



SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
APRIL 20, 2021

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, Doug Magee, Steve Hannan

THOSE ABSENT

Michael P. Griffith

MOTION:

It was moved by Mr. Owens to excuse Michael P. Griffith for the meeting.

No discussion of the motion

The following votes were cast on the motion:

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

Those voting No: None

Those absent: Griffith

The motion carried 6-0.

Mr. Owens explained that the motion carried.

ALSO PRESENT: Ryan Stachelski, Director of Community and Economic Development; Rob Smetana, City Planning Manager; Emily Grogg, Sr. Ass't. City Attorney; Jeremiah Bebo, Planner II; Jenny Wolfschlag, Manager of Development Engineering; Josie Suk, Manager of Dev. Systems and Administrative Services; Stephanie Wallace, Recording Secretary/Administrative Specialist; Allison Trembly, Communication; Tim Knapp

4. **APPROVAL OF MINUTES** – April 6, 2021. The minutes stand approved.
5. **GENERAL BUSINESS**

None.
6. **REPORTS**

None.

7. PUBLIC COMMENT ON ISSUES NOT SCHEDULED ON AGENDA

None.

Mr. Owens explained the procedures for the public hearings.

8. PUBLIC HEARINGS

Maple Valley Park Annexation Approximately Located At 6900 Indiana St.

Mr. Owens entered into the record the Staff Report dated April 20, 2021, affidavit of mailing, posting log and public comment that was received via email.

Mr. Bebo stated a correction to the staff report on page 7, 1st paragraph under Parks, Wildlife and Open Space. It should read Maple Valley Park is linked to the west, not to the east. Stated the City has received 7 public comments, an ecological report for the park with supporting documents and received a PowerPoint presentation submitted by the applicant. He introduced the Maple Valley Park Annexation and Rezoning. Currently it is zoned Jefferson County A1 and the requested zoning is OS. Staff recommends approval.

Jill Marcotte, representative of the applicant, with Scannell Properties, gave a presentation. She explained the proposed project and how the annexation and rezoning of Maple Valley Park is consistent with the Comprehensive Plan and meets the LDC. She stated there will not be any development on the park. The park was previously deeded from Jefferson County to the City and reserved a reverted on the property. She explained how changing the zoning to OS would help to protect the park. Additionally, she stated that the park is owned and maintained by the City of Arvada. Jefferson County maintains the zoning and the controls.

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

PUBLIC COMMENT

IN FAVOR

None

IN OPPOSITION

Mr. Owens reminded the public attendees to keep their comments focused on the topic at hand, which is the proposed annexation and rezoning of Maple Valley Park.

25 individuals spoke in opposition

There was no further public comment and Mr. Owens asked if the applicant wanted to provide a rebuttal.

APPLICANT REBUTTAL

Ms. Marcotte, restated that the application is to annex Maple Valley Park from Jefferson County to the City of Arvada and to rezone it OS, where it is currently zoned A-2 under the county. The City owns and manages the park. The use would remain unchanged and the rezoning to OS would add additional protections for preservation.

Mr. Bebo stated the City of Arvada owns Maple Valley Park and maintains the park. He stated if approved for the annexation and rezoning it would allow the City of Arvada to have full jurisdictional control with the OS zoning. He stated the OS designation is consistent with the other parks and open space in Arvada. It is the most restrictive zoning district. He commented that a Jefferson County reverter does exist on the park, which adds additional security to prevent any development on the park. He stated the annexation and rezoning are completely separate and is not dependent on the proposed project coming up.

Mr. Owens closed the public input portion of the meeting and allowed comments from the Commission.

QUESTIONS FROM THE COMMISSION

Mr. Owens and Mr. Magee commented there is no downside to the annexation of Maple Valley Park. The current zoning allows for a broader use and less control for the City. The City owns and maintains the park. The proposed OS zoning is the most protective zoning for this park.

Mr. Gay referenced the last sentence of the second paragraph on page 1 of the staff report and asked if it would still be in affect after annexation and rezoning.

Mr. Bebo responded and said that it runs in perpetuity with the land. He stated it's a mechanism to insure the property could never be developed for anything other than parks and open space in addition to the proposed zoning designation.

Mr. Owens asked if there were any further comments, no more comments were made. Mr. Owens asked for a motion.

MOTION:

It was moved by Mr. Magee, that Maple Valley Park Annexation, approximately located at 6900 Indiana St., be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 8 & 9 of the Staff Report.

Mr. Owens acknowledged the hand that was raised from the public and explained at this point they are unable to reopen public comment.

DISCUSSION OF MOTION:

None

The following votes were cast on the motion:

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

Those voting No: None

Those absent: Griffith

The motion carried 6-0.

Mr. Owens explained that the motion carried.

Maple Valley Park Rezoning from Jefferson County A-1 to City of Arvada OS, approximately located at 6900 Indiana St.

Mr. Owens asked if there were any further comments, no more comments were made. Mr. Owens asked for a motion.

MOTION:

It was moved by Mr. Magee, that Maple Valley Park Rezoning from Jefferson County A-1 to City of Arvada OS, approximately located at 6900 Indiana St, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 8 & 9 of the Staff Report.

DISCUSSION OF MOTION:

Mr. Hannan, Mr. McCarron and Mr. Owens stated their support of the rezoning to OS and gives the most protection.

The following votes were cast on the motion:

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

Those voting No: None

Those absent: Griffith

The motion carried 6-0.

Mr. Owens explained that the motion carried.

After the final public hearing of the meeting, staff noticed that the original motion for the rezoning was incorrect. Mr. Owens confirmed the procedure with Ms. Grogg and the commission made motion to strike the original motion made. Mr. Owens clarified the process and reasons to strike the motion.

MOTION:

Mr. Owens moved to strike the original motion that was made for the rezoning of Maple Valley Park.

DISCUSSION OF MOTION:

None

The following votes were cast on the motion:

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

Those voting No: None

Those absent: Griffith

The motion carried 6-0.

MOTION:

It was moved by Mr. Magee, that Maple Valley Park Rezoning from Jefferson County A-2 to City of Arvada OS, approximately located at 6900 Indiana St, be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 8 & 9 of the Staff Report.

DISCUSSION OF MOTION:

The following votes were cast on the motion:
Those voting Yes: Owens, McCarron, Connell, Magee, Hannan
Those voting No: Gay
Those absent: Griffith
The motion carried 5-1.

Mr. Owens explained that the motion carried.

Before opening the public hearing for the next case, Mr. Owens stated due to the large number of people signed up to speak, additional commenters that did not sign up to speak prior to the 5:00 pm cut off would not be allowed to make comments. He mentioned that additional comments could be made at the City Council meeting on June 7, 2021. (This date was later corrected to June 14, 2021)

Project Indiana Annexation, generally located at 6730 Indiana St.

Mr. Owens entered into the record the Staff Report dated April 20, 2021, affidavit of mailing, posting log and public comment that was received via email.

Jeremiah Bebo stated we have received 254 individual emails in support and opposition of public comment. 3 petitions from Protect Maple Valley Park submitted:

- March 1
- March 29
- April 11

Additionally, a PowerPoint presentation was received to be presented by the Protect Maple Valley Park organization, 7 photos that will be reviewed during the public comment; and a PowerPoint presentation submitted by the applicant. All items have been submitted to the public record.

Mr. Bebo introduced the Project Indiana Annexation and Rezoning. Mr. Bebo stated that Scannell Properties LLC has requested approval for annexation and rezoning of approximately 24.93 acres of land and a rezoning of approximately 5.36 acres of land already existing in the city limits. This proposal is to develop the land with approximately 112,000 sq ft warehouse fulfillment and distribution center. The project involves the assembly of 12 parcels of land and a portion of the land located at 6720 Indiana St. Mr. Bebo identified 4 lots that are already in the IL designation and part of the city limits and noted that they will not be part of this application. Staff recommends approval of the project with the following condition be made part of the approval.

1. In order to substantially mitigate negative impacts to Maple Valley Park and nearby residential neighborhoods, a landscaped buffer with a six-foot-tall masonry wall shall be built along the northern boundary with the park. The width of the buffer, design of the wall, and number, size, and species of trees shall be at the discretion of the Community and Economic Development Director.

Jill Marcotte, developer, with Scannell Properties introduced the team and gave an in depth presentation with the provided PowerPoint. She explained how the proposed design will fit with the City's Comprehensive Plan and explained the rezoning from Jefferson County A-2 and Arvada CG to IL. She explained the potential design plan for the site and how they are adding an extensive amount of buffering to protect the park. She discussed the community outreach

that was held which included two neighborhood meetings; one in November and the second one in March. Both meetings had neighbors in attendance. She discussed the intended user for this project (Amazon) and the truck routing that is directed away from the nearby residential neighborhood.

Carolynne White, applicants Land Use Attorney, gave an overview of the approval criteria and how the project meets the criteria. She stated the 3 applicable annexation criteria and the 5 rezoning criteria. She acknowledged the communities concerns and stated they have listened and attempting to address the concerns. She stated there are concerns about the traffic and with this project and stated that Indiana Street will be widened along the property frontage.

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

PUBLIC COMMENT

IN FAVOR

None

IN OPPOSITION

The commission allowed for an extended public comment and presentation from several Homeowner Association Groups. Gina Hallisey, Vice President of the Maple Valley HOA and Chairperson for Protect Maple Valley Park was the spokesperson for this group along with Patrick Tobin. Ms. Hallisey outlined the group's opposition to this project. Ms. Hallisey stated that over 5700 concerned Arvada and Jeffco residents desire to protect the Maple Valley Park and Ralston Creek Trail. They believe that the proposed Project Indiana industrial development does not conform to the requested zoning, is incompatible to the use and will have a negative impact on the adjacent open space and nearby homes and community. It was also highlighted the top four concerns of this group. She expanded on road congestion, light and air pollution, proximity to open space and the environmental impact to the Maple Valley Park and the Ralston Creek.

Mr. Tobin, co-presenter and the volunteer attorney for the Protect Maple Valley group discussed the stress to existing infrastructure, compared the project to other area distribution centers in Loveland and Broomfield and the impacts that those have had on those communities. He also reviewed several items that were unknown, for instance, the traffic needs of the area.

Mr. Owens reaffirmed that the remainder of public comment would be from those that signed up to speak. There were 35 individual comments from the public.

Ms. Emily Grogg, stated that several of the public commenters had identified an error in the current zoning designation of the project and for Maple Valley Park, and stated that there was a typo in the Staff Report. The Jefferson County Zoning should read as A-2 instead of A-1. She asked that at the end of Project Indiana hearing that the commission make a motion to amend the zoning on the Maple Valley Park rezoning.

There was no further public comment and Mr. Owens asked if the applicant wanted to provide a rebuttal.

APPLICANT REBUTTAL

Ms. White provided a “response to opposition presentation” document that included where many of the responses have been previously provided. This included the project’s traffic engineer, Curtis Rowe discussing the communities concern with the traffic report and addressed many of their concerns. The applicant’s team responded to the concerns over light and air pollution, noise and the communities concern over the proximity to the open space and adjacent neighborhoods. They also stated that this use was less intense than other uses that could apply.

Ms. White concluded the rebuttal with stating the application demonstrated adheres to the Comprehensive Plan and complies with the annexation and rezoning criteria. She stated they have provided a wealth of information and feel it complies with the requirements. She thanked the Commission for the consideration to recommend to City Council.

Mr. Owens closed the public input portion of the meeting and allowed comments from the Commission.

QUESTIONS FROM THE COMMISSION

Mr. Owens asked Staff if they agree that light industrial meets the criteria of the Comprehensive Plan.

Mr. Smetana confirmed that IL is for light industrial, office and retail space is identified as a zone district allowed for the Comprehensive Plan designation.

Mr. Owens asked Staff if it was found that the use being proposed by the developer is in fact light industrial.

Mr. Smetana responded that is correct.

Mr. Owens asked Staff when the last time the Comprehensive Plan was adopted.

Mr. Smetana responded the most recent plan was adopted in 2014.

Mr. Owens asked Mr. Smetana to his knowledge did the designation for this particular property change since the prior designation.

Mr. Smetana confirmed that light industrial has been planned for this area as far back as 1995.

Mr. Owens asked Staff to explain how the Comprehensive Plan is adopted and is it a public process.

Mr. Smetana stated the Comprehensive Plan has a very public process, which the last one took 18 months to develop and included several community meetings, and public discussions regarding the Comprehensive Plan. From the plan development included, meetings with individual Homeowners Associations and business groups as well as public hearings at the Planning Commission and City Council.

Mr. Owens asked if someone had objected to this type of use on this particular property, they would have had the ability to object it during the Comprehensive Plan public process.

Mr. Smetana clarified that is correct.

Mr. Owens asked when the City publishes a Comprehensive Plan it has boundaries that include places within the City limits, but may not be in Arvada.

Mr. Smetana commented that was correct and stated we use our plan to identify our growth boundary as well as the enclaves that exist within Unincorporated Jefferson County that eventually will be annexed into the City.

Mr. Owens asked for validation, if someone wanted to develop in the City of Arvada and looked at the Comprehensive Plan. They would know that the intended use was light industrial and see that it had not be changed for at least 2 sets of Comprehensive Plans.

Mr. Smetana confirmed that the Comprehensive Plan is to provide the long term guidance to the development community as to what the City anticipates appropriate uses to be.

Mr. Owens asked if there has been anything built on this piece of property or has it had any other use other than agricultural.

Mr. Smetana responded he doesn't believe so.

Mr. Gay asked staff how the City determines whether or not both City utility services and non-City services have the capacity to service new properties for annexation.

Mr. Bebo responded that the City's development review team reviews the capacity of existing sewer and water systems as well as fire and policing needs during the application review for annexation. There are various utilities that are not provided by the City and it is the responsibility of the applicant to notify other utilities, like Xcel, of the intent to annex into the City and to ensure they have capacity to serve them.

Mr. Gay asked if the traffic study that was completed by the developer had been made publically available.

Mr. Bebo confirmed that it was available publically since the beginning of the project and stated that it is required as part of the annexation application and the site plan application.

Mr. Gay asked for clarification that the traffic, light, noise and air quality study was financed by the developer.

Mr. Bebo confirmed that it has been.

Mr. Hannan asked if the current zoning is A-2, but in our Comprehensive Plan we have it projected to be industrial.

Mr. Smetana clarified that is correct.

Mr. Hannan asked if the CSU environmental study was done in the next steps and not part of the annexation or zoning. He clarified if the buffering and the additional areas, is also done at the site planning process.

Mr. Bebo responded the study that the neighborhood group referenced is a study they completed for Maple Valley Park. It was not to analyze Project Indiana; this is done at the site plan.

Mr. McCarron asked Mr. Rowe (Applicant) what the boundary is for the traffic study.

Mr. Rowe stated the traffic study scope that was received by the City Staff was to include the intersection along Indiana Street to 72nd Avenue, down to 64th Avenue. We went over to McIntyre Pkwy on the west and to the east Gardenia Street and Eldridge Street.

Mr. McCarron asked what the future plans are for the 4 lanes on Indiana Street with the train trestle.

Ms. Wolfschlag responded the City has been working with CDOT on future plans for Indiana, but at this time there is no funding for additional widening and that work would be developer driven.

Mr. McCarron asked the applicant what the traffic net effect is and is there truly an increase on the roads.

Mr. Rowe responded there has been some research done relevant to these types of facilities. He stated previously the number of trips made by individual's vs 1 delivery vehicle making 1 efficient trip.

Mr. Magee asked about the other studies that have been referenced a number of times they are done by the applicant, but under the direction and perimeters established by the City.

Mr. Bebo stated yes, but to clarify we don't review noise or pollution studies. Noise studies are not reviewed at the site plan; typically noise issues are dealt with by Code Enforcement. We have maximum decibel levels that we regulate through Code Enforcement. However, the lighting studies are reviewed during the site plan application.

Mr. Magee shared his appreciation to the Protect Maple Valley group and the citizens that have participated.

Ms. Connell expressed that her questions have been addressed and answered by the other Commissioners.

Mr. Owens asked where does the water runoff from this site go and has there ever been any crop grown on this site.

Ms. Wolfschlag answered the historic conditions for this site in the existing condition flows to the North of the property where it will eventually enter the park property and the creek.

Mr. Bebo responded he believes there is no history of crops being produced on this site.

Mr. Owens asked post development where the water goes.

Ms. Wolfschlag responded that post development the water will go to a detention pond that is located near the East side of the site in the proposal. Where it is treated for detention and water quality to meet City and Mile High Flood Districts standards, then it will be released at historic rates to the North.

Ms. Grogg stated it was coming up on the 11 o'clock hour and per the Bylaws we are allowed to extend up to 30 minutes or the Commission could vote to suspend the Bylaw to continue until finished. She asked Mr. Owens what he would like to do.

MOTION:

Mr. Owens moved to suspend the Bylaws and allow the Commission to finish all matters that are on the agenda.

DISCUSSION OF MOTION:

The following votes were cast on the motion:

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

Those voting No: None

Those absent: Griffith

The motion carried 6-0.

Mr. Owens explained that the motion carried.

Mr. Owens asked if there were any further comments, no more comments were made. Mr. Owens asked for a motion.

MOTION:

It was moved by Mr. Magee, that Project Indiana Annexation, generally located at 6730 Indiana St., be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 13 & 14 of the Staff Report. He added the Staff condition one page 15 of the Staff Report also be met by the applicant.

DISCUSSION OF MOTION:

Mr. Gay stated his appreciation of everyone participating. He commented on the Criteria for Annexation as it relates to the Comprehensive Plan and he feels that CC 1.2 1.3 1.4 has not been met in his opinion and he will not be supporting the project.

Mr. Magee commented that there were things brought up about the site review process that the Commission cannot consider for the application for annexation and rezoning. Commissioner Gay brings up good points about the Comprehensive Plan. However, the Comprehensive Plan is not the Land Development Code that is not the criteria that we need to follow. He stated the Comprehensive Plan is a wish list and a desired place to be. He commented that he's not sure the Commission could assign strict criteria to that. He feels the applicant has done a good job and he will be supporting the application.

Mr. Owens thanked the public and applauded how many people attended. He feels they substantially meet the criteria specifically Criteria 1. He stated his support.

Ms. Connell agreed with the Commission on the criteria.

Mr. Gay acknowledged Mr. Magee's point. However, he is still not in support.

The following votes were cast on the motion:

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

Those voting No: Gay

Those absent: Griffith

The motion carried 5-1.

Mr. Owens explained that the motion carried.

Project Indiana Rezoning from Jefferson County A-2 to City of Arvada IL, generally located at 6730 Indiana St.

MOTION:

It was moved by Mr. Magee that Project Indiana Rezoning from Jefferson County A-2 to City of Arvada IL, generally located at 6730 Indiana St., be recommended to City Council for approval.

This motion is based on the findings of fact and approval criteria on Page(s) 13 & 14 of the Staff Report.

DISCUSSION OF MOTION:

Mr. Gay stated that the 1st criteria has identified five parcels being zoned as community commercial. He said that this makes them a candidate for other zoning. These five parcels do not meet the criteria 1 or 5. He thinks that there will be a direct impact to the neighborhood and will not support.

Mr. Hannan, confirmed that this was a tough case and that he looked at criteria 4 and stated that there is not a more beautiful place in Arvada than the Ralston Creek Trail and to change zoning is difficult. He mentioned that more of the impact on the newly annexed property of Maple Valley Park will be items for a site plan review which is not considered during this proposal. He mentioned that this has been discussed as a commercial and industrial area of Arvada. He said he will support the proposal.

Mr. McCarron said that criteria 5 is not met. He commented on the traffic and the truck trips in that area could put too much pressure on that area. He will not be in support of the rezoning,

Mr. Owens noted a few items that were important. He said that we have a very public process that develops the Comp Plan. He said it would be different if it just changed but it didn't and that we need developers to invest in Arvada. He said that this makes it difficult for him to not think that this use is not appropriate. He noted that the surrounding properties are commercial and that they have buffered the surrounding neighborhoods from the noise and light generation. He restated that there was a 2% change in traffic and that the developer was widening their piece and that the only way we can achieve widening is if developers will do their piece all of the way done. He will be supporting this request.

Ms. Grogg, requested that the commission also address the five parcels that are already in the City that have been requested to be rezoned from CG to IL. She asked that the motion be adjusted.

Mr. Magee accepted the language from Ms. Grogg.
The following votes were cast on the motion:
Those voting Yes: Owens, Connell, Magee, Hannan
Those voting No: Gay, McCarron
Those absent: Griffith
The motion carried 4-2

Mr. Owens explained that the motion carried and that it will be recommended to council for approval.

9. OTHER ITEMS

Mr. Owens acknowledged that this was Mr. McCarron's last Planning Commission meeting and thanked him for his dedication and years of service.

Mr. Owens asked Staff if there are any items to consider.

Mr. Smetana stated that there are no items scheduled for the May 4, 2021 meeting.

It was moved by Mr. Owens to cancel the Planning Commission meeting on May 4, 2021, as there are no items on the agenda.

The following votes were cast on the motion:

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

Those voting No: McCarron

Those absent: Griffith

The motion carried 5-1.

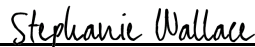
12. **ADJOURNED** at 11:18 P.M.



T.O. Owens, Chair



Patricia Connell, Secretary



Stephanie Wallace, Recording Secretary