CITY OF ARVADA

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. <u>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</u>

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 sought clarification of the requested modification specifically where it involved a change in the allowable lot width and the setback distance.

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

Mr. Knapp asked about where the width of 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 sought clarification on why the city approved the plat with the applicant still needing Commission and Council approval of the sought after modification?

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 asked staff would the requested modification allow room for driveways and for access to emergency vehicles.

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

Mr. Knapp asked whether the building envelope would 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. DA2023-0018 An Annexation of a Section of 64th Avenue Right-of-Way generally located at 15812 W 64th Ave

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 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)

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 for HOA's testament/comment if it is represented by a spokesperson..

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