

SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD DECEMBER 8, 2015

1. CALL TO ORDER – 6:30 P.M.
2. ROLL CALL OF MEMBERS – Those Present: John Crouse, Secretary; Brandee Caswell, David Goff, Patricia Connell, Ed Rothschild.

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

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

ALSO PRESENT: Rita McConnell, Community Development Director; Randall Sampson, Sr. Ass't. City Attorney; Rob Smetana, Planning Manager; Linda Hoover, Planner; Ben Waldman, Traffic; Jake Nitchals, Planner; Joan Brown, Recording Secretary.

3. APPROVAL OF MINUTES FOR NOVEMBER 17, 2015 - The minutes of November 17th stand approved as printed.
4. GENERAL BUSINESS – None
5. REPORTS – None
6. PLEDGE OF ALLEGIANCE –
7. PUBLIC HEARINGS –

CP2015-0001 MORNINGSTAR SENIOR LIVING COMP PLAN AMEND. LAND USE DESIGNATION
Z2015-0011 MORNINGSTAR SENIOR LIVING REZONING, 17351 W. 64TH AVENUE
ODP2015-0002 MORNINGSTAR SENIOR LIVING OUTLINE DEV. PLAN
PDP2015-0008 MORNINGSTAR SENIOR LIVING PRELIMINARY DEV. PLAN

The public hearing was opened.

Mr. Crouse entered into the record staff report CP2015-0001, Z2015-0011, ODP2015-0002, PDP2015-0008, dated 12-8-15, the posting log and affidavit of mailing.

Linda Hoover made a correction to page 13, condition of approval No. 4 to add the amount of the contribution not to exceed \$30,000. She further wanted to clarify the Comprehensive Plan amendment and discussed the number of aging residents in the City is expected to rise. She said the application being heard tonight is for the MorningStar facility which will consist of a combination of senior living options and that the facility will provide a total of 141 units for residents needing assisted living and memory care services, and half of the units for independent living where residents need little to no assistance. She also stated the applicant was given direction by staff to pursue a Comprehensive Plan amendment from Neighborhood/Community Commercial to Mixed Use after first requesting an amendment to High Density Residential. Further, the current designation allows for commercial uses (general retail and personal services) as a primary use. The use table in the Land Development Code also identifies nursing homes and assisted living facilities as allowed commercial uses in the existing PUD-BP zone district. Multi-family housing is not an allowed use in the PUD-BP category and the applicant is requesting a rezoning of the property. Along with the existing PUD-BP zone district, the proposed PUD-BPR zone district is also listed as one of the recommended zone districts for the Neighborhood/Community Commercial areas of the Comprehensive Plan. As such, the proposal could be found in conformance with the existing Comprehensive Plan designation of

Neighborhood/Community Commercial. After evaluation all the possibilities, staff made a determination that the most appropriate designation for this property would be the Mixed Use category.

Mr. Matthew Turner representing MorningStar Senior Living and gave a brief history of the proposed business. He discussed the project goals: provide high quality option for aging residents to stay in Arvada, enhance and compliment the neighborhood, and create new jobs, facilitate gentrification of aging homes, and there is a low impact regarding traffic. He further talked about the options being offered to the residents. He further stated it is residential construction. He referred to the Comprehensive Plan and felt it was an ideal transition site.

Ms. Becky Hogan, Confluent Development, stated they have been working on the project for the last 18 months. She further talked about the building height, traffic and access, lighting and noise. She stated they have made every effort to address the concerns of the neighbors and the City. She felt all the approval criteria has been met.

Mr. Don Roseman, Architect, talked about the transitional zoning of commercial and residential. He discussed the access points and the positioning of the building. He further said they were very sensitive about the height of the building along the western edge of the property. He talked about the proposed circulation and all deliveries will be at the back of the building which serves as a barrier between the proposal and the neighboring residences. He talked about the elevations and materials to be used. He talked about the code requirements of what they would be allowed to develop, and what they are proposing.

Mr. George Webb spoke in favor of the proposal. He felt the lower grade was a positive point for the project. He also felt the transition and site line lessened the impact as well as the agreement that allows access from the Welby Gardens site. He suggested that a signal be placed sooner rather than later.

Ms. Alice Fleming spoke in favor and felt the design and materials were compatible with the neighborhood. She also felt this was the best use of the property.

Mr. Gary Bowersoc was in favor of the project and felt the developer has addressed many of the concerns expressed by the neighbors.

Mr. Greg DiPaolo spoke in opposition. He stated they were not against the project, but rather the operations and layout of the building. He talked about the adverse effects of the project and impacts on the surrounding neighborhood. He felt Easley Rd. should be the main access for all delivery trucks. He said there was a concern about the noise and diesel pollution from the trucks. He was concerned about the lack of buffering from the project to the surrounding neighborhood and the height of the building. He wanted the project to go back to the drawing board to reduce the adverse impacts

Ms. Anne Earl spoke in opposition. She felt the project was too large of a footprint on the site. She was also concerned about setting a precedent of three-story buildings. She felt the impacts could be lessened by reducing the building to only two-stories. She also talked about the increased traffic, and did not feel there would be sufficient parking.

Mr. H McNeish, Confluent Development, stated what has been presented this evening is an effort to work with the neighbors to lessen the impacts. He stated the grades were lowered by approximately 3.6 feet. He further talked about the the western boundary and the 11 foot wall that separates the two parcels. He stated the third story is set back so far that you are only seeing the tip of the roof. He talked about the access to Easley and said they have work with

the Welby Gardens owner in order to resolve the concerns of the neighbors. He stated the eastern access point will tie into the project. He also talked about the building design and materials which are well integrated into the neighborhood. He discussed the lack of traffic under the proposed rezoning, and how much traffic could be generated by what would be developed on the site. He stated the project meets or exceeds all code criteria.

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

Mr. Crouse entered into the record ten additional names on the petition and a follow up email from Greg DiPaolo.

Mr. Rothschild asked how many employees will there be at one time.

Mr. Turner stated the project will employ about 80 employees, with 30 employees at one time. He further stated each shift change will include 10 staff members.

Mr. Rothschild asked what the traffic flow will be on Easley Road.

Mr. Turner talked about the easement on Easley Road which allows entrance from Easley Road onto W. 64th Avenue. He further stated this has been a process and they have tried to address as many of the concerns as possible.

Mr. Goff questioned if the trash trucks needed to go through the entire property to access the dumpsters or do they have access to the gate.

Mr. Turner stated they do not have access through that, it is restricted to fire only. He further stated on average there will be one trash pickup and/or food delivery per day, and two emergent or non-emergent vehicles trips per week.

Ms. Caswell stated when she read the staff report, it appeared to a downzoning of the site.

Linda Hoover stated the existing zoning is PUD-BP. She stated the parcel closest to Welby Gardens allows for retail, sit down restaurants, and convenience stores under the current zoning.

Ben Waldman stated commercial use would generate 10 times the amount of traffic.

Mr. Rothschild questioned the notification process.

Linda Hoover stated they held two neighborhood meetings, and the notice letters were sent to the adjacent property owners within 400 feet of the project.

Mr. Rothschild asked about the concern expressed regarding the height of the building.

Linda Hoover stated they meet the 35 foot height limit which is allowed.

Mr. Crouse commented that 40% of residents will have vehicles. How many trips would they be taking.

Mr. Turner stated they will have bus service, RV and a van available for the residents to use. He felt there would be minimal trips by the residents who owned cars.

Ms. Connell felt the concierge service being offered would reduce the traffic impact.

It was moved by Mr. Goff that CP2015-0001, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan Land Use Designation Pertaining to MorningStar Senior Living from Neighborhood/Community Commercial to Mixed Use for Property Located at 17351 W. 64th Avenue, be adopted.

This motion is based on the considerations on Page 8 of the staff report.

DISCUSSION OF MOTION:

Mr. Crouse felt it was important to note that the land use designation, both current and what is proposed, would be allowed under both of the designations.

Mr. Rothschild stated he was not in support of changing the comprehensive plan and was not in support of this particular motion because it does not need to be in place to approve this facility.

The following votes were cast on the motion:

Those voting Yes: Caswell, Goff, Crouse, Connell.

Those voting No: Rothschild.

Those absent: Hannan, Sullivan.

The motion carried.

It was moved by Ms. Caswell that Z2015-0011, MorningStar Senior Living Rezoning from PUD-BP (Planned Unit Development-Business, Professional) to PUD-BPR (Planned Unit Development-Business, Professional, Residential), located at 17351 W. 64th Avenue, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Pages 8 & 9 of the staff report.

DISCUSSION OF THE MOTION:

Ms. Caswell stated it is good for the Planning Commission to see this level of community engagement. She stated this is a very quality project and some consideration should be given to what could have been there without any changes or approvals or public meetings. She stated the public has been allowed to go through a process with a developer who has listened to and responded to the concerns that were raised in ways that cost money in terms of the change to grades and different things that they have done. She further hoped the residents feel they achieved a great compromise for the use of this site.

Mr. Goff agreed with Ms. Caswell's comments. He stated the applicant does care about the neighborhood by the attention that was paid at the various meetings and the accommodations that have been made. He felt their intentions were good and it looks like a high quality product that will be developed.

The following votes were cast on the motion:

Those voting Yes: Caswell, Goff, Crouse, Connell, Rothschild.

Those absent: Hannan, Sullivan.

The motion carried.

It was moved by Ms. Caswell that ODP2015-0002, MorningStar Senior Living Outline Development Plan, located at 17351 W. 64th Avenue, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Pages 9, 10 & 11 of the staff report.

The following votes were cast on the motion:

Those voting Yes: Caswell, Goff, Crouse, Connell, Rothschild.

Those absent: Hannan, Sullivan.

The motion carried.

It was moved by Ms. Caswell that PDP2015-0008, MorningStar Senior Living Preliminary Development Plan, located at 17351 W. 64th Avenue, be recommended to City Council for approval subject to the following conditions:

1. The concerns of Arvada Fire must be addressed prior to approval of the FDP, including but not limited to concerns regarding the limitations on the turning abilities at the W. 64th Avenue entrance.
2. Prior to approval of the FDP, payment of the fees-in-lieu of park dedication must be provided for the 71 units. These fees will be based on the rate in effect at the time of payment and shall be in conformance with the requirements in Article 7 of the LDC.
3. Should this facility no longer meet the exemption criteria associated with the school dedication requirements of the Land Development Code, then school dedication must be provided at that time. Language to this effect with be included in the development agreement to be completed in conjunction with the Morningstar FDP.
4. Prior to approval of the FDP, MorningStar will be required to contribute their proportional share of a traffic signal at W. 64th Avenue and Easley Road.

This motion is based on the findings of fact and approval criteria on Pages 11, 12 & 13 of the staff report.

DISCUSSION OF THE MOTION:

Ms. Caswell amended Condition No. 4 to read:

4. Prior to approval of the FDP, MorningStar will be required to contribute their proportional share of a traffic signal at W. 64th Avenue and Easley Road in an amount not to exceed \$30,000.

Mr. Rothschild stated he felt the process tonight was very positive, we got good input from the community and very good response from the developer, and it makes for a much better project overall. He further stated these are neighbors and additional residents, this is not just a commercial facility.

Ms. Connell congratulated the public for their depth and their interest and coming here to testify. She also congratulated the developers for listening to the public and a thoughtful process that was supplied.

Mr. Crouse felt it was difficult to have a piece of property that has been vacant for this long and everyone likes it being vacant and they want it to remain the same. He further said coming to the best use of the property is what this process is all about. He felt this is a development that will benefit Arvada, and it will bring new residents to the neighborhood not just a business.

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

9. OTHER ITEMS –

There are no scheduled items for the December 22, 2015 meeting.

It was moved by Mr. Crouse to cancel the meeting of December 22, 2015, as there are no scheduled items.

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

10. MEETING ADJOURNED – 8:07 P.M.



David Goff, Acting Secretary



Joan Brown, Recording Secretary



John Crouse, Acting Chairman