



SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
August 8, 2023

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

1. **CALLED MEETING TO ORDER– By Michael P. Griffith at 6:16 P.M.**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL OF MEMBERS**

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

THOSE ABSENT

Andrew Gay

MOTION

It was moved by Mr. Magee to excuse the absence of Mr. Gay.

Those voting Yes: Griffith, Knapp, Aljinovich, Figliolino, Hannan, Magee

Those voting No:

Those absent: Gay

The motion carried: 6-0

ALSO PRESENT: Rob Smetana, City Planning Manager/Acting Director of Community and Economic Development; Emily Grogg, Sr. Ass't. City Attorney; Josie Suk, Development Systems and Administrative Manager; Carol Ibanez, Sr. Planner; Jenny Wolfschlag, City Engineer; Claudia Vaughan, Engineering Manager; James "JT" Pritts, Civil Engineer III; Dixielee Rodriguez, Recording Secretary.

4. **APPROVAL OF MINUTES**

June 20, 2023. 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. Conditional Use for Residential Development in the MX-S Zoning District for the Family Tree Affordable Housing Project; A Major Modification for Family Tree Affordable Housing, 8.B. A modification from the Arvada LDC Subsection 5-1-2-5(G) - Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor yard patio, or balcony; and 8.C. A Vacation of the Marshall Ct. and W. 55th Pl. Right-of-Way for Family Tree Affordable Housing, a 1.71 acre parcel of land located approximately at 5549 Marshall St.

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.

Ms. Ibanez stated the posting notice is in order, affidavit and posting notice and public comments were received. There is a correction to the staff report page - 4 add the to the first sentence follows: The Comprehensive Land Use Map designation for the site is High Density Residential and meets the intent of Clear Creek/I-76 Community Plan Area E to develop mixed use non-residential and multifamily projects . Next correction on page 7 approval criteria paragraph 2 add at the end of the sentence the word "society".

Ms. Grogg stated that the commission has received the public comments via email. Those are also part of the permanent record.

Mr. Griffith entered into the record the staff report posting log, mailing affidavit and all public comments received.

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

Ms. Ibanez introduced the project. This project proposes an 85 unit apartment building with offices for supportive services for the residents. The applicant is requesting a conditional use, a major modification and a vacation of ROW. The request for the conditional use is required for multi-family residential developments within the MX-S zoning District. The applicant is requesting a Major Modification to allow them to not require individual private balconies for each unit. In lieu of the balconies the applicant will offer an open space courtyard and internal amenities to the residents. The vacation of an unimproved ROW has been request and the applicant will add a 24' fire lane and emergency access easement. This will also connect to West 56th Ave to the north and Marshall Street to the east. Staff recommends approval for the Conditional Use, Major Modification and Right of Way vacation.

Scott Shields, 720 Elm St. Denver CO - Family Tree provides for families in need and has been providing services for 45 years in the Denver Metro area. Mr. Shields discussed that the site has been owned by Family Tree for 30 years and currently there are five single family homes. They have been providing services to the families that are living in these homes. This project is not substantially different then what was presented at the neighborhood meeting 14 months ago, Mr. Shields did note that in that last year, in Jefferson County, homelessness has increased 73%. Family Tree understands that this property can assist with addressing the issue of homelessness within Jefferson County. The proposal is for a four story, 85 unit building with one or two bedrooms for permanent housing for those experiencing homelessness or are at or below 30% of the area median income. The facility will be professionally staffed 24 hours a day, 7 days a week providing services onsite for residents. This is not a facility that will have day of or drop in services.

Ed Parcell, 8102 Grandview Ave, Arvada. Blueline Development's goal is to develop sustainable affordable housing. This project will create 85 apartments incorporating a "trauma-informed design" creating a safe environment for both the residents and the community. Mr. Parcell explained the request for the major modification to remove balconies from these units. He stated that the shift of resources from under-utilized balconies include common areas, bigger windows, a small urban park area, and exterior courtyard (secured area). Mr. Parcell justified the conditional use request by stating that the development is consistent with the purpose and intent of the zoning of the property to provide a variety of residential and non-residential. He added that the development is in compliance and exceeds the comprehensive plan requirements. He continued to identify all of the criteria requirements for the major modifications and stated that this project is in compliance. The ROW vacation is to create one parcel for this property, the existing dirt road will be vacated so that there is one continuance site. Fire access needs and requirements will be met with the proposed site plan.

PUBLIC COMMENT

Robert Schadek - 5510 Pierce Ct., This project is right in the middle of single family homes; a bedroom community. The neighborhood has become an "island" where there are apartments around his neighborhood. He is concerned about his safety and property values of the community. Mr. Schadek also questioned the true walkability of this community One main focus is the lighting and will it face his neighborhood.

Mike Solis - 5609 & 5615 Lamar St. He asked if this is going to be drawing the homeless? Like the tent cities you see downtown. How is this going to be controlled? Are the residents going to be staying there for free? He is for it and against it.

Brian Connely - 6755 Columbine Dr., asked where are we getting resources for first responders? Traffic? The current services are non-existent now. Families come in with kids. Where are these kids going to go to school? There is only one park near where he lives and it is old. What about the apartments that are already available? It is becoming so congested as a neighborhood that he grew up in.

Adam Cross - 6640 W 54th Pl. His concern is the houses that are there are like a scene out of a halloween movie. Junk everywhere and he didn't even know people lived there. What is their success rate (Family Tree) in other projects like this one? Traffic is already unbearable. He stated people are just sleeping in peoples' front yards. Already a strain on the resources.

Matthew Crowe - 5610 Lamar St, and under contract for 5611 Kendall Ct. He owns a business in this area and employs around 30 people and he believes his job is to ensure safety for them. Over the last 9 months he has and that \$50k worth of stuff has been stolen. He is not for it. He states that Family Tree has other properties that have failed. Wants the city to look at the development before it gets approved. Not just for the property owner but the employees around this area.

Karen Spriggs - 7545 W 59th Ave. She indicated that the infrastructure has not been planned or thought of when these large projects go up. Where is the funding coming from for the staff that is running this place? This area has been known for crime. How will this affect the crime rate? Does housing help this? What is the accountability of those that live there? She does like Family Tree and what they are doing. Has a lot of questions and that a hand out is not a hand up.

Drew Smith - 6675 W 54th Pl. Lives within 1000 feet of this project. Traffic is bad, nobody is riding bikes in that area. Affordable housing is required. Not opposed to those programs, opposed to the office building they have. Witnessed drug use in the park in that area. "Needles don't find their way into the trash cans". Opposed to what the City of Arvada is doing. What are we going to do?

Aimee Quaratino - 6872 Ammons St., a realtor and has lived in the area her entire life. The problem is the location of where this project is planning on going and that they can't be the "armpit" of the area and to put something else in that area. There are bigger and better lots out there for this type of project. Concerned that the parks will be affected.

Brittney McGinnis - 5235 Quay St. Spoke to the location of the community and that it would be bookend by two affordable living. Her concern is about safety of the citizens that already live in the community. What about the safety of the community/residents that already live there? She stated that there is a problem with transients in the neighborhood and that she pays them to mow and cut her hedges. This project will not solve homelessness. What are the qualifications for services for the project?

Eric Johnson, 5235 Quay St. Safety is number one for the residents that are there and the community. Question: What guarantees are there going to be that the park is not going to be a center where people go to do drugs? How will the area be enforced to not have people camp there? Who is going to pay for the needed Infrastructure improvement in this area? Traffic in this area, how is this going to be affected? Mr. Johnson voiced concern about parking between the residents and the staff.

Mindy Mohr, 7030 Simms St. #203, She is in support of this project. Currently on the Housing advisory committee and is pushing for affordable housing all through the City of Arvada not just in the south east area of Arvada. She agreed that the money that would be used for balconies will be used for other amenities. The residents have to pay 30% of their income towards rent. These services will help people being placed in this project.

Paul Dierschow, 5635 Kendall Ct. His wife has been a member of Habitat for Humanity and in the community for 17 years. His concern is the immediate area of this project i.e is a mess, poorly designed intersection. Would like someone to come down and view the intersection. No crosswalks, no bike path, shared streets- nonexistent.

APPLICANT REBUTTAL

Mr. Shields responded that there is no intention for this property to become a “tent” city. This project is designed to increase permanent housing and help make the neighborhood a “walkable” neighborhood. It is not like that now but with this project, we want to make it that way. Just because one is experiencing homelessness this does not make them a criminal. Their plan is to add additional employees to the staff. Directly tailoring the employees to the services that are in need.

Mr. Parcell addressed parking determined by the traffic study for the project. There is enough and meets requirements for parking on site. The lighting concern is addressed with the photometric plan for the site.

Cassie Ratliff, 11553 E 118th Pl, Henderson, CO 80640 She discussed that the folks they see are coming from Arvada, not coming from outside the community. They lived in Arvada and lost their home. She works with folks to get them services. Helps provide resources to these folks. People are vested in the place they will be living in.

Mr. Griffith closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Griffith asked about the traffic and what it may look like long term in this area?

JT Pritts, Development review, Civil Engineer for the City of Arvada, That City Staff is looking at improvements for the Marshall St. corridor area. There is no increase in traffic from this project to warrant this developer building the changes at this time.

Mr. Griffith asked if there anything else that is being considered for this area?

Jenny Wolfschlag, City Engineer, stated the city is evaluating this area. Working on a traffic master plan, this project is not generating enough traffic to make this the developer's problem. This is a city problem. Staff is working with the developer to get the right-of-way annexed into the City.

Mr. Griffith asked if the annexed land has to meet current code for the area? Is there a survey for the Traffic master plan for the community to provide input?

Ms. Wolfschlag stated yes there is a survey and encouraged the citizens to go through the city website and find the link to “speak up Arvada”.

Mr. Griffith asked, has there been any coordination with Arvada PD for this project?

Ms. Ibanez stated not that she is aware of.

Mr. Griffith asked the applicant about the 30% of AMI and what does this mean for this project?

Ms. Ratliff stated we are talking about two different 30% numbers. The first 30% is of AMI (Area median income), and the other 30% is the people who pay 30% of their income towards their rent.

Mr. Griffith asked if there is someone who will live here and have NO income? and how is the income subsidized.

Ms. Ratliff stated it is rare that someone has no income, no matter what the income is, they will be expected to pay 30%. Vouchers are provided by the State, Foothills, Jefferson county and Arvada housing.

Mr. Griffith asked about the application process and how people apply to live at this project. And can family tree only provide these units to Arvada people only?

Ms. Ratliff explained the process. This project is for Jefferson county people and uses a partnership with referrals.

Mr. Griffith asked what the eviction process would look like. If you're a tenant can you be evicted?

Ms. Ratliff stated leases are in place and tenants can be evicted. Their goal is to fix the situation so eviction does not happen often.

Mr. Griffith asked if crime related issues can get one evicted?

Ms. Ratliff stated crime related issues are in the lease agreement and is a violation to the lease agreement. "crime free lease addendum" on lease.

Mr. Griffith asked about the exterior of the building what design criteria was used to deter drug use etc in that area?

Mr. Parcell stated that all the windows open out. This opens a direct line of sight for the staff to see what is going on. The staff office also has eyes on the area around them. Planter boxes outside the building are low and staff can see over them. Also there is lighting along the street side of the building (West 56th).

Ms Grogg reminded the Commission that they are hear to listen to a request for the Conditional Use, the Major Modification and the Vacation of right of way. She asked the commission to focus on the three questions we are here for. She reminded the Commission that property owners have the right to develop their property as long as they meet the code.

Mr. Aljinovich asked the staff about the dirt road (Right of Way) that goes through the property.

Ms. Ibanez stated that the road was never improved and is not used. It will be vacated and additional access will be made for emergency vehicles and pedestrian lane. The vacation will allow it to be one large site for this building being proposed.

Mr. Magee asked staff if they are not meeting the square feet for park land dedication? Will there be a fee in lieu of this? Additional fees?

Ms. Ibanez stated they are meeting requirements and exceeding it. They will be paying a fee in lieu too.

Mr. Magee asked about the rain garden and courtyard and how this functions for the residents when it is a detention pond?

Mr. Parcel stated, a very shallow detention pond. Rain garden is shallow and will be a grassy area.

Mr. Magee asked who will pay for infrastructure that is needed?

Mr. Parcell stated the developer pays this fee. No additional infrastructure that is needed in the street for this site.

Mr. Magee asked who is going to provide employment guidance for these residents.

Ms. Ratliff stated Family Tree is partnered with several partnerships to help with employment.

Mr. Knapp asked about the conditional use. Why are we being asked about the Conditional Use?

Mr. Smentana stated that any type of residential use for this area requires a conditional use, With the LDC change in 2020 this area was zoned Mixed use suburban and now they want to use it as residential.

Mr. Knapp asked what is the trade off for the balconies being removed? Are the units being increased in size?

Mr. Parcell stated that the resources for the balconies went to the interior and exterior amenities. To create the services spaces.

Mr. Knapp asked if this property provides areas for onsite storage for these areas?

Mr. Parcell stated they do not have a dedicated storage area.

Ms. Ratliff stated there is not a dedicated area for just storage, but areas for people to come out and thrive and interact with one another. There will be areas for bikes and a place to store these types of items.

Mr. Aljinovich stated to the crowd that "we heard you". It is important to know that they were heard by the city and the applicant heard them.

MOTION: Agenda Item 8.A

It was moved by Mr. Figliolino that a Conditional Use for Residential Development in the MX-S Zoning District for the Family Tree Affordable Housing Project, a 1.71 acre parcel of land located approximately at 5549 Marshall St in the City of Arvada, CO., be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 6 of the Staff Report.

DISCUSSION OF MOTION

Mr. Griffith stated he will be in support of this project and this needs to be across the city and not in just one area. That point is well taken.

Mr. Hannan stated the commission's decisions are based on criteria. Criteria are very cut and dry. Criteria #4 asks if the use is consistent with other projects in the area, and that given that this affordable housing is one of the City's long term goals. He will support the request.

Mr. Knapp stated he had struggled with the application and that part of the issues that he is hearing is the compatibility. The applicant is proving that they are building compatible. He heard positive things come out of the applicant helping the potential residents which makes them compatible with the surrounding area. He feels the compatibility is being met. He is voting in favor of this project. He also said that he would like City Council and Staff to look at this issue more closely and how do projects like this get integrated into the community.

Mr. Magee stated he wants to echo what his fellow commissioners have stated. Thank you for coming and making comments. He said that what he likes about this project is that it is not just affordable housing and that it is Family Tree with 40 year experience and Jefferson County Center for Mental Health providing them services. He didn't see that this project was dumping on the neighborhood and that he believed that the Family Tree will do what they can. He will be supporting this as well. He asked when this project was going to the City Council.

Ms. Grogg stated that the City Council does have to abide by the same criteria as the Planning Commission does when it pertains to development cases. She stated that this project is scheduled to go to Council September 11, 2023.

Mr. Figliolino wanted to thank everyone for coming tonight. Agreed that Columbine Acres was on an island and encouraged the city to work on the transportation plan for this area. He noted that the City Council also adopted the sub area plan and that he hopes that no one will be left out and that Columbine Acres will feel like a crown jewel of the area. He appreciates the small urban park that adds greenspace to the neighborhood for everyone to enjoy. He will be supporting this project.

Those voting Yes: Griffith, Hannan, Aljinovich, Magee, Knapp, Figliolino

Those voting No: None

Those absent: Gay

The motion carried: 6-0

MOTION: Agenda Item 8.B.

It was moved by Mr. Figliolino, Major Modification for Family Tree Affordable Housing, a modification from the Arvada LDC Subsection 5-1-2-5(G) - Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor yard patio, or balcony, for a 1.71 - acre parcel of land approximately located at 5549 Marshall St, in the City of Arvada, CO. be recommended to City Council for approval.

This motion is recommended for denial based on the finding of fact based on criteria on Page(s) 7 of the Staff Report.

DISCUSSION OF MOTION

Mr. Griffith stated he will be supporting this motion.

Mr. Figliolino stated he likes the design of the building and that it is not a giant box.

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

Those voting No: None

Those absent: Gay

The motion carried: 6-0

MOTION: Agenda Item 8.C.

It was moved by Mr. Magee, Vacation of the Marshall Ct. and W. 55th Pl. Right-of-Way for Family Tree Affordable Housing, a 1.71 acre parcel of land approximately located at 5549 Marshall St., in the City of Arvada, CO. be recommended to City Council for approval.

This motion is recommended for approval based on the finding of fact based on criteria on Page(s) 8 of the Staff Report.

DISCUSSION OF MOTION

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

Those voting No: None

Those absent: Gay

The motion carried: 6-0

9. OTHER ITEMS

Mr. Smetana mentioned that we have no items on the agenda for the August 22, 2023, or September 5, 2023 meeting.

Mr. Magee moved to cancel these two meetings.

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

Those voting No: None

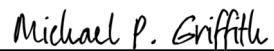
Those absent: Gay

The motion carried: 6-0

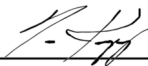
Mr. Smentana stated we do have an item tentatively for Sept 19th, 2023.

Ms. Wolfschlag introduces the new Manager of Development of Engineering - Claudia Vaughan.

10. **ADJOURNED** at 8:35P.M.



Michael P. Griffith, Chair



Tim Knapp, Secretary



Dixielee Rodriguez, Recording Secretary