

SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD JUNE 18, 2019

1. CALL TO ORDER – 6:15 P.M.
2. PLEDGE OF ALLEGIANCE –
3. ROLL CALL OF MEMBERS – Those present: David Goff, Vice Chairman; Patricia Connell, Secretary; Michael P. Griffith, Doug Magee, Steve Hannan, Michael McCarron

Those absent – T.O. Owens

ALSO PRESENT: Rob Smetana, City Planning Manager; Julie Richard, Sr. Ass't. City Attorney, Jeremiah Bebo, Planner I; Jean Petramala, Recording Secretary.

The following votes were cast on the motion to excuse T.O. Owens:

Those voting Yes: Goff, Connell, Griffith, Magee, Hannan, McCarron.

The motion carried.

4. APPROVAL OF MINUTES FOR May 21, 2019 – Michael McCarron was counted as absent but was present. The minutes of May 21 stand approved as corrected.
5. GENERAL BUSINESS – None
6. REPORTS – None
7. PUBLIC HEARINGS –

**Z2019-0001 KIMBROUGH HEIGHTS REZONE GENERALLY LOCATED AT W. 52nd AVE AND CARR ST.
PDP2019-0003 KIMBROUGH HEIGHTS PRELIMINARY DEVELOPMENT PLAN
PP2019-0001 KIMBROUGH HEIGHTS PRELIMINARY PLAT**

The public hearing was opened.

Mr. Bebo explained the case to be heard tonight.

Mr. Lindsey began by saying that he represents Prominent Residential Properties and that he and his colleagues, Jeremy Brown and Ken Tolin will be presenting the company. Mr. Lindsey explained the history of the company and then discussed the location of the proposed project. He said that the land is currently vacant with 1.29 acres and is zoned as B-1. He stated that they plan to build seven buildings with a total of fourteen units and there will be a detention pond to the west. He said the plan is to have ten of the lots facing 52nd Avenue and four that will be on the Northeast side of the property. He said that they plan to have more than the required open space due to smaller lots. The buildings would have two-car garages and there will be eight additional guest parking spaces. He is asking for a modification of the setbacks and minimum lot size as well as coverage due to the design of the units that would consist of the main level, garage and flex space, two additional stories of living space and a rooftop patio. He said there is only one area where they do not meet the 20 feet of buffer space required and their plan is to provide additional trees to fulfill the request. They plan to have two elevations, Building A and Building B, to add variety to the plan.

PUBLIC OPPOSITION

Mr. Hawley said he is opposed to the project. He had several arguments against. He believes that the proposed project seems to unnecessarily circumvent Arvada's Land Development Code for the exclusive economic benefit of prominent residential properties. He went on to say that spot zoning is being used and deviates substantial from the Comprehensive Plan. He said that

he thinks the plan will harm current home owners by overcrowding and encroaching on adjacent neighboring properties, specifically his own. He said that the properties will have reduced setbacks, will obstruct light views, and have excessive transitional heights due to rooftop decks. He believes the units will be less valuable than the standard multi-family homes, which will impact resale value to adjacent properties including his own. He said he is opposed to the proposed zoning of PUD-R. He believes that these are more like a multi-family HOA complex. He went on to say that due to the train noise the PUD-R does not require the typical buffers when zoned with the B-1 zoning. He believes that as the largest land owner and biggest stake holder he will be most impacted by the project. He said that architectural design does not fit with the existing properties including his historical Victorian home. Mr. Hawley expressed his concerns for noise from the train and lack of buffering requirements. He also has concerns that the proposed units will be too close to his property if not on what he owns.

Jon Moore said he is here in opposition of the property due to the height and variance of distance of setbacks. He said he feels it would encroach on his property. He believes that the space between his property and the proposed lot would not leave him any privacy due to the space between is only proposed to have the length of a single car driveway.

Mr. Lindsey appreciates all input and did hold a neighborhood meeting to address issues but does disagree with Mr. Holly's statement that this would decrease property values. Mr. Lindsey understands there may be some risk to what they are proposing to build but their company does love Arvada and only want good things to happen to the City. He went on to say the property is long and narrow, which prevents them to push houses back to the north and away from the railroad tracks. He said that he appreciates Mr. Holly's concerns. However, as a builder they understand how to compensate for the sound from the trains. His plan is to follow the Comprehensive Plan and not go out of that scope. He believes it will be a great addition to the area. He said that this is the trend of where Arvada is going. Mr. Lindsey is willing to change the design to accommodate Mr. Moore's concern of the new development looking down on his property; he is willing to create buffers.

The public portion of the hearing was closed.

QUESTIONS FROM THE BOARD TO STAFF

Mr. McCarron asked if survey plats were a concern to neighbors, what will the City will do if there are mistakes.

Mr. Bebo replied that the Final Development Plan would address that and there will be an Alta survey as well as title work. He said that City Engineering Staff looks very closely at those things.

Mr. McCarron asked what types of setbacks are there for trains.

Mr. Bebo said there are none for train tracks. There is a lot that is in residential Arvada, the current proposal does have those 100 feet back from the tracks not from the front though.

Mr. McCarron said this does appear to follow what the rest of the neighborhood is currently doing.

Mr. Bebo said yes, that was addressed during the review process.

Mr. Hannan said that this is the biggest change in setbacks that he has seen in his of tenure as a Commissioner. He asked why the setbacks are so large.

Mr. Bebo said they are looking at individual lots and if this development were to adhere to that individual duplex lots, each unit would be required to be on a 10,000 foot lot and that is not plausible in medium density residential. He said those standards are designed for apartments or condo buildings and those do not keep up with the modern design. He went on to say that these are simple lots being plated now versus condominium projects.

Mr. Hannan then said on the south side of 62nd the road is strange. He then said there is a tree where there should be a curb and that area needs help. He asked who will address this.

Mr. Bebo replied that will not be addressed with this development. He said that the applicant will be responsible for immediate frontage for curb, gutter, and detached sidewalk with an eight tree lawn. He said that staff did not feel like it was within their ability to ask for the South side of 62nd because the railroad company owns the other side of the road.

Mr. Hannan said that road is not two lanes wide and will have an increase of traffic as a result of this development.

Mr. Bebo said that was correct.

Mr. Hannan then said that that parcel has had a lot of different things on it and he wanted to know if there would be any environmental studies or require clean up.

Mr. Bebo said that with the Final Development Plan they will require a soils report and the results of that will determine if that would be required. He did say that an environmental site assessment is not required.

Mr. Hannan wanted to know about the transitional height to the north.

Mr. Bebo said that the grading plan shows that this site sits lower than the properties to the north and that the southwest portion of the site up to the properties to the north that are at or just under 30 feet to the roof decks. He said they will have their stairwells that will go to 37 feet 8 inches which is allowed. He said that staff did work with the developers to add the rooftop decks because staff felt that the site did need more outdoor space.

Mr. Hannan asked if there will be fencing along the top.

Mr. Bebo said yes, each unit will have fencing around perimeter and to separate the units.

Mr. Griffith had questions for the applicant. He first asked if the units will be rentable or for sale.

Mr. Lindsey said that they would be for sale.

Mr. Griffith said that the properties to the north side do not appear to have driveways into the garage and looks like it only has landscape in between.

Mr. Lindsey said that the driveway in between the units to the east and west that is for access; there is a five foot apron. There is not a full driveway where you can park a car.

Mr. Griffith said that landscaping plan shows landscaping there. He then said he wanted to confirm that all units would have a two car garage.

Mr. Lindsey said yes they do. He then said as for the landscape to the left or to the east are two sidewalks that will go to the front.

Mr. Bebo said that maybe a missed coordination between the site plan and landscape plan, all should be driveway.

Mr. Griffith said the two parking spaces per unit, four per building, and then asked was that a discussion that was had with Staff.

Mr. Bebo said they are treated as a single family home so two spaces and adequate guest parking.

Mr. Griffith asked about the business near the proposed development. He said that he see that there is a gas station and wanted to know what the other business were.

Mr. Bebo said that there is currently a vacant building but there are proposals for a liquor store and that is under review at this time.

Mr. Griffith said that area is currently zoned as commercial and was wondering what type of buffering will be put into place.

Mr. Bebo replied that a buffer is not required by the code for the North property line. He said they are existing single family uses that the duplexes fall under. He said buffering would be required for commercial between the residential sides.

Mr. Griffith asked with the Comprehensive Plan what will the setbacks be.

Mr. Bebo said that residential medium density has a setback of 25 feet in the front with a lot size of 9000 square feet but that is not being requested today.

Mr. Magee asked if there are any transitional height issues with the PUD-R and adjacent neighbors.

Mr. Bebo said that there is not. He said there are no requirements for the single family attached use.

Mr. Magee said that he knows they are closer to the lot lines and he understands they are widening the street along north side of 62nd along with curb, gutter, and sidewalk. He asked if parking will be allowed there once that is completed.

Mr. Bebo said no not at this time.

Mr. Magee asked the applicant to please show where Mr. Moore's property line is located on the slide show.

Mr. Lindsey said that it will be near unit 12 and is willing to work with Mr. Moore to address his privacy concerns.

Mr. Moore showed where his property is located and expressed his concern for how the proposed driveway would be just feet from his property line.

Mr. Magee asked Mr. Lindsey if he is willing to adapt those units in response to Mr. Moore's concerns.

Mr. Lindsey said he is willing to screen that so Mr. Moore is still able to have his privacy. He said the decks would be a selling feature so he does want them to be on all units but is willing to modify or adjust them to suffice Mr. Moore's privacy concerns.

Mr. Magee asked about the landscaping plan. He wanted to clarify if the plant list count was what would be submitted for individual lots.

Mr. Lindsey said that the presentation only shows the open lot area.

Mr. Magee then commented about the sidewalk between units 13 and 14. He asked that for the ADA accessibility, if approved, can they connect those areas.

Mr. Lindsey said yes they could, he knows they had conversations about that but he will.

Ms. Connell commented that on page three of the staff report there is an alignment with City Council's strategic plan by 2019 and is asked if that is part of the reasoning for this.

Mr. Bebo said that is correct.

DISCUSSION OF MOTION Z2019-0001:

Mr. Hannan stated that he will be voting against this project due to criteria E, that it is incompatible with existing and adjacent properties. He said that it was right on top of adjacent properties with no setbacks and because of that he will be voting against that.

Mr. Magee said that this was a difficult project and he sees the need for it. He said that design and landscape were well done. He went on to say that he appreciates the applicant is willing to work with neighbors on privacy issues. He said he understands that it does not meet the current design but it was designed 50 years ago and that no longer fits.

Mr. Griffith said he see the need for this type of housing product, unfortunately he cannot see past the setbacks. He can imagine himself living next door and is sympathetic to property owners. He will not be supporting this project.

It was moved by Mr. Magee that Z2019-0001, Kimbrough Heights Rezoning from City of Arvada from B-1 (Neighborhood Business) to PUD-R (Planned Unit Development Residential), 10.9 dwelling units per acre, generally located at W. 62nd Avenue and Carr Street be recommended to City Council for approval subject to the condition stated in the staff report, Item 1, Page 15.

The following votes were cast on the motion:
Those voting Yes: Goff, Connell, Magee, McCarron
Those voting No: Griffith, Hannan
Those absent: Owens
The motion carried.

DISCUSSION OF MOTION PDP2019-0003:

Mr. Hannan said he would also be voting against this motion based upon criteria number 7. He loves the design and would like to move there but the two buildings on the north really do encroach on the neighbors.

Mr. Griffith said he agrees. He said the properties to the north are unfairly harmed by the proposed buildings on the north side. He will be voting against.

It was moved by Mr. Magee that PDP2019-0003, Kimbrough Heights Preliminary Development Plan, generally located at W. 62nd Avenue and Carr Street be recommended to City Council for approval subject to the condition stated in the staff report, Item 1, Page 15.

The following votes were cast on the motion:
Those voting Yes: Goff, Connell, Magee, McCarron
Those voting No: Griffith, Hannan
Those absent: Owens
The motion carried.

DISCUSSION OF MOTION PP2019-0001:

Mr. Hannan said this was a huge impact on adjacent properties. He said if it was something different in north corner and there were setbacks were there he would vote for it but he cannot base upon those criteria.

Ms. Connell said that she would be voting for this. She believes unique or different approaches are necessary to introduce something new. She said this maybe new but it is utilization of the land.

It was moved by Mr. Magee that PP2019-0001, Kimbrough Heights Preliminary Plat, generally located at W. 62nd Avenue and Carr Street be recommended to City Council for approval subject to the condition stated in the staff report, Item 1, Page 15

The following votes were cast on the motion:
Those voting Yes: Goff, Connell, Magee, McCarron
Those voting No: Griffith, Hannan
Those absent: Owens
The motion carried.

8. OTHER ITEMS –

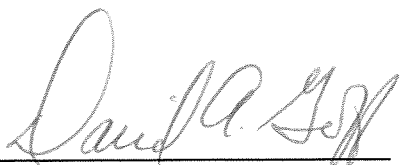
No items scheduled for the July 2nd Meeting, it was motioned to cancel this.

The following votes were cast on the motion:
Those voting Yes: Goff, Connell, Griffith, Hannan McCarron, Magee
Those absent: Owens
The motion carried.

Next meeting will be July 16th

9. ADJOURNED – 7:16 P.M.


Patricia Connell, Secretary


David Goff, Vice Chairmam


FOR Jean Petramala, Recording Secretary