



SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD

May 7, 2025

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

1. **CALLED MEETING TO ORDER– By Tim Knapp at 6:16 P.M.**
2. **PLEDGE OF ALLEGIANCE**
3. **SWEARING IN OF ERIC DONER**
4. **ROLL CALL OF MEMBERS**

Those present: Andrew Gay, Tim Knapp, Brandon Figliolino, Tom Aljinovich, Steve Hannan, Eric Doner

THOSE ABSENT

Michael P. Griffith

5. It was moved by Mr. Knapp, to excuse Mr. Griffith from the meeting.

Those voting Yes: Doner, Hannan, Knapp, Aljinovich, Gay, Figliolino

Those voting No:

Those absent: Griffith

The motion carried 6-0

ALSO PRESENT: Rob Smetana, City Planning Manager; Kelsy Sargent, Sr. Ass't. City Attorney; Josie Suk, Development Systems and Administrative Manager; Rozalynne Thompson, Principal Planner; Dixielee Rodriguez, Development Technician II, Heidi Van Gieson, Recording Secretary

4. **APPROVAL OF MINUTES**

February 18, 2025. The minutes stand approved as printed.

Page 5 under motion, the word finds should be findings.

6. **GENERAL BUSINESS workshop**

It was moved by Mr. Figliolino, to reschedule the w 64th Sub Area Plan workshop to June 4, 2025.

Those voting Yes: Doner, Hannan, Knapp, Ajinovich, Gay, Figliolino
Those voting No:

Those absent: Griffith

The motion carried 6-0 (1 Absent)

7. REPORTS

None

8. PUBLIC COMMENT

Colleen Miller 6507 Quaker Ct.

She is concerned about the proposed development at Welby Gardens, 17201 W 64th Ave. At the neighborhood meeting in April, the representative to the developer explained about the zoning and the conditional use permit and that their development fits within that. They were told that the proposal included 384 market rate apartments, including 10 buildings with the tallest being 4 stories tall and 51 townhomes that could be as high as 45 feet. They were told that a Stop light will be added to help with any traffic this creates. Ms. Miller is concerned about the impact on West Arvada. She states that the city was also concerned with this when the Comprehensive Plan was written. High density apartments are not compatible with the area nor is this compatible with the city Comprehensive Plan. She asks that the commission listen to the community members, follow the Comprehensive Plan and not allow this to be built.

Mr. Knapp asked what the timeline of this project was.

Mr. Smetana stated that we have not received a formal application at this time.

9. PUBLIC HEARINGS

9.A. LDC Ordinance Amending the Land Development Code, of the City of Arvada Code

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

Mr. Knapp opened the public hearing.

Mr. Knapp asked Ms. Thompson to introduce the project.

Ms. Thompson introduced the project.

Mr. Knapp asked if there were any other documents aside from the packet and red-line of the LDC amendments.

Ms. Thompson stated that this was noticed in the paper as well.

PUBLIC COMMENT

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

IN FAVOR

None

IN OPPOSITION

Richard Bohling, 14991 W 70th Ave

Mr. Bohling states his concerns about the 67 amendments to the Code. He states that the Staff report is a series of broad generalities that lacks substance. The project analysis is essentially a list of the proposed amendments which minimally if at all give information on why the amendments are needed or what problem they are addressing. He states that he could only find four changes that were due to state law changes. There were definition changes, numeric changes, set backs and things like that. He states that it goes far beyond what was presented tonight. He stated that the staff do not explain why the amendments are being proposed, what prompted the changes. There is a lack of information. He suggested that a spread sheet should be provided to explain why these changes are happening.

His analysis shows that at least 17 or 25% of the 67 amendments are of high concern for him and his friends/neighbors. Another 16 or 24% are of a moderate level of concern. Four of the most highly concerning amendments are #65 which changes multiple definitions in that section. Alkaline hydrolysis for crematoriums is one of the items that concerns him the most, and he states it is buried deep in the definitions. Alkaline Hydrolysis is basically dissolving bodies, has emissions and he feels putting this in needs more explanation than just having one line item. He states there should be more serious thought on that one.

The inclusion of public facilities to parks and open space. He feels it is a way to coordinate the comp plan with the LDC, but thinks there needs to be a better explanation of the secondary uses. There is something in there about three story height increases to 35-42 ft for building. This concerns him. He is also concerned about the complete deletion of snow storage due to requirements for parking.

He feels that there are way too many amendments to be addressed tonight and asks that the planning commission should reject it or table it for more discussion.

Lynn Clemens 6202 Kilmer Loop Unit 102

Ms. Clemens states that #2 allows public facilities in open space. There are two uses from the Comp Plan. She wants to know if the public will be notified of the secondary uses. Can a notification be added to the amendment?

She opposes adding any more director discretion to the Land Development Code. She feels that it should be in black and white in the amendment and if a developer wants any changes, they can request a modification that would need to be noted to the public.

Also, she stated that as she read through the Land Development Code, "family" is still in there. If the City is trying to get away from having family in the Code, staff need to look harder and be consistent about removing it.

She is concerned about the Natural Medicine portion. How are they going to be grown, where are they going to be grown, is it going to be smelly, is it going to contaminate the water? She feels that a section needs to be in the Land Development Code about Natural Medicine so they can be sure to protect everyone that lives around the area where it will be. She does not want the commission to pass this tonight and do a little more due diligence on why the changes are needed.

Gina Hallisey 14626 w 68th Pl

Ms. Hallisey would like to echo what her neighbors have brought to the commission tonight. She states that they have been in front of the Planning Commission and City Council regarding what the community would like to see. She stated that they would really like to have a voice on what is in the Code as it is law. She asks that the City not be so quick to "rubber stamp" something and check it. She asked that the Commission do the research like her neighbors have done and look hard at these things. She asks that the Commission not approve anything tonight, look at it a little closer, and allow the public to have input. She stated that they live here, just like everybody else.

APPLICANT REBUTTAL

None

Mr. Knapp closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Figliolino asked if natural medicine includes cannabis.

Ms. Thompson stated that it does not.

Mr. Figliolino asked why public buildings are listed as open space when they technically are not "open space"?

Mr. Smetana stated it is a legacy piece that it is in a previous code dating back to 2005. This change is just for the purpose, and it is stated previously that the buildings are allowed in open space zoning.

Mr. Figliolino asked if the director's discretion has sped up the process?

Mr. Smetana stated that yes it has sped up the process but that there are a lot of factors that go into it. The amount of time that the project is in the applicants hands vs. the city staff hands, for example.

Mr. Figliolino stated that it seems like it has streamlined the process.

Mr. Smetana also stated that the city council also has the ability to "call up" a Director decision project to review it further and that provision has been in place for the last 3 or 4 years and they have not called anything up.

Mr. Figliolino stated that change 3 allows hotels and motels as a conditional use and changes restaurants from an allowed use to limited uses. What is the reasoning for that?

Mr. Smetana stated that it is actually a limitation on how they can operate. Staff is just changing it to be consistent with other uses in the table with limitations.

Mr. Figliolino asked that as we move forward we just keep track of what are small changes and what are large changes and make it available to the public.

Mr. Hannan, height changes, why?

Mr. Smetana stated that the amendment is specific to one of the sub areas in Olde Town. At one point it went from a higher number to a lower number and it wasn't clear why. Staff is just going back to the higher number.

Mr. Hannan asked if he wanted to build a 10 story apartment building out on McIntyre, would he have to go through all of the zoning changes and modifications to get it approved?

Ms. Smetana stated, yes and height exception request.

Mr. Hannan asked why we are removing snow storage?

Mr. Smetana stated that they realized that a lot of the snow storage areas were showing on plans that they had landscaping and landscaping were getting removed. It just seemed like it made more sense to keep snow on asphalt vs forcing it off. Most of our commercial sites and multi-family sites tend to over park and it wasn't really allowing any grace for additional space. It seemed like a frivolous part of the code.

Mr. Hannan stated that there was a lot of public comment when we added the director's discretion. They wanted it to be more streamlined. Have we had issues with the director's discretion process?

Mr. Smetana stated that no they have not.

Ms. Thompson stated there was one area that directors discretion was noted and that was in reference to screening for ground mounted equipment.

Mr. Hannan asked if he had a comment about the process of something being developed as a citizen, he's always welcome to come in and discuss it and there are postings regarding them?

Mr. Smetana stated that any administrative case has a mailing notice sent out when we receive the application letting folks know they can contact us or the developer with any questions or concerns. They can do that up to the point that city staff make a decision administratively. He also stated that they take any comments into consideration and weigh it against the code and see if there are any instances that the application does not meet the code. The object of doing it administratively is that it should meet the code 100% in order to be approved.

Mr. Hannan asked if any council member can bring up any project that is going through Administrative Approval?

Mr. Smetana stated that yes, they have 17 days after an administrative decision has been made. It will then go directly to them as a public hearing.

Mr. Hannan asked if the natural medicine will have to go through the same rules as any other building in the city and what section of the city it is on and whether or not it is near schools.

Ms. Thompson stated that the regulations of natural medicine will be done through the state. The operators are going to be regulated by the state of Colorado. She also stated that as far as time, place and manner restrictions, we are very limited in what we can do as the city given Colorado State Law.

Mr. Gay stated that he would like to see the amendments in a spreadsheet as well.

Mr. Gay stated that this is his first LDC update and asked if they can take some out when it comes time to vote? Is this an all or nothing type of vote?

Mr. Knapp stated that he believes the commission can carve out things that need further discussion but he will let Staff answer that.

Ms. Sargent stated that is correct, you can carve out provisions for ones that you would like further consideration on.

Mr. Gay asked on #6 stated there are 0 lot line lots where only one building is permissible. It seems like with a 0 lot line that nothing will fit? He asked what he is missing in that definition?

Ms. Thompson stated that 0 lot line is for a particular building type.

Mr. Gay stated on #20 to add PUD columns to Open Space, Residential Mixed Use and Commercial. He's assuming that they are already listed in a PUD. He asked if we are creating a new PUD of any kind?

Ms Thompson stated no, they are not.

Mr. Gay asked regarding if it is trying to lower the set back requirements in reference to #63?

Mr Smetana stated that it is actually trying to increase the set back. from the easement line and not the lot line.

Mr. Knapp stated that some of the grammar edits need to be changed.

Mr. Doner asked if there is an implementation time line within the state legislation where we need to have certain things adopted into our code by a certain date?

Ms. Thompson as to the residential occupancy limits, those are already in effect. The natural medicine part is in effect also but it is a very lengthy process for applicants to go through.

Mr. Knapp asked if there is a certain date these need to be approved by? Do we have some time to have further discussion?

Ms. Thompson stated that there is time to have further discussion. There is no state legislature imposed deadline since both the residential occupancy limits and natural medicine statutes are already in effect.

Ms. Sargent stated that the council is still discussing some of the issues that were raised at the last meeting. There is still not a formal decision made as they are waiting on some authority and legal advice.

Mr. Knapp stated that this is kind of a living breathing document, there will be changes along the way.

MOTION:

It was moved by Mr. Figliolino, that the LDC Ordinance Amending the Land Development Code, of the City of Arvada Code , be recommended to City Council for approval subject to the condition stated in the staff report. This motion is based on the finds of fact and approved criteria on Page 5 of the staff report.

DISCUSSION OF MOTION

Mr. Hannan suggested a spreadsheet to make this clearer.

Mr. Figliolino wants to commend the city team for its work on this but also agrees with the spreadsheet idea.

Mr. Gay agreed with the spreadsheet, stating that he agrees with the director discretion portion but does not agree with the definition of Public Buildings and Open Space portion.

Mr. Knapp states that we should table this until they get a spreadsheet to discuss it further. He wants the Planning Commission to weigh in on these issues as well. It could be a workshop. Should it be a workshop or a public meeting? How does the public know that it is a director's decision? The public has to be engaged.

Those voting Yes:

Those voting No: Doner, Hannan, Knapp, Ajinovich, Gay, Figliolino

Those absent: Griffith

The motion was rejected 0-6

DISCUSSION OF VOTE:

Mr. Hannan suggested that we continue to June 4 with a spreadsheet explaining here's the change and here's the why.

Mr. Ajilovich agreed with continuing the item with a spreadsheet.

Mr. Figliolino asked if this timeline would work for staff?

Mr. Smetana stated that it would be enough time.

Mr. Knapp asked if they would want to make it a public hearing or a workshop?

Mr. Smetana stated that it will need to be a continuation of this hearing in order to make this motion. He also stated that in regards to the Administrative decision side of things, we can come back with a workshop to review that process.

Mr. Knapp asked that in regards to the Director Discretion piece, he thinks it's fair to advise what the process is both for the commission and the public so that there is a better understanding.

Mr. Gay agrees that we table this and also address the open space portion. Have this be a priority piece.

It was moved by Mr. Ajilovich, that we continue the LDC Ordinance Amending the Land Development Code, of the City of Arvada Code to June 4, 2025 with a spreadsheet explaining the changes.

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

10. OTHER ITEMS

The next meeting will be June 4, 2025 where we will discuss the W 64th Avenue Sub Area Plan that was continued from this evening and continue to discuss the LDC Amendments.
It was moved by Mr. Knapp, to cancel the May 21, 2025 meeting.

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



Brandon Figliolino, Secretary



Tim Knapp, Interim Chair



Heidi Van Gieson, Recording Secretary

