



SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
JULY 7, 2020

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

1. **CALLED MEETING TO ORDER**– By T.O. Owens at 6:15 P.M.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL OF MEMBERS**

Those present: T.O. Owens, Michael McCarron, Andrew Gay, Patricia Connell, Michael P. Griffith, Doug Magee, Steve Hannan

THOSE ABSENT

None.

ALSO PRESENT: Ryan Stachelski, Director of Community and Economic Development; Rob Smetana, City Planning Manager; Emily Grogg, Sr. Ass't. City Attorney; Jenny Wolfschlag, Manager of Development Engineering; Sara Hutchinson, Recording Secretary/Administrative Specialist; Josie Suk, Manager of Dev. Systems and Administrative Services

4. **APPROVAL OF MINUTES** - June 2, 2020. The minutes stand approved as written.
5. **GENERAL BUSINESS**

None.

6. **REPORTS**

None.

7. **PUBLIC COMMENT**

There being no one wishing to speak, Public Comment was closed.

8. **PUBLIC HEARINGS**

DA2020-0032 Conditional Use Permit for Cherrywood Pointe Senior Living located at 15530 W. 64th Ave.

The public hearing was opened.

Mr. Owens entered into the record the staff report DA2020-0032 dated July 7, 2020, affidavit of mailing and posting log, and six public comment emails.

Mr. Smetana gave a brief introduction of the project. Staff recommends approval.

Eric Chekal, applicant, gave a brief overview of United Properties. He explained the site and the proposed design. He explained how the proposed design fits with the Land Development Code and discussed design choices that were impacted by concerns from neighboring residents.

Curtis Rowe, Kimley-Horn traffic engineer for the project, discussed the traffic study done on the intersection of McIntyre Street and W 63rd Avenue. He explained signage and other pedestrian improvements that are planned in the proposed design in regard to traffic improvement.

Mr. Chekal explained steps that United Properties will take to minimize construction disturbances for neighbors with the proposed design. He mentioned the prairie dog colony on the property and the consultations that he has had with both a biologist and a prairie dog consultant. These consultants are looking for a relocation site within the county for the prairie dog colony.

Mr. Owens opened the hearing for comments from the public.

PUBLIC COMMENT

IN FAVOR

None.

IN OPPOSITION

Mr. Herrin, resident, explained his concern about the size of the building and the impacts on the view. He stated his dislike of the proposed architecture style and height. He stated his preference for a two-story building.

Ms. Rees, resident, expressed the adjacent neighborhood task force's concerns with the project.

Ms. Whitehead, resident, stated her concerns about the project's impact on the value of her property and on her view and quality of life. She stated her preference for a two-story building. She stated that she never received a letter of notification from the developer.

Mr. Lipson, resident, stated his concerns about the traffic in the area. He explained why he views the traffic study to be outdated and unreliable. He stated that he feels the proposed project does not match the Arvada Comprehensive Plan for the area.

Ms. Darling, resident, stated her agreement with the previous residents. She expressed her desire for the neighboring residents to have a vote that could impact this proposal. She discussed her role in assisting to relocate the prairie dogs and her concern for the colony.

Mr. Hackwell, resident, stated his concern about the height of the proposed design. He stated that he was never informed of any neighborhood meetings. He expressed concern for his property values.

Ms. Lee, resident, stated her concern for the residential density of the area and increased traffic problems. She stated that she was not aware of the Planning Commission hearing until the day of the meeting.

Ms. Dixon, resident, stated that she was not aware of the Planning Commission hearing until the day of the meeting. She expressed her concern for the potential loss of mountain views from her property and the traffic impact.

Mr. Railton, resident, stated his concern for losing mountain views from his property. He expressed his concern for the traffic impacts of the project. He requested a traffic light be placed at the intersection of McIntyre Street and 63rd Avenue.

APPLICANT REBUTTAL

Mr. Chekal explained the reasons for the requested Conditional Use Permit and that the height is not a part of the permit request. He stated that the height is within what is allowed within the CG zoning district. He stated that the traffic generated from the proposed project will be low. He explained that notification of residents followed the requirements of the City, with notification for all properties within a 500' radius from the subject property. He stated that the neighborhood meeting notifications were sent to the same residents. He explained the process of the permit, which will go to City Council after this Planning Commission meeting. He stated that if the Conditional Use Permit is approved by Council, a Site Plan will be applied for and will go through the same process. He explained that the proposed development does fit within the Arvada Comprehensive Plan.

Mr. Rowe reiterated that multiple neighborhood meetings were held and that design decisions were made based on concerns from neighboring residents. He explained that the design is a low traffic generating use, and that there are standards for when a traffic light is installed.

Mr. Chekal reiterated that the pedestrian crossing enhancement and signage will be provided to help with safety of the intersection.

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Owens asked for clarification on the height of the building from Staff.

Mr. Smetana confirmed that the height of the building is not part of the Conditional Use Permit application. Up to 45 feet is allowed by the zoning district in which the project is located.

Mr. McCarron asked Staff what the height restriction was prior to the new Land Development Code adoption in May 2020.

Mr. Smetana clarified that the previous height restriction was at 35 feet, but that updates were made with height restrictions across the City with the new Code. The last time the City made updates to height restrictions was in the 1970s, and Staff felt that new height requirements should be made to fit with modern architectural requirements and building codes.

Mr. McCarron asked if the building is 38' at the highest point with the elevations of the site.

Mr. Smetana stated that the applicant could have achieved the previous building height even with grading of the site, but that they would have retaining walls.

Mr. McCarron asked for more clarification on the height.

PLANNING COMMISSION MINUTES
July 7, 2020

PAGE 4.

Mr. Smetana explained that height is measured from the highest grade, and that with this measurement the proposed building design is below the maximum allowed height of 45'.

Mr. McCarron mentioned neighborhood concerns with height and traffic. He asked if a roundabout or other traffic measures could be taken.

Ms. Wolfschlag clarified that a roundabout is not recommended in this location, and that the City has been monitoring the traffic on McIntyre. She explained that improvements for the street are currently being evaluated by Staff, separately from and unrelated to the project.

Mr. McCarron asked for a reiteration of the noticing procedures that are required.

Mr. Smetana explained the required noticing procedures for the project, including posting requirements and mailing requirements.

Mr. Magee asked Ms. Wolfschlag to address the traffic study done by Kimley-Horn.

Ms. Wolfschlag stated that the traffic study meets the standards of the City. She stated her confidence in the numbers provided by the study.

Mr. Magee asked about access off of McIntyre Street.

Ms. Wolfschlag stated adding access on McIntyre would create safety concerns on McIntyre and would create too many accesses in one area.

Mr. Magee asked if a market study was done for this project.

Mr. Chekal stated that a market study was done for the project. He directed the question to Ray Osborn.

Mr. Osborn explained the projected increase of 75+ year-old residents in Arvada and the demand this will create in the area for senior living facilities. He stated the benefits of creating senior living facilities to keep residents in Arvada from "aging out" of the city.

Mr. Magee asked about concerns with COVID-19 in other senior living facilities under United Properties.

Mr. Osborn stated that there have not been issues with COVID-19 outbreaks in other facilities under United Properties. He stated that generally across the country, the skilled nursing communities have been hit the hardest by COVID-19. He clarified that this proposed facility is going to be memory care and assisted living.

Mr. Magee asked about the total square footage of the proposed building.

Mr. Chekal stated the square footage is about 126,000 feet.

Mr. Magee asked how many total employees will be at the facility on an average day and how many will be licensed healthcare professionals.

Mr. Chekal directed the question to Mr. Osborn.

Mr. Osborn stated that at full capacity (about 93-95% occupancy), there would be about 60 full-time staff with about 25% of those staff being healthcare professionals. He explained that the

PLANNING COMMISSION MINUTES

July 7, 2020

PAGE 5.

rest of the staff would be caregivers. He stated the benefit of this project providing employment opportunities.

Mr. Gay stated his concern with residents not receiving notices. He stated his concern that in some cases, the 500' noticing requirements may not be enough. He brought up the height of the building on the west side and the impact on the views. He asked if there is any way to use the emergency access on the trucking road as a regular access for the property.

Ms. Wolfschlag stated that this traffic option was explored, but that it is not recommended. The City requested 63rd be used as the access.

Mr. Gay asked for clarification about the construction use of the trucking road.

Ms. Wolfschlag stated that while the limited construction traffic can use this access on the trucking road, the City does not recommend this as a permanent access.

Mr. Griffith commented on the spacing of the parking on the far west side of the parking lot.

Mr. Smetana clarified that the parking would be evaluated during the Site Plan process, as a conceptual plan was all that was required for the Conditional Use Permit.

Ms. Grogg stated that there are many members of the public requesting additional comment. She clarified that public comment is closed to rebuttals from members of the public because the Chair has closed the public comment. She explained that this is consistent with Planning Commission bylaws and City Council procedure.

MOTION:

It was moved by Mr. Magee, DA2020-0032, Conditional Use Permit for Cherrywood Pointe Senior Living located at 15530 W. 64th Ave., be recommended to City Council for approval. This motion is based on the findings of fact and approval criteria on Page 7 of the Staff Report.

DISCUSSION OF MOTION DA2020-0032

Mr. Owens stated his support of the proposal. He explained that when a person purchases a home, they do not own the view from that property. He reiterated that the proposed height is only 3' taller than the previous Code allowed and is within the height allowed under current Code. He stated his appreciation for the proposed type of use in this space and the design. He explained that this proposal is very low impact.

Mr. Hannan stated his concern for criteria 4 and 6 in the Staff Report prior to the presentations by the applicant, but that he felt these were addressed in the presentation and discussion. He stated his support of the proposal.

Mr. Gay agreed with previous statements from Commissioners. He stated his appreciation for the design within the site. He stated his support of the project.

Mr. Magee thanked neighboring residents for their input and stated his appreciation for the work that the applicant and Staff have put in. He stated his appreciation for the proposed use. He stated that he believes the project does not meet criteria 4 because of the scale of the design and that he will therefore not be supporting the proposal.

PLANNING COMMISSION MINUTES

July 7, 2020

PAGE 6.

Mr. Griffith stated his agreement with Mr. Owens and Mr. Gay. He stated that there is a demonstrated need that the proposed project will meet in Arvada.

The following votes were cast on the motion:

Those voting Yes: Owens, McCarron, Gay, Connell, Griffith, Hannan

Those voting No: Magee

Those absent: None

The motion carried.

DA2020-0043 Conditional Use Permit for Allison Village located at 5352 Allison Street.

The public hearing was opened.

Mr. Smetana stated that there is a correction on page three of the Staff Report in the zoning and acreage, but that these items are correct on the first page of the Staff Report.

Mr. Owens entered into the record the corrected staff report DA2020-0043 dated July 7, 2020, affidavit of mailing and posting log, and a public comment email.

Mr. Smetana gave a brief introduction of the project. Staff recommends approval.

Lori Rosendahl, applicant, explained the Foothills Regional Housing mission, the work they have done in the region, and the programs that they run.

Aaron Kloke, representative of the applicant, gave an overview of the proposal. He explained the program and the price of the housing units. He discussed the benefits of the location and the ways that the design will connect with the surrounding areas.

Brett Jacques, representative of the applicant, explained the location context with nearby housing, transit and open space. He explained the proposed design with building form, site plan, building character, and sustainability.

Ms. Rosendahl talked about the partnerships with this project and the goal of helping foster children transition out of foster care.

Mr. Owens opened the hearing for comments from the public.

PUBLIC COMMENT

IN FAVOR

None.

IN OPPOSITION

None.

APPLICANT REBUTTAL

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Magee asked about the parking for the project in comparison to the existing buildings on the site.

Ms. Rosendahl explained that the current buildings on the property have larger units than the proposed buildings and that the demographics will be different. She stated that parking needs will be lower for the proposed project.

Mr. Palmer, representative of the applicant, spoke to the analysis done on parking in the area and on parking with other projects managed by Foothills Regional Housing.

Mr. Magee asked how many parking spaces there are with the current projects.

Mr. Palmer and Ms. Rosendahl stated that they do not know the exact number but that they currently have no problems with parking on the site. They stated that they have not had parking complaints and that the lot does not seem to be fully used with the current buildings.

Mr. Smetana stated that the parking will be evaluated further with the Site Plan review and that this is just the Conditional Use Permit.

Mr. Gay brought up parking as well in relation to the proposed suggestion of a small café on site.

Ms. Rosendahl clarified that a café would not be open to the public, and that the space will likely be a small training facility for resident use only. She stated that the space will not increase parking needs.

Mr. Gay stated his concern about the amount of parking.

Mr. Griffith made suggestions for landscaping on the site, including adding a large tree and using turf instead of grass squares.

Mr. McCarron brought up COVID-19 and asked if it has been taken into consideration with the design of the enclosed spaces, density, or potential reliance on public transit.

Ms. Rosendahl explained that in the 26 other properties under Foothills Regional Housing, they currently have not had any cases of COVID-19 as they have preparedness plans and understand safe property management. She stated that the bigger concern is leaving homeless youth or adults on the streets or in shelters, where sickness is much more easily spread.

Mr. Palmer mentioned that the access to technology or internet is also a barrier for those who need housing. This proposed project will help provide these for residents.

Ms. Rosendahl spoke to one of their partners helping with COVID-19 preparedness as well.

Mr. McCarron stated his appreciation for the preparedness of the team.

Ms. Connell stated her appreciation for the provision of housing through this project and the access to transit in this project.

MOTION:

PLANNING COMMISSION MINUTES

July 7, 2020

PAGE 8.

It was moved by Mr. Griffith, DA2020-0043 Conditional Use Permit for Allison Village located at 5352 Allison Street, be recommended to City Council for approval. This motion is based on the findings of fact and approval criteria on Pages 6-7 of the Staff Report.

DISCUSSION OF MOTION DA2020-0043

Mr. Owens stated that the parking provided in the proposed design is too conservative for the long-term of the property, and that it will not be enough for the site. He stated that he will not be supporting the project.

Mr. Magee stated his appreciation of the project and that he feels the parking is workable in the next stages of the site plan design.

Mr. Griffith stated his appreciation for the design of the project and that parking will need to be vetted. He stated his support of the project.

The following votes were cast on the motion:

Those voting Yes: McCarron, Gay, Connell, Griffith, Magee, Hannan

Those voting No: Owens

Those absent: None

The motion carried.

LDC2020-0003 An amendment to the 2020 Land Development Code to allow use of short term rentals in residential dwellings.

The public hearing was opened.

Mr. Owens entered into the record the staff report LDC2020-0003 dated July 7, 2020, affidavit of mailing and posting log, and one email of public comment.

Mr. Smetana gave an explanation of the ordinance. He provided background on the last time short term rentals went through Planning Commission and City Council.

Mr. Owens opened the hearing for comments from the public.

PUBLIC COMMENT

IN FAVOR

None.

IN OPPOSITION

None.

APPLICANT REBUTTAL

Mr. Owens closed public comment.

QUESTIONS FROM THE COMMISSION

PLANNING COMMISSION MINUTES
July 7, 2020

PAGE 9.

Mr. Magee suggested a searchable digital database for short term rentals in Arvada that could be used by members of the public. He suggested that complaints or violations of code could be added to this database. He suggested to clarify under Item E with parking requirements that an accessory structure would also require an additional parking space.

Mr. Hannan asked for clarification on the 240 days regulation in the ordinance.

Mr. Smetana clarified that this number was an average within the range suggested by City Council.

Mr. Hannan stated his appreciation for the clarification.

Mr. Griffith asked how adjacent municipalities are dealing with short term rentals.

Mr. Smetana explained that some nearby municipalities do allow them and some do not, and that they have different requirements within those that do. He stated that there is not a lot of consistency, but is based on each community's desired approach.

Mr. Griffith stated that he could not find a nearby municipality that allows short term rentals that does not require residency within the property. He asked why Arvada is not requiring this.

Mr. Smetana stated that this choice was made because of concerns of Council.

Mr. Griffith stated his understanding of Council suggesting this, but that he believes more than two short term rentals allowed per person seemed excessive. He mentioned his understanding surrounding concerns with enforcement.

Mr. McCarron stated his agreement with Mr. Magee. He stated his appreciation for the approach of the Staff and that a structure should be created around regulation of short term rentals that can then be refined.

Mr. Hannan stated that there are currently over 300 VRBOs in Arvada, especially in Olde Town. He stated his desire to create a regulatory structure for these properties.

Mr. Gay asked Mr. Smetana's opinion on the issue.

Mr. Smetana stated that it is a business that is currently not paying taxes, and that this ordinance would allow taxation of the short term rentals to benefit the City and help level the playing field with hotels in Arvada.

Ms. Connell stated her desire to have structured regulation around the short term rentals because they are being created anyway.

Mr. Owens asked how the 240 days regulation will be enforced.

Mr. Smetana stated that it cannot be fully controlled and that it will be self-certified.

Mr. Owens stated that he does not like to include anything in an ordinance that isn't enforceable.

MOTION:

PLANNING COMMISSION MINUTES

July 7, 2020

PAGE 10.

It was moved by Mr. Magee, LDC2020-0003 an amendment to the 2020 Land Development Code to allow use of short term rentals in residential dwellings, be recommended to City Council for approval. This motion is based on the findings of fact and approval criteria on Pages 2-3 of the Staff Report.

DISCUSSION OF MOTION LDC2020-0003

Discussion occurred over Mr. Magee’s potential accessory unit parking space amendment. An amendment was not made because the Land Development Code already requires a parking space be provided with the existence of an accessory unit.

Mr. Griffith made a motion to amend the motion to require the licensee to be the primary resident of the property.

The following votes were cast on the amendment made by Mr. Griffith:

Those voting Yes: Gay, Connell, Griffith

Those voting No: Hannan, Magee, McCarron, Owens

Those absent: None

The motion failed.

The following votes were cast on the original motion:

Those voting Yes: McCarron, Gay, Connell, Magee, Hannan

Those voting No: Griffith

Those absent: None

The motion carried.

Mr. Owens explained that the motion that carried will now be taken to City Council.

8. **OTHER ITEMS**

Mr. Smetana stated that there will be a July 21st, 2020 meeting for a PUD Development Plan for the Arvada TOD South and the Major Modifications for the Arvada Fire Station #3 Rebuild.

Mr. Magee stated his desire to put on record that the Vice-Chair did a great job with taking care of the June 2, 2020 meeting. He stated his appreciation that Staff provided requested items of a list of Commissioners and Staff and a calendar of meetings.

9. **ADJOURNED** at 9:11 P.M.

Patricia Connell

Patricia Connell, Secretary

T.O. Owens

T.O. Owens, Chair

Sara Hutchinson

Sara Hutchinson, Recording Secretary