

SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD OCTOBER 20, 2015

1. CALL TO ORDER – 5:30P.M.
2. ROLL CALL OF MEMBERS – Those Present: Steve Hannan, Vice Chairman; John Crouse, Secretary; Brandee Caswell, David Goff, Patricia Connell.

It was moved by Mr. Hannan to excuse Mr. Sullivan and Mr. Rothschild from the meeting.

The following votes were cast on the motion:
Those voting Yes: Caswell, Goff, Hannan, Crouse, Connell.
The motion carried.

ALSO PRESENT: Rita McConnell, Director of Community Development; Rob Smetana, Planning Manager; Randall Sampson, Sr. Ass't. City Attorney; Jim Sullivan, Director of Linda Hoover, Planner; Joan Brown, Recording Secretary.

3. APPROVAL OF MINUTES FOR SEPTEMBER 22 , 2015 - The minutes of September 22nd stand approved as printed.
4. GENERAL BUSINESS – None
5. REPORTS –

PARK, TRAIL AND OPEN SPACE MASTER PLAN UPDATE

Mike Lee explained the City has been working on updating the Park, Trail and Open Space Master Plan. He introduced the consultant that has been working with the City.

Ms. Meredith Wenskoski was present and referred to a slide presentation and talked about all the outreach that has been done with the citizens and other stakeholders. She talked about the highlights from other relevant plans i.e. the 2013 Apex Public Outreach Summary, and the 2014 Jefferson County Open Space Master Plan. She also talked about the City's inventory regarding parks and the underserved households within the City. She discussed the map showing the open space suitability and development intensity. She further talked about the 2015-2025 Vision called "Green Spines" which include creating an emerald necklace by connecting to other creeks, canals and open spaces in a contiguous and regionally profound way, improve the ecological and biological health of our open space, develop a series of interconnected cultural and wellness trails and having connectivity through walking, riding or cycling to access the park, trail and open space system. She talked about recommendations which include providing new park types in urbanizing areas, provide new parks and improvements to existing parks, and expand taking lasting care programs. She also talked about recommendations to complete proposed trails gaps, enhance trail system, and encourage access to healthy living for all. Recommendations regarding nature include prioritizing lands for open space conservation, connecting to regional open space, and augment sustainability measures within parks, trails and open space maintenance and stewardship standards. The last recommendations regarding community include activate parks, trails and open spaces, celebrate the breadth of our parks, trails and open space, and increase volunteers and volunteer opportunities.

Mr. Crouse asked about the open space inventory, and stated the version they received included the Pomona Park property, and the current version is is eliminated.

Mike Lee stated they will review this piece.

Mr. Crouse stated considering how much community effort has been put into this piece it is important that this be included.

Ms. Caswell questioned the open space inventory and wanted to know what criteria was used to make the determination.

Ms. Wenskoski stated there is a long list of criteria and they looked at everything to make the determination. She further explained the areas for higher density projects would require more open space.

Ms. Caswell asked if there were any goals of the City to acquire more open space.

Mike Lee stated currently we are in the middle range compared to other cities.

Ms. Connell asked what has happened to the Pomona Park development.

Mike Lee stated the Parks Division was not involved in the process of the Pomona Piece. He stated they will look at that piece.

Mr. Goff asked how this plan integrates with the City budget.

Ms. Wenskoski stated that is the most challenging part of the plan, and what priorities will fit into the existing budget.

Mike Lee stated there will be a series of project priorities which will be incorporated in the CIP plan.

Mr. Crouse stated the City hired a consultant and funded the study for the Pomona Park property. He stated he was very concerned about the elimination of this park.

MR. HANNAN DECLARED A 10-MINUTE RECESS -

6. PLEDGE OF ALLEGIANCE – 6:30 P.M.

7. PUBLIC HEARINGS -

**ODP2015-0001 CANDELAS OUTLINE DEVELOPMENT PLAN AMEND. NO. 3, W. 94TH AVE. & KILMER ST.
PDP2015-0007 CANDELAS FLG. 1 PRELIMINARY DEVELOPMENT PLAN
PP2015-0004 CANDELAS FLG. 1 PRELIMINARY PLAT**

The public hearing was opened.

Mr. Hannan entered into the record staff report ODP2015-0001, PDP2015-0007, PDP2015-0004, dated 10-20-15, the posting log, mailing affidavit, letter from Alaina Marler, and a corrected plan (page 5) of the preliminary development plan.

Carol Ibanez corrected the staff report to reflect a change to page 4 under, Parks, Trails and Open Space, total park land required from 59.7 to 56.3 acres.

Ms. Bonnie Niziolek was present, referred to a slide presentation and talked about the existing outline development plan and stated they are requesting a reduction of units in the multi-family and proposing single family units within ODP Parcels 2ii, 2nn & 2pp. She further talked about

the proposed open space and park areas. She talked about the proposed park land and open space, and stated they have exceeded the requirements.

Mr. Matt Osborn, representing TRI Point Homes, gave a brief history of the company. He talked about the architecture of the housing product, two-story homes, 35 feet wide on 45 foot wide lots, and offering a more affordable housing product within Candelas ranging from mid to high 300's price range.

Ms. Niziolek discussed meeting the approval criteria for the outline development plan, preliminary development plan, and preliminary plat.

Mr. Brandon Figliolino spoke in opposition to the request. He stated the City is in desperate need for more multi-family housing and more options especially in the Candelas and Leyden Rock developments. He cited the City's recent approval of the construction defect ordinance that should support construction of multi-family units. He further stated taking away 246 units is doing a disservice to the City and asked that the proposal be rejected in order for the City to work on improving the affordability and diversity of housing.

Mr. Osborn talked about the construction defects ordinance and talked about the action that the City took. He stated when the development application was submitted early in 2015, it was prior to the City taking any action regarding the ordinance. He further said as it relates to the current market cycle, it made a lot of sense to propose this housing product rather than multi-family homes.

Mr. Creig Veldhuizen talked about what is proposed in the master plan and discussed the various parcels that are zoned within Candelas for multi-family units. He further indicated that over the past few years, these parcels designated for apartments were actively marketed to builders and developers. However they were not able to sell the property.

There being no one else wishing to speak, the public input portion of the hearing was closed.

Mr. Goff asked about a market study referenced in their presentation and whether it calls for development of single family homes now.

Mr. Brian Daly stated they are not referencing a market study, but rather the current housing market. He further stated they have talked with many builders and are proposing a lower cost product. He stated they had a neighborhood meeting with citizens and builders that was well attended, and everyone was supportive of seeing a lower priced product.

Mr. Crouse asked how much area is still available for mixed use.

Carol Ibanez stated that area designated for mixed use is not being amended but just the adjacent parcels.

Mr. Crouse asked if the small amount of mixed use would still be viable.

Carol Ibanez stated the multi-family parcel adjacent to the town center is being reduced and the mixed use parcel (town center) is separate and will have a maximum of 53 attached units.

Mr. Hannan stated we are losing a park, and asked if there were any concerns.

Carol Ibanez explained the applicant is reducing the total number of units therefore a five acre park designated to meet the proposed multi-family units is no longer necessary. She further discussed the proposed parks that will be developed.

Mr. Crouse asked how this development was different from that of the industrial property north of W. 64th Ave. & Indiana St. That was taking industrial property and developing it as single family homes.

Carol Ibanez stated ODP's do get amended through time, and stated that Candelas was envisioned in 2005 with this area being multi-family. However there has been no interest to construct multi-family units within Candelas Parcel 2, zoned PUD-R for single family detached and attached units. These three subparcels designated for multi-family are now being requested to be developed for 97 single family units. She further stated at the neighborhood meeting the residents were in agreement to change from multi-family to single family units.

Randall Sampson stated what governs the decision is the approval criteria. He further stated there is a difference between the sketch plan that was brought before the Commission regarding the industrial property north of W. 64th Ave. & Indiana St. and tonight's proposal that requires amending the ODP and is not a rezoning of the properties.

Ms. Caswell asked about the neighborhood meeting and how many occupied units were there at that time.

Carol Ibanez stated there were approximately 100 homes occupied with residents at the time of the neighborhood meeting who had the opportunity to attend the meeting.

Ms. Caswell referred to the letter from the citizen who opposed the reduction of units and the loss of a park. She also asked for clarification of where the progress is on the proposed parks.

Mr. Daly stated there are over 430 sales and about 12 residents attending the neighborhood meeting. He further explained the location of city parks, recreational amenities and a recreational facility within the Candelas residential subdivision.

It was moved by Mr. Crouse that ODP2015-0001, Candelas Outline Development plan Amendment No. 3, located at W. 94th Avenue and Kilmer Way, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Pages 5, 6, & 7 of the staff report.

DISCUSSION OF MOTION:

Ms. Caswell stated we have heard two concerns from the community related to parks and for the desire for more affordable housing. She hopes the comments on the record this evening have been helpful to address those concerns. She commented on the approval criteria and felt there was other significant land that is designated for multi-family uses. She further said with the Parkway planned, in the future there will be more of a market demand for that use.

Mrs. Connell said was in support with the explanation about the parks and possibility of multi-family applications in the future.

Mr. Hannan agreed with the previous comments. He further indicated that he is concerned about approving this development which reduces the amount of multi-family units. He asked

staff that in the future we live up to our plan of having lots of diversity and lots of different options.

The following votes were cast on the motion:
Those voting Yes: Caswell, Goff, Hannan, Crouse, Connell.
Those absent: Sullivan, Rothschild.
The motion carried.

It was moved by Mr. Crouse that PDP2015-0007, Candelas Flg. 1, Preliminary Development Plan Amendment No. 2, located at W. 94th Avenue and Kilmer Way, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Pages 7 & 8 of the staff report.

The following votes were cast on the motion:
Those voting Yes: Caswell, Goff, Hannan, Crouse, Connell.
Those absent: Sullivan, Rothschild.
The motion carried.

It was moved by Mr. Crouse that PP2015-0004, Candelas Flg. 1, Preliminary Plat Amendment No. 2, located at W. 94th Avenue and Kilmer Way, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Pages 9 & 10 of the staff report.

The following votes were cast on the motion:
Those voting Yes: Caswell, Goff, Hannan, Crouse, Connell.
Those absent: Sullivan, Rothschild.
The motion carried.

OCU2015-0001 ALKIRE OUT OF CITY WATER, NW CORNER W. 88TH AVE. & ALKIRE ST.

The hearing was opened.

Mr. Hannan entered into the record staff report OCU2015-0001, dated 10-20-15.

Mr. Chris Elliott was present to discuss the request for the out of city water service. He explained he was the developer of the Whisper Creek development. He talked about the conservation efforts within this property and unfortunately they were not able to continue to pursue the conservation efforts on the property. He further stated the City of Westminster owns the property to the north. He stated the property is zoned in Jefferson County and stated they can plat the property, but they need to utilize the City of Arvada's fire hydrants to provide fire protection. He felt that a cluster development would be better use of the property. He asked that they be allowed to install a fire hydrant that will allow the Arvada Fire District to serve these homes for fire protection.

Mr. Crouse stated he sees the City deriving benefits from the property as it exists today; a lift station that was constructed to support Whisper Creek, and there are sewer lines running under the property to support Whisper Creek. He felt the City was deriving a substantial amount of benefit from the property and not having to own it, and therefore limiting the options that are

available to the owner of the property to develop it as they see fit. He asked for more information pertaining to agreements with Westminster, Northglenn and Thornton that prevent this from being an annexable property.

Jim Sullivan stated there have been many discussions with the City of Westminster regarding the water quality of Standley Lake. He talked about the Candelas development and Westminster's concerns regarding the storm water flows into Standley Lake. The solution was to use the Church Ditch to collect the storm water flow and divert it around the lake. The City of Arvada and City of Westminster agreed to not to develop the property east of the Church Ditch.

Mr. Crouse asked if that is the City's intent, why have we not reached an agreement to conserve this property and meet that goal, but also respect the ownership rights of the current land owner.

Jim Sullivan stated the City has not been approached to acquire the property. He further stated it made more sense to have the ownership fall to Westminster.

Ms. Caswell asked why this property is not eligible for annexation into the City, and why this land owner is stuck between a rock and a hard place.

Jim Sullivan referred to the Comprehensive Plan, and stated the City does not have enough water to meet the needs of the City at build out. He stated that the west side of the Church Ditch was the city's boundary line for development due to water quality concern.

Mr. Crouse stated we just approved 97 homes for Candelas that will draw on that water supply as well. He further stated the worst thing for water quality is to plot this into 10-acre lots and have every house drill a well. There is City water and sewer available adjacent to the property and from a water quality perspective it would be a better outcome than drilling individual wells.

Jim Sullivan stated we do not have the resources to keep supplying. We have drawn a line around the City to show what we can do.

Mr. Crouse asked if we were drawing the line because we don't have enough water, or are we drawing the line to preserve water quality.

Jim Sullivan stated it is a combination of both. Regarding the Candelas development, we already had the water allocated for that area. There are properties eligible for annexation, but at this point we do not have enough resources.

Ms. Connell stated the property is not within the Comprehensive Plan, and also that the City has agreed with the City of Westminster, Northglenn and Thornton to exclude all land east and north of the Church Ditch from future inclusion into the City's growth boundaries. She felt that was why this request should not be supported.

Mr. Goff commented that according to the 2014 Comprehensive Plan there is enough water for at least 140,000, and asked for clarification.

Jim Sullivan stated that to date we do not have enough water for 140,000 residents; we can serve approximately 120,000 residents only,

Ms. Caswell stated she thought the applicant said there were adjudicated water rights with respect to this property, and questioned if it was appropriate to acquire these water rights.

Jim Sullivan indicated that the referred ground water rights are not renewable; once they are gone, they are gone, and the City does not want to accept those types of water rights.

Mr. Elliott stated when you look at this particular location, the property to our south is in the floodplain, and the other properties are subject to conservation easements and/or are public open space as part of the Standley Lake site. So, this is really the last piece, and if they were able to plat this in Jefferson County, they would be willing to commit to a specific maximum number of lots. He further stated they want to enjoy an economic use for this property.

Mr. Crouse stated he was looking at the approval criteria and felt there was a disconnect between the rationale for denial that has been discussed with the water quality and water supply noting that the only request is for a public safety hydrant, not for drinking water. He further stated it was his understanding that water consumption by hydrant is relatively low. Regarding the water supply issue, he was not convinced that was an issue. He further said he understood the benefit of water quality, but he felt the City was deriving a benefit for which it is not paying.

Randall Sampson stated the under the approval criteria, it comes down to: is it either in the best interest of the City to provide the service, or is it not. He further stated that we have heard from the Director of Utilities as to why in his opinion it is not in the best interest of the City to provide such request. He further stated this is an administrative request and the City is not obligated to provide service to properties out of the City limits.

It was moved by Mr. Hannan that OCU2015-0001, Alkire Out of City Water, located at the Northwest Corner of W. 88th Avenue & Alkire Street, be recommended to City Council for denial.

This motion is based on the findings of fact and approval criteria on Page 4 of the staff report.

The following votes were cast on the motion:
Those voting Yes: Caswell, Goff, Hannan, Connell.
Those voting No: Crouse.
Those absent: Sullivan, Rothschild.
The motion carried.

LDC2015-0005 LAND DEVELOPMENT CODE AMENDMENT, ARTICLE 6, FLOODPLAIN MAP

The public hearing was opened.

Mr. Hannan entered into the record staff report LDC2015-0005, dated 10-20-15.

Rob Smetana explained the request was to amend the Official Floodplain map to add the new effective date of January 20, 2016.

There being no one wishing to speak, the public input portion of the hearing was closed.

It was moved by Mr. Goff that LDC2015-0005, Land Development Code Amendment, Article 6, Subsection 6.13.3.C, Adoption of Official Floodplain Maps, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page 2 of the staff report.

The following votes were cast on the motion:
Those voting Yes: Caswell, Goff, Hannan, Crouse, Connell.
Those absent: Sullivan, Rothschild.
The motion carried.

8. OTHER ITEMS –

The meeting of November 3rd needs to be cancelled as it is election night.

It was moved by Mr. Crouse that the meeting of November 3, 2015 be cancelled as it is election night.

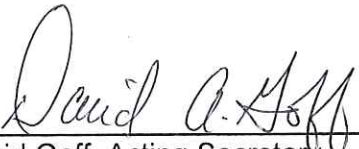
The following votes were cast on the motion:
Those voting Yes: Caswell, Goff, Hannan, Connell, Rothschild.
Those absent: Sullivan, Crouse.
The motion carried.

The next meeting is scheduled for November 17th.

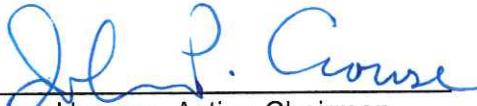
Rob Smetana stated we are going to be starting an update to the sign code, and requested that a member of Planning Commission be on the advisory team.

A request was made to send an email to the Commission outlining the time commitment and other expectations.

9. MEETING ADJOURNED – 8:00 P.M.



David Goff, Acting Secretary



Steve Hannan, Acting Chairman
For Steve Hannan



Joan Brown, Recording Secretary