the Chair of the Commission or by vote of the Commission shall be admitted within the bar of the Council Chamber, and the City Manager may direct the Chief of Police to cause this rule to be rigidly enforced.

Permission Required to Address Commission

Except during a public hearing, persons other than members of the Commission and City officials shall not be permitted to address the Commission except upon recognition by the Chair. Any Commission member may request the Chair to recognize any person other than a City official. If permission is not granted, the decision of the Chair may be appealed in the manner prescribed in Commission Members – Duties and Privileges, Right of Appeal.

Suspension of Bylaws

Any provision of these Bylaws not governed by the Charter, Code, State Statute, Zoning Ordinance, or Subdivision Regulations may be temporarily suspended at any meeting of the Commission by a majority vote of all members of the Commission.

Amendment of Bylaws

These Bylaws may be amended, or new Bylaws adopted by a vote of at least five (5) members of the Commission. Any such alterations or amendments shall be submitted in writing at the regular meeting preceding their adoption, and they shall be placed on the agenda under the order of General Business. This requirement shall be waived only by unanimous consent with a recorded vote of all members.

Approved on February 18, 2025

Michael P. Griffith, Chair

ATTEST/WITNESS

Tim Knapp, Secretary

8101 Ralston Road, Arvada, CO 80002

Planning Commission Bylaws

Meetings

Regular Planning Commission ("Commission") Meetings

The Commission shall meet in regular session on the 1st and 3rd ~~Tuesday~~ Wednesday of each month provided.~~, however, that if the first of the month falls on a Tuesday, the Commission shall meet on the second and fourth Tuesdays in that month.~~ Meetings shall commence at 6:15 P.M. unless called earlier if requested by the Chair. The Commission may by motion dispense with any regular meeting. The place of meeting shall be the Council Chambers in the Municipal Building unless otherwise designated and properly noticed.

Special Meetings

Special meetings shall be called by the Recording Secretary on the written request of the Chair or any two (2) members of the Commission on at least twenty-four (24) hours written notice to each member of the Commission, the City Manager and the Manager of City Planning and Development ("Planning Manager"); but a special meeting may be held on shorter notice and without advance notice to the City Manager if all members of the Commission and the Planning Manager or the Manager's representative are present or have waived notice thereof in writing.

Continued Meetings

Any meeting of the Commission may be continued for more than one day, but no continuance shall be for a period longer than sixty (60) days.

Executive Session

The Commission may meet in executive session under the following rules of procedure:

1. An executive session may be convened on a vote by two-thirds of a quorum present at either a regular or special meeting;
2. Attendance at the executive session shall be limited to the members of the Commission and staff members required for advice and information;
3. No formal action shall be taken on any matter under discussion; and
4. The only items which may be discussed are those dealing with:
    a. Conferences with the Commission's attorney for the purpose of receiving legal advice on specific legal issues;
    b. Matters required to be kept confidential by federal or state law;
    c. Consideration of documents protected by the Open Records Act;
    d. Details of security arrangements or investigations; or
    e. Personnel matters.

Quorum

A majority of the members of the Commission in office at the time shall constitute a quorum for the transaction of business at all Commission meetings. In the absence of a quorum, a lesser number may continue any meeting to a later time or date; and, in the absence of all members, the Recording Secretary may continue any meeting for not longer than two (2) weeks.

Canceling Meetings

At a regularly scheduled meeting, the Commission may vote to cancel a future meeting when it has been determined that no business items are scheduled.

In the event a determination has been made by staff that there are no items to be scheduled on the Commission agenda, the Chair may cancel the meeting or any portion of the meeting at his or her discretion. The Recording Secretary shall notify all Commission members of the cancellation.

Commission Officers

Chair

The Chair shall call the meeting to order at the hour appointed for the Commission meeting, and conduct the meeting to its conclusion.

1. During the absence or disability of the Chair (or when there is a vacancy in the office of Chair), the Vice-Chair shall perform the Chair's duties.

2. During the absence or disability of the Chair and Vice-Chair (or when there is a vacancy in both offices), the Secretary shall perform the Chair's duties.

3. If none of the officers are present, then the members present shall select a person among the present Commission members to fulfill the duties of the Chair for the meeting.

Vice Chair

The Vice-Chair shall serve as Chair under the conditions described above in paragraph Commission Offices, Chair (1).

Secretary

The Secretary shall serve notice of the meeting and sign the minutes. Additionally, the Secretary shall serve as Chair under the conditions described above in paragraph Commission Offices, Chair (2).

The Secretary shall also approve the minutes of all meetings, and attest to the signature of the Chair on all documents, where necessary. In the absence of the Secretary, the Vice-Chair or Recording Secretary may sign any documents required to be signed by the Secretary. Commission officers shall perform such other duties as may be required or assigned by the State Statutes, the City Charter, City Ordinances, or these Bylaws.

Election of Officers

The Chair, Vice-Chair and Secretary of the Commission shall be elected for a period of two (2) years. Elections shall occur at the first regular meeting in June of each election year, or at the next regular meeting following the permanent vacation of any officer's seat on the Commission. Such vacancy shall be the first order of business at that meeting and the Planning Manager shall preside until the election of the Chair. Any member may nominate any member (including themselves) to fill the vacant position, and no second shall be required. Any nominee may decline the nomination. After nominations, each officer shall be elected by a majority vote of the Commission in the following order: Chair, Vice-Chair, and Secretary. Until one person has received the vote of a majority of all members of the Commission, successive votes will be taken. Once the officers are elected, they will preside for the remainder of the current meeting.

Temporary Presiding Officer

In the case of the absence of the Chair, Vice-Chair, and Secretary, the Recording Secretary shall call the Commission to order and call the roll of the members. The Commission shall proceed to elect, by a majority vote of those present, a presiding officer of the meeting to act until the Chair, Vice-Chair, or Secretary appears.

Other City Personnel

Other Employees in Attendance

Other officers and employees of the City attending any session of the Commission shall be under the control and direction of the Chair during such session.

Recording Secretary

A City employee appointed by the Planning Manager shall serve as Recording Secretary of the Commission and shall keep minutes of the meetings and perform such other and further duties in the meeting as may be ordered by the Chair, Commission, City Manager, or Planning Manager.

The Recording Secretary will prepare summary minutes of each meeting, but the official minutes shall be the recorded transcript of the meeting. The Chair shall sign the summary minutes after approval and correction, and the Secretary shall attest to the Chair's signature. The Recording Secretary shall provide a copy of the summary minutes of all Commission meetings to each member of the Commission, and the City Council.

City Clerk

Publication of all official notices for the Commission shall be the responsibility of the City Clerk or other City employee appointed to do so by the City Manager.

City Manager

The City Manager or an appointed representative from his or her office may attend all meetings of the Commission. He or she may make recommendations to the Commission and may take part in discussions on all matters concerning the welfare of the City but shall have no vote in the meetings of the Commission.

Manager of City Planning and Development

The Planning Manager or an appointed senior staff member, and designated Planning Staff members shall attend all meetings of the Commission unless excused by the Commission or the City Manager. The Planning Manager shall keep the Commission fully advised as to all matters related to the planning and zoning conditions and needs of the City. The Planning Manager may make recommendations to the Commission and may take part in discussions on all matters coming before the Commission but shall have no vote in the meetings of the Commission.

City Attorney

The City Attorney shall, either in person or by deputy or assistant, attend all meetings of the Commission. Any member of the Commission may at any time call upon the City Attorney for an oral or written opinion to decide any question of law but not to decide upon any rule of procedure.

Other City Personnel

When the Commission needs to confer with the head of any department or any officer or employee of the City on any matter relating to zoning or planning, the Planning Manager shall be asked to request that such officer or employee attend any regular or special meeting.

Commission Members – Duties and Privileges

Oath

Each newly appointed Commission member shall take the oath of office at the first regular or special meeting of the Commission after the appointment of such Commission member.

Seating Arrangement

Members shall occupy the respective seats in the Council Chamber assigned to them by the Chair, but any two (2) or more members may exchange seats by joint written notice to the Chair.

Decorum and Order

The Chair shall preserve decorum and decide all questions of order, subject to appeal to the Commission. If a member transgresses the rules of the Commission, the Chair shall call the member to order, in which case they shall relinquish the floor unless permitted to explain. Signs or placards are prohibited in the audience area of the chambers.

Right of Appeal

Any member may appeal to the Commission, a ruling of the Chair. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the appeal, and the Chair may briefly explain the reason for the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "Yes," the ruling of the Chair is sustained; if not, it is overruled.

Limitation of Debate

No member shall be allowed to speak more than once on any subject until every other member choosing to speak thereon shall have spoken, and no member shall speak more than twice upon any subject, nor for a longer time than ten (10) minutes, without leave of the Commission.

Making Motions

No motion presented by any member will require a second except a motion;

1. Appealing the decision of the chair, or
2. For the previous question. The Chair will have the same rights and privileges of making motions as any other

member.

Disqualification of Member

No member of the Commission may participate in the debate or vote upon any question in which that member has a direct financial interest, other than the common public interest, or on any question concerning that member's own conduct. Request to be excused from participation in or voting upon a question for any other reason must be made before the vote is taken and shall require the consent of the majority of the Commission present. The requesting member shall state the reason for the request, and the Commission shall thereupon vote on the request without further debate. Any member refusing to vote, except when required to abstain by this paragraph shall be guilty of misconduct in office.

All members of the Commission serve at the pleasure of the City Council and may be removed at any time after a vote by the City Council pursuant to Arvada City Code Section 2-78.

Voting Passage and Failure of Motions

The vote by "Yes" and "No" shall be taken upon all motions and entered upon the minutes of the Commission proceedings. Any member may explain his or her vote after the motion is made or after the vote is taken. Such explanation shall be recorded in the minutes. A motion shall pass if it receives the affirmative votes of a majority of Commission members present and voting, except that any recommendation for an amendment to the Zoning Ordinance, including any rezoning, shall require the affirmative vote of the majority of all members of the Commission for passage.

Any motion for approval or recommendation of approval failing to receive a majority vote shall result in denial, or recommendation of denial, as the case may be.

Reconsideration of Vote

Any member on the prevailing side of a vote on a question may move for reconsideration of the question. Such motion for reconsideration will be in order only at the same meeting at which the original vote was taken or the next regular meeting thereafter, provided that the City Council has not yet acted on the

Commission's original action. If the motion for reconsideration passes, the Commission will then proceed to reconsider. If the action to be reconsidered is a public hearing, then the matter shall be heard in accordance with notice and public hearing requirements. The Chair may permit additional presentation prior to a vote on the issue at the discretion of the Chair or at the request of a majority of the members of the Commission. If the Commission reconsiders an issue, it may do so by voting on the original motion or by voting on a new motion made in the course of reconsideration. The reconsidered decision shall replace the initial decision as the decision of the Commission. After a motion for reconsideration has once been acted on, no additional motion for reconsideration thereof shall be made without unanimous consent of the Commission.

Personal Privilege

The right of a member to address the Commission on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are assailed, questioned, or impugned.

Dissents and Protests

Any member shall have the right to express dissent from or protest against any action of the Commission and have the reason therefor entered upon the minutes of the Commission proceedings. Such dissent or protest must be filed in writing or made orally on the record, couched in respectful language and presented to the Commission not later than the next regular meeting following the date of the action protested; provided, however, that written dissents or protests not received prior to the deadline for inclusion in the materials forwarded to City Council shall not become part of the Commission record. Dissents or protests related to quasi-judicial matters heard by the Commission shall not include references to information or evidence which was not made part of the record presented to the Commission during the public hearing.

Attendance Required

A written report signed by the Chair and Secretary shall be sent to the City Council concerning any member of the Commission who has three unexcused absences from Commission meetings, for Council determination as to whether this should be cause for removal of that member from the Commission. Such report shall be sent to the Council within three (3) days following such member's third unexcused absence.

Excused from Attendance

No member shall be excused from attendance at a Commission meeting except upon roll call and then only by a vote of the majority of the members present. If the majority of members present do not vote to excuse the member from attendance, it shall be considered an unexcused absence.

1. Members shall notify the Chair or City staff at least 48 hours before a meeting for an absence to be considered as an excused absence.
2. In the event of an emergency, members shall notify the Chair or City staff as soon as possible; absences due to an emergency will be considered for excusal without the 48 hour notice requirement. If the emergency prevented the member from contacting anyone prior to the meeting, the Commission may revisit an unexcused absence and vote to determine if the absence should have been excused at the next scheduled business meeting.

Excused During Meeting

No member may leave the Council Chamber while in regular session without permission from the Chair.

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Oath

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2. To adjourn,
3. To lay on the table,
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6. To refer,
7. To amend, and
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These motions shall have precedence in the order indicated. Any such motion, except a motion to amend or a motion to postpone indefinitely, shall be put to vote without debate.

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Any provision of these Bylaws not governed by the Charter, Code, State Statute, Zoning Ordinance, or Subdivision Regulations may be temporarily suspended at any meeting of the Commission by a majority vote of all members of the Commission.

Amendment of Bylaws

These Bylaws may be amended or new Bylaws adopted by a vote of at least five (5) members of the Commission. Any such alterations or amendments shall be submitted in writing at the regular meeting preceding their adoption, and they shall be placed on the agenda under the order of General Business. This requirement shall be waived only by unanimous consent with a recorded vote of all members.

Approved on February 18, 2025

Michael P. Griffith, Chair

ATTEST/WITNESS

~~Tim Knapp~~Brandon Figliolino, Secretary

CITY OF ARVADA

REPORT TO PLANNING COMMISSION	AGENDA ITEM 8.A.

TO: PLANNING COMMISSION   DATE: February 18, 2025

SUBJECT: Bonfire Burritos Alternative Sign Program for Bonfire Burritos sign located at 5800 Wadsworth Blvd

Motion

I move that Bonfire Burritos Alternative Sign Program for signs on West and East side, approximately located at 5800 Wadsworth Blvd, be recommended to the Director for (Approval) (Denial).

This motion is based on the findings of fact and approval criteria on Page(s) 4 and 5 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:

Christopher Sandine, Planner II	2/11/2025
Josie Suk, Development Systems and Administrative Manager	2/11/2025
Rob Smetana, Planning Manager	2/11/2025
Emily Grogg, Senior Assistant City Attorney	2/12/2025
Jessica Garner, 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

Bonfire Burritos
Alternative Sign Program
DA2025-0003

NATURE OF REQUEST

Bonfire Burritos is requesting approval of an Alternative Sign Program (ASP), which would allow for an increase in the number of allowable wall signs from one (1) sign to three (3) signs. The ASP would also allow for two (2) of the three (3) wall signs to exceed the maximum square footage allowed by-right in the Olde Town/Commercial Sign District.

LOCATION AND HISTORY

Bonfire Burritos is in the process of opening a restaurant at 5800 Olde Wadsworth Boulevard, which is located on the northeast corner of Olde Wadsworth Boulevard and Ralston Road. Prior to Bonfire Burritos, this site served as the home to an Arby's (fast food restaurant) dating back to the early 1970's. The approximately 2,500 square foot, one-story building is undergoing interior and exterior renovations. Additional site renovations include the removal of existing drive-thru menu boards and the installation of a patio featuring artificial turf, outdoor seating, a firepit, and new bike racks. Meanwhile, the exterior façade is being re-cladded with weathered metal wall panels and Shou Sugi Ban (charred cedar) siding, while the existing false mansard roof is set to be repainted a steely, blue-gray color. Please note, the City of Arvada previously approved a Certificate of Compliance with Design Guidelines for Olde Town for the proposed signage. See the Project Analysis section for further details.

NEIGHBORHOOD MEETING

Division 8-2-2 of the Land Development Code (LDC) requires that at least one neighborhood meeting be held for projects that require public hearings before the Planning Commission and City Council. Given the limited impact of this application request and the commercial nature of the businesses surrounding the property, the neighborhood meeting was waived for this application.

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 homeowner's associations and neighborhood associations with a known interest in the subject property. The applicant will provide an affidavit of mailing verifying this requirement has been met prior to the public hearing.

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

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

DEVELOPMENT REVIEW TIMELINE

This application was submitted on January 9, 2025, and completed one (1) round of reviews following the public hearing review track.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

This project is consistent with the City Council Strategic Plan principles for the Community and Economic Development work system.

ZONING AND LAND USE

The subject property is currently zoned OT-RR (Olde Town Ralston Road) which allows for restaurant uses. Given the OT-RR zoning designation, signage shall be subject to the Olde Town/Commercial (OT/CN) Sign District standards.

Surrounding properties are zoned and utilized as follows:

Direction	Zoning	Actual Use
North	OT-RR (Olde Town Ralston Road) R13 (Residential 13)	Gemini Imprints Multifamily Buildings
South	OT-OW (Olde Town Olde Wadsworth) OT-W (Olde Town Webster)	Teocalli Cocina Restaurant Shrine of St. Anne Catholic Church
East	OT-RR (Olde Town Ralston Road)	1.35 A Scoop Chinese Restaurant
West	OT-RR (Olde Town Ralston Road)	Arvada Vision & Eye Clinic

PROJECT ANALYSIS

Compliance with the Comprehensive Plan
The Comprehensive Plan designates this area within the Transit Station Framework Plan (2007), which allows for a wide range of land uses for residents and visitors to shop, dine, work, play, learn, worship, and live. As noted above, Bonfire Burritos is a permitted land use and the proposed signage within their Alternative Sign Program is in conformance with the Comprehensive Plan.

Compliance with Other Applicable Plans
The subject parcel is in the Olde Town Ralston Road Zoning District and therefore subject to the Design Guidelines for Olde Town Arvada. On December 26, 2024, the City approved a Certificate of Compliance with Olde Town Arvada Design Guidelines for wall signs on the west, south, and

east facade. The approval included a partial waiver, as the wall signs on the west and east facades will utilize LED strips on the back of each letter to provide a "halo" illumination effect.

Alternative Sign Program Analysis
The Alternative Sign Program provisions of the Land Development Code provide the opportunity to allow for signage that is not in strict conformance with the standards, requirements, and limitations of the code provided the ASP results in a substantially improved, comprehensive, and unified proposal.

The Bonfire Burritos ASP will differ from the standard allowed signage of the LDC in **two areas** as noted below:

The Land Development Code regulations for Dimensional Wall Signs in the OT/CN Sign District are as follows:

1. **Maximum Number**: Dimensional Wall Sign Only. **One (1) per Establishment.**
2. **Maximum Sign Area**: **32 square feet.**
3. Allowed Lighting: Must be externally or halo illuminated.
4. Other Standards: Not allowed on building elevations that are located within ten (10) feet of a property line of a single-family detached or duplex residential use.

The proposed Alternative Sign Program:

1. **Maximum Number**: Dimensional Wall Sign Only. **Three (3) per Establishment.**
2. **Maximum Sign Area**: **West Facade = 60 square feet.**
   South Facade = 22.3 square feet.
   East Facade = 60 square feet.
3. Allowed Lighting: Must be externally or halo illuminated.
4. Other Standards: Not allowed on building elevations that are located within ten (10) feet of a property line of a single-family detached or duplex residential use.

Comparative Analysis:

1. Maximum Number: Bonfire Burritos will remove the previous tenant's signage (including the drive-thru sign and the freestanding sign) and renovate an existing rectangular building that has approximately 83-lineal feet of frontage along Olde Wadsworth Boulevard and approximately 35-lineal feet of frontage along Ralston Road. One (1) wall sign is requested along the western façade (facing Olde Wadsworth Boulevard), the southern façade (facing Ralston Road), and the eastern façade (facing the main parking lot and above the main entrance). The proposed signage along the western and eastern façade is for individual dimensional letters mounted to the slope of the false mansard roof, while the proposed signage along the southern façade is for a smaller logo that will be flush with the building. Additional freestanding signage is not being proposed. The existing building is located approximately 3'-6" from the right-of-way along Ralston Road, limiting the visibility of the proposed signage along the southern facade. Meanwhile, signage on three sides of the building provides visibility for patrons travelling eastbound or westbound on Ralston Road, or for pedestrians travelling to this area from the Arvada Downtown Historic District. The

Alternative Sign Program would allow for an increase in the number of wall signs from one (1) to three (3), which complies with the sign proposal.

2. Maximum Sign Area (Per Sign): The dimensional signs along the western and eastern façade measure 22’-6” x 2’-8” (60 square feet) each. The LDC limits the maximum sign area (per sign) to 32 square feet; however, through the Alternative Sign Program, the maximum sign area may be increased to 80 square feet. Additionally, Alternative Sign Programs allow for 100% of the facade surface to be covered (provided it is less than 80 square feet), and the proposed wall signs measure to be approximately 27% of the facade surface. The logo sign along the southern façade measures to be approximately 22.3 square feet and complies with the maximum allowed signage along an establishment frontage.

3. Allowed Lighting: In compliance with the LDC, the wall signs on the west and east facades will utilize LED strips on the back of each letter to create a sign that provides a halo illumination effect. The wall sign on the south façade is not shown to be illuminated.

4. Other Standards: In compliance with the LDC, the subject parcel is not located within ten (10) feet of a property line of a single-family detached or duplex residential use.

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:

Div. 8-3-7 Alternative Sign Program Approval Criteria	Finding	Rationale
1. Setbacks or required landscape area for detached signs may be different from the requirements of Chapter 6, Signs, if it is demonstrated that there is no impact on public safety, utility easements, or mature trees, and the aesthetic impact of the modification is appropriately mitigated.	Complies	Detached permanent signage is not being requested with this application.
2. All signs shall be architecturally integrated into or complimentary to the design and materials of the buildings and character of the site, and shall use similar and coordinated design features, materials and colors. The Alternative Sign Program shall establish or continue an integrated architectural vocabulary and cohesive theme for the development.	Complies	Bonfire Burritos has designed the proposed signs to complement the architectural design elements associated with the entire redevelopment. The steel metal lettering will be non-reflective and blend with the weathered metal panels on the exterior façade.

3.	The height, sign area, type, number and location of signs permitted through the Alternative Sign Program shall be established based on the following factors: a. The overall size of the development and the scale of the use or uses located or anticipated to be located there (larger land areas and scales of use tend to favor larger signs and / or more signs); b. The relationship between the building setback and sign location (higher visibility signage may be appropriate for buildings with lower visibility); c. The property frontage (larger property frontages may justify more or larger signs, particularly if the length of the property frontage tends to prevent sign clutter by allowing additional spacing between signs); d. Access and visibility to the property (limitations on access or visibility may justify relocation or resizing of signs according to an Alternative Sign Program); e. Intended traffic circulation pattern; f. Creation of a more obvious hierarchy of signage; g. Improvement of the relationship between the property and adjacent properties or land uses; h. Proximity of the property to elevated limited access highways; and i. Consistency with the objectives and design policies of the Comprehensive Plan, special area plans, urban renewal plans, and any applicable land use plans, design plans, or design guidelines approved by the City for the area in which the Alternative Sign Program is proposed.	Complies	The approximately 1.04-acre parcel is located on a prominent corner of Olde Wadsworth Boulevard and Ralston Road, while also being adjacent to the Downtown Arvada Historic District. The prior tenant’s freestanding sign will be removed, and a new freestanding sign has not been proposed. Given the existing building is located approximately 3’-6” from the right-of-way along Ralston Road, visibility of the proposed wall sign along the southern facade will be limited. Signage on three sides of the building provides visibility for patrons travelling eastbound or westbound on Ralston Road, or for pedestrians travelling to this area from the Arvada Downtown Historic District. The two (2) proposed dimensional wall signs exceed the maximum sign area permitted by-right within the OT/CN sign district. An Alternative Sign Program may allow up to 100% of the facade surface to be covered (provided it is less than 80 square feet). The two (2) dimensional signs measure to be 60 square feet, or approximately 27% of the facade surface. The logo sign along the southern façade measures to be approximately 22.3 square feet and complies with the maximum allowed square footage. The proposed signage meets the standard signage requirements for illumination. Additionally, the City approved a Certificate of Compliance with Olde Town Arvada Design Guidelines for the design of the proposed wall signs on the west, south, and east façade. Staff supports the Bonfire Burritos ASP request given the prominent location on a busy corner of two heavily travelled roadways; along with being in a standalone, non-historic, commercial structure outside of the Downtown Arvada Historic District.

STAFF RECOMMENDATION

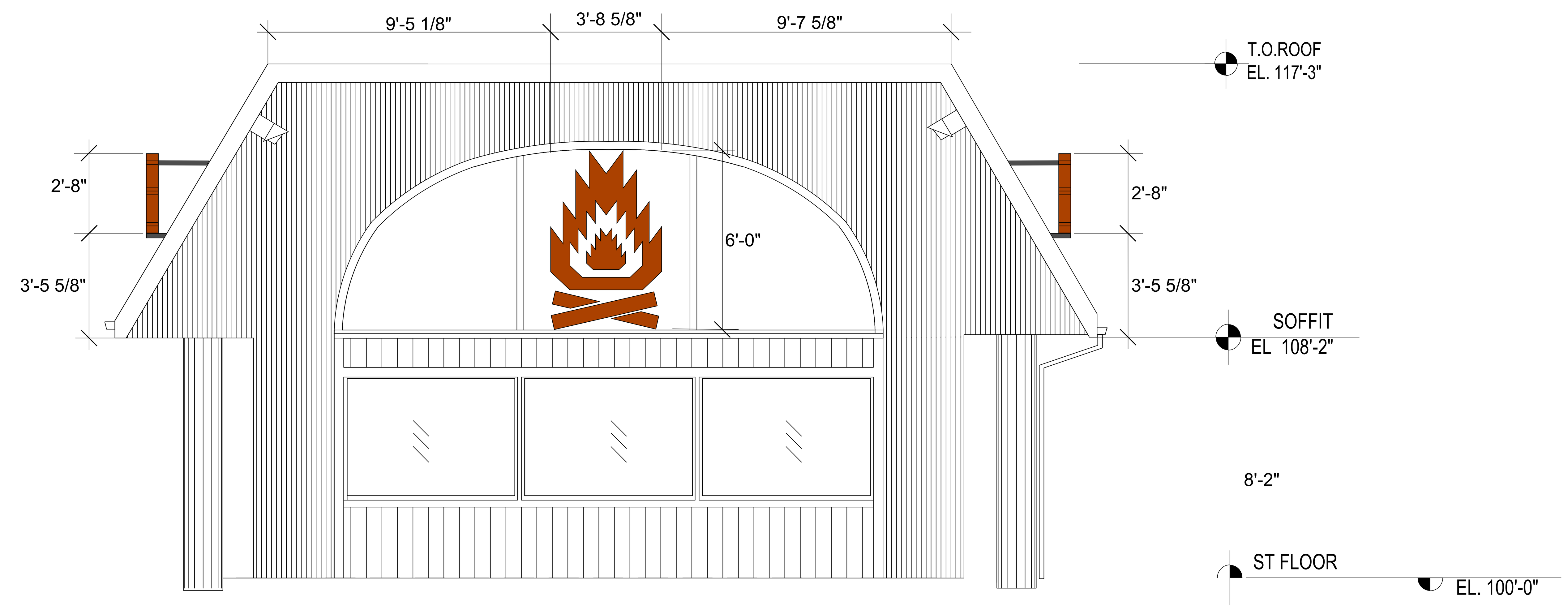
Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the Bonfire Burritos ASP.

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

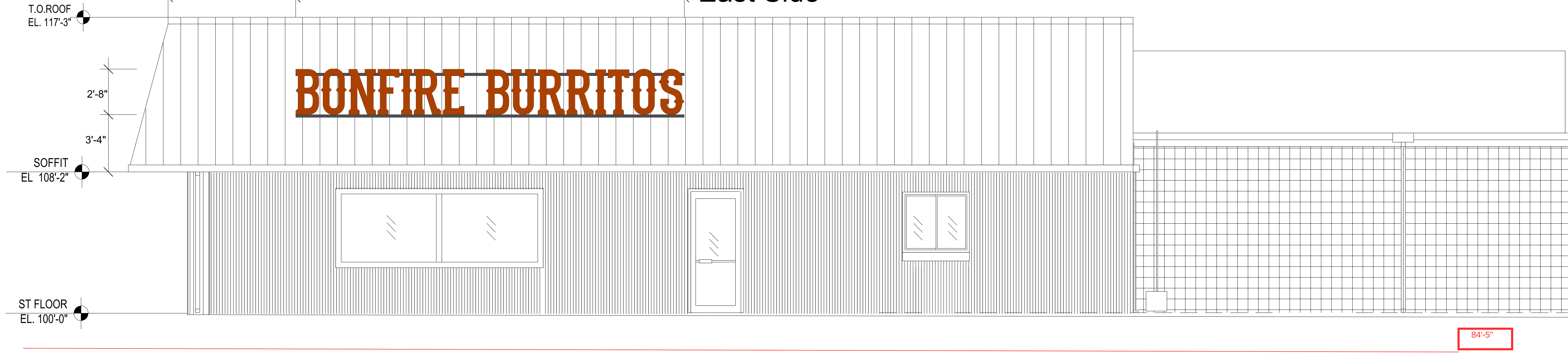
Sign Positions for Bonfire Burritos

5800 Olde Wadsworth Arvada, Colorado

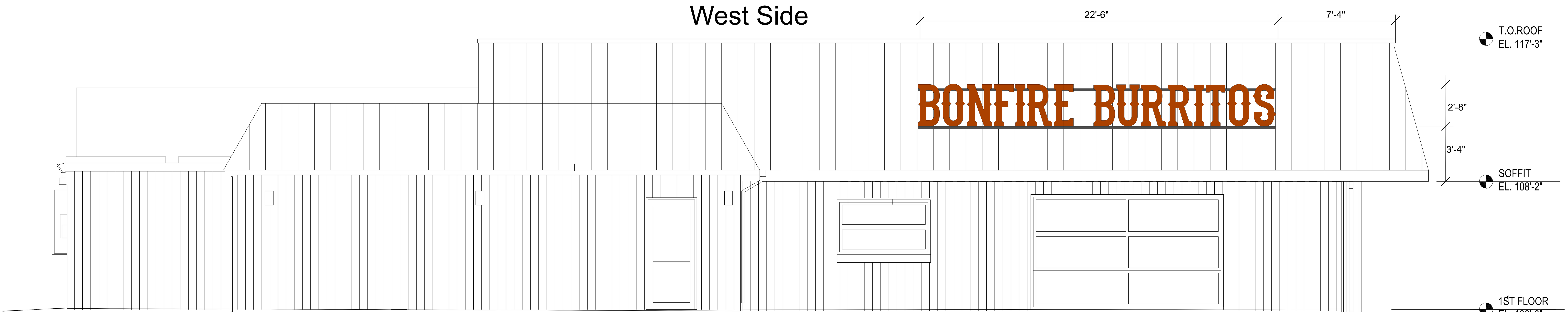
South Side



East Side



West Side



SITE KEY NOTES

- (A) EXISTING EXTERIOR CONCRETE SIDEWALK, PATIO AND SITEWORK. CONFIRM EXISTING CONDITION WITH GC & OWNER. PROVIDE ITEMIZED LIST OF REPAIRS NEEDED, INCLUDING REPAIR/REPLACE SPALLED, CRACKED OR DISTRESSED CONC. SURFACES, RAMP, CURB & GUTTER, RAMPS ETC.
- (B) NEW COLORED CONCRETE PATIO & WALKWAY (DAVIS COLORS: CLIFFSIDE BROWN #6804) WITH PERIMETER LANDSCAPE IMPROVEMENTS. RE: LANDSCAPE DRAWINGS. MAINTAIN EXISTING SLOPE TOWARDS NORTH DRIVEWAY. OUTDOOR SEATING AND FIREPIT SELECTION PENDING OWNER DECISION, AND WILL BE SUBMITTED AT LATER DATE.
- (C) NEW ARTIFICAL TURF (PROGREEN K9 DELUXE SYNTHETIC TURF) ON INTEGRAL DRAINAGE BACKING PAD ON PREPARED EXISTING GRADE, WITH IRRIGATED NATURAL LANDSCAPE PERIMETER RE: LANDSCAPE DRAWING L1.
- (D) APPLY PAINTED 2" WIDE PARKING STRIPING AT EACH PARKING SPACE.
- (E) HC PARKING SPACE WITH PAINTED PAVEMENT SYMBOL AND WALL SIGN AT EXISTING HC ACCESSIBLE CONC. RAMP.
- (F) NEW GREASE TRAP CONNECTED TO EXISTING SANITARY SEWER LINE. RE: PLUMB'G.
- (G) GAS/ELEC. METER & SERVICE ENTRY. CONFIRM EXISTING CONDITION WITH GC. PROVIDE NEW METER AND DISTRIBUTION RE: MECH & ELEC. DRAWINGS.
- (H) TELEPHONE & CABLE TV ENTRY: CONFIRM EXISTING CONDITION WITH GC. PROVIDE NEW EQUIPMENT AND DISTRIBUTION RE: MECH & ELEC. DRAWINGS.
- (I) WATER SERVICE / METER: EXISTING WATER METER AND SERVICE TO REMAIN. PROVIDE NEW WATERLINE AFTER METER (ON PRIVATE SIDE) RE: MEP DRAWINGS.
- (J) EXISTING STEEL GUARDRAIL. CONFIRM EXISTING CONDITION WITH GC.
- (K) EXISTING CONC. FILLED STL. BOLLARD AT TRASH ENCLOSURE AND COL. PROTECTION.
- (L) 3' HT. PAINTED DECORATIVE STEEL RAILING WITH WITH PR 3' WIDE LOCKING GATE. & LANDSCAPE BUFFER. RE: DETAIL **4 / A4.2**
- (M) DESIGNATED BIKE PARKING WITH BIKE RACK: CBBR-5UR-BKC Surface Mount FOR (6 to 9 Units) BY BELSON OR EQUAL. INSTALL PER MANF. REQ'TS.
- (N) EXISTING LIGHT FIXTURE. CONFIRM EXISTING CONDITION WITH GC.
- (O) KNOX BOX: FIRE DEPT. KEY ACCESS. CONFIRM LOCATION WITH FIRE DEPT.
- (P) EXISTING TRASH DUMPSTER PAD AND STL BOLLARDS. PROVIDE NEW TRASH ENCLOSURE WITH METAL PANELS & DOORS. RE: DETAIL **2, 3 / A1.1**
- (Q) DEMO EXISTING LIGHTED DRIVE UP MENU BOARD
- (R) EXISTING ADJACENT PROPERTY PARKING LOT WITH SHARED CURB CUT ACCESS TO RALSTON ROAD.
- (S) GAS LOG FIREPIT (UL RATED) & OUTDOOR FURNITURE / SEATING SELECTION PENDING OWNER DECISION, AND WILL BE SUBMITTED AT LATER DATE.

LEGEND:

HATCH PATTERN INDICATES EXISTING LANDSCAPE AREA = 2556 SF

HATCH PATTERN INDICATES PROPOSED LANDSCAPE AREA = 3386 SF

1 PROPOSED OVERALL SITE / FIRST FLOOR PLAN

1" = 10'-0"

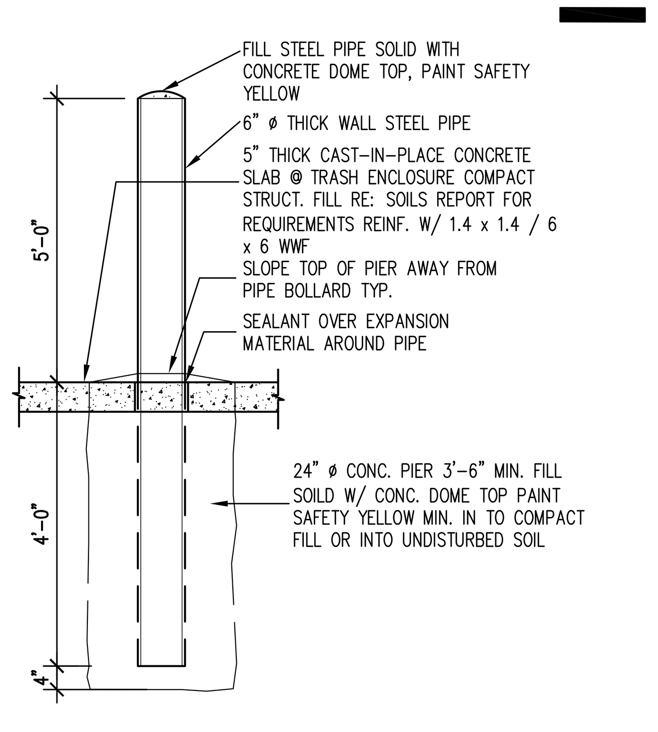
NORTH

0 5' 10' 20'

SITE STATISTICS:

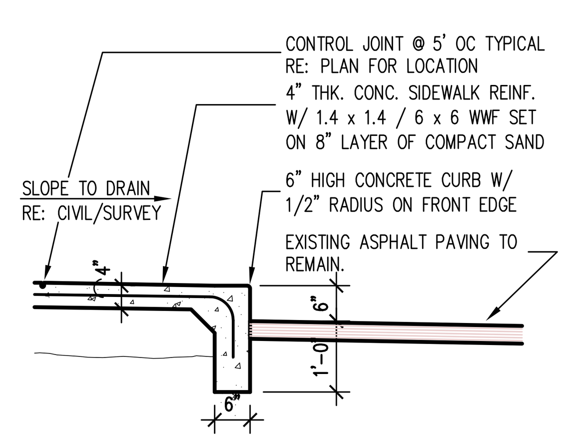
ZONE DISTRICT:	OT-RR OLDE TOWN - RALSTON RD
ZONE LOT AREA:	APPROX. 24,524 SF
GROSS PROJECT AREA:	APPROX. 24,524 SF
SITE COVERAGE STRUCTURES (EXISTING):	APPROX. 2,500 SF

PARKING REQUIREMENT: PER LAND USE CODE TABLE 4-5-2-2C
APPROX. 2500 SF BUILDING @ 5 SPACES / 1,000 SF = 12.5 REQ'D SPACES
48 SPACES PROVIDED + SERVICE VEHICLE PARKING AREA



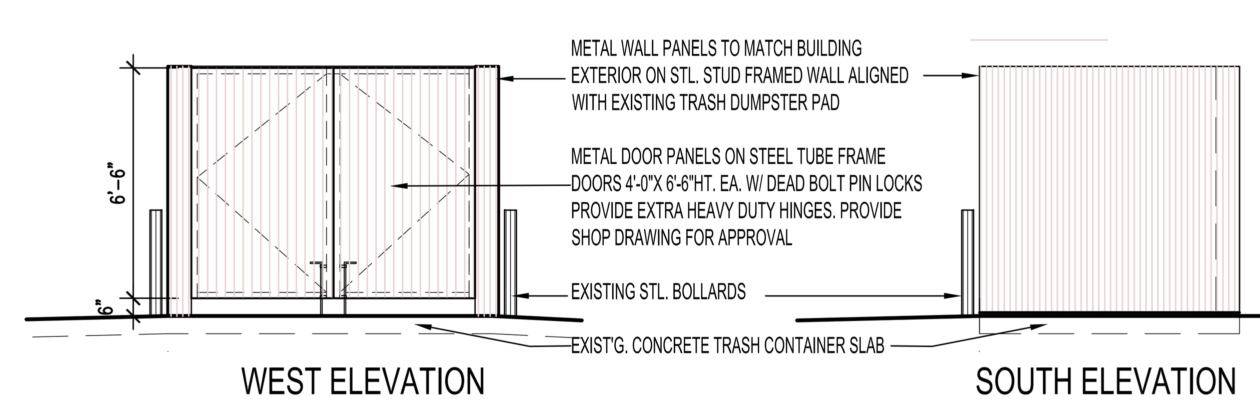
5 STEEL BOLLARD

1/2"=1'-0"



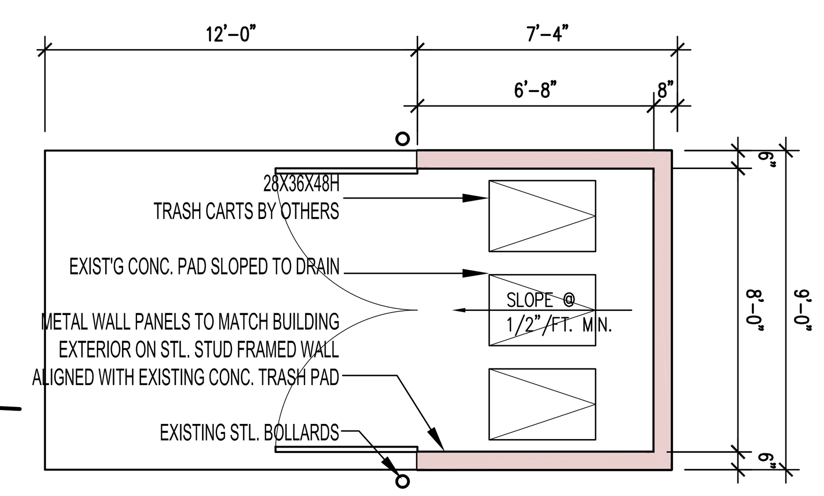
4 SIDEWALK DETAILS

1/2" = 1'-0"



3 TRASH ENCLOSURE ELEVATIONS

1" = 10'-0"



2 TRASH ENCLOSURE PLAN

1" = 10'-0"

RIVER STUDIO ARCHITECTS
674 RIDGESIDE DRIVE - SUITE 200 - GOLDEN, COLORADO 80401 - 303.433.6078

07/29/2024	CERTIFICATE OF COMPLIANCE 4th REVIEW
06/24/2024	CERTIFICATE OF COMPLIANCE 3rd REVIEW
05/10/2024	CERTIFICATE OF COMPLIANCE 2nd REVIEW
03/17/2024	CERTIFICATE OF COMPLIANCE 1st REVIEW

Bonfire Burritos

5800 Olde Wadsworth
Arvada, Colorado

Date: 12-22-23	Issue: FOR REVIEW	Drawing: A1.1
Drawn By: RSA	Title: FIRST FLOOR PLAN	

CITY OF ARVADA

Action upon Application for

CERTIFICATE OF COMPLIANCE
WITH OLDE TOWN ARVADA DESIGN GUIDELINES (OR WAIVER)

Pursuant to Section 8-3-5-4, Arvada Land Development Code (2020)

Ian Lanier	5800 Wadsworth Blvd
Applicant's Name	Property Address
DA2024-0091	Wall signs on west, south and east façade
Reference Number	Project Description ("Land-Use Activity")

☒ **Expedited Review**

Having determined, pursuant to subsection 8-3-5-4, that the uncomplicated nature of and/or limited scope or impact of the proposed land-use activity (see application/supporting documentation), the following action is taken upon the application for Certificate of Compliance with Design Guidelines (CCDG) or Waiver:

☐ **Review After Action by Design Review Advisory Committee**

Having fully considered the recommendation of the Design Review Advisory Committee, pursuant to subsection 8-1-2-4, the following action is taken upon the above application for CCDG or Waiver:

ACTION TAKEN

☐ **THE APPLICATION IS APPROVED**, it being determined that the proposed land-use activity complies with all design guidelines set forth in the *Design Guidelines for Olde Town Arvada* which are specifically applicable.

☐ **THE APPLICATION IS APPROVED SUBJECT TO THE FOLLOWING CONDITION**, such condition being reasonably necessary to ensure compliance with the *Design Guidelines for Olde Town Arvada* or to satisfy the Waiver criteria of subsection 8-3-5-4.D. **(SEE CONDITION BELOW)**

☐ **THE APPLICATION IS DENIED**, it being determined that the proposed land-use activity does not comply with certain applicable design guidelines set forth in the *Design Guidelines for Olde Town Arvada.* **(SEE ATTACHED)**

☐ **A FULL WAIVER IS GRANTED**
☒ **A PARTIAL WAIVER IS GRANTED (SEE BELOW for specific Design Guideline waived)**
pursuant to subsection 8-3-5-4.D, it being determined that ☒ 1. The proposed land-use activity is of a nature that will not substantially alter, or erode the authenticity of, any historically significant exterior feature of an existing structure and is compatible with both the distinctive characteristics of the Arvada Downtown Historic District or Olde Town Zoning District, as applicable, and with the intent and purpose of the Design Guidelines; ☐ 2. The proposed land use activity is of a nature that will not undermine, impair, or conflict with the intent of the Arvada Historic District or Olde Town Zoning District, as applicable, as set forth at §2-1-5-1 of the Land Development Code, and is compatible with both the distinctive characteristics of the Arvada Downtown Historic District or Olde Town Zoning District, as applicable, and the intent and purpose of the Design Guidelines; ☐ 3. Strict compliance with the Design Guidelines would create an economic hardship, such that the cost to strictly comply would result in an inability to obtain any reasonable economic return on the property; ☐ 4. The land-use activity is of comparable architectural and historical value and authenticity to that required by the Design Guidelines and is consistent with the intent and purpose of the Design Guidelines.

GUIDELINE TO BE PARTIALLY WAIVED

1. The wall signs on the east and west façades will utilize LED strips on the back of each letter to create a sign that is halo lit. The fifth bullet is guideline 7.9 states, "A sign in which only individual letters are internally illuminated may be used on new commercial and mixed-use buildings in Olde Town outside of the Arvada Downtown Historic District. All other internally lit signs are inappropriate throughout Olde Town."

   While the existing building is not new, it is not a contributing building and doesn't have the potential to become contributing and it is not located within the historic district. These factors, combined with the proposed extensive façade and site improvements justify the partial waiver to guideline 7.9, bullet 5.

Done this 26th day of December 2024.

CITY OF ARVADA, COLORADO

FOR

Jessica Garner, Community & Economic Development Director

Note: Failure to comply with the conditions of approval, or deviation from the proposed land-use activity as represented by an approved application for a CCDG, may result in the revocation of any CCDG or Waiver granted and/or the issuance of a "Stop Work" order.

For the project at 5800 Olde Wadsworth Blvd, Bonfire Burritos is applying to receive sign approval for 3 signs. As the graphic shows, the signs are simple in nature, spelling the businesses name out on the west and east sides and a standalone logo sign on the south.

The materials for the signs will match the architectural design elements already approved and be made from custom welded metal. The fabrication and installation will meet code requirements and be done by our General Contractor, Bleeker Construction. Please see the below compliance analysis for further information.

As further confirmation, the overall project at this location for Bonfire Burritos has received Certificate of Compliance and this sign matches the architectural choices within that certificate.

Compliance Analysis

- 7.4
  - The design is very simple - our business name spelled out on the west and east side and our logo on the south side.
  - We are mounting our sign to fit within the roof slope and compliment what is a large roof line. Design elements compliment each other as the sign is metal and so is the roof
  - The signs on the east and west are mounted on the false mansard roof in a horizontal manner that compliments horizonal orientation of the mansard. The sign on the south façade is mounted in the center of the "gable" in a manner that reinforces the "gable roofline.
  - The 3 signs are subordinate to the building.
- 7.5
  - The sign will be steel metal which is durable and non reflective.
  - The sign matches the architectural characteristics of the building
  - We will not use highly reflective materials on the proposed signs
- 7.6
  - This building is not historical
- 7.7
  - We intend to use one color for the sign, Unmellow Yellow by Behr as linked below
  - https://www.behr.com/consumer/ColorDetailView/P300-7
  - This color helps to make the wording and logo legible as the backdrop color will be black on the roof and southside.
- 7.8

  - As depicted in the graphic, the typeface is simplistic and easy to read. We will only be using the one typeface
- 7.9
  - We will be affixing LED lights strips to the back of each letter, therefore, will not be visible. The intended light color we will be using in warm white (3000K). This will be soft and warm and create very minimal light pollution.
- 7.14
  - The southside logo sign matches that of business in the general area. Simplistic and complimentary
- 7.15
  - The southside logo sign will be flush with the building. The west and east side signs will be located behind the plane of the eave line
- 7.16
  - The sign does not have historical building implications.

THE ERIE COUNTY INVESTMENT CO.
AND SUBSIDIARIES

June 11, 2024

Bonfire Burritos LLC
Attn: Ian Lanier
15710 W. 6th Ave.
Golden, CO 80401

RE: 5800 WADSWORTH BLVD. DESIGN AND CONSTRUCTION PLAN APPROVAL REQUEST.

Lease by and between The Bailey Company, LLLP ("Landlord"), and Bonfire Burritos LLC ("Tenant"), dated April 15, 2024, for Premises located at 5800 Wadsworth Blvd., 7505 Ralston Rd., 7503 Ralston Rd., Arvada, CO 80003.

Dear Tenant:

On 6/11/22024 we received your request for approval of the above-referenced Design and Construction Plan. Landlord approves this project; however, approval is conditional upon the following:

- Tenant shall be solely responsible for, and shall immediately pay in full for, any repairs or replacement necessitated by any and all damages, including to the roof, floor slab, foundation, load bearing walls and exterior walls, caused by Tenant, its employees, vendors or customers during this project.

Please acknowledge acceptance and agreement to this condition by signing below and returning a duplicate copy. If you have any questions, please contact me at 303-384-1316 or by email at Corrine@thebaileyco.com.

Sincerely,

Corrine Walz
Real Estate Manager

ACKNOWLEDGED AND AGREED:

Bonfire Burritos LLC

By: Ian Lanier

Name: Ian Lanier

Title: CFO & Co-owner

Bonfire Burritos

Alternative Sign Program Application

5800 Olde Wadsworth BLVD, Arvada, CO 80003

Bonfire Burritos Business Background

- Bonfire Burritos is a unique take on New Mexican inspired cuisine and aesthetics, offering a fast casual and high-quality concept that has generated rapid organic growth in its first 12 years of business.

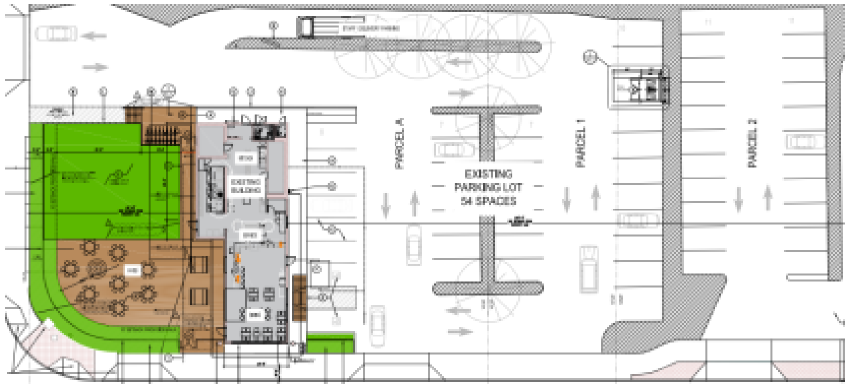
- In 2013, Bonfire began as a food truck in Golden, CO. Five friends who had spent all their high school years eating breakfast and lunch at this food truck had the opportunity to buy it and make it their own. They did so by taking the tried-and-true recipes of the original offering and elevated products with a fresher and more cohesive take on New Mexican cuisine.

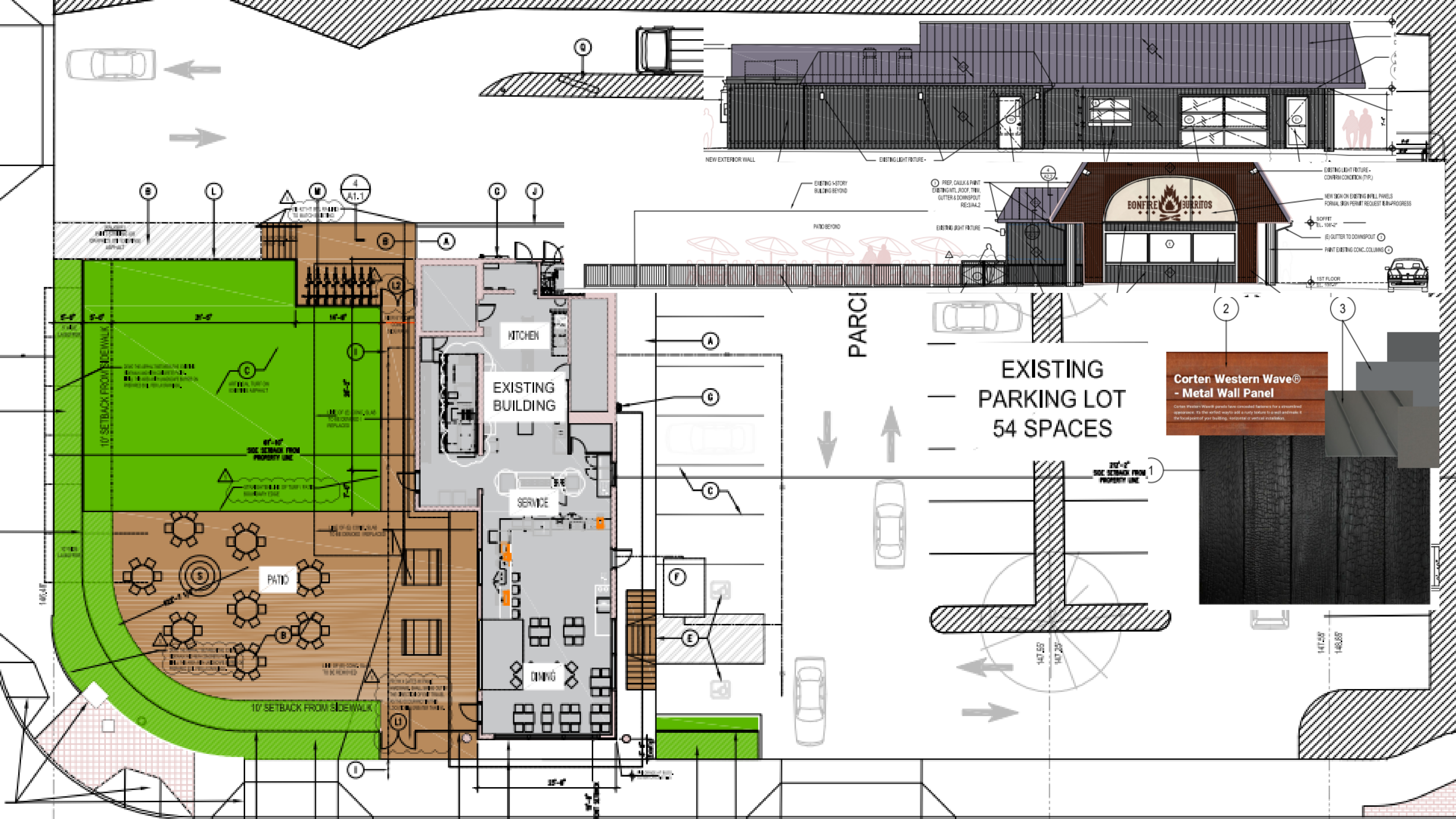
- Bonfire outgrew various food truck upgrades and was ready for a brick-and-mortar location. Soon after, Bonfire opened a USDA certified distribution facility where their burritos are made and distributed to Alberton's locations in Colorado, Utah, New Mexico, Montana and Idaho as well as coffee shops all over Colorado.

- Bonfire's previous successes have positioned the company to continue growth by leveraging the most proven attributes and applying them to a wonderful redevelopment opportunity 5800 Olde Wadsworth Blvd. Bonfire as a company has been ready to expand to a 2nd location but has been patiently waiting for the ideal property. Olde Town has every characteristic Bonfire's ownership has been looking for in an area and the 5800 property provides foundational aspects for business-based success. The setting, access, tenant mix, outdoor orientation and strategic proximity from Bonfire's current operations is perfect. Bonfire's concept will spotlight its market gripping breakfast burritos and brand, while focusing on the customers need for convenience, a place to unwind and top-notch quality.

Site Summary

- The Project will be located on the Northeast Corner of the intersection of Olde Wadsworth Blvd. and Ralston Road at 5800 Olde Wadsworth Blvd., Arvada, CO 80003. It is a prominent property with direct visibility from Ralston Road, adjacent from the heart of Olde Town district. The site is a rectangular shape with vast parking and multiple entrances/exits.





NEW EXTERIOR WALL
EXISTING LIGHT FIXTURE
EXISTING 1-STORY BUILDING BEYOND
PATIO BEYOND
BONFIRE BURRITOS
KITCHEN
EXISTING BUILDING
SERVICE
DINING
PATIO
10' SETBACK FROM SIDEWALK
EXISTING PARKING LOT 54 SPACES
Corten Western Wave® - Metal Wall Panel

Alternative Sign Program Request

- Bonfire Burritos is requesting an Alternative Sign Program as the Olde Town Zoning District requires this path for an applicant desiring more than one sign. In our view, the building at 5800 Olde Wadsworth Blvd is unique to the Olde Town district as it is a large property oriented north and south, creating a viewpoint from its main access road, Ralston Road, of the west and east sides of the building. With this orientation in mind, simplistic signs that spell out our business name on the east and west facade are vital for customers seeing and recognizing the business.
- In terms of approvals of design and meeting requirements of the Alternative Sign Program, we first received the Certificate of Compliance approval from the Planning Department. This approval included meeting all design requirements within, architectural design elements, size, placement, specifications, lighting etc. We meet the need of utilizing the Alternative Sign Program as approval will improve overall public safety, visual interest and aesthetics. In addition, our application meets the Approval Criteria for the Alternative Sign Program set out in LDC 8-3-7-2 (e) as follows:

Alternative Sign Program Request:

1. *Modification of Sign Setbacks or Required Landscape Area –*
   - Not applicable as the two signs applied for are attached permanent signs
2. *Architectural Theme –*
   - These signs are simplistic in nature but tie into the architectural design elements of the entire project. Our southwestern finishes are rough in nature with rust and char being the main exterior finishes. The steel metal letters of the sign will have a 3D welded shape and will have a southwestern pastel yellow with light rusted markings.
3. *Height, Sign Area, Number and Location of Signs -*
   - *The overall size of the development and the scale of the use*
     - This development is large as the patio, building and parking are over 1 acre of combined space. Bonfire Burritos is a very popular concept, and we expect an average of 600-800 customers per day. Safley and clearly seeing signage to indicate where to turn into the property is a key component that our customer base will rely on.
   - *The relationship between the building setback and sign location*
     - The building sign location is affixed to the roof approximately 7’4” back from the start of the roofline. Adequate visibility is obtained with this placement and it creates a visually appealing placement (no clutter or blockage)
   - *The property frontage*
     - The property frontage is large as there are 3 main areas in this project site: parking (50+ spaces), the 2,200 sq ft building and the 3,000 sq ft patio. Our sign size of 2’ 8” X 22’ 6” is the appropriate size for visibility/functionality and proper design. It is positioned towards the front side of the building for a balanced viewpoint.
   - *Access and visibility to the property*
     - Like the previous answer, Bonfire has put a lot of focus into the size and positioning of the signage. Visibility is maximized and size is balanced to be large enough to be legible at an approaching distance and the correct size for complimenting the architectural design elements of the building.
   - *Intended traffic circulation pattern*
     - The traffic circulation pattern of the property can be seen on the architectural plan below.
   - *Creation of a more obvious hierarchy of signage*
     - Previous signage of this building was low quality while the new signage matches the complete revitalization of the property.
   - *Improvement of the relationship between the property and adjacent properties or land uses*
     - There are many high-quality restaurant establishments in the immediate area and the proposed signage for this property compliments the caliber and design elements of adjacent properties.
   - *Proximity of the property to elevated limited access highways.*
     - Not applicable
   - *Consistency with the objectives and design policies for the Olde Town area*
     - We have received an approved Certificate of Compliance from the Planning Department related to our sign proposal and overall project in within the Olde Town Zoning District.

Detailed Sign Design

CITY OF ARVADA

REPORT TO PLANNING COMMISSION	AGENDA ITEM 9.A.

TO: PLANNING COMMISSION DATE: February 18, 2025

SUBJECT: Workshop - New Legislative items

Motion

Prepared by:
Dixielee Rodriguez, Administrative Specialist

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report

LAND USE LEGISLATION UPDATE
PLANNING COMMISSION
FEBRUARY 18, 2025

CITY OF
ARVADA

HB24-1007

RESIDENTIAL

OCCUPANCY

LIMITS

HB24-1007 RESIDENTIAL OCCUPANCY LIMITS

- Local governments shall not limit the number of people who may live together in a single dwelling based familial relationship
- Local governments retain the authority to implement residential occupancy limits based only on:
  - Health and safety standards
  - Affordable housing program guidelines

HB24-1152

ACCESSORY
DWELLING UNITS
(ADUs)

HB24-1152 ACCESSORY DWELLING UNITS

Jurisdictions <u>must</u> allow:

- The construction of one detached or conversion ADU 500 to 750 square feet in size
- Applications to be reviewed through an administrative review process
- Approval or denial based on objective development standards
- The construction of ADUs in Planned Unit Developments, regardless of whether the HOAs or covenants prevent or restrict ADUs

HB24-1152 ACCESSORY DWELLING UNITS

Jurisdictions may allow:

- The designation of an existing parking space on the lot for the use of an ADU
- Require compliance with a development standard that is not a Restrictive Design or Dimensional Standard
- Allow ADUs smaller than 500 square feet and larger than 750 square feet
- Allow the conversion to or construction of more than one ADU
- Define ADUs to include or exclude specific types of housing, such as recreational vehicles or motor homes

HB24-1152 ACCESSORY DWELLING UNITS

Jurisdictions <u>may not</u> require:

- That either the ADU or primary dwelling be owner-occupied
- Construction of additional parking for the ADU, with limited exceptions
- Compliance with architectural style, building materials, or landscaping standards that are more restrictive
- Larger side or rear yard setbacks than those stated in the law
- More restrictive design or dimensional standards to modular ADUs

HB24-1152 ACCESSORY DWELLING UNITS

An ADU Supportive Jurisdiction:

- Requires compliance with HB24-1152, implementing one of 10 listed strategies to promote construction, conversion, or use of ADUs, and documenting implementation by June 30, 2025
- Certification is issued by DOLA and makes the City eligible for Accessory Dwelling Unit Fee Reduction and Encouragement Grant Program and residents eligible for financing programs for ADUs through CHFA

QUESTIONS

HB24-1304

MINIMUM
PARKING
REQUIREMENTS

HB24-1304 MINIMUM PARKING REQUIREMENTS

Jurisdictions cannot:

- Impose minimum parking requirements on new multifamily developments in Applicable Transit Service Areas on or after June 30, 2025

HB24-1304 MINIMUM PARKING REQUIREMENTS

Applicable Transit Service Area: Within one-quarter mile of (subject to DOLA maps):

- A G Line station within Arvada
- RTD bus routes 51 (Sheridan Boulevard), 52 (52nd between Marshall and Wadsworth, Ralston/58th between Wadsworth and Ward, and Ward between 58th and 64th), 72 (72nd Avenue), 76 (Wadsworth Boulevard), and 100 (Kipling Street)

HB24-1304 MINIMUM PARKING REQUIREMENTS

Jurisdictions <u>may</u>:

- Regulate parking voluntarily provided by the developer
- Require bicycle parking
- Comply with affordable housing funding conditions
- Comply with parking agreements entered into before the effective date of this statute
- Impose a maximum parking requirement of one space per dwelling unit in limited circumstances
- Provided that the City prepares report within 90 days of receipt of an application. The City bears the cost of report preparation.

QUESTIONS

HB24-1313

TRANSIT

ORIENTED

COMMUNITIES

HB24-1313 TRANSIT ORIENTED COMMUNITIES (TOC)

The goals are to

> “increase opportunities to construct housing near transit in order to provide benefits including regulated affordable housing, accessible housing, regional equity through a balance of jobs and housing, improved and expanded transit service, and multimodal access to daily needs within mixed pedestrian-oriented neighborhoods; and
>
> increase opportunities for housing production by providing appropriate zoning capacity buffers.”
>
> -C.R.S. 29-35-203

HB24-1313 TRANSIT ORIENTED COMMUNITIES (TOC)

Overview of the Law

Transit Oriented Communities are required to ensure that the total ***Zoning Capacity*** of all of the jurisdiction's ***Transit Centers*** is greater than or equal to the jurisdiction's ***Housing Opportunity Goal***.

HB24-1313 TRANSIT ORIENTED COMMUNITIES (TOC)

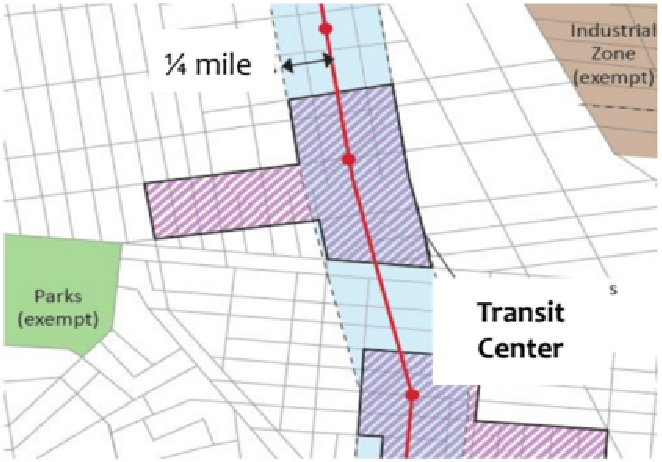
ZONING CAPACITY

Total number of housing units allowed in an area, calculated by totaling the Net Housing Density of all parcels within the area as limited by density restrictions.

NET HOUSING DENSITY X NUMBER OF PARCELS = **ZONING CAPACITY**

HB24-1313 TRANSIT ORIENTED COMMUNITIES (TOC)

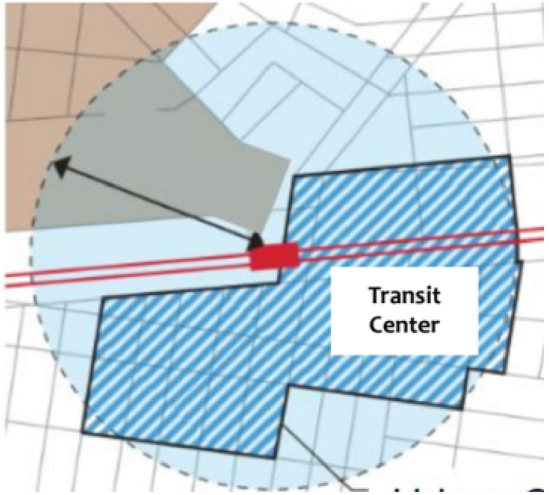
Transit Corridor Area



¼ mile around:

- 15-minute bus corridors
- Urban BRT corridors

Transit Station Area



½ mile around:

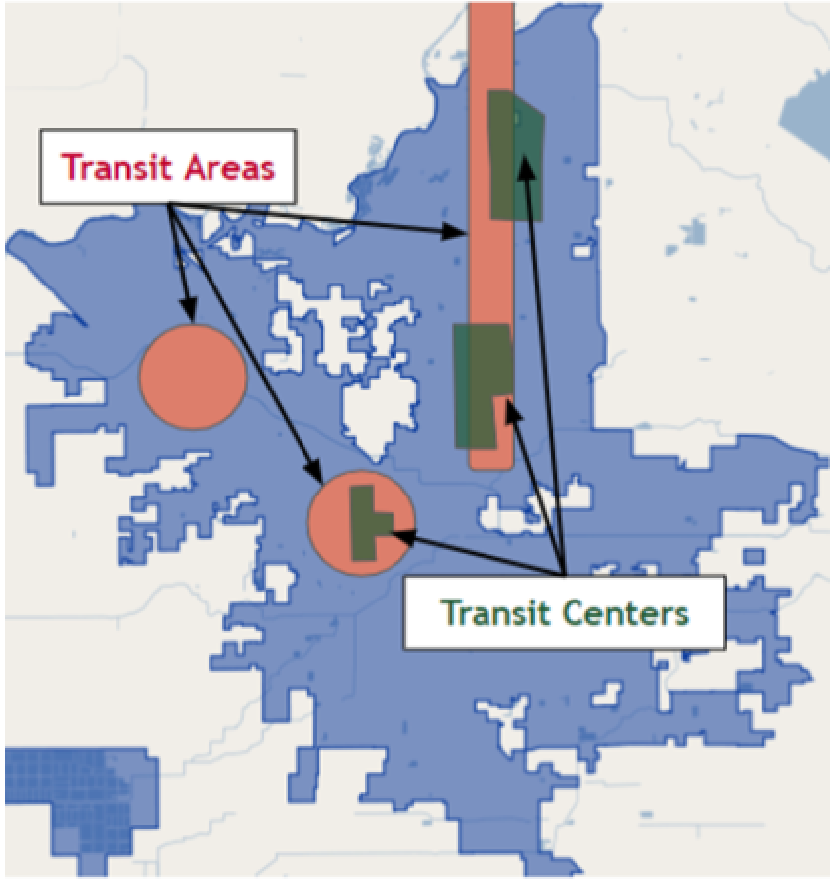
- Light and commuter rail stations
- Commuter BRT stations

HB24-1313 TRANSIT ORIENTED COMMUNITIES (TOC)

TRANSIT CENTER

An area within a Transit Area used to meet the Housing Opportunity Goal.

- Must allow a minimum density of 15 du/acre
- Must allow administrative approval of projects less than 5 acres
- May extend ¼ mile outside of Transit Area if contiguous
- May be outside of a Transit Area based certain on criteria



HB24-1313 TRANSIT ORIENTED COMMUNITIES (TOC)

HOUSING OPPORTUNITY GOAL

ELIGIBLE TRANSIT AREA ACREAGE

Total acreage of transit areas minus exempt parcels

X

NET HOUSING DENSITY

40 units per acre

=

HOUSING OPPORTUNITY GOAL

Example: 100 acres (eligible Transit Area) x 40 units/acre = 4,000 units

HB24-1313 TRANSIT ORIENTED COMMUNITIES (TOC)

WHAT ARE WE REQUIRED TO DO?

Step #1: Calculate the Housing Opportunity Goal and identify exempt parcels

Step #2: Determine the existing Zoning Capacity and identify locations for Transit Centers

Step #3: If current Zoning Capacity does not meet the Housing Opportunity goal, explore options

HB24-1313 TRANSIT ORIENTED COMMUNITIES (TOC)

Options to Increase Zoning Capacity

Increase the allowed building height

Allow housing in more areas

Allow flexibility in other standards like setbacks, lot coverage, or parking

In single-family zoning areas, allow triplexes or townhomes

Allow housing in commercial-only zones

Allow housing in light industrial zones

Streamline approval processes in more areas

Identify Transit Centers that extend up to 1⁄4 mile outside the Transit Area

Identify other mixed-use walkable neighborhoods

Identify Optional Transit Areas

A mix of all of the above

QUESTIONS

EFFECTIVE DATES OF LEGISLATION

- HB24-1007 – Residential Occupancy Limits: **July 1, 2024**
- HB24-1152 – Accessory Dwelling Units: **June 30, 2025**
- HB24-1304 – Minimum Parking Requirements: **June 30, 2025**
- HB24-1313 – Transit Oriented Communities: **December 31, 2027**

QUESTIONS

CITY OF ARVADA

REPORT TO PLANNING COMMISSION	AGENDA ITEM 9.B.

TO: PLANNING COMMISSION DATE: February 18, 2025

SUBJECT: Compensation Update

Motion

The City Council has approved the ordinance to amend Section 2-77 of Chapter 2 of the City Code to establish a consistent flat rate of $100 per meeting for Planning Commission members. This amendment simplifies compensation by standardizing the payment for the Planning Commission when they are acting as the Board of Adjustment. This update ensures that members are appropriately compensated while maintaining clarity in the code.

Prepared by:
Dixielee Rodriguez, Administrative Specialist

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report