



SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
MAY 21, 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 6:29 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 (via zoom); Josie Suk, Development Systems and Administrative Manager; Claudia Vaughn, City Engineer; Dixielee Rodriguez, Recording Secretary.

4. **APPROVAL OF MINUTES**

May 7, 2024. The minutes stand approved as printed.

5. **GENERAL BUSINESS**

None

6. **REPORTS**

None

7. **PUBLIC COMMENT**

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

8. **PUBLIC HEARINGS**

8.A. **DA2023-0045 Two (2) Major Modifications for Texas Roadhouse, 1.25 acre parcel of land generally located at 5550 Wadsworth Blvd.**

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. Smetana stated the posting notice is in order, publication notice, mailing notice and public comments were received.

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

Mr. Smetana stated yes page 2 the zoning and land states zoned open space should say mixed use transit, and the acreage of the subject property is 1.16 acres, not .6 acres.

Mr. Griffith asked if there are any additional items that have been received to be made on the record?

Mr. Smetana stated yes we received one public comment. and 2nd public comment was received after the cut off but that gentleman is online via zoom.

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 comments.

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

Mr. Smetana introduced the project. Texas Roadhouse is asking for Two (2) Major Modifications to the LDC. Modifications relate to building height and number of stories and transparency requirements facing public streets. The Applicant will give a more detailed presentation.

Applicant - Marissa Kolman with Greenberg Farrow- Representing Texas Roadhouse. 8600 W Bryn Mawr Ave. Ste 800N, Chicago, IL. 60631. Texas Roadhouse exists east of where they want to move to, which is the opposite side of the parking lot. Two Major Modifications are requested. The first modification deals with height and number of usable floors. The total building height exceeds the minimum 25 feet. The exterior appears as a 2-story building, with towers above the 15' roofline. The top of Flagpole is 40 feet.

The Second Modification is a reduction in transparency. The south elevation will have 40.05% total transparency, and the west elevation will be 11.31% transparent. The design of the metal awnings will prohibit the window height to only 9 feet. Three windows to the left of the metal door on the west side are faux windows, these are located in the back of house operations area. An interior art mural requires 10 foot width of space along this elevation.

Booths adjacent to the walls are raised 10 inches above the finished floor. This prohibits windows from expanding down towards the floor. The typical Texas Roadhouse layout is conflicting with transparent window options. The applicant believes they are meeting the intent of the Pedestrian Priority Zone by faux windows being added to help overall glazing be 30 percent.

The location of the building in proximity to the Wadsworth public right-of-way will feature an urban park that will wrap around both the south and west elevations. The outdoor dining area is being added, which is the first of its kind for this restaurant. The Landlord (Harkins) has made it clear they do not want the dumpster location flipped because they could view the dumpster area.

PUBLIC COMMENT

The public hearing was opened.

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

IN FAVOR

N/A

IN OPPOSITION

Ted Harberg - 5475 Water Tower Promenade, Arvada. He is against this proposal and feels it turns its back on the town's main street and presents its trash enclosure to the Olde Town Hub. He feels the people that live in the area of this project should not have to look at this. He hopes the city and neighbors can be partners in advising the goals of the New Town Sub-area plan. The pedestrian priority street in the code seems very clear, to promote the continuation of the charming main street. North of the main street and where shops line the streets, to be inviting to pedestrians. This should continue down the hill south of the Tracks. He asked the Commission to deny this project.

Alex Pray- 6330 Reed St. Arvada. He believes that the proposed project does not meet the pedestrian priority. Visitors from Olde town would have to walk an additional 100 yards with current design. He does not believe they meet the goal to prioritize the pedestrian experience. He feels approving this project does not meet the current sub area plan vision and Land Development Code requirements. The criteria for the modifications including criteria 1 contradicts pedestrian priority and criteria 2 is not met. Increased massing doesn't increase usable space. He feels this does not align with the vision, feels the city is bending the design standards.

APPLICANT REBUTTAL

Ms. Kolman - They feel they have worked with staff on these items and understood the code. Given the operation of a sit down restaurant, some of these items are not achievable. Just ask that the commission considers their proposal.

Mr. Griffith closed public comment.

Mr. Griffith states we are making it clear, what they are evaluating are the modifications only.

QUESTIONS FROM THE COMMISSION

Mr. Hannan asked staff why we came up with the 2 story requirement in new town planning?

Mr. Smetana stated it came out of the Land Development Code update in 2020 to create a more urban environment along pedestrian streets.

Mr. Hannan asked about the requirement for windows, why did we think that met the requirement for visibility. Western side proposal has a very large dumpster area and back of house operations. Why do we think this met the requirement for visibility?

Mr. Smetana stated it was not part of the transparency piece, it was that the outdoor dining would be a great amenity.

Mr. Hannan asked if he was coming down Olde Wadsworth will he be looking at dumpsters?

Mr. Smetana stated access to the dumpsters is blocked by a wall, and asked the applicant to give the dimension on the wall height. You will see a wall that mimics the building.

Ms. Kolman stated the height of the wall is 9 feet and mimics the building and it is fully landscaped with an additional screening from all angles. Additional screening the landlord required will help the view.

Mr. Hannan asked about the entrance on the east and outdoor dining on the west asked if they thought about flipping the entrance?

Ms. Kolman stated flipping the orientation would cause a domino effect. The problem is how the dumpster is configured and flipping it would have the dumpster viewable.

Mr. Griffith asked if he could walk off of Olde Wadsworth through the outdoor dining area, into the restaurant?

Ms. Kolman stated that you could walk through the dining area where there is a gate and would have to walk into the restaurant to the hostess area. This is not really a public entrance more for emergency exit.

Mr. Griffith asked about the direct access from the street?

Mr. Smetana stated that both Wads and 55th are Pedestrian Priority street access. Access from 55th meets the requirement of pedestrian priority access.

Mr. Griffith asked if staff or applicant could tell the commission what the discussion was about the entrance design process.

Mr. Smetana stated the entrance does meet the code. Big difference from this site is that the building comes up to 55th where the existing location has 360 degree parking around the building.

Mr. Figliolino asked about the wheel chair accessible booths/tables. Are those tables not raised?

Ms. Kolman stated that she is not sure, does not know off the top of her head.

Mr Figliolino stated if there are some tables/booths not raised why couldn't the windows be larger to meet the requirement?

Ms. Kolman stated she didn't know off the top of her head.

Mr. Figliolino asked about the application that came last year about the 2nd story being denied with the 2nd story faux and why not deny this project?

Mr. Smetana stated there were a number of things the city could not support. Based on the number of Major Modifications requested, staff determined to not support that project in whole.

Mr. Gay asked if this is the first time this project has been brought up to the Planning Commission? The rest of the items for this project have been Administrative?

Mr. Smetana stated that these are the only two elements (two Major Modifications) that don't meet code.

Mr. Gay asked why not use false windows along the huge blank dumpster wall?

Ms. Kolman stated they can look into it. Not sure if it is possible.

Mr. Knapp asked about the left elevation (west) and site plan. What is the distance of this wall?

Ms. Kolman stated 25 feet to 30 feet total length of the building is 85 to 90 feet long.

Mr. Knapp asked staff to go to page 5 of the staff report. Where is the door in this picture?

Ms. Kolman stated where the mouse is pointing to at that time and the dumpster area is cut off in this picture. The dashed line shows this.

Mr. Knapp asked to show him where the 25 to 30 foot wall is?

Mr. Smetana showed him on the screen.

Mr. Knapp asked Mr. Smetana about the 50 feet from the right of way (off 55th)? Is this from the double door?

Mr. Smetana stated the correct 50 feet from Right of Way to the door.

Mr. Knapp asked about the height requirement with respect to the code, what was behind the intent of having the 50% transparency windows?

Mr. Smetana stated to have an interactive facade with views into the building to see what is happening inside the building.

Mr. Knapp stated that we are not achieving that with the fake windows and percentages of the windows?

Mr. Smetana stated that is correct but with the outdoor dining area this would be achieved.

Mr. Knapp stated that maybe in the summer but not in the middle of the winter, outdoor dining would not be used so this would not be met.

Mr. Smetana said there are things to make it a year round space that could be used such as heaters and winter screening.

Ms. Kolman stated that yes there will be heaters and possible temporary cover like plastic cover with windows.

Mr. Knapp asked if the trees on the west side are Deciduous or Evergreen?

Ms. Kolman stated that yes they are Deciduous.

Mr. Knapp asked did the discussion come up about the windows and transparency? What alternatives were looked at to get to the 50%?

Ms. Kolman stated they had several discussions on these modifications, and can definitely take another look at recommendations.

Mr. Knapp stated that when you come down the hill from Olde Town there is quite a bit of loss in elevation. Has the applicant looked down from the railroad tracks south of Olde Town? Was it brought to the applicant's attention?

Ms. Kolman stated no that was not brought to their attention.

Mr. Magee asked how long has Texas Roadhouse been at their current location?

Ms. Kolman stated she was not sure but knows that Texas Roadhouse normal leases are 10 to 20 years.

Mr. Magee asked if they were going to lease the area and build the building. Or do they lease the building too?

Ms. Kolman stated they lease the land and own the building.

Mr. Magee asked is there a sidewalk on the north side of the building? Suggested that there should be sidewalks on all sides of the building.

Ms. Kolman stated that this is sidewalk along north and south with no connection to the East and West sides.

Mr. Magee asked about the door on the South elevation? Just the main entrance on the East?

Mr. Smetana stated that there is no door on the South elevation. Yes, the entrance is on the East.

Mr. Magee asked about the small Urban park? Will there be signage that there is public access?

Mr. Smetana stated per the code it has to be open to the public for reasonable hours. Yes, there will be signage.

Mr. Magee asked about the old vacant Ruby Tuesday and if this one moves then we will have another vacant restaurant building. Just a concern he has possibly having two vacant buildings not far from one another.

Mr. Aljinovich asked if this is located on private property and these are the only 2 modifications needed?

Mr. Smetana stated yes, this is correct.

Mr. Gay suggested that if the project complies with the Comp Plan just say that in the staff report under the section discussing criteria.

MOTION: 8.A.

It was moved by Mr. Knapp that a Major Modification from the Land Development Code subsection 5-1-3-1.B.2, that requires buildings adjacent to a Pedestrian Priority Street to have a minimum height of 25 feet and have at least two usable doors for the building generally located at 5550 Wadsworth Blvd, in the City of Arvada, CO., be recommended to City Council for approval.

This motion is based on the finds of fact and approved criteria on Page 5 & 6 (corrected staff report pages 4 & 5) of the staff report.

DISCUSSION OF MOTION

Mr. Griffith stated we are looking at the height but also looking at comparison. The things that are different and jump off the page. He wants to put transparency to his thoughts and feels this is pedestrian friendly compared to the existing site of Texas Roadhouse. The false height is acceptable modification and voting in favor of this modification.

Mr. Figliolino will be voting no based on criterias 1 and 3 are not being met. That it does not comply with the Comprehensive Plan or Sub Area Plan. His fear is if we allow one restaurant a single story, we will allow another and another.

Mr. Knapp stated looking at the motion for the height. Giving the appearance of the height we are looking for. The facade is another issue. He has no objection and will vote in favor of this modification.

Mr. Hannan stated he will be voting against this modification. Public told us just a year ago what they wanted and this does not meet criterias 1, 2 or 3.

Those voting Yes: Griffith, Knapp, Aljinovich, Magee, Gay,

Those voting No: Figliolino, Hannan

Those absent: None

The motion carried: 5 Yes - 2 No

MOTION: 8.B.

It was moved by Mr. Knapp that DA2023-0045, a Major Modification from the Land Development Code subsection 5-1-3-1.B.6, that requires transparent windows and/or doors on a minimum of 50 percent of the wall area between two and 10.5 feet above grade on facades facing a street, for the building generally located at 5550 Wadsworth Blvd, in the City of Arvada, CO., be recommended to City Council for approval.

This motion is based on the finds of fact and approved criteria on Page 5 & 6 (corrected pages 4 & 5) of the staff report.

DISCUSSION OF MOTION

Mr. Griffith stated year round use of the outdoor dining area, we are not counting on it. Just counting the windows. Year round seating area is important. For the applicant recommendation for year round use of the space. He will be supporting this motion.

Mr. Knapp stated about the outdoor seating area and trees. Entrance to be turned around, he is not satisfied with the 50% transparency being met. Needs to be attractive to the people viewing it. He will not be voting for this motion and it does not meet criterias 1, 2 or 3. suggest the applicant come back with a different design: the facade and coming down the hill the trash enclosure will be seen.

Mr. Gay stated looking at response number 2 of approval criteria, the 11% is not close enough to 50%. Creative but not creative enough too far away from the standard. He will be voting no on this modification.

Mr. Figliolino will be voting no on this motion based on criterias 1, 2 and 3 not being met.

Those voting Yes: Griffith, Aljinovich, Magee,
Those voting No: Hannan, Figliolino, Knapp, Gay
Those absent: None
The motion Does Not carry: 3 Yes - 4 No

Mr. Smetana stated this project is tentatively scheduled for City Council on July 15th.

Mr. Knapp asked if the applicant made changes to the 2nd modification would it go back to the Planning Commission?

Mr. Smetana stated if there were significant changes then it would be appropriate to come back to the Planning Commission.

8. OTHER ITEMS

Mr. Smetana stated that there is nothing on the next Agenda for the next Planning Commission meeting on June 4th, and to get a motion to have the meeting canceled. June 18th is the next meeting with the election of Officers.

Motion to cancel June 4th meeting carried: 7-0

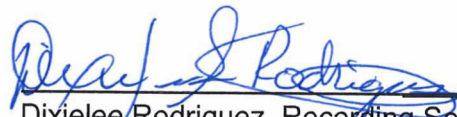
9. **ADJOURNED** at 7:52 P.M.



Tim Knapp, Secretary



Michael P. Griffith, Chair



Dixielee Rodriguez, Recording Secretary