

City of Arvada

City Council Agenda

AUGUST 1, 2022
CITY COUNCIL CHAMBERS
Regular Business

Councilmembers:

Marc Williams, Mayor
David Jones, Mayor Pro-Tem
Bob Fifer, At large
John Marriott, District 3
Randy Moorman, District 1
Lauren Simpson, District 2
Lisa Smith, At large

Staff Members Usually Present:

Mark Deven, City Manager
Lorie Gillis, Deputy City Manager
Linda Haley, Deputy City Manager
Rachel Morris, City Attorney
Don Wick, Director of Public Works
Sharon Israel, Director of Utilities
Ryan Stachelski, Dir. of Community & Economic Development
Bryan Archer, Director of Finance
Gabriella Bommer, Director of Human Resources
Rob Smetana, Manager of City Planning & Development
Rachael Kuroiwa, Chief Communications Manager
Kristen Rush, City Clerk

Info: 720-898-7550

CITY COUNCIL MEETING – CITY COUNCIL CHAMBERS 6:00 PM

1. Call to Order - 6:00 PM
2. Moment of Reflection and Pledge of Allegiance - Councilmember Simpson
3. Roll Call of Councilmembers
4. Approval of Minutes
 - A. July 18, 2022 City Council Meeting
5. Recognitions and Communications
 - A. Proclamation Recognizing the Arvada Historical Society on their 50th Anniversary - Presented by Mayor Williams
6. Presentations - None
7. Public Comment on Issues not Scheduled on Agenda - Three Minute Limit
8. New Business
 - A. Consent Agenda

1. R22-052, A Resolution Accepting an Annexation Petition, Concerning 12016 West 82nd Avenue, Finding Said Petition Substantially Compliant With C.R.S. 31-12-107(1), and Setting a Public Hearing for September 12, 2022, 6:15 p.m. for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation
- B. Resolutions
 1. R22-053, A Resolution by the Arvada City Council in Support of Zero Fare Transit on RTD in August 2022
- C. Ordinances (First Reading)
 1. CB22-054, An Ordinance Rezoning Certain Land Within the City of Arvada for Howard Ranch, a 13.11-acre Parcel of Land from City of Arvada RA- Residential Agricultural District to City of Arvada R6- Residential 6 District and Amending the Official Zoning Maps of the City of Arvada, Colorado, generally located at 14760 W 64th Ave (Public Hearing to be set for August 15, 2022 at 6:15 p.m.)
 2. CB22-063, An Ordinance Amending Certain Provisions Within the Land Development Code, of the City of Arvada Code (Public Hearing to be set for September 19, 2022 at 6:15 p.m.)
9. Other
10. Public Hearings - 6:15 PM
 - A. Major Modification from the Land Development Code subsection 2-1-3-3A to allow for a reduction in the side setback from 7.5 ft to 3 ft with RN 7.5 zoning to allow a garage expansion, generally located at 6446 Iris Way.
11. Public Comment - Five Minute Limit
12. Reports from City Council
 - A. Council Committee Reports
13. Reports from City Manager
 - A. Review of Future Workshops and Presentations
14. Reports from City Attorney
15. Adjournment



**SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD
JULY 18, 2022**

1. Call to Order - 6:15 p.m.

This Arvada City Council meeting was a hybrid meeting using webinar technology. Mayor Pro Tem Jones, Councilmember Fifer, Councilmember Marriott, Councilmember Moorman, Councilmember Simpson and Councilmember Smith were all present in chambers. Mayor Williams was present on Zoom.

Members of the public were given notice with instructions on how to participate with public comment.

2. Moment of Reflection and Pledge of Allegiance

3. Roll Call of Councilmembers

Those Present: Mayor Marc Williams, Mayor Pro Tem David Jones, Councilmember Bob Fifer, Councilmember John Marriott, Councilmember Randy Moorman, Councilmember Lauren Simpson, Councilmember Lisa Smith.

Also Present: Mark Deven, City Manager; Rachel Morris, City Attorney; Lorie Gillis, Deputy City Linda Haley, Deputy City Manager; Bryan Archer, Director of Finance, Ryan Stachelski, Director of Community and Economic Development and Kristen Rush, City Clerk.

4. Approval of Minutes – June 27, 2022 City Council Meeting

The minutes stand approved.

5. Recognition and Communication – none

6. Presentations –

A. Arvada Parks Advisory Committee Presentation

Max Koxholt, Chairman of the Arvada Parks Advisory Committee (APAC), and Jackie Marquis, Chairman Pro Tem gave this presentation and said that they have recommendations for the new Arvada park located between W 57th Avenue and Ralston Road along the Garrison Street bike path. In addition to the park naming discussion, Mr. Koxholt discussed the results of a Speak Up Arvada survey conducted in 2021 regarding equestrian use of Arvada's trails.

B. Arvada Arts and Culture Commission Presentation

Emily King, Chairman and Judy Gardner, Chairman Pro Tem of the Arvada Arts and Culture

Commission (AACC) Ms. King and Ms. Gardner summarizing their recent work and strategic priorities for the coming year. Discussion topics included: updates related to the Arts and Culture Master Plan, current budget limitations, and recommended priorities for City Council related to arts and culture in Arvada.

7. Public Comment –
 - A. Wendy Spencer, Arvada resident, addressed council regarding crime in Arvada
 - B. Sunny Germaine-Pickett, Arvada resident, addressed council regarding crime in Arvada
 - C. Ed Tomlinson, Arvada resident, addressed council regarding crime in Arvada
 - D. Daniel Mondragon, Arvada resident, addressed council regarding DEI
 - E. Sherry Glennon, Arvada resident, addressed council regarding crime in Arvada

8. New Business
 - A. Consent Agenda –
 1. R22-049 A Resolution Authorizing an Agreement Between the City of Arvada and J. Napolitan & Co., Accepting a Permanent Drainage Easement Generally Located at 6651 West 52nd Avenue
 2. R22-050 A Resolution Amending and Restating Plan Documents and Authorizing Adoption Agreements for the Executive Defined Contribution Retirement Plan, City Manager Retirement Plan, City Attorney Retirement Plan, and Municipal Judge Retirement Plan

Councilmember Marriott moved that R22-049, A Resolution Authorizing an Agreement Between the City of Arvada and J. Napolitan & Co., Accepting a Permanent Drainage Easement Generally Located at 6651 West 52nd Avenue; R22-050, A Resolution Amending and Restating Plan Documents and Authorizing Adoption Agreements for the Executive Defined Contribution Retirement Plan, City Manager Retirement Plan, City Attorney Retirement Plan, and Municipal Judge Retirement Plan, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

- B. Resolutions –
 1. R22-051 A Resolution Authorizing an Intergovernmental Agreement Between the Colorado Department of Transportation and the City of Arvada Regarding the Community Mobility Planning and Implementation (CMPI) Set-Aside of the Surface Transportation Block Grant Program (STBG)

Mark Deven, City Manager, reviewed this resolution with council.

Councilmember Marriott moved that R22-051, A Resolution Authorizing an Intergovernmental Agreement Between the Colorado Department of Transportation and the City of Arvada Regarding the Community Mobility Planning and Implementation (CMPI) Set-Aside of the Surface Transportation Block Grant Program (STBG), be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith

The Motion was Approved

C. Ordinances (First Reading) - none

9. Other – Motion to Call Special City Council Meeting

Councilmember Fifer moved to call a special meeting on Tuesday, August 9, 2022, at 8 a.m. for the sole purpose of an executive session Pursuant to C.R.S. 24-6-402(4)(f) regarding a personnel matter so that City Council can conduct City Manager interviews.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

10. Public Hearings -

A. CB22-061 An Ordinance Vacating A Portion Of Right Of Way as Platted with Candelas Medical Filing No. 1 Subdivision, Located North West Of West 91st Drive, the City Of Arvada, County Of Jefferson, State Of Colorado (Ordinance No. 4808)

Mayor Pro Tem Jones opened the public hearing on CB22-061.

Rob Smetana, Manager of City Planning and Development, reviewed this ordinance with council.

No one wishing to speak for or against, the public hearing was closed.

Councilmember Fifer moved that CB22-061, An Ordinance Vacating A Portion Of Right Of Way as Platted with Candelas Medical Filing No. 1 Subdivision, Located North West Of West 91st Drive, the City Of Arvada, County Of Jefferson, State Of Colorado, be approved on final reading, number 4808 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

B. CB22-062 An Ordinance Amending Article IV, Engineering Code of Standards and Specifications, of Chapter 78, Public Improvements, of the Arvada City Code, Thereby Repealing the Existing Engineering Code of Standards and Specifications for Design and Construction of Public Improvements dated January 12, 2016 and Adopting a New Code Titled Engineering Code of Standards and Specifications Dated July 26, 2022 (Ordinance No. 4809)

Mayor Pro Tem Jones opened the public hearing on CB22-062.

Jacqueline Rhodes, City Engineer, reviewed this ordinance with council.

No one wishing to speak for or against, the public hearing was closed.

Councilmember Marriott moved that CB22-062, An Ordinance Amending Article IV, Engineering Code of Standards and Specifications, of Chapter 78, Public Improvements, of the Arvada City Code, Thereby Repealing the Existing Engineering Code of Standards and Specifications for Design and Construction of Public Improvements dated January 12, 2016 and Adopting a New Code Titled Engineering Code of Standards and Specifications Dated July 26, 2022, be approved on final reading, numbered 4809 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

- C. A Major Modification from the Land Development Code subsection 4-5-3-6.C.2 to allow vehicle stacking in the side setback when the LDC prohibits vehicle stacking in the front and side street setbacks, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO
- D. A Major Modification from the Land Development Code subsection 2-1-5-3.F to allow a 32.5 percent building facade located within the Frontage Zone when the LDC requires a 60 percent building facade to be located within the Frontage Zone, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO
- E. A Major Modification from the Land Development Code subsection 5-1-3-1 to allow a single usable floor on a Pedestrian Priority Street when the LDC requires two usable floors on a Pedestrian Priority Street, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO
- F. A Major Modification from the Land Development Code subsection 5-1-6-2.B.3.c to allow a drive-through lane not to be fully enclosed within the envelope of the building with one visible drive-through through window on a public street when the LDC requires a drive-through lane to be fully enclosed within the envelope of the building with drive-through windows not visible to public streets, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO
- G. A Major Modification from the Land Development Code subsection 5-1-2-6-F requiring transparency for buildings located within a frontage zone, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO

Mayor Pro Tem Jones opened the public hearings on the Major Modification from the Land Development Code subsection 4-5-3-6.C.2 to allow vehicle stacking in the side setback when the LDC prohibits vehicle stacking in the front and side street setbacks, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO, the Major Modification from the Land Development Code subsection 2-1-5-3.F to allow a 32.5 percent building facade located within the Frontage Zone when the LDC requires a 60 percent building facade to be located within the Frontage Zone, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO; the Major Modification from the Land Development Code subsection 5-1-3-1 to allow a single usable floor on a Pedestrian Priority Street when the LDC requires two usable floors on a Pedestrian Priority Street, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO; the Major Modification from the Land Development Code subsection 5-1-6-2.B.3.c to allow a drive-through lane not to be fully enclosed within the envelope of the building with one visible drive-through through window on a public street when the LDC requires a drive-through lane to be fully enclosed within the envelope of the building with drive-through windows not visible to public streets, generally located at

7370 W. 52nd Avenue, in the City of Arvada, CO and the Major Modification from the Land Development Code subsection 5-1-2-6-F requiring transparency for buildings located within a frontage zone, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO

Rob Smetana, Planning Manager, reviewed these items with council and stated that the posting logs and mailing affidavit have been received and are in order. Mayor Pro Tem Jones made them a part of the official record, along with the staff report.

Sworn Testimony: Tasha Boulevard, Representing applicant
Katie Sanchez, Representing applicant
Lisa D. Hamilton-Fieldman, Arvada resident, in opposition
Holi Fieldman, Arvada resident, in opposition

Did not speak but wanted their name entered into the record:
Jim Kaferly, Arvada resident, in opposition

Mayor Pro Tem Jones closed the public comment portion of the hearing.

Councilmember Marriott moved that the Major Modification from the Land Development Code subsection 4-5-3-6.C.2 to allow vehicle stacking in the side setback when the LDC prohibits vehicle stacking in the front and side street setbacks, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO, be approved. This motion is based on the Finding of Fact adopted by Planning Commission.

The following votes were cast on the Motion:
Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson
Those voting No: Smith
The Motion was Approved

Councilmember Marriott moved that the Major Modification from the Land Development Code subsection 2-1-5-3.F to allow a 32.5 percent building facade located within the Frontage Zone when the LDC requires a 60 percent building facade to be located within the Frontage Zone, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO, be approved. This motion is based on the Finding of Fact adopted by Planning Commission.

The following votes were cast on the Motion:
Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

Councilmember Marriott moved that the Major Modification from the Land Development Code subsection 5-1-3-1 to allow a single usable floor on a Pedestrian Priority Street when the LDC requires two usable floors on a Pedestrian Priority Street, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO, be approved. This motion is based on the Finding of Fact adopted by Planning Commission.

The following votes were cast on the Motion:
Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson
Those voting No: Smith
The Motion was Approved

Councilmember Marriott moved that the Major Modification from the Land Development Code subsection 5-1-6-2.B.3.c to allow a drive-through lane not to be fully enclosed within the envelope of the building with one visible drive-through window on a public street when the LDC requires a drive-through lane to be fully enclosed within the envelope of the building with drive-through windows not visible to public streets, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO, be approved. This motion is based on the Finding of Fact adopted by Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson

Those voting No: Smith

The Motion was Approved

Councilmember Marriott moved that the Major Modification from the Land Development Code subsection 5-1-2-6-F requiring transparency for buildings located within a frontage zone, generally located at 7370 W. 52nd Avenue, in the City of Arvada, CO, be approved subject to the following condition: Additional architectural elements, such as spandrel glass windows and/or a mural be provided on the Wadsworth Boulevard building elevation to increase the perceived transparency as required by Subsection 5-1-2-6F of the LDC. These enhancements shall be included with the formal Site Plan application

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith

The Motion was Approved

12. Public Comment - Five Minute Limit – none
13. City Council Reports –
 - A. Councilmember Marriott discussed a ribbon cutting he attended at Pilatus Aircraft at Rocky Mountain Metropolitan Airport
 - B. Councilmember Simpson invited everyone to the Northern Jefferson County Town Hall meeting on Saturday from 9:30 to 11:00 a.m., via Zoom. Sign up information is on her Facebook page.
 - C. Councilmember Moorman reported on the partnership the Sustainability Committee had with the Festivals Commission to have a Zero Waste event at the Arvada on Tap event.
 - D. Councilmember Moorman said that he and Councilmember Smith are hosting a Potluck Picnic and invited everyone to attend on July 30 at Volunteer Firefighter Park from 12-2 p.m.
 - E. Councilmember Moorman addressed comments made during about public safety
 - F. Councilmember Fifer said he would like to see a Whataburger in Arvada.
 - G. Mayor Pro Tem Jones discussed the opening of Freedom Street Social in Candelas and encouraged everyone to go see it.

City of Arvada

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H. Mayor Williams thanked everyone that has expressed concern for his mom and said that she is doing much better.

14. City Manager Reports –

A. Mark Deven, City Manager, discussed the upcoming workshops on July 25.

15. City Attorney Reports – none

16. Adjournment at 9:10 p.m.

Marc Williams, Mayor

SEAL:

Kristen R. Rush, City Clerk



REPORT TO CITY COUNCIL

AGENDA ITEM
5.A.

TO: THE HONORABLE CITY COUNCIL

DATE: August 1, 2022

SUBJECT: Proclamation Recognizing the Arvada Historical Society on their 50th Anniversary - Presented by Mayor Williams

Report in Brief

Fifty years ago, Lois Lindstrom Kennedy and a group of citizens established the nonprofit Arvada Historical Society and embarked on an ambitious program to preserve the history of Arvada and the surrounding area. These dedicated volunteers achieved wide-ranging goals in the first 25 years. They were instrumental in the creation of a cultural center and established the Arvada History Museum in today's Arvada Center. They completed the documentation necessary to place the Arvada Flour Mill on the National Register of Historic Places, restored the Mill, and opened it to the public. Three books were published illuminating the history of Arvada from 1850 to 1941.

The Arvada Historical Society created museum exhibits, continued to collect valuable artifacts, collected original documents and photos, and provided information for the Walking Tour panels in Olde Town. As a result of meticulous research by Lois Lindstrom Kennedy, Gold Strike Park was dedicated in 1986. In the late 1990s, the Society was instrumental in the City's establishment of three, contiguous National Historic Districts: the Olde Town commercial district and the flanking residential districts of Reno Park and StockeWalter, a rare collection in the United States today.

In 2005, the Society established its first headquarters at historic McIlvoy House, at the invitation of the City of Arvada, and a new era of accomplishments began. The Society initiated a regular program of school history tours. The extensive collection of documents and photos was organized and made available to the public in the Archives. Outreach activities, like the annual Arvada Cemetery Tour, were given greater focus. In 2010, the exterior of the Arvada Flour Mill was restored, shortly after construction of the Pavilion in 2007. The Belgin Cemetery was acquired in 2021, completing a process begun in 2014. Three more Arvada history books were published. In 2021, issues of the Arvada Enterprise newspaper were digitized and made available to everyone at Colorado Historic Newspapers and the Library of Congress.

These accomplishments, among many others, were funded primarily by membership dues, fund-raising events, and donations, along with support from the City of Arvada, grants, and partnerships. The Society's work continues to this day, connecting current residents to the place where they live and sharing the story of how past generations shaped today's community.

Prepared by:

Chris Koch, CCO Admin

Reviewed by:

Toni Riebschlager, Law Office Administrator 7/8/2022

Approved by:

Rachel Morris, City Attorney 7/8/2022

Linda Haley, Deputy City Manager 7/9/2022

SUBJECT: Proclamation Recognizing the Arvada Historical Society on their 50th Anniversary - Presented by Mayor Williams

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Lorie Gillis, Deputy City Manager 7/19/2022

Mark Deven, City Manager 7/20/2022

Enclosure, exhibits & attachments required to support the report

WHEREAS, The Arvada Historical Society, a nonprofit corporation, is celebrating its Golden Anniversary, 50 years of preserving Arvada’s history, in August 2022; and

WHEREAS, The Society was incorporated on August 24, 1972, a date chosen to commemorate the incorporation of Arvada on August 24, 1904; and

WHEREAS, The Society has documented, preserved, and shared the history of the people, events, and places that evolved to create today’s thriving community of Arvada; and

WHEREAS, The Society works with the City of Arvada and other partners to assure that our rich history will be available to future generations; and

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and City Council of the City of Arvada, Colorado, that the month of August, 2022, be designated as Arvada Historical Society Month, encouraging all citizens to contact the Society to learn how settlements in 1859 have become, over the last 163 years, the Arvada we call home.

Dated this 1st day of August, 2022.

Marc Williams, Mayor

David Jones, Mayor Pro Tem

Bob Fifer, Councilmember

Lauren Simpson, Councilmember

John Marriott, Councilmember

Lisa Smith, Councilmember

Randy Moorman, Councilmember



REPORT TO CITY COUNCIL	AGENDA ITEM 8.A.
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TO: THE HONORABLE CITY COUNCIL

DATE: August 1, 2022

SUBJECT: Consent Agenda

Report in Brief

R22-052, A Resolution Accepting an Annexation Petition, Concerning 12016 West 82nd Avenue, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for September 12, 2022., 6:15 p.m. for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation

Suggested Motion: Moved by: _____

I move that the Consent Item(s), Number(s) R_____ be (Removed from the Consent Agenda and Heard Upon Item _____) (Referred to a Workshop) (Postponed Indefinitely).

YES _____ NO _____ ABSENT _____

That All/Remaining Consent Items be (Approved) (Rejected).

YES _____ NO _____ ABSENT _____

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.A.1.

TO: THE HONORABLE CITY COUNCIL

DATE: August 1, 2022

SUBJECT: R22-052, A Resolution Accepting an Annexation Petition, Concerning 12016 West 82nd Avenue, Finding Said Petition Substantially Compliant With C.R.S. 31-12-107(1), and Setting a Public Hearing for September 12, 2022, 6:15 p.m. for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation

Report in Brief

Steve Lindsey, Linco Enterprises, the applicant, is seeking to annex their property located at 12016 West 82nd Avenue to develop seven single family custom homes. The 2.11 acre site is located at 12016 West 82nd Avenue and is currently a vacant parcel zoned A-2 (Agricultural-2) in unincorporated Jefferson County. The proposed zoning designation is RN-7.5 (Residential 7.5).

The Arvada Team recommends that the City Council approve R22-052, A Resolution Accepting an Annexation Petition, Concerning 12016 West 82nd Avenue, Finding Said Petition Substantially Compliant With C.R.S. 31-12-107(1), and Setting a Public Hearing for September 12, 2022, 6:15 p.m. for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation.

Financial Impact

There is no financial impact associated with the annexation.

Background

The subject property is located at 12016 West 82nd Avenue and is currently a vacant parcel zoned A-2 (Agricultural-2) in Jefferson County. The Hills at Standley Lake subdivisions lie to the north, west and east sides of the property. The City's Pioneer Park is directly to the south.

As part of the 2020 Land Development Code, the City rezoned and remapped the established areas of the various subdivisions for single-family detached homes zoned PUD-R (Planned Unit Development-Residential) to RN-7.5 (Residential Neighborhood). The intent of the RN zone district is to maintain the character of mature established neighborhoods to allow development and redevelopment that are consistent with the neighborhood's architectural character.

Consistent with the existing neighborhoods, the proposed zoning for the property is RN-7.5. The seven lot subdivision will be custom-homes to be built by the applicant who is a custom home builder.

Discussion

Annexation requires 1/6th contiguity. The total perimeter contiguous to the City of Arvada is 1715.08 linear feet, which exceeds the 1/6 (16%) area requirement. The City of Arvada surrounds the property to the west, north, south and a portion on the east side. The Arvada Comprehensive Plan designates this site as Suburban Residential and the proposed RN zoning is in compliance with that designation. Park and school dedication requirements will be met in conjunction with this annexation request.

SUBJECT: R22-052, A Resolution Accepting an Annexation Petition, Concerning 12016 West 82nd Avenue, Finding Said Petition Substantially Compliant With C.R.S. 31-12-107(1), and Setting a Public Hearing for September 12, 2022, 6:15 p.m. for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation

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Public Contact

The required neighborhood meeting for this project took place on November 12, 2020 . The applicant, Arvada team members, and approximately five neighbors from the Hills at Standley subdivision were in attendance. The applicant provided an overview of the proposed lots and demonstrated that the project meets the RN-7.5 development standards. The adjacent neighbors to the east were concerned that the lots sizes were smaller than their lots and that homes would be located closer to their homes. They also asked what type of homes would be built.

The applicant responded that the minimum lot size and setbacks were consistent with the subdivisions. The development will be custom-homes and that he would work with the adjacent property owners to screen the backyards with landscape. No further concerns were raised.

Commission Recommendation

N/A.

Strategic Alignment

The annexation request is in alignment with the Community and Economic Development principles of the City Council Strategic Plan by using the Arvada Comprehensive Plan to guide development and land use decisions for livable communities.

Alternative Courses of Action

Should this annexation not be approved, the property would remain in unincorporated Jefferson County and will need to meet the County's standards to develop and obtain water and sewer services. A portion of the property to be dedicated to the City for right-of-way on West 82nd Avenue and Union Street will remain in unincorporated County.

Recommendation for Action

The Arvada Team recommends approval of R22-052, A Resolution Accepting an Annexation Petition, Concerning 12016 West 82nd Avenue, Finding Said Petition Substantially Compliant With C.R.S. 31-12-107(1), and Setting a Public Hearing for September 12, 2022, 6:15 p.m. for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation.

Suggested Motion:

I move that R22-052, A Resolution Accepting an Annexation Petition, Concerning Union Estates Property, Generally Located at 12016 West 82nd Avenue, Finding Said Petition Substantially Compliant With C.R.S. 31-12-107(1), and Setting a Public Hearing for September 12, 2022, 6:15 p.m. for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation, be (approved) (rejected).

Prepared by:
Heidi Van Gieson, Administrative Specialist

Reviewed by:

SUBJECT: R22-052, A Resolution Accepting an Annexation Petition, Concerning 12016 West 82nd Avenue, Finding Said Petition Substantially Compliant With C.R.S. 31-12-107(1), and Setting a Public Hearing for September 12, 2022, 6:15 p.m. for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation

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Approved by:

Carol Ibanez, Senior Planner	7/13/2022
Josie Suk, Development Systems and Administrative Manager	7/14/2022
Robert Smetana, Manager of City Planning and Development	7/14/2022
Ryan Stachelski, Director of Community and Economic Development	7/15/2022
Gail Walker, Legal Specialist-Contracts	7/15/2022
Emily Grogg, Senior Assistant City Attorney	7/18/2022
Rachel Morris, City Attorney	7/19/2022
Linda Haley, Deputy City Manager	7/19/2022
Lorie Gillis, Deputy City Manager	7/19/2022
Mark Deven, City Manager	7/20/2022

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R22-052

A RESOLUTION ACCEPTING AN ANNEXATION PETITION, CONCERNING UNION ESTATES PROPERTY, GENERALLY LOCATED AT 12016 WEST 82ND AVENUE, FINDING SAID PETITION SUBSTANTIALLY COMPLIANT WITH C.R.S. 31-12-107(1), AND SETTING A PUBLIC HEARING FOR SEPTEMBER 12, 2022, 6:15 P.M. FOR CITY COUNCIL TO DETERMINE WHETHER THE AREA MEETS THE REQUIREMENTS OF C.R.S. 31-12-104 AND 105, AND IS CONSIDERED ELIGIBLE FOR ANNEXATION

WHEREAS, the owner of certain property located in Jefferson County, Colorado, filed a petition for annexation with the City Clerk of the City of Arvada, Colorado (the “City”), for annexation of property more particularly described below (the “subject property”), into the City limits;

WHEREAS, having received the petition for annexation, the City Council of the City of Arvada is required under the Municipal Annexation Act of 1965, as amended, to determine whether said petition is in substantial compliance with C.R.S. Sections 31-12-107 (1), 31-12-105, 31-12-104, and if so, to follow the procedure set forth in C.R.S. Sections 31-12-108 through 111;

WHEREAS, the City Council of the City of Arvada, having examined the filings and the petition for annexation of the subject property, and being duly advised by the City planning team, finds as follows:

1. On its face, the annexation petition is in substantial compliance with C.R.S. §31-12-107(1), as the petition contains the following:
 - a. An allegation that it is desirable and necessary that the area be annexed to the City of Arvada;
 - b. An allegation that the requirements of §§ 31-12-104 and 31-12-105 C.R.S. exist or are met.
 - c. An allegation that the signer of the petition comprises the landowners of more than 50 percent of the territory included in the area and own more than fifty percent of the area proposed to be annexed, exclusive of streets and alleys and any land owned by the annexing municipality.
 - d. A request that the City of Arvada approve the annexation of the area proposed to be annexed.

- e. The signature of such landowner.
 - f. The mailing address of such signer.
 - g. The legal description of the land owned by such signer.
 - h. The date of signing of each signature.
 - i. The affidavit of the circulator of the petition stating that each signature therein is the signature of the person whose name it purports to be.
2. That the annexation petition was filed with an annexation map containing the following information, and is in substantial compliance with the Municipal Annexation Act:
 - a. A written legal description of the boundaries of the area proposed to be annexed;
 - b. A map showing the boundary of the area proposed to be annexed;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d. Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the City of Arvada, and that the dimensions of the contiguous boundary are shown on the map.
 3. That no signature on the petition is dated more than 180 days prior to the date of filing of the Petition for Annexation with the City Clerk of the City of Arvada, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above, and finds that the annexation petition on its face is in substantial compliance with the requirements of C.R.S. §31-12-107(1).

Section 2. That the City Council hereby accepts the annexation petition for the following described unincorporated territory, situated in the County of Jefferson and State of Colorado, to wit:

See Exhibit A

Section 3. That a public hearing shall be held on the 12th day of September, 2022 at 6:15 p.m. at the Arvada City Hall and/or virtually for the purpose of determining and finding whether the areas proposed to be annexed meet the applicable requirements of §§31-12-104 and 31-12-105 C.R.S. and are considered eligible for annexation.

Section 4. This resolution shall be effective five days after its approval by the City Council.

APPROVED AND ADOPTED this 1st day of August, 2022.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: _____

Publication Dates: August 4, 2022
 August 11, 2022
 August 18, 2022
 August 25, 2022

Exhibit A

A RESOLUTION ACCEPTING AN ANNEXATION PETITION,
CONCERNING UNION ESTATES PROPERTY, GENERALLY LOCATED AT 12016 WEST
82ND AVENUE, FINDING SAID PETITION SUBSTANTIALLY COMPLIANT WITH
C.R.S. 31-12-107(1), AND SETTING A PUBLIC HEARING FOR SEPTEMBER 12, 2022,
6:15 P.M. FOR CITY COUNCIL TO DETERMINE WHETHER THE AREA MEETS THE
REQUIREMENTS OF C.R.S. 31-12-104 AND 105, AND IS CONSIDERED ELIGIBLE
FOR ANNEXATION

LEGAL DESCRIPTION

PARCEL A:

A TRACT OF LAND LOCATED IN THE NORTH ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH P.M., JEFFERSON COUNTY, COLORADO CONSISTING OF A PORTION OF TRACT 22, DENVER VIEW GARDENS, A SUBDIVISION RECORDED IN THE OFFICIAL RECORDS OF JEFFERSON COUNTY IN PLAT BOOK 2 AT PAGE 59A TOGETHER WITH A PORTION OF LOT 21, RUSTIC ACRES, A SUBDIVISION RECORDED IN THE OFFICIAL RECORDS OF JEFFERSON COUNTY IN PLAT BOOK 20 AT PAGE 36 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 22 THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST ON AN ASSUMED BEARING ALONG THE WEST LINE OF SAID TRACT 22 A DISTANCE OF 36.55 FEET TO A POINT 30 FEET NORTH OF THE PHYSICAL CENTER LINE OF WEST 82ND AVENUE (MAY 1995) AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES, 13 MINUTES, 10 SECONDS EAST A DISTANCE OF 225.02 FEET; THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST PARALLEL TO THE WEST LINE OF SAID TRACT 22, A DISTANCE OF 389.09 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 73.01 FEET OF LOT 21, RUSTIC ACRES; THENCE SOUTH 89 DEGREES, 43 MINUTES, 22 SECONDS WEST PARALLEL TO THE SOUTH LINE OF SAID LOT 21 A DISTANCE OF 225.00 FEET TO THE WEST LINE OF SAID LOT 21; THENCE SOUTH 00 DEGREES, 00 MINUTES, 00 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 21 AND THE WEST LINE OF SAID TRACT 22 A DISTANCE OF 384.94 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF JEFFERSON , STATE OF COLORADO.

PARCEL B:

THAT PORTION OF LOT 21, RUSTIC ACRES, A SUBDIVISION RECORDED IN THE OFFICIAL RECORDS OF JEFFERSON COUNTY IN PLAT BOOK 20 AT PAGE 36, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 21; THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST ON AN ASSUMED BEARING ALONG THE WEST LINE OF SAID LOT 21, A DISTANCE OF 73.01 FEET, THENCE NORTH 89 DEGREES 43 MINUTES 22 SECONDS EAST PARALLEL TO THE SOUTH LINE OF SAID LOT 21, A DISTANCE OF 225.00 FEET, THENCE SOUTH 00 DEGREES, 00 MINUTES, 00 SECONDS WEST A DISTANCE OF 73.01 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 21; THENCE SOUTH 89 DEGREES, 42 MINUTES, 23 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 225.00 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL C:

A TRACT OF LAND KNOWN AS THE EASTERLY 9.5 FEET OF BLOCK 21, DENVER VIEW GARDENS.

SAID TRACT BEING ALSO KNOWN AS A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 21, DENVER VIEW GARDENS; THENCE NORTH ALONG THE EAST LINE OF SAID BLOCK 21, 630.55 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 21, 6 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 630.55 FEET, MORE OR LESS, TO A

POINT ON THE SOUTH LINE OF SAID BLOCK 21, WHICH IS 9.5 FEET WEST OF THE SOUTHEAST CORNER OF SAID BLOCK 21; THENCE EAST ALONG SAID SOUTH LINE 9.5 FEET TO THE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

ZONING AREA CONTAINS: 91,995.1 SQUARE FEET OR 2.11 ACRES.

NAME OF ANNEXATION: Union Estates

APPROXIMATE LOCATION: 12161 w 82nd Ave, Arvada Co (NW corner 82nd and Union)

**PETITION FOR ANNEXATION OF UNINCORPORATED
TERRITORY IN THE COUNTY OF Jefferson,
STATE OF COLORADO, TO THE CITY OF ARVADA,
STATE OF COLORADO**

TO THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

The undersigned in accordance with the Municipal Annexation Act of 1965, Chapter 31, Article 12, C.R.S. 1973, as amended, hereby petitions the City Council of the City of Arvada for annexation to the City of Arvada of the following described unincorporated territory located in the County of Jefferson, State of Colorado, to wit:

LEGAL DESCRIPTION

In support of the said Petition, your Petitioner alleges that:

1. It is desirable and necessary that the above-described territory be annexed to the City of Arvada.
2. No less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Arvada.
3. A community of interest exists between the territory proposed to be annexed and the City of Arvada.
4. The territory proposed to be annexed is urban or will be urbanized in the future.
5. The territory proposed to be annexed is integrated or is capable of being integrated with the City of Arvada.
6. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - a. is divided into separate parts or parcels without the written consent of the landowner, or landowners thereof.
 - b. comprising twenty acres or more which, together with the buildings and improvements situated thereon, has an assessed value in excess of two-hundred thousand dollars for an ad valorem tax purpose for the year preceding the annexation is included within the territory proposed to be annexed, without the written consent of the landowner or landowners thereof.
7. No annexation proceedings have been commenced by another municipality for the annexation of part or all of the area proposed herein to be annexed to Arvada.
8. Annexation of the territory proposed to be annexed will not result in detachment of area from any school district and the attachment of the same to another school district.
9. The Signer(s) of the Petition comprise(s) the landowner(s) of one hundred percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys and any land owned by the annexing municipality.

Owner's Signature: _____

Address: 12650 W 54th DR ARVADA, 80002 UNITA

Date of signing: 3/3/22

PROPERTY DESCRIPTION OF ANNEXATION PARCEL:

PARCEL A:
 A TRACT OF LAND LOCATED IN THE NORTH ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH P.M., JEFFERSON COUNTY, COLORADO CONSISTING OF A PORTION OF TRACT 22, DENVER VIEW GARDENS, A SUBDIVISION RECORDED IN THE OFFICIAL RECORDS OF JEFFERSON COUNTY IN PLAT BOOK 2 AT PAGE 59A TOGETHER WITH A PORTION OF LOT 21, RUSTIC ACRES, A SUBDIVISION RECORDED IN THE OFFICIAL RECORDS OF JEFFERSON COUNTY IN PLAT BOOK 20 AT PAGE 36 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 22 THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST ON AN ASSUMED BEARING ALONG THE WEST LINE OF SAID TRACT 22 A DISTANCE OF 36.55 FEET TO A POINT 30 FEET NORTH OF THE PHYSICAL CENTER LINE OF WEST 82ND AVENUE (MAY 1995) AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES, 13 MINUTES, 10 SECONDS EAST A DISTANCE OF 225.02 FEET; THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST PARALLEL TO THE WEST LINE OF SAID TRACT 22, A DISTANCE OF 389.09 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 73.01 FEET OF LOT 21, RUSTIC ACRES; THENCE SOUTH 89 DEGREES, 43 MINUTES, 22 SECONDS WEST PARALLEL TO THE SOUTH LINE OF SAID LOT 21 A DISTANCE OF 225.00 FEET TO THE WEST LINE OF SAID LOT 21; THENCE SOUTH 00 DEGREES, 00 MINUTES, 00 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 21 AND THE WEST LINE OF SAID TRACT 22 A DISTANCE OF 384.94 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL B:
 THAT PORTION OF LOT 21, RUSTIC ACRES, A SUBDIVISION RECORDED IN THE OFFICIAL RECORDS OF JEFFERSON COUNTY IN PLAT BOOK 20 AT PAGE 36, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 21; THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST ON AN ASSUMED BEARING ALONG THE WEST LINE OF SAID LOT 21, A DISTANCE OF 73.01 FEET; THENCE NORTH 89 DEGREES, 43 MINUTES, 22 SECONDS EAST PARALLEL TO THE SOUTH LINE OF SAID LOT 21, A DISTANCE OF 225.00 FEET, THENCE SOUTH 00 DEGREES, 00 MINUTES, 00 SECONDS WEST A DISTANCE OF 73.01 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 21; THENCE SOUTH 89 DEGREES, 42 MINUTES, 23 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 225.00 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL C:
 A TRACT OF LAND KNOWN AS THE EASTERLY 9.5 FEET OF BLOCK 21, DENVER VIEW GARDENS.
 SAID TRACT BEING ALSO KNOWN AS A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 21, DENVER VIEW GARDENS; THENCE NORTH ALONG THE EAST LINE LINE OF SAID BLOCK 21, 630.55 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 21, 6 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 630.55 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAID BLOCK 21, WHICH IS 9.5 FEET WEST OF THE SOUTHWEST CORNER OF SAID BLOCK 21; THENCE EAST ALONG SAID SOUTH LINE 9.5 FEET TO THE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

ANNEXATION AREA CONTAINS: 91,995.1 SQUARE FEET OR 2.11 ACRES.

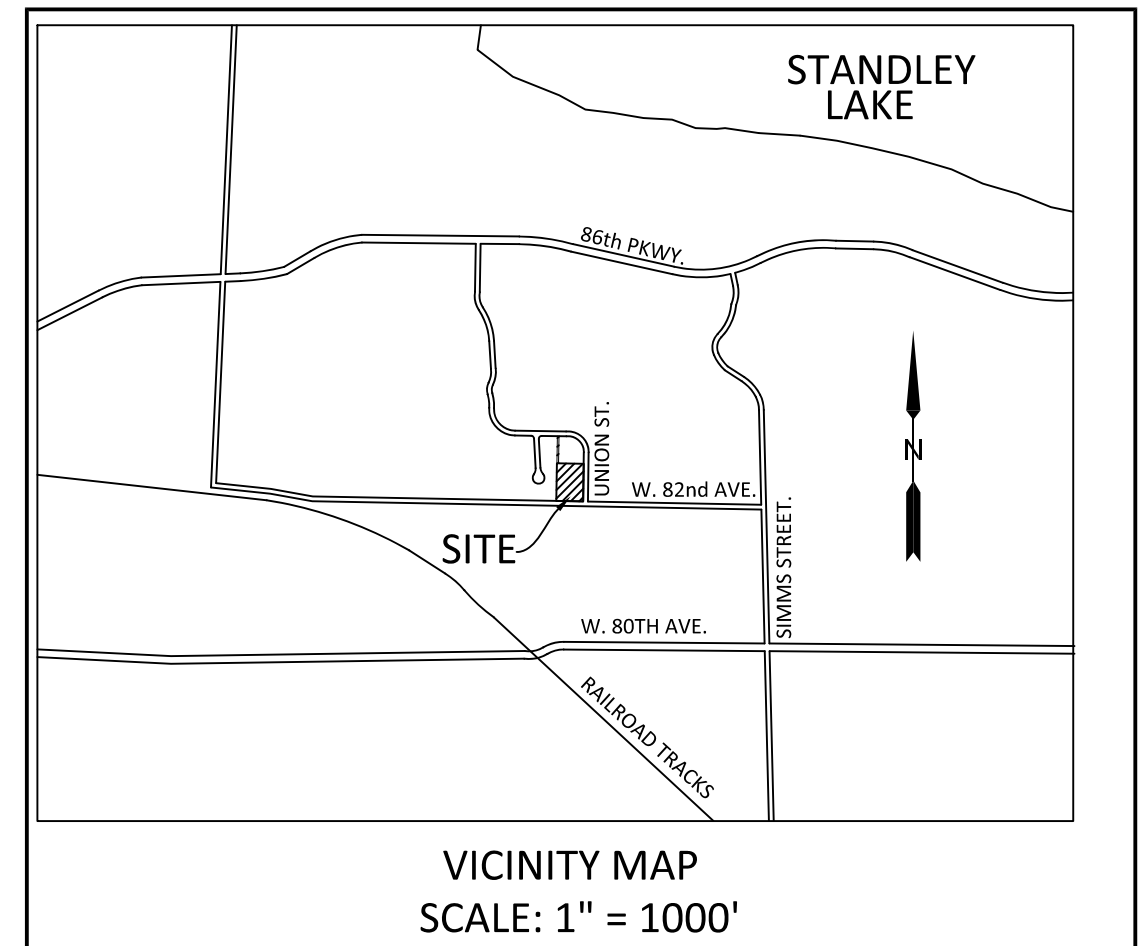
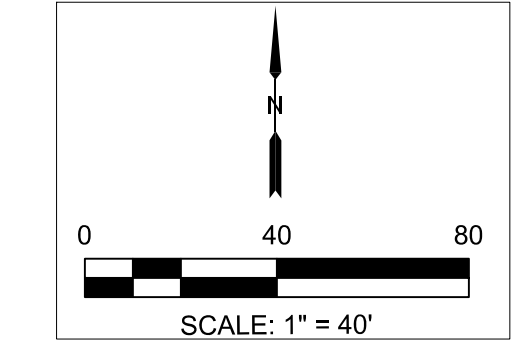
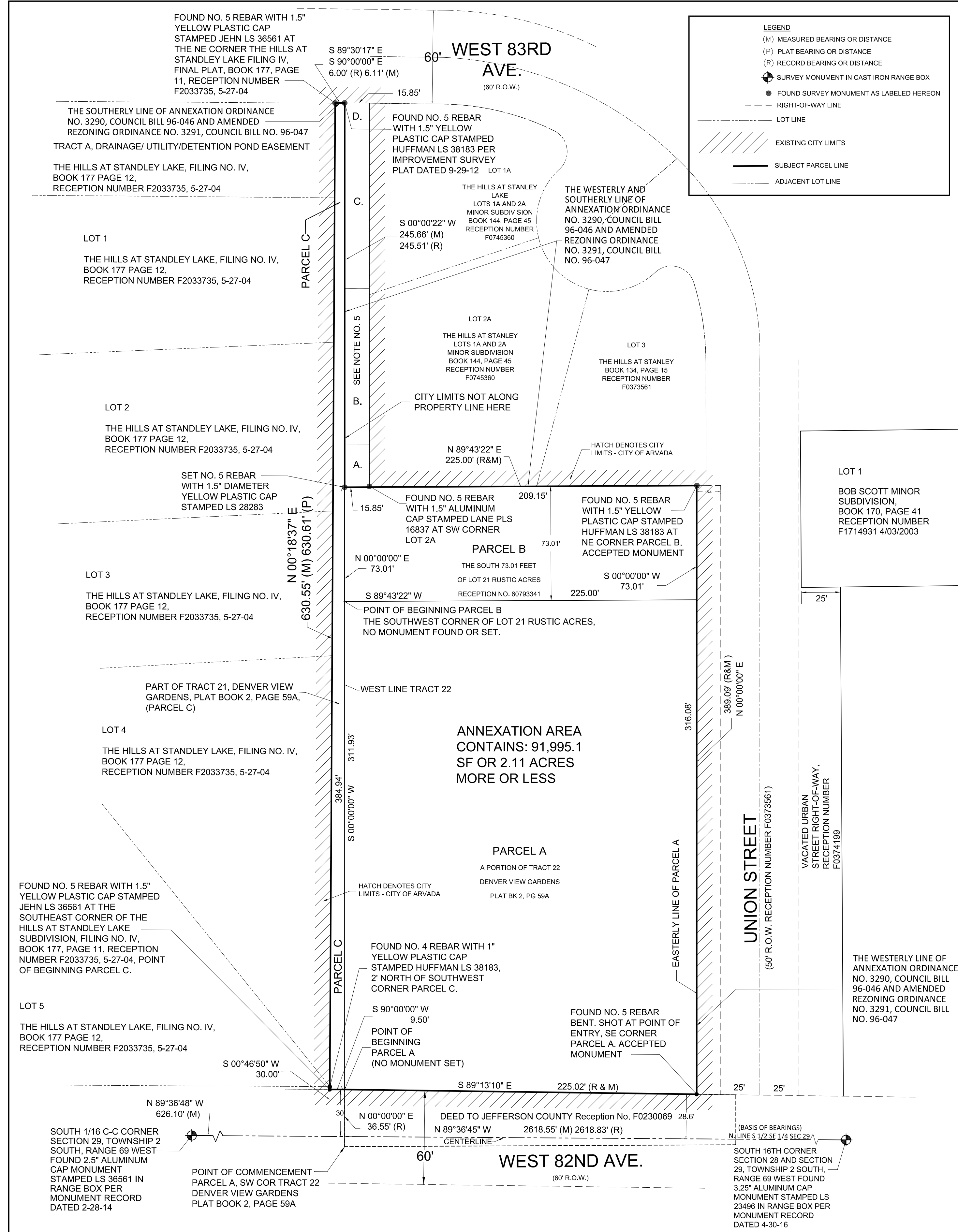
- NOTES:**
- 1.) THIS ANNEXATION MAP HAS BEEN PREPARED IN CONFORMANCE WITH CRS 31-12-104-(1).
 - 2.) FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT FILE NO. 5509-373862 DATED FEBRUARY 9, 2022 AT 8:00 AM WAS USED FOR THE LEGAL DESCRIPTIONS AND RESEARCH OF EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY.
 - 3.) FIELD SURVEY CONDUCTED JUNE, 2020. EXISTING SURVEY MONUMENTS AS RECOVERED AND LAND SURVEY PLATS ON RECORD WITH JEFFERSON COUNTY WERE USED IN BOUNDARY CALCULATIONS.
 - 4.) DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET.
 - 5.) A STRIP OF LAND LYING BETWEEN THE SUBJECT PROPERTY AND THE WESTERLY LINE OF LOTS 1A AND 2A OF THE HILLS OF STANLEY LAKE LOTS 1A AND 2A, A MINOR SUBDIVISION IS APPARENTLY REMNANT PORTIONS OF LOTS 18, 19, 20 AND 21 OF RUSTIC ACRES, BOOK 20, PAGE 36 THAT WERE NOT INCLUDED IN THE SUBSEQUENT PLATS OF THE HILLS AT STANLEY LAKE, RECEPTION NO. F0373561 OR THE HILLS OF STANLEY LAKE LOTS 1A AND 2A, A MINOR SUBDIVISION, RECEPTION NO. F0745360 AND IS NOT INCLUDED IN THIS ANNEXATION.

TABLE OF REMNANT PORTIONS OF LOTS 18-21, RUSTIC ACRES, BOOK 20, PAGE 36: DIMENSIONS ARE SHOWN APPROXIMATELY. FOR GENERAL INFORMATION PURPOSES ONLY AND BASED ON RECORDED PLAT DIMENSIONS. THESE PORTIONS OF LOTS ON THE ADJACENT PROPERTY WERE NOT INCLUDED IN THE SURVEY OR INCLUDED IN THIS ANNEXATION MAP.
 A = THE WESTERLY PORTION OF LOT 21 RUSTIC ACRES, BOOK 36 (15.85' X 26.99').
 B = THE WESTERLY PORTION OF LOT 20 RUSTIC ACRES, BOOK 36 (15.85' X 100').
 C = THE WESTERLY PORTION OF LOT 19 RUSTIC ACRES, BOOK 36 (15.85' X 100').
 D = THE WESTERLY PORTION OF LOT 18 RUSTIC ACRES, BOOK 36 (15.85' X 18.44' +/-).

6.) BASIS OF BEARINGS: THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH P.M. IS ASSUMED TO BEAR SOUTH 89°36'45" EAST BETWEEN A FOUND 2.5 INCH DIAMETER ALUMINUM CAP STAMPED LS 36561 IN RANGE BOX AT THE SOUTH 1/16TH, CENTER-CORNER CORNER OF SECTION 29 AND A FOUND 3.25 INCH DIAMETER ALUMINUM CAP MONUMENT STAMPED LS 23496 IN RANGE BOX AT THE SOUTH 1/16TH CORNER SECTIONS 28 AND 29 TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH P.M.

UNION ESTATES ANNEXATION MAP

PARCELS OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.



TOTAL ANNEXATION AREA: 91,995.1 SQUARE FEET OR 2.11 ACRES.
 TOTAL BOUNDARY ANNEXATION: 1730.93 LINEAR FEET.
 TOTAL BOUNDARY CONTIGUOUS WITH CITY LIMITS: 1469.42 LINEAR FEET.

CONTIGUITY STATEMENT:
 TOTAL PERIMETER OF AREA CONSIDERED FOR ANNEXATION = 1730.93 LINEAR FEET.
 ONE-SIXTH OF TOTAL PERIMETER OF AREA = 288.49 LINEAR FEET.
 PERIMETER OF THE AREA CONTIGUOUS WITH EXISTING CITY LIMITS = 1715.08 LINEAR FEET.
 THE TOTAL CONTIGUOUS PERIMETER IS 99%, WHICH EXCEEDS THE 1/6 AREA REQUIRED.

SURVEYOR'S CERTIFICATION:
 THE ABOVE DESCRIBED LAND IS CONTIGUOUS TO THE CITY OF ARVADA AND MEETS THE REQUIREMENTS SET FORTH IN COLORADO REVISED STATUTES 1973, 31-12-104-(1) THAT ONE-SIXTH OR MORE OF THE PERIMETER TO BE ANNEXED IS CONTIGUOUS WITH THE ANNEXING MUNICIPALITY.

ROBERT A. RICKARD, CO PLS NO. 28283
 FOR AND ON BEHALF OF
 ROCK CREEK SURVEYING, LLC

APPROVAL CERTIFICATE:
 APPROVED FOR FILING BY THE CITY OF ARVADA THIS _____ DAY OF _____, 20__.

ATTEST:
 MAYOR: _____ CITY CLERK

ORDINANCE NUMBER (S) _____

CLERK AND RECORDER: _____ RECEPTION NUMBER _____

ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, AT GOLDEN COLORADO ON THIS _____ DAY OF _____, 20__ AT _____ O'CLOCK.

BY: _____ JEFFERSON COUNTY CLERK AND RECORDER DEPUTY CLERK

PREPARED BY:
ROCK CREEK SURVEYING, LLC
 3021 GARDENIA WAY
 SUPERIOR, COLORADO 80027
 (303) 521-7376



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.B.1.

TO: THE HONORABLE CITY COUNCIL

DATE: August 1, 2022

SUBJECT: R22-053, A Resolution by the Arvada City Council in Support of Zero Fare Transit on RTD in August 2022

Report in Brief

The Metro Mayors Caucus Transit and Mobility Committee has asked metro area local governments to help promote Zero Fare for Better Air by passing a resolution of support.

The Arvada team recommends that the City Council approve R22-053, A Resolution by the Arvada City Council in Support of Zero Fare Transit on RTD in August 2022.

Financial Impact

There is no financial impact.

Background

With funding from SB22-180, RTD will provide free service on all buses and trains all day, every day in August. By taking advantage of free transit in August, our residents can:

- Save money on gas and parking
- Avoid the frustration of driving in traffic
- Help improve air quality by reducing single-occupant vehicle (SOV) traffic
- Use their commute to catch up on work, listen to music, or read a book

Arvada joins the Denver Metro Area in supporting RTD's initiative and encourages all Arvada residents to use RTD public transit during the month of August as an alternative to driving a motor vehicle.

Discussion

During the month of August, RTD will offer zero fares across their entire system as part of the Zero Fare for Better Air Initiative. This collaborative, statewide initiative is made possible by Colorado Senate Bill 22-180, the ozone season transit grant program in partnership with the Colorado Energy Office.

Zero Fare for Better Air will save money, save gas, reduce traffic, reduce stress, save time and improve air quality. By participating in this program, riders will experience the many benefits of RTD all month long at zero fare while we all do our part to reduce ground-level ozone and increase transit usage across the region.

Public Contact

Posting of the City Council agenda. In addition, the City's Communications Team will promote Zero Fare Transit on RTD on all City communication and social media platforms.

Commission Recommendation

N/A

Strategic Alignment

Promotion of Zero Fare Transit on RTD aligns with the following Principle within the Infrastructure Priority Area of the City Council Strategic Plan:

Provides safe and efficient connections to modes of transportation, including transit, streets, sidewalks, and bikeways with a focus on enhanced technology at high priority intersections, improving safety, minimizing traffic congestion and making first and last mile connections.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve R22-053, A Resolution by the Arvada City Council in Support of Zero Fare Transit on RTD in August 2022.

Suggested Motion:

I move that R22-053, A Resolution by the Arvada City Council in Support of Zero Fare Transit on RTD in August 2022, be (approved) (rejected).

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Rachel Morris, City Attorney	7/19/2022
Linda Haley, Deputy City Manager	7/19/2022
Lorie Gillis, Deputy City Manager	7/19/2022
Mark Deven, City Manager	7/20/2022

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R22-053

A RESOLUTION BY THE ARVADA CITY COUNCIL IN SUPPORT OF ZERO FARE
TRANSIT ON RTD IN AUGUST 2022

WHEREAS, good air quality is essential to quality of life and a vibrant economy; and

WHEREAS, the Denver region is on the precipice of designation as an area of “severe” non-attainment of health-based standards for ozone pollution with significant potential for federal intervention; and

WHEREAS, ground-level ozone triggers asthma attacks, worsens existing respiratory illnesses, and makes breathing difficult particularly for the very young, elderly and those exercising outdoors; and

WHEREAS, emissions from cars, trucks, vans, and motorcycles are some of the largest contributors to ground level ozone in metro Denver; and

WHEREAS, using transit instead of a personal vehicle for trips is one effective way to reduce ground level ozone; and

WHEREAS, SB22-180 made funding available for free transit statewide during the summer ozone season; and

WHEREAS, the Regional Transportation District “RTD”, which provided nearly 106 million passenger trips in 2019, plans to provide zero fare transit during the month of August all day, every day, on all buses and trains across the region; and

WHEREAS, the City of Arvada is committed to supporting collaborative approaches to reducing air pollution and expanding mobility options for residents of Arvada and our neighbors in the region regardless of their age, income, or abilities.

NOW, THEREFORE, the City of Arvada is pleased to provide this resolution of support for Zero Fare Transit on RTD in August 2022.

This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 1st day of August, 2022.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel Morris, City Attorney

By: _____



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

AGENDA ITEM
8.C.1.

TO: THE HONORABLE CITY COUNCIL

DATE: August 1, 2022

SUBJECT: CB22-054, An Ordinance Rezoning Certain Land Within the City of Arvada for Howard Ranch, a 13.11-acre Parcel of Land from City of Arvada RA- Residential Agricultural District to City of Arvada R6- Residential 6 District and Amending the Official Zoning Maps of the City of Arvada, Colorado, generally located at 14760 W 64th Ave (Public Hearing to be set for August 15, 2022 at 6:15 p.m.)

Report in Brief

Baseline Engineering, on behalf of redT Homes, is requesting approval of a rezoning from the RA (Residential Agriculture) zone district to the R6 (Residential 6) zone district.

At the Planning Commission Public Hearing on April 5, 2022, the concept plan included with the proposed rezoning also included lots for three different housing types. There were 29 single-family detached lots, 28 duplex units, and 12 clustered housing cottage lots for a total of 69 lots on the 13.11 acre property. This results in a density of 5.26 dwelling units per acre. The maximum density in the R6 zone district is six dwelling units per acre. Access to the proposed development will be from a local street off of W 63rd Place.

Based on feedback from the Planning Commission and surrounding residents, the applicant has modified the concept plan to include approximately 54 lots, of which approximately 22 will be single-family detached, 20 will be duplexes (20 total units), and 12 will be clustered cottage homes. This results in a density of 4.12 dwelling units per acre. The revised concept plan also includes additional common space, and a secondary fire and emergency access point. The applicant is in the process of finalizing the concept plan; once complete, the Arvada team will prepare a memo detailing the changes and include it with the public hearing packet.

The Arvada team recommends that the City Council approve CB22-054, An Ordinance Rezoning Certain Land Within the City of Arvada for Howard Ranch, a 13.11-acre Parcel of Land from City of Arvada RA- Residential Agricultural District to City of Arvada R6- Residential 6 District and Amending the Official Zoning Maps of the City of Arvada, Colorado, generally located at 14760 W. 64th Avenue and set a public hearing for August 15, 2022 at 6:15 p.m.

Financial Impact

There is no direct financial impact associated with the proposed action.

Background

The subject property is located at 14760 W. 64th Avenue and there is one existing single-family detached home and a few accessory structures on the property.

As depicted on the zoning map, the subject property consists of three parcels: Parcel A, Parcel B, and Parcel C. The majority of the property, approximately 10.3 acres, is comprised of Parcel A, which is also known as Lot 1 of A Minor Replat of Lots 1 and 2 of the Minor Replat of Tract 5 Ralston Creek Industrial Office Park (recorded in 1991). Parcel A was first platted in 1981 as a portion of Tract 5 of the Ralston Creek Industrial Office Park, which also included what is now the Wildflower Ponds subdivision to the east. Parcel B and C, which total approximately 2.8 acres, have never been platted.

SUBJECT: CB22-054, An Ordinance Rezoning Certain Land Within the City of Arvada for Howard Ranch, a 13.11-acre Parcel of Land from City of Arvada RA- Residential Agricultural District to City of Arvada R6- Residential 6 District and Amending the Official Zoning Maps of the City of Arvada, Colorado, generally located at 14760 W 64th Ave (Public Hearing to be set for August 15, 2022 at 6:15 p.m.)

PAGE: 2
ITEM: 8.C.1.

Parcel A was annexed to the City of Arvada in 1978 as part of the larger W 64th & Indiana Annexation which also included what is now the Wildflower Ponds subdivision and the portion of the Croke Canal that lies between the subject property and the Wildflower Ponds development. Parcel B and C were annexed into the City of Arvada in 2000 as part of the larger Howard Annexation which also included a majority of the land that is now The Lakes at Westwoods subdivision.

Discussion

The following information summarizes the analysis associated with the proposed rezoning:

§3.6.13 Rezoning Approval Criteria	(9-23-11)	Finding	Rationale
A. The rezoning is consistent with the Arvada Comprehensive Plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan.		Complies	The rezoning to the R-6 zone district is consistent with the Suburban Residential Comprehensive Plan Future Land Use map designation and numerous Comprehensive Plan goals and policies as stated in the staff report.
B. The intended land use is consistent with the stated intent of the proposed zoning district.		Complies	Residential land uses, including all three proposed housing types, are consistent with the intent of the R-6 zone district. The stated purpose of the R-6 district in the LDC is, “to allow for new residential development of a variety of housing products up to a gross density of six units per acre along with supporting community and institutional uses.”
C. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will, prior to development, be available to serve the subject property while maintaining adequate levels of service to existing development.		Complies	All facilities and services are available to service this site. The proposed use will not have an adverse impact on facilities or services.
D. The intended land use for which the rezoning as sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.		Complies	The applicant has provided a Jurisdictional Determination from the U.S. Army Corps of Engineers stating that there are no regulated wetlands on the property. The U.S. Fish and Wildlife Information for Planning and Consultation mapping system indicates that there are no critical habitats at this location. Arvada team members, including the City Forester and Stormwater Administrator, visited the site and did not see anything of concern. For these reasons, the City team finds that there will not be significant adverse impacts on the natural environment.
E. The rezoning is compatible with existing and planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any incompatibility.		Complies	While the proposed concept plan includes smaller lots and housing types other than single-family detached, all three housing types are considered single-family units. In addition, the Croak Canal acts as a natural buffer between the proposed development and the

SUBJECT: CB22-054, An Ordinance Rezoning Certain Land Within the City of Arvada for Howard Ranch, a 13.11-acre Parcel of Land from City of Arvada RA- Residential Agricultural District to City of Arvada R6- Residential 6 District and Amending the Official Zoning Maps of the City of Arvada, Colorado, generally located at 14760 W 64th Ave (Public Hearing to be set for August 15, 2022 at 6:15 p.m.)

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ITEM: 8.C.1.

Wildflower Pond subdivision to the east and the concept plan includes a landscape buffer and increased rear setback for the lots adjacent to the The Lakes at Westwoods subdivision to the west. For these reasons, the City team finds that the proposed rezoning and associated residential development is compatible with the adjacent uses in terms of scale, site design, and operating characteristics.

Public Contact

Section 3.1.6 of the Land Development Code (LDC) requires that at least one neighborhood meeting be held for projects that require public hearings before the Planning Commission and City Council.

The required neighborhood meeting for this project took place on Thursday, July 29, 2021. The applicant, Arvada team members, and approximately 45 neighbors were in attendance. In addition, a virtual meeting was held on August 25, 2021 to accommodate those who either couldn't make the first meeting or weren't comfortable attending an in-person meeting.

Many of the attendees expressed concerns about the proposed development. Topics of concern included the density of the project; the architectural design of some of the homes included in the applicant's presentation; compatibility with the adjacent developments to the west and east in terms of both design and lot size; the need for more common open space within the project; increased traffic on W. 63rd Place through the Wildflower Ponds subdivision; traffic safety as it relates to sight visibility for the turning movement from the proposed development onto W 63rd Place; safety impacts from the single access point for the proposed development; the loss of trees and wildlife habitat; and impacts on Broad Lake and the Croke Canal.

The applicant prepared a summary of the July 29, 2021 meeting, which is included in the attached Staff Report.

The City has received numerous emails and letters opposing the proposed development. All correspondence received after the rezoning application was accepted for review and is included in the agenda packet for this item.

Twenty-four people provided comments during the Planning Commission public hearing. One person spoke in support of the project, the remainder were opposed. The common concerns were the single point of access, compatibility with adjacent development, and additional traffic in the area.

As stated previously herein, the applicant has made significant changes to the project in response to comments and feedback following the April 5, 2022 Planning Commission meeting. These have been periodically reviewed by various community members and residents of the area. In addition, Community and Economic Development team members have also periodically met with community members in response to questions and requests for additional information.

Commission Recommendation

During their public hearing on April 5, 2022, the Planning Commission voted 6 to 1 to recommend denial to the City Council.

Strategic Alignment

This project aligns with the following Principle within the Community and Economic Development Priority Area of the City Council Strategic Plan:

SUBJECT: CB22-054, An Ordinance Rezoning Certain Land Within the City of Arvada for Howard Ranch, a 13.11-acre Parcel of Land from City of Arvada RA- Residential Agricultural District to City of Arvada R6- Residential 6 District and Amending the Official Zoning Maps of the City of Arvada, Colorado, generally located at 14760 W 64th Ave (Public Hearing to be set for August 15, 2022 at 6:15 p.m.)

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ITEM: 8.C.1.

Uses the Comprehensive Plan to guide planning, land use code decisions, development management, and informational and resource services that are delivered to residents, businesses, the development community, decision-making bodies, and neighborhood partners to achieve a well-planned, aligned, sustainable, and livable community for current and future residents.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve CB22-054, An Ordinance Rezoning Certain Land Within the City of Arvada for Howard Ranch, a 13.11-acre Parcel of Land from City of Arvada RA- Residential Agricultural District to City of Arvada R6- Residential 6 District and Amending the Official Zoning Maps of the City of Arvada, Colorado, generally located at 14760 W 64th Avenue and set a public hearing for August 15, 2022 at 6:15 p.m.

Suggested Motion:

I move that CB22-054, An Ordinance Rezoning Certain Land Within the City of Arvada for Howard Ranch, a 13.11-Acre Parcel of Land from City of Arvada RA- Residential Agricultural District to City of Arvada R6- Residential 6 District and Amending the Official Zoning Maps of the City of Arvada, Colorado, generally located at 14760 W 64th Avenue, be (approved on first reading, ordered published in full and a public hearing date be set for August 15, 2022 at 6:15 p.m.) (rejected).

Prepared by:
Abigail Ogg, Administrative Specialist

Reviewed by:

Approved by:

Jacob Nitchals, Senior Planner	7/13/2022
Josie Suk, Development Systems and Administrative Manager	7/13/2022
Robert Smetana, Manager of City Planning and Development	7/14/2022
Ryan Stachelski, Director of Community and Economic Development	7/15/2022
Gail Walker, Legal Specialist-Contracts	7/15/2022
Emily Grogg, Senior Assistant City Attorney	7/15/2022
Rachel Morris, City Attorney	7/19/2022
Linda Haley, Deputy City Manager	7/19/2022
Lorie Gillis, Deputy City Manager	7/20/2022
Mark Deven, City Manager	7/20/2022

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 22-054
ORDINANCE NO.

AN ORDINANCE REZONING CERTAIN LAND WITHIN THE CITY OF ARVADA FOR HOWARD RANCH, A 13.11-ACRE PARCEL OF LAND FROM CITY OF ARVADA RA- RESIDENTIAL AGRICULTURAL DISTRICT TO CITY OF ARVADA R6- RESIDENTIAL 6 DISTRICT AND AMENDING THE OFFICIAL ZONING MAPS OF THE CITY OF ARVADA, COLORADO, GENERALLY LOCATED AT 14760 W 64TH AVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The following described property is hereby rezoned from City of Arvada RA (Residential/Agricultural) to City of Arvada R6 (Residential 6).

A PARCEL OF LAND DESCRIBED ON THE ATTACHED EXHIBIT A.

Section 2. The Official Zoning Maps of the City of Arvada are hereby amended in accordance herewith.

Section 3. This ordinance shall be effective fifteen days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 1st day of August, 2022.

PASSED, ADOPTED, AND APPROVED this _____ day of _____, 2022.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____

Publication Dates: August 4, 2022

EXHIBIT A

2

THE PARCEL OF LAND DESCRIBED IN THE WARRANTY DEED RECORDED AT RECEPTION NO. 2021068616
BEING LOCATED IN THE NORTHWEST

QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 69 WEST AND THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

BASIS OF BEARINGS: ASSUMING THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AS MONUMENTED BY A 3-1/4 INCH ALUMINUM CAP STAMPED PLS 16406 AT THE NORTHWEST CORNER OF SAID SECTION 7 WITH A 3-1/4 INCH ALUMINUM CAP STAMPED PLS 13213 AT THE NORTH QUARTER CORNER OF SAID SECTION 7 TO BEAR NORTH 88°44'46" EAST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983/2007, A DISTANCE OF 2383.14 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE

THERE TO. COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 7:

THENCE SOUTH 00°02'19" WEST A DISTANCE OF 955.50 FEET TO THE POINT OF

BEGINNING; THENCE NORTH 67°08'16" EAST A DISTANCE OF 139.53 FEET;

THENCE NORTH 22°51'44" WEST A DISTANCE OF 70.00 FEET TO A POINT OF CURVATURE;

THENCE ON THE ARC OF A TANGENT CURVE TO THE RIGHT 729.18 FEET, SAID CURVE HAVING A RADIUS OF 637.81 FEET, A DELTA OF 65°30'14" AND BEING SUBTENDED BY A CHORD BEARING NORTH 09°18'13" EAST A DISTANCE OF 690.11 FEET TO A POINT OF CURVATURE;

THENCE ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT 70.44 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET, A DELTA OF 26°54'16" AND BEING SUBTENDED BY A CHORD BEARING SOUTH 19°28'06" EAST A DISTANCE OF 69.79 FEET TO A POINT OF CURVATURE;

THENCE ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT 625.98 FEET, SAID CURVE HAVING A RADIUS OF 587.13 FEET, A DELTA OF 61°05'12" AND BEING SUBTENDED BY A CHORD BEARING SOUTH 07°40'52" WEST A DISTANCE OF 596.75 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 22°51'44" EAST A DISTANCE OF 550.00 FEET TO A POINT OF CURVATURE;

THENCE ON THE ARC OF A TANGENT CURVE TO THE RIGHT 281.68 FEET, SAID CURVE HAVING A RADIUS OF 768.51 FEET, A DELTA OF 21°00'01" AND BEING SUBTENDED BY A CHORD BEARING SOUTH 12°21'43" EAST A DISTANCE OF 280.10 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 01°36'45" EAST A DISTANCE OF 339.72 FEET TO A POINT OF CURVATURE;

THENCE ON THE ARC OF A TANGENT CURVE TO THE RIGHT 265.76 FEET, SAID CURVE HAVING A RADIUS OF 141.00 FEET, A DELTA OF 107°59'31" AND BEING SUBTENDED BY A CHORD BEARING SOUTH 52°8'46" WEST A DISTANCE OF 228.13 FEET TO A POINT OF TANGENCY;

THENCE NORTH 73°41'00" WEST A DISTANCE OF 197.59 FEET;

THENCE NORTH 16°19'00" EAST A DISTANCE OF 10.00 FEET TO A POINT OF CURVATURE; 3

THENCE ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT 227.88 FEET, SAID CURVE HAVING A RADIUS OF 289.80 FEET, A DELTA OF 45°03'14" AND BEING SUBTENDED BY A CHORD BEARING SOUTH 83°47'23" WEST A DISTANCE OF 222.06 FEET TO A POINT OF TANGENCY;

THENCE NORTH 00°2'13" WEST A DISTANCE OF 713.31 FEET;

THENCE SOUTH 89°22'16" EAST A DISTANCE OF 150.77 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE NORTH 00°02'16" EAST ON THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7 A DISTANCE OF 364.17 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING 571,014 SQUARE FEET OR 13.11 ACRES MORE OR LESS. 4

City of Arvada
Community and Economic Development Department
PUBLIC HEARING STAFF REPORT

Howard Ranch Rezone
DA2021-0097

NATURE OF REQUEST

Baseline Engineering, on behalf of redT Homes, is requesting approval of a rezoning from the RA (Residential Agriculture) zone district to the R6 (Residential 6) zone district.

The concept plan included with the proposed rezoning includes lots for three different housing types. There are 29 single-family detached lots, 28 duplex lots, and 12 clustered housing cottage lots for a total of 69 lots on the 13.11 acre property. This results in a density of 5.26 dwelling units per acre. The maximum density in the R6 zone district is six dwelling units per acre. Access to the proposed development will be from a local street off of W 63rd Place.

LOCATION AND HISTORY

The subject property is located 14760 W 64th Avenue and there is one existing single-family detached home and a few accessory structures on the property (see Project Vicinity Map on following page).

As depicted on the zoning map, the subject property consists of three parcels: Parcel A, Parcel B, and Parcel C. The majority of the property, approximately 10.3 acres, is comprised of Parcel A, which is also known as Lot 1 of A Minor Replat of Lots 1 and 2 of the Minor Replat of Tract 5 Ralston Creek Industrial Office Park (recorded in 1991). Parcel A was first platted in 1981 as a portion of Tract 5 of the Ralston Creek Industrial Office Park which also included what is now the Wildflower Ponds subdivision to the east. Parcel B and C, which total approximately 2.8 acres, have never been platted.

Parcel A was annexed into the City of Arvada in 1978 as part of the larger W 64th & Indiana Annexation which also included what is now the Wildflower Ponds subdivision and the portion of the Croke Canal that lies between the subject property and the Wildflower Ponds development. Parcel B and C were annexed into the City of Arvada in 2000 as part of the larger Howard Annexation which also included a majority of the land that is now the The Lakes at Westwoods subdivision.

PROJECT VICINITY MAP



NEIGHBORHOOD MEETING

Section 3.1.6 of the Land Development Code (LDC) requires that at least one neighborhood meeting be held for projects that require public hearings before the Planning Commission and City Council.

The required neighborhood meeting for this project took place on Thursday, July 29th, 2021. The applicant, staff, and approximately 45 neighbors were in attendance. In addition, a virtual meeting was held on August 25th to accommodate those who either couldn't make the first meeting or weren't comfortable attending an in-person meeting.

Many of the attendees expressed concerns about the proposed development. Topics of concern included the density of the project; the architectural design of some of the homes included in the applicant's presentation; compatibility with the adjacent developments to the west and east in terms of both design and lot size; the need for more common open space within the project; increased traffic on W 63rd Place through the Wildflower Ponds subdivision; traffic safety as it relates to sight visibility for the turning movement from the proposed development onto W 63rd Place; safety impacts from the single access point for the proposed development; the loss of trees and wildlife habitat; and impacts on Broad Lake and the Croke Canal.

The applicant prepared a summary of the July 29th meeting, which is attached.

The City has received numerous emails and letters opposing the proposed development. All correspondence received after the rezoning application was accepted for review have been attached.

PUBLIC NOTIFICATION

Section 3.3 of the LDC requires public notification for all public hearings as follows:

Written Notice: At least 12 days prior to all public hearings, written notice must be mailed to all property owners within 400 feet of the subject property and to all homeowners associations and neighborhood associations with a known interest in the subject property. The applicant will provide an affidavit of mailing verifying this requirement has been met prior to the public hearing.

Posted Notice: At least 15 days prior to all public hearings, signs notifying the public of the hearing must be posted on the subject property. The applicant will provide a posting log verifying that this requirement has been met prior to the public hearing.

Published Notice: At least 15 days prior to all public hearings, notice of the hearing must be published in a newspaper of general circulation in the City. The required notice has been published.

SEVERED MINERAL RIGHTS

At least 30 days prior to the public hearing, written notice of the application must be mailed to any owner of mineral rights associated with the subject property. The applicant has provided the required Certification of Notice pursuant to Colorado Revised Statute 24-65.5-103.

DEVELOPMENT REVIEW TIMELINE

This project was processed in three reviews, totaling 25 weeks.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

This project aligns with the Community and Economic Development strategic goal.

ZONING AND LAND USE

The subject property is currently zoned RA and is 13.11 acres in size.

Surrounding properties are zoned and utilized as follows (see Zoning Map on following page):

Direction	Zoning	Actual Use
North (Across W 64 th Ave)	MX-S (Mixed-Use Suburban)	Commercial Center – Arvada West Town Center
South	Jefferson County A-2 (Agriculture-Two)	Hyatt Lake
East (Across Croke Canal)	RN-6 (Residential Neighborhood 6) Jefferson County A-2 (Agriculture-Two)	Single-Family Detached – Wildflower Pond Hyatt Lake
West	RN-12.5 (Residential Neighborhood 12.5) MX-S RN-7.5 (Residential Neighborhood 7.5)	Single-Family Detached Light Industry Single-Family Detached – The Lakes at Westwoods

The applicant is requesting to rezone the property to the R6 zone district. The stated purpose of the R-6 district in the LDC is, “to allow for new residential development of a variety of housing products up to a gross density of six units per acre along with supporting community and institutional uses.”

ZONING MAP



PROJECT ANALYSIS

Compliance with the Comprehensive Plan

The Comprehensive Plan Future Land Use Map designation for the subject property is Suburban Residential which lists the primary land uses as single-family residential and duplexes, with a maximum density of six dwelling units per acre. This is consistent with the proposed R6 zoning and the proposed housing mix that included single-family detached, cluster home cottages, and duplexes.

The proposed development is consistent with the following Comprehensive Plan goals and policies:

Goal L-2: Plan for a balanced mix of commercial and residential land uses in Arvada.

The location of the project off of the W 64th Avenue corridor contributes to a balanced mix of commercial and residential land uses.

Policy CC-1.3: The City will encourage new infill development to consider and be sensitive to the character of existing neighborhoods.

While the proposed concept plan includes smaller lots and different housing types than found in the existing subdivisions to the east and west, all three housing types are considered single-family units. In addition, the Croak Canal acts as a natural buffer between the proposed development and the Wildflower Pond subdivision to the east and the concept plan includes a landscape buffer and increased rear setback for the lots adjacent to the The Lakes at Westwoods subdivision to the west.

Policy CC-2.2: The City will promote high quality architecture, site planning, landscaping, signage, and lighting for new residential and commercial developments.

The project integrates three different housing types, including cluster homes around a common green. The project also exceeds code requirements by incorporating a landscape buffer and additional rear setback along the western property line where directly adjacent to the existing homes in the The Lake at Westwoods.

Policy N-1.2: The City will encourage new neighborhoods that incorporate a mix of lot sizes, development densities, and housing types and styles.

By utilizing single-family detached homes, duplexes and cluster home cottage units, the project adds to the variety of housing types and lot sizes found in the surrounding area.

Lot Size, Dimensional Standards, and Setbacks

The applicant is proposing to use three different housing palettes. The single-family detached lots will utilize the Small General housing palette. The duplex lots will use the Side-by-Side housing palette, and the Clustered Housing will be Cottages. The concept plan indicates compliance with lot sizes, dimensional standards, and setbacks for each housing type.

Building Height

All homes will be required to comply with the 35-foot maximum height limit in the R-6 zone district. This will be reviewed with the building permit for each home.

Open Space

The LDC requires five percent of the site area to be dedicated as amenitized open space. Tracts A, C, and D on the conceptual plan depict compliance with this requirement. The cumulative size of these tracts is 29,817 square feet; five percent of the subject property is 28,554 square feet. The final design of these tracts will be reviewed with the Site Plan application should the development move forward.

Landscaping, Buffering and Fencing

Specific details of the landscape plan, including amenities, and fencing will be reviewed with the Site Plan application should the development move forward.

Numerous trees will need to be removed from the site to accommodate the proposed development. The applicant has provided staff with a preliminary tree survey and mitigation plan. Of the 272 total trees on-site, the preliminary tree survey indicates 53 are proposed to be preserved in-place or relocated on-site. Many of the trees proposed to be removed are Ashes, Cottonwoods, and Siberian Elms. The City Forester has walked the site and has no objections at this time. Any tree removal not mitigated on-site will require fees-in-lieu of mitigation that will be used to plant trees in City parks or on City property.

The concept plan also indicates that there will be a 20-foot buffer along the lots 26-31 which are adjacent to the existing homes in The Lakes at Westwoods subdivision to the west of the subject property. This buffer will incorporate the Type D Bufferyard planting requirements. This is not required by the LDC and results in an effective rear setback that is double the standard 10' rear setback.

Parks

Fees-in-lieu of park land dedication will be required if the project moves forward.

Building Design

All homes will be required to comply with all applicable building design standards. This will be reviewed with the Site Plan, and building permit for each home.

Circulation and Connectivity

Vehicular access to the proposed development is through a local road that has one point of access to W 63rd Place which was built to collector standards with no driveway access to the existing single-family homes in the Wildflower Ponds subdivision. The proposed development includes sidewalks along all public streets, incorporates a pathway between the cluster homes, and dedicates a trail easement at the southwest corner of the property to accommodate a future connection to the future Heritage Canal Trail alignment which is proposed to be located adjacent to either the Farmer's High Line Canal or the Croke Canal and intersect the future extension of the Van Bibber Trail.

Grading and Drainage

The site will be graded to drain into the detention pond located in Tract F on the concept plan. The detention pond will drain into an existing City stormwater line in W 64th Avenue. Typically the capacity of a detention pond is designed for a 100-year storm event; however, the proposed detention pond has the capacity for two 100-year storm events. This was done to appease the Farmers Reservoir and Irrigation Company's concern that stormwater could overtop the

detention pond and spill into the Croke Canal. In short, the detention pond's capacity is double what is required.

The U.S. Fish and Wildlife Service's National Wetlands Inventory map indicates that there may be wetlands on the subject property. However, the applicant requested that the Army Corps of Engineers perform a Jurisdictional Determination which concluded that there are no "waters of the U.S." or regulated wetlands on the site. This Jurisdictional Determination has been provided to staff and has been made part of the case record.

Parking and Loading

All single-detached and duplex homes will be required to provide two off-street parking spaces. This will be reviewed with the building permit. The clustered home cottages are required to provide 2.25 spaces per unit, or 27 spaces for the 12 cottages. The concept plan indicates compliance with this requirement by locating 11 parallel spaces in each alley and five on-street spaces on the local streets between the alleys. The LDC allows on-street parking to be counted toward off-street parking requirements in new developments that provide on-street parking on internal streets. In this case, the only on-street parking that is being used to satisfy parking requirements are the spaces located adjacent to the cottages and between the alleys that provide access to the cottages.

Utility Services

Sanitary sewer service will be provided by the City and there is sufficient capacity to serve the proposed development. Water will be provided by North Table Mountain Water and Sanitation District and they have stated that they can serve the proposed development.

Police and Fire Protection

Police and fire protection will be provided by Arvada Police and Arvada Fire Protection District. Arvada Fire Protection District has approved the single point of access to the subdivision subject to the condition that all homes in the subdivision will be constructed with fire suppression systems.

School District

Fees-in-lieu of park land dedication will be required if the project moves forward.

LAND DEVELOPMENT CODE APPROVAL CRITERIA

It is the responsibility of the applicant to justify the requested land use application. The Planning Commission should make a recommendation to the City Council based on its findings regarding the approval criteria shown in the table(s) below and upon testimony heard during the public hearing as it applied to the criteria.

Staff performed an analysis of the proposal, based on the approval criteria listed in Section 3 of the Land Development Code, and presents the following findings:

§3.6.13 Rezoning Approval Criteria (9-23-11)	Finding	Rationale
A. The rezoning is consistent with the Arvada Comprehensive Plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan.	Complies	The rezoning to the R-6 zone district is consistent with the Suburban Residential Comprehensive Plan Future Land Use map designation and numerous Comprehensive Plan goals and policies as stated in the staff report.
B. The intended land use is consistent with the stated intent of the proposed zoning district.	Complies	Residential land uses, including all three proposed housing types, are consistent with the intent of the R-6 zone district. The stated purpose of the R-6 district in the LDC is, "to allow for new residential development of a variety of housing products up to a gross density of six units per acre along with supporting community and institutional uses."
C. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will, prior to development, be available to serve the subject property while maintaining adequate levels of service to existing development.	Complies	All facilities and services are available to this site. The proposed use will not have an adverse impact on facilities or services.
D. The intended land use for which the rezoning is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.	Complies	The applicant has provided a Jurisdictional Determination from the U.S. Army Corps of Engineers stating that there are no regulated wetlands on the property. The U.S. Fish and Wildlife Information for Planning and Consultation mapping system indicate that there are no critical habitats at this location. Staff, including the City Forester and Stormwater Administrator, visited the site and did not see anything of concern. For these reasons, Staff finds that there will not be significant adverse impacts on the natural environment.

<p>E. The rezoning is compatible with existing and planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any incompatibility.</p>	<p>Complies</p>	<p>While the proposed concept plan includes smaller lots and housing types other than single-family detached, all three housing types are considered single-family units. In addition, the Croak Canal acts as a natural buffer between the proposed development and the Wildflower Pond subdivision to the east and the concept plan includes a landscape buffer and increased rear setback for the lots adjacent to the The Lakes at Westwoods subdivision to the west. For these reasons, Staff finds that the proposed rezoning and associated residential development is compatible with the adjacent uses in terms of scale, site design, and operating characteristics.</p>
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STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the project.

If the Planning Commission finds that a recommendation to approve the rezoning is supported by the approval criteria, then staff recommends that the following conditions be made part of the approval:

1. Any future Site Plan application shall be substantially consistent with the concept plan included with the Rezoning application.

The Planning Commission may recommend denial of the request(s) if it cannot make affirmative findings of the approval criteria stated above.

August 6, 2021

Jacob Nitchals
Planning & Zoning
City of Arvada
8101 Ralston Road
Arvada, CO 80002

RE: Howard Ranch Rezone Application Neighborhood Meeting Summary

As part of our rezone application, a neighborhood meeting was held per City of Arvada standards on July 29, 2021 at 6:00 PM at the Apex Center. Notifications were sent by mail to property owners within 500 feet of the subject property. Several residents were unable to attend the meeting, or were uncomfortable with an in-person meeting, and requested a virtual neighborhood meeting. Though this is not required by Code, we have scheduled a follow-up meeting to be held virtually on August 25th.

49 residents attended the meeting, including Jake Nitchals from the City of Arvada, Kevin Wulfekuhler of RedT Homes, and Andrew Baker and Kortney Harris of Baseline Engineering. Many questions and issues were raised and were answered to the best of our ability. The developer provided a sign-up sheet for a project newsletter, which will be sent out in order to follow up with certain questions that the project team was unable to answer at the meeting. Below is a summary of the topics brought up by meeting attendees.

Architecture

- What is the range of square footage for the homes?
 - *We believe in home diversity in a neighborhood. Homes will range from 1,200 – 2,200 sqft*
- What is height of the homes? (Consideration of views from adjacent neighbors.)
 - *Heights will meet City of Arvada R6 zone standards.*
- How many homes will have garages?
 - *All homes will have garages, except for cluster homes which will include attached carports.*
- What is the price range of the homes?
 - *Price points have yet to be determined, however the homes will be sold at market rate.*
- Roof pitch of conceptual architecture precedent photos was a concern.
 - *All precedent photos are conceptual and do not represent actual architectural proposals. Roof pitch will be in accordance with Arvada's zoning standards.*

Site Layout + Landscape Architecture

- Where do people gather?

- *A community garden will be provided, as well as pedestrian paths throughout the site connecting to regional trails.*
- Where do children play?
 - *All single-family homes will have a backyard. The cluster homes will back into a greenspace to promote community integration. There will be several areas of open space throughout the community.*
- Will those neighbors be using their “private amenities” if they don’t have their own? (Example of adjacent, private gazebo and pond being used.)
 - *The proposed development will have access to a community garden, a pond, a greenbelt, rain gardens, and open space throughout the community.*
- Fence/natural fence abutting canal should be in place – concerns of adjacent property owners taking advantage of the canal and/or cutting down vegetation, even if they are not supposed to.
 - *Privacy fences are not being considered at this time, but 3-4 foot tall split rail fences will be installed on the periphery.*
- What size is the site? Confusion on acreage and where the “extra” came from.
 - *The main property contains 12.1 acres, and an additional unplatted property has been acquired and included in this proposal.*
- Concerns of lateral ditch; impacting the landscape, natural fence, value to home, water flow from back of homes.
 - *Property Owner/Developer does not own High Line Canal water rights and unable to serve the man-made pond. Broad Lake issues were voluntarily dealt with by previous property owner, and significant email records show the difficulty of these dealings. Historical lateral continued further East, but abandoned when Wildflower Ponds was developed. Excess water now drains to the Croke Canal, which is not allowed by FRICO. Manual operations of irrigation lateral without an agricultural purpose and no end draining point would not be practical for a residential subdivision.*
 - *Environmental impacts are being researched by professional consultants.*

Planning

- What is the definition of a dwelling unit?
 - *A single-family detached home is one unit, duplexes are considered to be two units.*
- What is adjacent zoning? How does that compare to what is existing/ the comprehensive plan?
 - *Surrounding zoning is RN-6, RN-7.5, and MX-S. Allowed densities are similar to surrounding area and consistent with Comprehensive Plan.*
- Why more density? How does that help the existing neighbors? (Schools, grocery stores, etc.)
 - *The City’s Comprehensive Plan dictates allowed density, our proposal is based on approved plans and a pre-application meeting with City staff.*

Sustainability

- Will there be an environmental review?

- *The City will refer this and subsequent applications to all appropriate review agencies.*
- Who determines what trees are kept or removed?
 - *The City requires a tree survey and mitigation for removed, protected trees.*
- Will you focus on saving the trees?
 - *To the highest degree possible.*
- How are you replacing all of the vegetation/trees?
 - *Per City guidelines.*
- Concerns of trees currently – no longer being cared for since the site has been sold.
 - *The trees were watered by irrigation water which is no longer available due to the previous owner selling his water rights.*
- How does this impact Broad Lake? Can you do anything to help?
 - *Broad Lake is to be maintained by Arvada. Any issues should be discussed with Arvada and the High Line Canal Company. The previous property owner voluntarily tried to fix issues with the High Line Canal Company, but email records show they were not keen on helping.*
- Where is the water going on site?
 - *The site drains to the east, is collected in a detention pond and sent to existing City stormwater infrastructure.*
- Getting rid of the pond could hurt vegetation, water filtration, etc.?
 - *The current pond is not a natural pond and was supplied by the same irrigation water that is no longer available.*
- Why can't the pond be filled? Were water rights attempted to be purchased?
 - *Water rights were not attempted to be purchased.*

Safety

- Concern of access throughout the site – emergency egress and wildfire evacuations.
 - *Site access is reviewed and approved by City of Arvada and Arvada Fire Department. Access will meet all applicable standards and homes will be sprinklered per fire district standards.*
- Concern of Floodplains in relation to canal – reference of the Boulder floods were reoccurring.
 - *The proposed development falls into a flood zone x which is an “area of minimal flood hazard” and is above the 500-year flood level according to the Federal Emergency Management Agency.*
- Concern of access off of W. 64th – median, people who whip around the corner too fast, distance from the intersection is too short, sight distances.
 - *Density and traffic will meet all City plans, codes, and standards. We will bring up concerns with Arvada Engineering during those design review discussions.*
- Will kids be playing in the street if they do not have a playground?
 - *Children will have access to private yards, community open space, and community garden.*

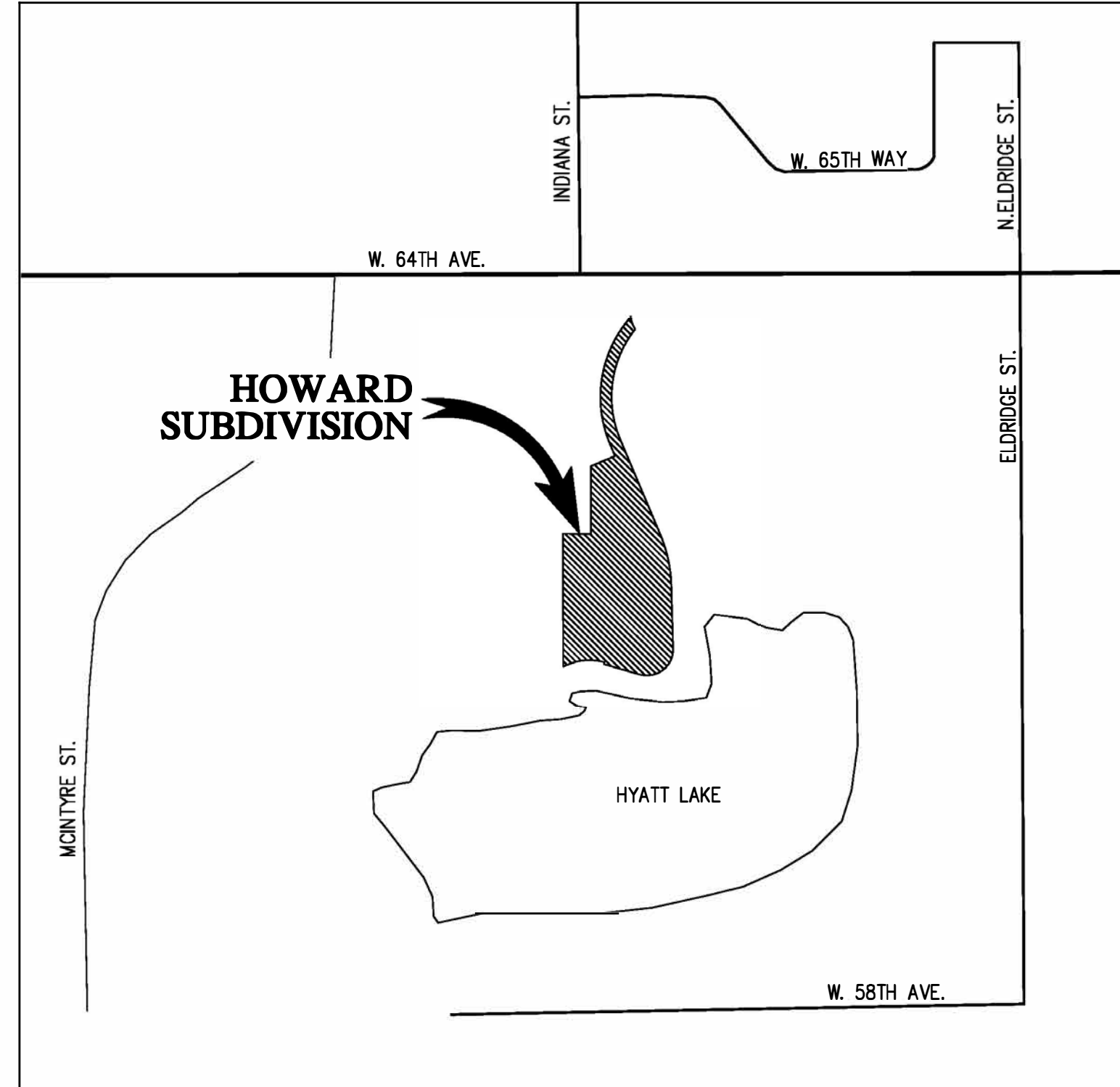
General Questions and Concerns

- How is the site being used until development starts?
 - *The single-family home will be rented out until construction starts.*
- Who is taking care and maintaining the land until then?
 - *Current occupant will maintain the property.*
- Would like to see the vegetations and trees be cared for while unoccupied.
 - *Current occupant will maintain the property*
- What is the expected timeline for completion?
 - *That is currently unknown. The application processes were explained.*
- Many neighbors were concerned with the proposed density and increased traffic.
 - *Density and traffic will meet all City plans, codes, and standards.*
- Depreciation of adjacent home values.
 - *We do not see market data to support this. Our homes will be built to higher sustainability standards and generally sell for more than a similarly sized home. Often this will influence the \$/sqft price of existing neighborhood homes.*
- Would appreciate another community meeting, in person, longer timeframe.
 - *A follow-up virtual meeting will be held, all were invited to sign up for newsletter which will include more details.*

HOWARD SUBDIVISION REZONE MAP

PARCELS OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH,
RANGE 69 WEST AND THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 70 WEST
OF THE 6th P.M. CITY OF ARVADA, JEFFERSON COUNTY, COLORADO

SHEET 1 OF 2



VICINITY MAP

SCALE: 1"=1000'

HISTORICAL LEGAL DESCRIPTION:

PARCEL A:
LOT 1, A MINOR REPLAT OF LOTS 1 AND 2 OF THE MINOR REPLAT OF TRACT 5, RALSTON CREEK INDUSTRIAL OFFICE PARK, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL B:
A PORTION OF LAND DESCRIBED IN THE "PLAT OF SURVEY" RECORDED JULY 2, 1984 AT RECEPTION 84061620 IN THE CLERK AND RECORDER'S OFFICE OF JEFFERSON COUNTY, COLORADO, SAID LAND BEING IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND BEING

MORE PARTICULARLY DESCRIBED AS FOLLOWS: "ENGR. SERV." AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 7, SAID POINT ALSO BEING IN THE APPROXIMATE CENTER OF ELDRIDGE STREET; THENCE NORTH 00 DEGREES 00 MINUTES 45 SECONDS EAST 1063.26 FEET ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND ALONG THE APPROXIMATE CENTERLINE OF ELDRIDGE STREET TO THE SOUTHEAST CORNER OF THE GOEDERT SUBDIVISION AS RECORDED AUGUST 7, 1958 UNDER RECEPTION NO. 725426, SAID CORNER ALSO BEING SOUTH 00 DEGREES 00 MINUTES 45 SECONDS WEST 1582.00 FEET FROM A 1/2" STEEL PIN AT THE NORTH 1/4 CORNER OF SAID SECTION 7; THENCE SOUTH 86 DEGREES 30 MINUTES 45 SECONDS WEST 100 FEET ALONG THE SOUTHERLY BOUNDARY OF THE SAID GOEDERT SUBDIVISION TO A POINT; THENCE SOUTH 46 DEGREES 00 MINUTES 45 SECONDS WEST 100 FEET TO A POINT; THENCE NORTH 89 DEGREES 00 MINUTES 13 SECONDS WEST 184.77 FEET ALONG THE SOUTHERLY BOUNDARY OF THE SAID GOEDERT SUBDIVISION, SAID CORNER ALSO BEING THE NORTHEASTERLY RIGHT OF WAY LINE OF A 50 FEET WIDE EASEMENT FOR THE FARMER'S HIGH LINE CANAL; THENCE SOUTH 69 DEGREES 05 MINUTES 05 SECONDS WEST 49.47 FEET TO A 5/8" IRON PIN SET IN CONCRETE AT THE SOUTHEAST CORNER OF THE RALSTON CREEK INDUSTRIAL OFFICE PARK SUBDIVISION AS RECORDED OCTOBER 29, 1981 AT RECEPTION NO. 81079516; THENCE NORTH 89 DEGREES 13 MINUTES 58 SECONDS WEST 1685.39 FEET ALONG THE SOUTH BOUNDARY OF THE SAID RALSTON CREEK INDUSTRIAL OFFICE PARK SUBDIVISION TO A 4" X 4" CONCRETE MONUMENT/BRASS CAP NO. 438 AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 10 MINUTES 36 SECONDS EAST 379.79 FEET ALONG AN EAST BOUNDARY OF SAID RALSTON CREEK INDUSTRIAL OFFICE PARK SUBDIVISION TO A 4" X 4" CONCRETE MONUMENT/BRASS CAP NO. 438 FOR A CORNER; THENCE SOUTH 89 DEGREES 47 MINUTES 53 SECONDS WEST 299.98 FEET TO A 4" X 4" CONCRETE MONUMENT/BRASS CAP NO. 438 FOR A CORNER; THENCE NORTH 73 DEGREES 13 MINUTES 23 SECONDS WEST 150.88 FEET TO A 4" X 4" CONCRETE MONUMENT/BRASS CAP NO. 438 AT THE SOUTHWEST CORNER OF SAID RALSTON CREEK INDUSTRIAL OFFICE PARK SUBDIVISION; THENCE SOUTH 00 DEGREES 11 MINUTES 31 SECONDS EAST 96.41 FEET TO A POINT ON A CURVE IN THE NORTHWESTERLY RIGHT OF WAY LINE OF THE CROKE CANAL; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 289.80 FEET, A CENTRAL ANGLE OF 45 DEGREES 03 MINUTES 22 SECONDS, AN ARC LENGTH OF 227.89 FEET AND A CHORD WHICH BEARS NORTH 83 DEGREES 37 MINUTES 24 SECONDS EAST TO ITS POINT OF TANGENCY; THENCE SOUTH 16 DEGREES 09 MINUTES 05 SECONDS WEST 10.00 FEET TO A RIGHT OF WAY OFFSET; THENCE SOUTH 73 DEGREES 50 MINUTES 55 SECONDS EAST 197.60 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 141.00 FEET, A CENTRAL ANGLE OF 108 DEGREES 00 MINUTES 00 SECONDS, AN ARC LENGTH OF 265.78 FEET AND A CHORD WHICH BEARS NORTH 52 DEGREES 09 MINUTES 05 SECONDS EAST TO ITS POINT OF TANGENCY; THENCE NORTH 01 DEGREES 50 MINUTES 55 SECONDS WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF THE CROKE CANAL A DISTANCE OF 332.01 FEET TO THE SOUTH LINE OF SAID RALSTON CREEK INDUSTRIAL OFFICE PARK; THENCE NORTH 89 DEGREES 13 MINUTES 58 SECONDS WEST ALONG THE SAID SOUTH LINE A DISTANCE OF 134.22 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL C:
BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 1, MINOR REPLAT OF TRACT 5, RALSTON CREEK INDUSTRIAL OFFICE PARK, SAID POINT BEING SOUTH 90 DEGREES 00 MINUTES WEST, 154.62 FEET FROM THE MOST SOUTHEASTERLY CORNER OF SAID LOT 1; THENCE THE FOLLOWING COURSES AND DISTANCES ALONG THE SOUTH LINE OF SAID LOT 1; NORTH 73 DEGREES 40 MINUTES 00 SECONDS WEST 82.43 FEET, WESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 259.62 FEET WITH A DELTA ANGLE OF 32 DEGREES 12 MINUTES 15 SECONDS AND WHOSE CHORD BEARS NORTH 89 DEGREES 46 MINUTES 10 SECONDS WEST 144.01 FEET TO THE INTERSECTION WITH A LINE BEARING SOUTH 73 DEGREES 00 MINUTES 00 SECONDS EAST; THENCE LEAVING THE SOUTH LINE OF SAID LOT 1, SOUTH 73 DEGREES 00 MINUTES 00 SECONDS EAST 81.28 FEET TO A 4" X 4" CONCRETE MONUMENT/BRASS CAP NO. 438; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 145.38 FEET TO THE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCELS CONTAIN A COMBINED AREA OF 571,014 SQUARE FEET OR 13.11 ACRES AS DESCRIBED ABOVE.

AS SURVEYED BOUNDARY:

THE PARCEL OF LAND DESCRIBED IN THE WARRANTY DEED RECORDED AT RECEPTION NO. 2021068816 BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 69 WEST AND THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

BASIS OF BEARINGS: ASSUMING THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AS MONUMENTED BY A 3-1/4 INCH ALUMINUM CAP STAMPED PLS 16406 AT THE NORTHWEST CORNER OF SAID SECTION 7 WITH A 3-1/4 INCH ALUMINUM CAP STAMPED PLS 13213 AT THE NORTH QUARTER CORNER OF SAID SECTION 7 TO BEAR NORTH 88°44'46" EAST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983/2007, A DISTANCE OF 2383.14 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 7:

THENCE SOUTH 00°02'19" WEST A DISTANCE OF 955.50 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 67°08'16" EAST A DISTANCE OF 139.53 FEET;

THENCE NORTH 22°51'44" WEST A DISTANCE OF 70.00 FEET TO A POINT OF CURVATURE;

THENCE ON THE ARC OF A TANGENT CURVE TO THE RIGHT 729.18 FEET, SAID CURVE HAVING A RADIUS OF 637.81 FEET, A DELTA OF 65°30'14" AND BEING SUBTENDED BY A CHORD BEARING NORTH 09°18'13" EAST A DISTANCE OF 690.11 FEET TO A POINT OF CURVATURE;

THENCE ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT 70.44 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET, A DELTA OF 26°54'16" AND BEING SUBTENDED BY A CHORD BEARING SOUTH 19°28'06" EAST A DISTANCE OF 69.79 FEET TO A POINT OF CURVATURE;

THENCE ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT 625.98 FEET, SAID CURVE HAVING A RADIUS OF 587.13 FEET, A DELTA OF 61°05'12" AND BEING SUBTENDED BY A CHORD BEARING SOUTH 07°40'52" WEST A DISTANCE OF 596.75 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 22°51'44" EAST A DISTANCE OF 550.00 FEET TO A POINT OF CURVATURE;

THENCE ON THE ARC OF A TANGENT CURVE TO THE RIGHT 281.68 FEET, SAID CURVE HAVING A RADIUS OF 768.51 FEET, A DELTA OF 21°00'01" AND BEING SUBTENDED BY A CHORD BEARING SOUTH 12°21'43" EAST A DISTANCE OF 280.10 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 01°36'45" EAST A DISTANCE OF 339.72 FEET TO A POINT OF CURVATURE;

THENCE ON THE ARC OF A TANGENT CURVE TO THE RIGHT 265.76 FEET, SAID CURVE HAVING A RADIUS OF 141.00 FEET, A DELTA OF 107°59'31" AND BEING SUBTENDED BY A CHORD BEARING SOUTH 52°18'46" WEST A DISTANCE OF 228.13 FEET TO A POINT OF TANGENCY;

THENCE NORTH 73°41'00" WEST A DISTANCE OF 197.59 FEET;

THENCE NORTH 16°19'00" EAST A DISTANCE OF 10.00 FEET TO A POINT OF CURVATURE;

THENCE ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT 227.88 FEET, SAID CURVE HAVING A RADIUS OF 289.80 FEET, A DELTA OF 45°03'14" AND BEING SUBTENDED BY A CHORD BEARING SOUTH 83°47'23" WEST A DISTANCE OF 222.06 FEET TO A POINT OF TANGENCY;

THENCE NORTH 00°12'13" WEST A DISTANCE OF 713.31 FEET;

THENCE SOUTH 89°22'16" EAST A DISTANCE OF 150.77 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE NORTH 00°02'16" EAST ON THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7 A DISTANCE OF 364.17 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING 571,014 SQUARE FEET OR 13.11 ACRES MORE OR LESS.

PROJECT SUMMARY:

TO REZONE THE SUBJECT PROPERTY FROM RESIDENTIAL AGRICULTURE (RA) TO RESIDENTIAL SIX (R6).

CONTACT INFORMATION:

OWNER:

RED-T PARTNERSHIP 14760 W. 64TH AVE, LLC

DEVELOPER:

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(303) 997-4001
KEVIN@REDTHOMES.COM

CONSULTANTS:

BASELINE ENGINEERING CORP.:

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(970) 353-7600 EXT. 306
DAVID.WILSON@BASELINECORP.COM



DESIGNED BY: [blank]
DRAWN BY: DEW
CHECKED BY: AAD

DATE: 01/28/2022

PREPARED BY: DEW

CITY COMMENTS: [blank]

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[blank]

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JEFFERSON COUNTY

REZONING MAP

14760 WEST 64TH AVENUE, ARVADA, CO 80004

RED T HOMES

CITY OF ARVADA

PREPARED UNDER THE DIRECT SUPERVISION OF

[blank]

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NO. SHEET TITLE
1 COVER SHEET
2 CONCEPTUAL PLAN

FOR AND ON BEHALF OF
BASELINE CORPORATION

INITIAL SUBMITTAL 04/09/20201
DRAWING SIZE 24" X 36"
SURVEY FIRM SURVEY DATE
BASELINE CORP. 04/05/20201
JOB NO. C0460
DRAWING NAME
460 - ZONING BOUNDARY.dwg
SHEET 1 OF 2

HOWARD SUBDIVISION

REZONE MAP

PARCELS OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH,
RANGE 69 WEST AND THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 70 WEST
OF THE 6th P.M. CITY OF ARVADA, JEFFERSON COUNTY, COLORADO
SHEET 1 OF 2

DESIGNED BY: DEW
DRAWN BY: DEW
CHECKED BY: AAD

DATE: 01/28/2022

PREPARED BY: DEW

REVISION DESCRIPTION
CITY COMMENTS

JEFFERSON COUNTY

REB T HOMBS

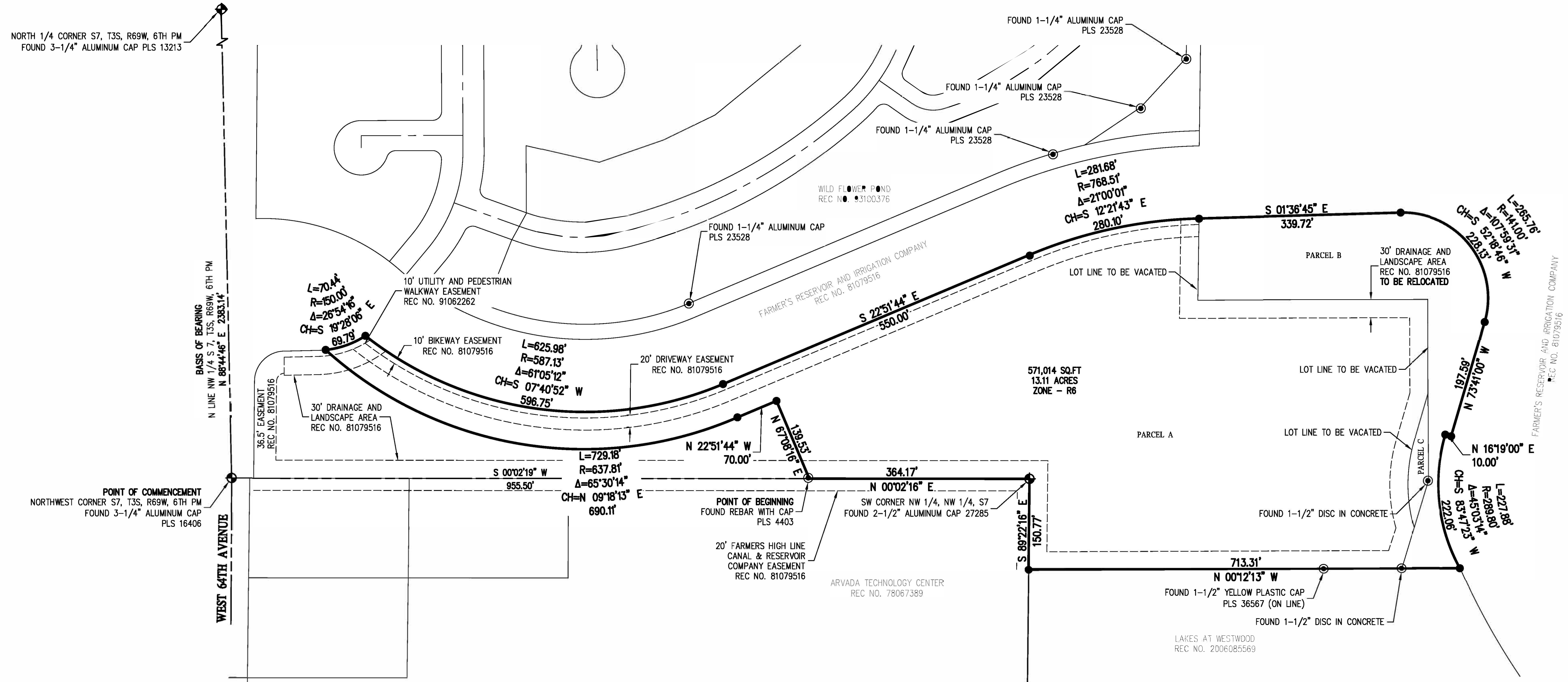
REZONING MAP
14760 WEST 64TH AVENUE, ARVADA, CO 80004

CITY OF ARVADA

PREPARED UNDER THE DIRECT SUPERVISION OF

FOR AND ON BEHALF OF
BASELINE CORPORATION

INITIAL SUBMITTAL	04/09/2020
DRAWING SIZE	24" X 36"
SURVEY FIRM	SURVEY DATE
BASELINE CORP.	04/05/2020
JOB NO.	C0460
DRAWING NAME	460 - ZONING BOUNDARY.dwg
SHEET	2 OF 2



LEGEND

- ⊕ ALIQUOT MONUMENT AS DESCRIBED
- ⊙ MONUMENT AS DESCRIBED
- FOUND NO. 5 REBAR AND 1-1/4\" ORANGE PLASTIC CAP MARKED \"BASELINE CORP PLS 38285\"
- SUBJECT BOUNDARY
- - - ALIQUOT LINE
- - - EASEMENT LINE
- PROPERTY LINE TO BE VACATED

GRAPHIC SCALE
100 0 100 200
(IN FEET)
1 INCH = 100 FT

N:\PLANNING LLC\460 14760 W 64th Avenue\Drawings\Survey Documents\460 - ZONING BOUNDARY.dwg, 1/28/2022, 10:28:47 AM, David Wilson

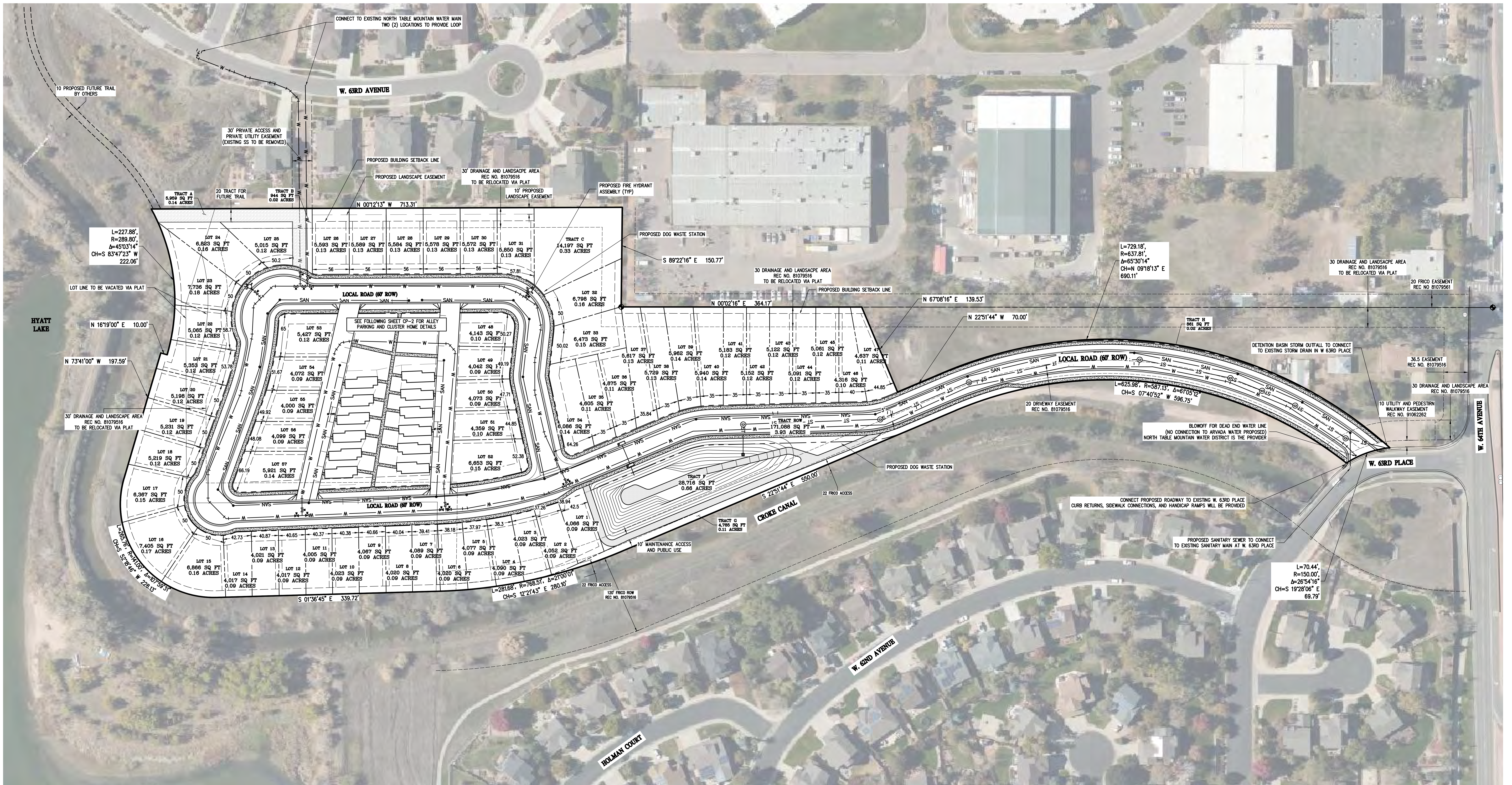


Table 2-1-8-4: Single-Family Detached Lot and Building Standards

Lot Type	Vehicular Access	Minimum						Max Building Coverage	
		Lot Area	Lot Width	Lot Width, Corner	Front ⁴ Setback (Building / Garage Door)	Street ⁴ Side Setback	Interior Side Setback		Rear ² Setback
Small Urban	Alley	2,000 sf.	30 ft.	40 ft.	10 ft. / NA	10 ft.	3 ft.	2 ft.	65%
Urban	Alley	3,800 sf.	40 ft.	50 ft.	10 ft. / NA	10 ft.	5 ft.	2 ft.	65%
	Street	4,000 sf.	40 ft.	50 ft.	15 ft. / 15 ft.	15 ft.	5 ft.	10 ft.	60%
Small General	Alley	4,000 sf.	40 ft.	50 ft.	15 ft. / NA	15 ft.	5 ft.	2 ft.	60%
	Street	5,000 sf.	50 ft.	60 ft.	15 ft. / 17 ft.	15 ft.	5 ft.	10 ft.	65%
General	Any	5,000 sf.	50 ft.	70 ft.	20 ft. / 20 ft.	15 ft.	5 ft.	10 ft.	50%
Small Suburban	Any	7,500 sf.	70 ft.	80 ft.	20 ft. / 20 ft.	15 ft.	7.5 ft.	10 ft.	45%
Suburban	Any	10,000 sf.	80 ft.	90 ft.	20 ft. / 20 ft.	20 ft.	10 ft.	10 ft.	40%

TABLE NOTES:
¹ Maximum height, required transition zones and maximum building coverage varies based on the zone in which the subject located.
² The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the A discretion.
³ On corner lots, street access must be located adjacent to the property line farthest from the corner.
⁴ Setback is measured from the property line or the back of the sidewalk, whichever provides a greater setback.

UNIT COUNT
 CLUSTER HOMES = 12
 SINGLE FAMILY (ALLEY) = 10
 SINGLE FAMILY (STREET) = 19
 DUPLEX LOTS = 28
 TOTAL UNITS = 69

PARKING COUNT
 CLUSTER HOME ALLEY PARKING (23' PER SPACE):
 254' = 11 SPACES
 267' = 11 SPACES
 37' = 1 SPACE
 92' = 4 SPACES
 TOTAL PARKING SPACES = 27

Table 2-1-8-6: Duplex Lot and Building Standards

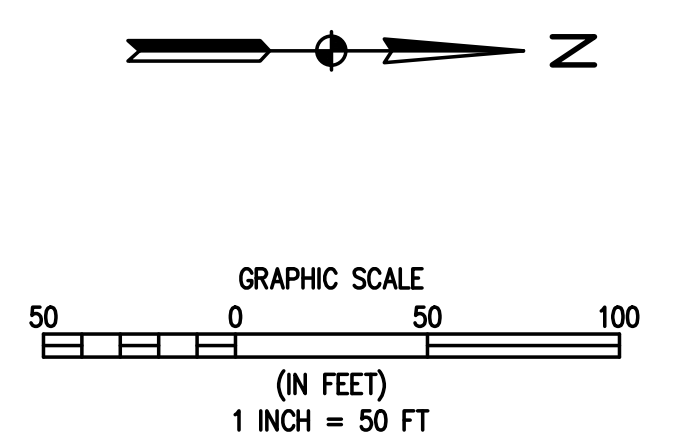
Lot Type	Vehicular Access	Minimum						Rear Setback	Max Building Coverage
		Lot Area	Lot Width	Lot Width, Corner	Front Setback	Street Side Setback (Building / Garage Door)	Interior Side Setback ³		
Side-by-Side	Alley	2,500 sf. ¹	30 ft. ¹	40 ft.	12 ft.	12 ft.	5 ft.	2 ft. ⁴	60%
	Street	4,000 sf. ¹	35 ft. ¹	45 ft.	20 ft.	15 ft. / 20 ft.	5 ft.	10 ft.	50%
Over-Under	Street	7,000 sf. ²	60 ft. ²	70 ft.	20 ft.	20 ft.	5 ft.	10 ft.	50%

TABLE NOTES:
¹ Per unit.
² Per building.
³ For outer building walls (does not apply to common wall).
⁴ The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the A discretion.

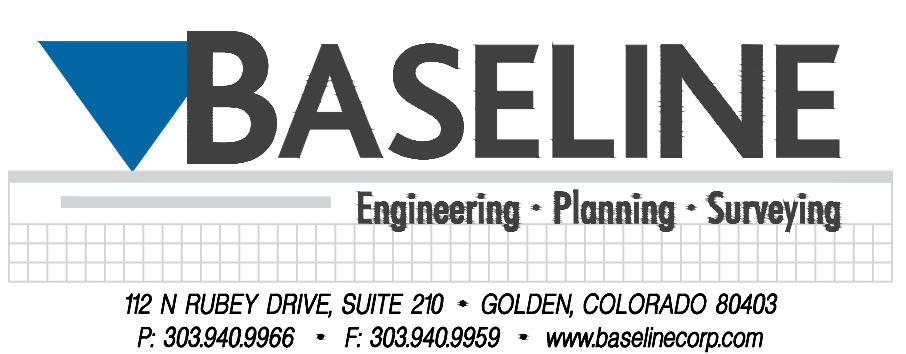
LEGEND

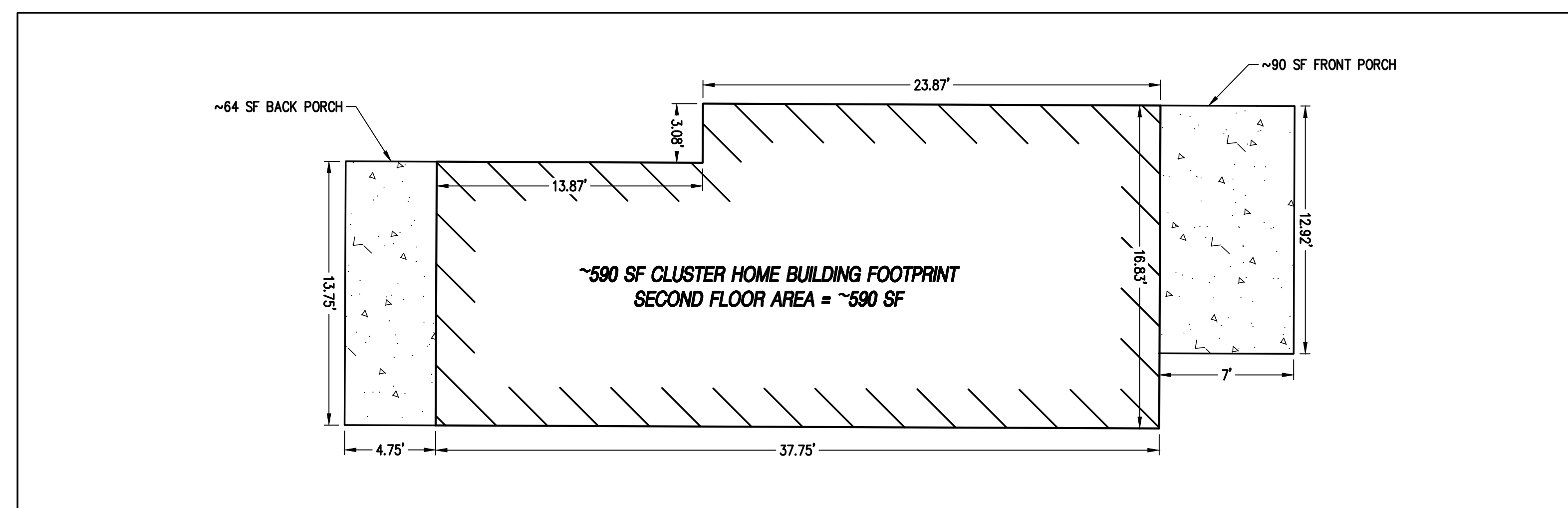
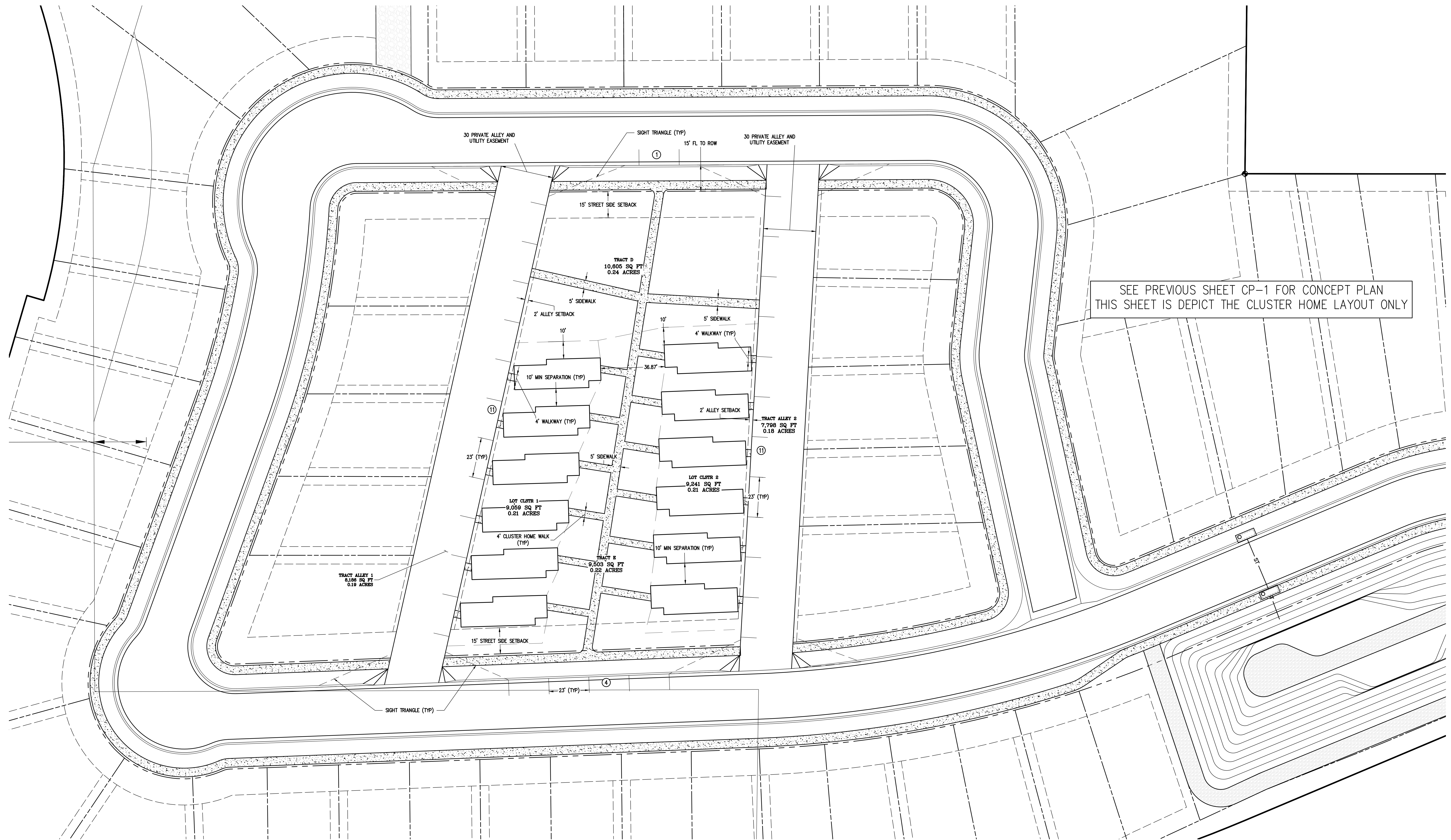
EXISTING LINETYPES	PROPOSED LINETYPES	PROPERTY BOUNDARY
---	---	RIGHT-OF-WAY
---	---	LOT LINE
---	---	EASEMENT
---	---	BUILDING SETBACK
---	---	SECTION LINE
---	---	CURB AND GUTTER (SPILL/CATCH)
---	---	WATER LINE
---	---	SANITARY SEWER MAIN
---	---	STORM SEWER
---	---	OPEN SPACE/Common Green TRACT BOUNDARY

EXISTING SYMBOLS	PROPOSED SYMBOLS	PROPERTY BOUNDARY
⊙	⊙	FIRE HYDRANT
⊙	⊙	WATER VALVE
⊙	⊙	TYPE 'C' INLET
⊙	⊙	TYPE 'R' INLET
⊙	⊙	STORM DRAIN MANHOLE
⊙	⊙	SANITARY MANHOLE
⊙	⊙	ALLOUT CORNER AS DESCRIBED



CONCEPT PLAN
14760 W. 64th AVE
 LOCATED IN SECTION 12, TOWNSHIP 3 NORTH, RANGE 70 WEST
 OF THE 6th PRINCIPAL MERIDIAN
 CITY OF ARVADA, JEFFERSON COUNTY, COLORADO





1
212 CONCEPTUAL CLUSTER HOME DETAIL
GRAPHIC SCALE
(IN FEET)
1 INCH = 5 FT

LEGEND

EXISTING LINETYPES	PROPOSED LINETYPES	
---	---	PROPERTY BOUNDARY
---	---	RIGHT-OF-WAY
---	---	LOT LINE
---	---	EASEMENT
---	---	BUILDING SETBACK
---	---	SECTION LINE
---	---	CURB AND GUTTER (SPILL/CATCH)
W	W	WATER LINE
SAN	SAN	SANITARY SEWER MAIN
ST	ST	STORM SEWER

EXISTING PROPOSED SYMBOLS	
	FIRE HYDRANT
	WATER VALVE
	TYPE 'C' INLET
	TYPE 'R' INLET
	STORM DRAIN MANHOLE
	SANITARY MANHOLE
	ALIQUOT CORNER AS DESCRIBED
	PARKING COUNT

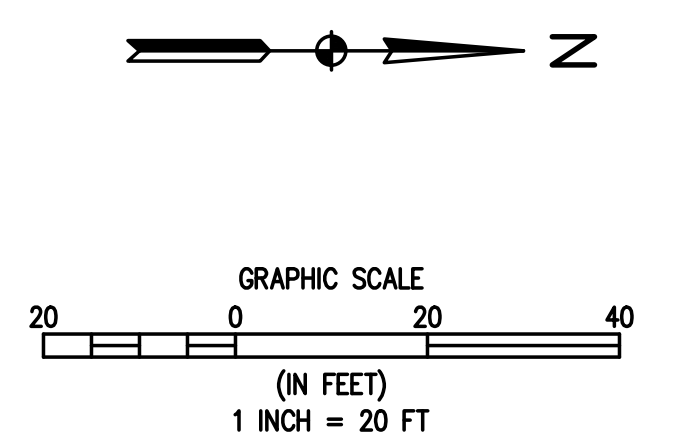
UNIT COUNT

CLUSTER HOMES =	12
SINGLE FAMILY (ALLEY) =	10
SINGLE FAMILY (STREET) =	19
DUPLEX LOTS =	28
TOTAL UNITS =	69

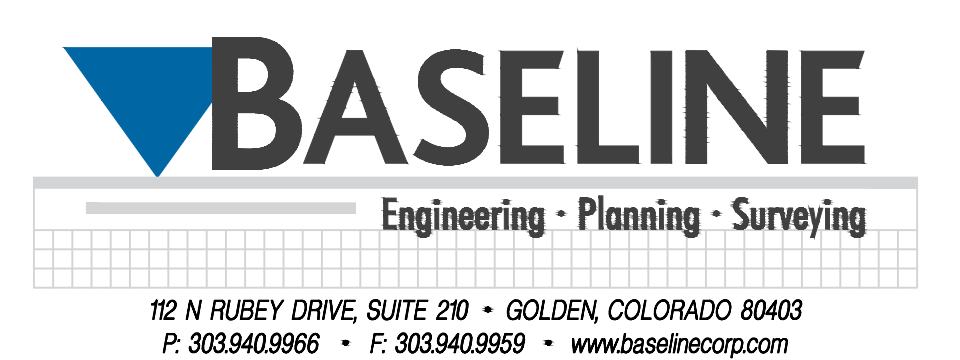
PARKING COUNT

CLUSTER HOME ALLEY PARKING (23' PER SPACE):

254' =	11 SPACES
267' =	11 SPACES
37' =	1 SPACE
92' =	4 SPACES
TOTAL PARKING SPACES =	27



CONCEPT PLAN
14760 W. 64th AVE
 LOCATED IN SECTION 12, TOWNSHIP 3 NORTH, RANGE 70 WEST
 OF THE 6th PRINCIPAL MERIDIAN
 CITY OF ARVADA, JEFFERSON COUNTY, COLORADO



**PUBLIC COMMENT
RECEIVED BEFORE
POSTING OF
PLANNING
COMMISSION PACKET
ON 3/31/2022 AT 5 P.M.**

Alison Darby

14614 W. 62nd Pl.
Arvada, CO 80004

22 March 2022

Arvada Planning Commission

8101 Ralston Rd,
Arvada, CO 80001

To Whom It May Concern:

I am writing my concerns and opposition for the proposed rezoning of the ranchette property west of the canal that is next to my current home in Wildflower Ponds. Some of my largest concerns are how our community, open space, and Hyatt Lake will be significantly impacted by the proposed rezoning.

How is the additional stormwater runoff being addressed? Why has the EIS and Drainage study not been done prior to the rezoning? Where will it go? How will Wildflower Ponds be impacted? How will the canal be affected? How will Lake Hyatt be impacted? How will the private lake and open space trail be impacted by the large amount of proposed units for the space directly backing to these areas? How will they protect the natural habitat there? How will the lake be protected from noise pollution? How will the lake and open space be protected from air pollution, water pollution, trash?

Furthermore are there proposed measures to buffer negative impacts? Air pollution walls (brick to help reduce sound issues). Open space or play areas for families moving into the area? There are currently no walkable playgrounds less than a mile away. What measures are in place to help reduce the negative impact on wildlife at the lake? What about runoff from pesticides, weed killer, trash, and other environmental pollutants that will run off from these residences and negatively impact the trail and lake, not to mention the wildlife and other surrounding areas? This will have a huge impact on the environment surrounding the new development.

Thank you for your time and recognizing my opposition for the rezoning. I implore you to consider the huge negative impacts on our community with the proposed rezoning.

Regards,

Alison Darby

Concerned Wildflower Pond Resident

Amy,

I completely agree that Parcel B was created and conveyed illegally due to the fact that it did not go through a formal subdivision process to turn Parcel B into a lot or tract before conveying it to the owner of Lot 1, but I don't think Parcel C was illegally subdivided. It looks like it was left out of the [Ralston Creek Industrial Office Park](#) plat which was recorded in 1981 and it wasn't included in The [Farmers' High Line Canal and Reservoir Company](#) (FRICO) plat of survey which was recorded in 1984. The FRICO plat of survey appears to depict C as being included in the Ralston Creek Industrial Office Park Plat, but I think that was done in error since it clearly wasn't included in the Ralston Creek plat. The [county](#) also states that Parcel C is unplatted.

Back to Parcel B, without diving too deep into the chain of title, it appears that Parcel B was conveyed to the owner of Lot 1 (Parcel A) while Parcel B and the bulk of the FRICO property included in the plat of survey were in unincorporated Jefferson County. It was subsequently annexed into the City in 2000 with the Howard Annexation that also included Parcel C and the adjacent development to the west. It did not include Lot 1 which was annexed into the City in 1978 with the Wildflower Pond property. The bulk of the FRICO property included in the plat of survey continues to be within unincorporated Jefferson County. In short, I believe that the illegal land conveyance happened in Jefferson County and that any subdivision of the Howard Ranch property will remedy any issues within the City of Arvada. Obviously, the FRICO plat of survey no longer accurately reflects correct property boundaries, but I don't think that is the issue since it is not a formal subdivision plat. The issue appears to be the actual conveyance of an illegally created parcel, but I believe that is an issue for the county to take up if they were concerned about it at this point in time.

Even if the FRICO property was wholly in the City when the creation and conveyance of an illegal parcel occurred, we would only require the property asking for development rights to correct the issue as it related to their property, which would be the Howard Ranch property in this case. We would not require the FRICO property to resolve their irregularities until such time that they were requesting development rights. While we run into these types of issues less often, they are still not that uncommon and, to the best of my knowledge, we have never enforced on these types of situations other than to require them to bring the property into compliance with a request to develop or redevelop.

I think this resolves these issues, but let me know if you have any additional questions or concerns.

Thanks,

Jake Nitchals
Senior Planner
720-898-7449
jnitchals@arvada.org





On Tue, Mar 15, 2022 at 11:35 AM Amy Brimah [REDACTED] wrote:
Thank you, Jacob, I appreciate you getting back to me.

Parcels B and C are both parcels of land that are illegal subdivisions, as neither complied with Arvada's Code in the creation of such parcels in the process of parsing the land off the larger parcels that Parcels B and C came from.

The applicant did not obtain a subdivision endorsement to the title policy, and as a result, the title policy does not guarantee that the Parcels B and C were legally created.

Similarly, the assessor does not confirm the legally created subdivision. I do not believe there is an assessor's parcel id for Parcel B.

I can't get Municode to work right now, but the subdivision process was not followed under Section 4-2-2-2 to create Parcels B and C as there would be a re-plat of the property. Once Municode is working again, I will send a more detailed email.

Take care, Amy

Amy Brimah
Brimah LLP
Pronouns: she/her (Learn more [here](#))

[REDACTED]
[REDACTED]
[REDACTED]

<http://www.brimahlaw.com>

NEW ADDRESS:
3900 E. Mexico Ave., Suite 300
Denver, CO 80210

From: Jacob Nitchals <jnitchals@arvada.org>
Sent: Monday, March 14, 2022 8:54 PM
To: Amy Brimah [REDACTED]
Subject: Re: 14760 W. 64th Ave/ Howard Ranch Rezone

Hello Amy,

I was on Planner-of-the-day duty on Friday so I spent that day dealing with general inquires and I spent today catching up so I am just seeing your last two emails. Let me run this by our attorney tomorrow and I will try to get back to you by the end of the day.

That being said, I am going to attempt to answer your questions first. If the zoning is approved, this property will be required to go through the formal subdivision process at which time parcel B and C will be legally incorporated into the property and subdivided into lots and tracts. I think this addresses the concerns in your first email. Unfortunately, we still deal with a fair amount of properties that include land that was created via a legal description on a deed rather than through the subdivision process as required by City and state requirements? When we run across this as part of our development review process we require the applicant to plat the property to remedy the situation which, as I stated above, will be required of this property. In regards to Parcel C, the county assessor's office recognizes it and has assigned it a unique parcel identification number: 39-072-00-014. Parcel C is also included in the deed and the title commitment so I don't follow your concerns regarding the creation of parcel C. Again, I apologize, as I said, this is not my area of expertise. Any further explanation would be appreciated.

Thanks,

Jake Nitchals
Senior Planner
720-898-7449
jnitchals@arvada.org



On Mon, Mar 14, 2022 at 3:44 PM Amy Brimah [REDACTED] wrote:
Jacob,

I hope you had a nice weekend.

I also wanted to point out that none of the exemptions 4-2-1-2 B in this case are or will be met. The Minor Replat of Ralston Creek Industrial will not match up with the existing plat map

and the newly created plat map will also not match because there is no document creating Parcel C in the chain of title.

Can you please put me in touch with the City Attorney if that is the whom I should have this conversation?

Thank you in advance, I appreciate your time.

Take care, Amy

Amy Brimah
Brimah LLP
Pronouns: she/her (Learn more [here](#))

[REDACTED]

[REDACTED]

[REDACTED]

<http://www.brimahlaw.com>

NEW ADDRESS:
3900 E. Mexico Ave., Suite 300
Denver, CO 80210

From: Amy Brimah [REDACTED]
Sent: Thursday, March 10, 2022 4:20 PM
To: Jacob Nitchals <jnitchals@arvada.org>
Subject: Re: 14760 W. 64th Ave/ Howard Ranch Rezone

Jacob, thank you for pointing me in the direction of the title policy.

I may be missing something, but it does not appear that parcels b and c are legally conforming parcels of land, that can be combined to form the 13.11 acre parcel to ultimately be combined and replatted as a new subdivision. Without the addition of the land from parcels b and c, the R-6 density requirements are exceeded and the proposed development would not satisfy the 6 units per acre requirement.

Section 4-2-1-2 of the Code does not appear to have been complied with to create parcels B and C. The legal descriptions the documents submitted are metes and bounds legal

Jake Nitchals
Senior Planner
720-898-7449
jnitchals@arvada.org



On Thu, Mar 10, 2022 at 9:16 AM Amy Brimah [REDACTED] wrote:
Thank you. I appreciate you getting back to me.

To confirm, the applicant is not pursuing an SDP and rezone at the same time, only the rezone? That is what I thought but some of the comments confused me.

Take care, Amy

Amy Brimah
Brimah LLP
Pronouns: she/her (Learn more [here](#))



<http://www.brimahlaw.com>

NEW ADDRESS:
3900 E. Mexico Ave., Suite 300
Denver, CO 80210

From: Jacob Nitchals <jnitchals@arvada.org>
Sent: Thursday, March 10, 2022 9:13 AM

To: Amy Brimah [REDACTED]
Subject: Re: 14760 W. 64th Ave/ Howard Ranch Rezone

Amy,

Sorry, we are extremely busy. See my attempt at answering your questions below in red.

Let me know if you have any other questions.

Jake Nitchals
Senior Planner
720-898-7449
jnitchals@arvada.org



On Mon, Mar 7, 2022 at 1:00 PM Amy Brimah [REDACTED] wrote:

Mr. Nitchals,

I represent a landowner that will be impacted by the Howard Ranch rezoning. I have reviewed the files that are available online and I cannot seem to locate a couple of items. I am hoping that you might be able to help me.

I did not see the drainage study, the environmental study, or the draft HOA documents. **The current Howard Ranch application is for a rezoning only. A rezoning application includes plans and reports that demonstrate proof of concept and compliance with the approval criteria. If the rezoning is approved, the developer will be required to submit another development application (this is the umbrella term we use for all different types of development applications) that will include site plan and subdivision applications (these are types of specific applications that fall under the development application). These applications will have substantially more detailed plans and reports, including a stormwater management plan, civil construction drawings, soils report, etc. In regards to the specific plans or reports you mention, please see the following answers:**

- **In regards to the drainage study, we don't typically require this with a rezoning application. Instead, we ask the applicant to acknowledge the drainage requirements and indicate compliance, and generally describe how drainage will work. This was**

provided and is included in the application as a drainage letter from the project engineer.

- In regards to the environmental study, we typically only require an environmental study with annexation applications to ensure we are not annexing land with environmental issues. The applicant has provided a tree survey and an Approved Jurisdictional Determination from the Army Corp of Engineers stating that the drainage ways on the property are not subject to a Clean Water Act Section 404 permit.
- In regards to the HOA documents, these are not required with a rezoning. These are required with the site plan and subdivision applications.

From the submittals it is difficult to tell what is going to happen with the tracts and other "common elements" or "public areas". Correct, the plan submitted with the rezoning application is a conceptual site plan that is intended to demonstrate compliance with general standards such as lot size and width, utility alignments, street layout, minimum amenitized area, etc. The design of the amenity areas will be finalized through the site plan process if the rezoning is approved and the developer chooses to proceed.

I also didn't see that the title commitment had been submitted and I am wondering if that is available. Yes, a title report was submitted with the first submittal and is available on eTRAKiT.

Finally, I didn't see the resubmittal addressing the questions/comments from the third submittal, has that been submitted? Some of the comments have been addressed and some are still being worked on by the applicant. For example, the applicant has provided a previous traffic study that analyzes the traffic impacts from 70 single-family units which is one more than proposed so we have deemed that acceptable. We have given the applicant until 3/16 to address the other comments that need to be addressed before the Planning Commission meeting.

Thank you in advance for your help.

Take care, Amy

Amy Brimah
Brimah LLP
Pronouns: she/her (Learn more [here](#))

████████████████████
████████████████████
████████████████████

<http://www.brimahlaw.com>

NEW ADDRESS:
3900 E. Mexico Ave., Suite 300

Denver, CO 80210

Arvada Planning Commission

Subject: Howard Ranch Development

Date: March 27, 2022

This letter is being written to help bring to light the additional traffic congestion that will be created if the Howard Ranch proposed development is approved.

I have reviewed the traffic studies that have been completed. Understanding that many hours went into the reports generated, the information does not reflect the “real life” impact of the additional traffic that will result. This is especially true during high traffic volume periods given the limited entry and exit points for the proposed community. This development will have one way in/out and the density of this development will compound that traffic situation.

The “real life” concern is experience based. Folks are in a hurry, running red lights, changing lanes frequently, racing from stop light to stop light, always in a rush. Frustration levels have increased, resulting in “road rage” occurrences all too frequently.

The proposed Howard Ranch development will only add fuel to the fire, resulting in more accidents.

Thank you for your consideration in this manner.

Respectfully,

Barry and Janice Teter

Lakes of the Westwoods
15152 W. 62nd way Arvada

Kelli Ann Weiskopf
14607 West 62nd Avenue
Arvada, CO 80004
303-324-9215

March 22, 2022

Arvada Planning Commission
8101 Ralston Road
Arvada, CO 80001

Dear Planning Commission,

I am writing in regards to the proposed development going in at 14760 West 64th Avenue and is being considered for rezoning.

I am asking that you not rezone this development. The proposed plan is too dense for the area. The street entrance is small and would not allow for fast enough evacuation for the proposed development and would clog up the evacuation of the area in which I reside, Wildflower Ponds. This development would put undue hardship on the roadways within our community and create safety concerns of increased traffic inside the Wildflower Ponds neighborhood that already serves a childcare facility.

Please consider denying the rezoning of the development.

Most Sincerely,

Kelli Ann Weiskopf

Kelli Ann Weiskopf
14607 West 62nd Avenue
Arvada, CO 80004
303-324-9215

March 22, 2022

Arvada Planning Commission
8101 Ralston Road
Arvada, CO 80001

Dear Planning Commission,

I am writing in regards to the proposed development going in at 14760 West 64th Avenue and is being considered for rezoning.

I am asking that you deny the rezoning of the above-mentioned development. It is imperative that EIS and drainage studies be done. I know of developments being put in with no regard to drainage and it wreaks havoc on people's properties causing property damage and financial hardship. Also, we live amongst wildlife. Dense properties displace wildlife and creates a burden on surrounding properties. We need to build in such a way that nature can still exist harmoniously with humans.

Living green is talked about like it is important, but then developments such as this are created without consideration of their impact. This is not a good situation to ask for forgiveness later. There is much wildlife in this area, and it will create tragedies when beasts and humans clash.

Please consider denying the rezoning of the development.

Most Sincerely,

Kelli Ann Weiskopf

Howard Ranch proposal

Carol [REDACTED]
Reply [REDACTED]
To: cedboardsandcommission@arvada.org

Tue, Mar 22, 2022 at 11:17 AM

[REDACTED] attached a document



[REDACTED] has attached the following document:

Dear Arvada Planning Team,

I have urgent concerns on the pending approval of the Howard Ranch Development in west Arvada.

Please see my attached letter.

I appreciate your attention to keeping Arvada citizens safe!

Sincerely,

Carolyn Bonavida



Untitled document

Snapshot of the item below:

Dear Arvada Planning Commission Team,

My husband and I chose to buy a home and live in Wildflower Ponds in 1994 when the neighborhood was being developed. The development represented what we were looking for in a home....safety, access to facilities, large lot sizes, a well planned community focused on the quality of life of its residents..

In choosing to approve of the Howard Ranch Development as it is proposed, there will be inadequate facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) available to serve the subject property while maintaining adequate levels of service to existing development as required per the zoning requirements.

Please require these services and facilities to be proved adequate prior to moving forward with your approval. In not doing so, the quality of life and safety of residents in all of the neighborhoods and businesses in and around the Howard Ranch development are put at risk.

We are VERY CONCERNED about the lack of attention to this detail!

Thank you for keeping Arvada safe and for focusing on the quality of life we live,

Sincerely,
Carolyn Bonavida
[14624 S 62nd Place](#)
[Arvada, CO 80004](#) in

Google LLC, [1600 Amphitheatre Parkway](#) [Mountain View, CA 94043, USA](#)
You have received this email because [\[REDACTED\]](#) shared a
document with you from Google Docs.



Dear Arvada Planning Commission Team,

Carolyn

Reply-To

To: cedboardsandcommission@arvada.org

Tue, Mar 22, 2022 at 10:09 AM

[REDACTED] attached a document



[REDACTED] has attached the following document:

Dear Arvada Planning Team,

Please see the attached letter expressing my concerns with the development of Howard Ranch.

Thank you,

Carolyn Bonavida

 Dear Arvada Planning Commission Team,

Snapshot of the item below:

Dear Arvada Planning Commission Team,

My husband and I are original home owners and residents Wild Flower Ponds, just east of the proposed high density residential development of Howard Ranch

I am writing to express my concern in the approval of this parcel development as it is being proposed.

1. My understanding is that planned development of 72 homes includes A Single Egress which would be shared with one of the current entrances into our neighborhood.
This entrance at the intersection of 64th and Indiana is very chaotic due to the misalignment of the roads, the location of business and residential properties at the intersection, and the high traffic volume at that location. Our quiet, safe neighborhood is low density residential with a low impact daycare center at the corner of the east entrance. Adding (a low estimate of) 144 vehicles owned by 72 residents of Howard Ranch and additionally, the delivery and service vehicles serving that area would have a huge impact on the safety, environment, noise, quality and beauty of ours and the surrounding neighborhoods.
1. Emergency access with one egress is a Significant Life and Safety issue! Adding potentially over 200 residences to an already developed area will challenge the

ability of emergency vehicles to enter the area. Something as a car accident would block traffic at the intersection of 64th and Indiana. Something as serious and fast moving as a wildfire would lead to an incredible crisis for us all.

Please thoroughly consider the quality of life for the current citizens of Arvada when voting on the approval of the development of this area as proposed. The amount of traffic going in and out of the development will never decrease but will increase over time. I request an in depth study of the safety and environmental impact this high density development with a Single Egress would have on the residents of the proposed Howard Ranch as well as the surrounding neighborhoods.

Thank you for your consideration of my concerns,
Carolyn Bonavida
[14624 W 62nd Place](#)
[Arvada, CO 80004](#)

Google LLC, [1600 Amphitheatre Park](#) [3, USA](#)
You have received this email because [\[REDACTED\]](#) shared a
document with you from Google Docs.



Howard Ranch Proposal Concerns!

Carolyn Bonavida (via Google) [redacted]
Reply-To: Carolyn Bonavida [redacted]
To: cedboardsandcommission@arvada.org


Tue, Mar 22, 2022 at 11:38 AM

[redacted] attached a document



[redacted] has attached the following document:

Dear Arvada Planning Commission Team,
Please take into consideration the concerns of the residents and business of the surrounding area prior to approving the Howard Ranch Development rezoning. We have legitimate concerns. Density of the area is one of them. Please see my attached letter regarding this issue. Thank you,
Carolyn Bonavida
[14624 W 62nd Place](#)
[Arvada, CO 80004](#)

 Untitled document

Snapshot of the item below:

Dear Arvada Planning Commission Team,

I have concerns with the Howard Ranch proposal as it stands.

The City Code states the in order to rezone,
“The rezoning is consistent with the character of existing or planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any negative impacts”

The high density of the development would not be consistent with the surrounding neighborhoods. High density housing is being built throughout every area of West Arvada. There is little to no availability of homes that take into consideration the surrounding environment in which this case, is well- planned family neighborhoods.

To achieve the objective of being consistent with adjacent properties and the surrounding area, a low density development providing a living environment where the residents can enjoy their personal area with family-sized homes and townhomes with, adequate covered or enclosed parking for each resident is required.

Adding 72 residences to the available acreage does not follow the zoning requirements nor does it match the character for the area surrounding it.. Please follow the guidelines set by City Code I beseech you to reduce the density guidelines of the Howard Ranch proposal to consider the land use for every resident!

Sincerely,
Carolyn Bonavida
[14624 W 62nd Pl](#)
[Arvada, CO 80004](#)

Google LLC, [1600 Amphitheatre Parkway](#), [Mountain View, CA 94043, USA](#)
You have received this email because [\[REDACTED\]](#) shared a document with you from Google Docs.



Arvada Planning Commission
8101 Ralston Road
Arvada, CO 80001



March 23, 2022

Dear Arvada Planning Commission:

I am writing in **opposition** of the proposed Howard Ranch Re-Zone located at 14760 W 64th Ave. ETrakit #DA2021-0097

This re-zone specifically does not meet the criteria for Facilities and Services given the fact that the Proposed Plan does not provide adequate levels of ingress and egress. The local road coming into and out the neighborhood only has one access point to the 13.11 acre site. Additionally, it appears the cluster homes are only accessible through a private alley and have no right-of-way access. The fact that there will be approximately 138 additional cars living in this subdivision with only one point of access is incredibly unsafe given the following:

1. They cannot make a left hand turn onto 64th Avenue without driving through the Wildflower Pond neighborhood.
2. Access to the traffic light on Gardenia via Wildflower Ponds is in front of a Kindercare that has 150 families dropping off/picking up small children twice daily during rush hour.
3. How do any Emergency Vehicles access this community while traveling westbound on 64th? They can't.

Furthermore, this location has a Walk Score of 38 out of 100. This location is a Car-Dependent neighborhood so most errands require a car. The Transit Score is 29 out of 100. There are no bus lines in West Arvada.

This re-zone to such high density on such a small plot of land that is essentially land locked by industrial and other neighborhoods makes absolutely no sense and is a violation of the criteria set forth by the city of Arvada. I respectfully ask that you vote **No** to this proposed re-zone.

Sincerely,

A handwritten signature in blue ink that reads "Carrie Wernecke". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Carrie Wernecke
15064 W 63rd Avenue



14760 64th Ave Comments

Colleen Mill [REDACTED]

Tue, Mar 29, 2022 at 2:57 PM

To: "cedboardsandcommission@arvada.org" <cedboardsandcommission@arvada.org>

I see this 12.5 acre property has already sold for \$3 Million.
It is requested to be re-zoned R6 so a max of 72 houses can be built here.
Please no! R6 is too much! R4 is much better.
There is only 1 way in/out of this place. Fires are too common.
Water is scarce.
Traffic on 64th in the Indiana area is already CRAZY.
We don't need more CRAMMED in housing in West Arvada!
Please! Consider what is best and what the community speaks up about!
Colleen Miller
[6507 Quaker Ct](#)

Stanley & Steffen

15086 W. 63rd Lane
Arvada, Colorado 80403

Arvada Planning Commission
8101 Ralston Road
Arvada CO 80001

March 22, 2022

Dear Arvada Planning Commission,

We are writing to you to express our heartfelt disapproval of the Howard Ranch Development and full opposition to the associated re-zoning. The proposed re-zoning and proposed development does not meet the Land Development Code, Criteria 3 and 4. Therefore allowing the proposed development to proceed would be in clear violation of the regulations that are set in place, and you, as the Arvada Planning Commission, would knowingly breach.

Furthermore, the safety of our community is threatened by the proposed re-zoning and subsequent development. With a proposal to build 69 cluster homes within a single entrance property, comprehensive police, fire, and EMS services cannot be adequately met with the current single access as set forth in the proposed plan. As an arguably ineffective alternative, the developer has proposed the installation of sprinkler systems for each residence to address the fire protection issue; however, the developer has not proposed a solution for maintenance and regulation of the sprinkler system.

Additionally, we have seen the devastation of wildfires in neighboring foothills communities making the call to build sustainable, safe communities more critical now than ever. In the current safety plan, fire sprinkler systems DO NOT protect against wildfires. Sprinklers are only effective if a fire ignites within the home. Our neighborhood is at great risk if there were to be another wildfire or externally ignited fire within the development since the local fire department cannot adequately access this neighborhood. It is wildly irresponsible to build net new developments lacking such obviously basic safety measures.

As advocates for responsible and SAFE development of our communities, we emphatically oppose the proposed re-zoning of the property slated for the Howard Ranch Development.

Warm Regards,

Elizabeth Stanley, RN MBA & Bradley Steffen, MD
Arvada Residents

March 21, 2022

Arvada City Council,

As a 24 year resident of Wild Flower Ponds, I am writing to strongly oppose the new development that has been proposed in the Wild Flower Ponds Subdivision area of Arvada.

The high density of homes in such a small area with limited access is ridiculous and will undoubtedly create noise, safety issues for all residents, children and pets. The recent wildfires in Boulder County should act as reinforcement to disallow this many residences in such a small area.

I live on 63rd place and those of us that live on this street (which would be part of the access to this proposed development) already deal with traffic noise and many vehicles dropping their children off at Kindercare and utilizing the businesses at the building at the corner of Gardenia and 64th avenue. There is already way too much traffic on this street.

The City Council needs to disapprove this building proposal.

Ernei Quinlisk
6358 Holman Court
Arvada, CO 80004

Fran Stellman
15054 W 63rd Ave
Arvada, CO 80403

March 22, 2022

Reference: Howard Ranch Development and Proposed Re-zoning

Arvada Planning Commission
8101 Ralston Rd
Arvada CO 80001

Dear Planning Commission members:

My husband and I own a home in Arvada adjacent to the proposed Howard Ranch Development. After reading the documents submitted by the developer, I have concerns and objections in reference to the developer's rezoning requests as stated in the Arvada City Code that the Arvada Planning Commission is considering.

"8-3-4-2. – Approval criteria.

A. *Generally*. Rezoning may be approved if the City Council finds that either the rezoning corrects a technical mistake or the rezoning meets all of the following Approval Criteria:

4. The intended land use for which the rezoning is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated;"

The land on which the development is proposed is farmland and is located next to Hyatt Lake. It is populated by wildlife and includes trees, shrubs and native grasses that serve as habitat for many wild animals and birds. The developers propose disrupting the property by removing a vast number of the existing, mature trees in order to construct the proposed 69 homes, which would have a great number of consequences to the local natural environment. Additionally, I believe interrupting the environment in such a manner will cause an "adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation". It amazes me that, in a state where an extremely high value is placed on preserving the natural environment, to my knowledge, no Environmental Impact Study or Drainage Study has been required prior to consideration of rezoning.

With respect, I request that the Commission reject the proposed zoning change. Thank you for your service to your constituents in Arvada.

Sincerely,



Fran Stellman

Fran Stellman
15054 W 63rd Ave
Arvada, CO 80403

March 22, 2022

Reference: Howard Ranch Development and Proposed Re-zoning

Arvada Planning Commission
8101 Ralston Rd
Arvada CO 80001

Dear Planning Commission members:

My husband and I own a home in Arvada adjacent to the proposed Howard Ranch Development. After reviewing the documents submitted by the developer, I have valid concerns and objections to their requests in regards to the Arvada City Code.

"8-3-4-2. – Approval criteria.

A. *Generally*. Rezoning may be approved if the City Council finds that either the rezoning corrects a technical mistake or the rezoning meets all of the following Approval Criteria:

3. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will, prior to development, be available to serve the subject property while maintaining adequate levels of service to existing development;"

Studying the drawings of the proposed development, the ingress and egress are a major concern and risk to the home owners in the surrounding homes as well as the childcare facility which is located near the proposed building site. There are two points of entry and exit onto 64th Ave. In the event of a catastrophic emergency (a fire such as the Marshal Fire, December 30, 2021 or a gas leakage), a hazardous situation could quickly arise that would cause a life threatening and safety issue, jeopardizing lives, homes and businesses in the surrounding areas. This matter, above all, is a major concern, but I am also concerned about other facilities and services including sewage and waste disposal, water, gas, electricity, police, and roads and transportation, as applicable. It would be unconscionable if these issues were not seriously taken into consideration with regard to changes made to the developer's proposed re-zoning requests.

Thank you for your service to your constituents and I respectfully ask you to take my concerns into consideration and reject the proposed zoning change.

Sincerely,



Fran Stellman

Fran Stellman
15054 W 63rd Ave
Arvada, CO 80403

March 22, 2022

Reference: Howard Ranch Development and Proposed Re-zoning, Project DA2021-0097
Arvada Planning Commission
8101 Ralston Rd
Arvada CO 80001

Dear Planning Commission members:

As a resident of the Lakes at Westwoods community, I am writing this letter in concern for the proposed re-zoning of 14760 W. 64th Ave, otherwise known as the Howard Ranch development. The land under consideration for development is adjacent to properties in the Lakes at Westwoods.

It is my understanding that the proposed building site is currently zoned for the construction of 12 single family homes on approximately 1 acre lots. However, the developer is now seeking to have the site re-zoned to incorporate 67-72 single family, duplex and cluster dwellings, which is a much greater density than the Lakes at Westwood and other communities in the area. This new proposal is not consistent with the character of the homes in Lakes at Westwoods, which is a requirement for rezoning, according to Arvada Code of Ordinances as quoted here:

"8-3-4-2. – Approval Criteria.

A. Generally. Rezoning may be approved if the City Council finds that either the rezoning corrects a technical mistake or the rezoning meets all of the following Approval Criteria:

5. The rezoning is **consistent with the character of existing or planned development on adjacent properties** and in the surrounding area or neighborhood, **or measures will be taken to substantially buffer or otherwise substantially mitigate any negative impacts.**" (emphasis added)

Additionally, I'm concerned about some of the details of the proposal as presented to the Commission. For example, the buffer footage is ambiguous - is it 10' or 20'? Furthermore, I see no plans for trees, shrubs or a privacy fence for a buffer and a division between the two adjoining subdivisions. As an owner of a home in Lakes at Westwoods that adjoins this line, I certainly want as wide of a buffer as possible between the two developments. I also hope that a substantial privacy fence, as well as significant landscape plantings and a tree buffer to separate the two developments will be required as part of any development plans that are eventually approved by the Commission.

It is my hope that you will take my concerns under consideration and help protect an established neighborhood from a development that, as proposed, would negatively impact the character and aesthetic qualities of our community.

Thank you for your consideration of these matters, and for your service to your constituents. I object to the proposal to rezone this property for a higher density development for this and other reasons previously communicated to the Commission, and respectfully ask you to reject the proposed zoning change.

Sincerely,


Fran Stellman

Subject: Re: Development at 80th and Kipling



Gaylene Edga [REDACTED]

to Mark Deven, Jacob Nitchals, Kristen Rush, Randy Moorman, ssunderberg

Tue, Feb 15, 5:32 PM

You are viewing an attached message. City of Arvada Mail can't verify the authenticity of attached messages.

Thank you for the update.

On Tue, Feb 15, 2022 at 5:21 PM Mark Deven <mdeven@arvada.org> wrote:

Ms. Edgar

Thank you for your comments. We have been sharing comments very similar to yours with the development team and pressing them to consider changes such as density and height and pointing out the risks of proceeding with an application that is in conflict with the concerns expressed by the neighbors.

Based on the most recent conversations, the development team has made several changes that address the neighborhood's concerns.

Also, please note that a development application has not been submitted yet. Neighborhood meetings usually occur before an actual application is submitted so that the development team can understand the neighborhood concerns and gauge reaction to the proposal.

On Tue, Feb 15, 2022 at 1:24 PM Gaylene Edga [REDACTED] wrote:

I am writing to express my concern about proposed plans for a 3 story residential complex at 80th and Kipling. I am glad it will be residential, but it is too dense for the area right next to residential single family homes to the west and south, and in an area and intersection that cannot handle this level of traffic and added vehicles. While housing is needed, it should not be put up at any cost or to the detriment of the surrounding neighborhood. 3 stories is too tall. I am very much opposed. I live in Meadowglen neighborhood east of this, and my son's family lives south of 80th and Kipling. I go through this intersection very often, and am trying to imagine a development this large and dense on this corner. I do not see it as an improvement at all for the area.

Is there a way to reduce the size and height so it is less impactful in a negative way to this area? There are horse properties just to the west, and it seems an odd choice for this area and will ultimately probably lead to people feeling like they have to move. Please do not approve this plan unless it is significantly altered. Community surveys show the overwhelming majority disapprove of this type development. This area of Kipling is primarily residential, and the medical buildings across the street are surrounded by buffer zones. This would very negatively impact the residential areas on its borders, as well as the general area due to increased negative impacts of traffic, congestion, etc.

Sincerely,
Gaylene Edgar
[8250 W 81st Drive](#)
[Arvada](#)

March 22, 2022

To: Arvada City Planning Commission

From: George and Natasha Dunne
6188 Holman Court, Arvada

Re: Rezoning of Howard Ranch Property

We write to express our concern regarding the impact of increased vehicle traffic arriving to and departing from the Howard Ranch property from the one vehicle roadway in the development plans that provides ingress and egress to/from the property. That one roadway would direct all incoming and outgoing traffic generated from 71 or 72 new residences to/from the Howard Ranch property onto W 63rd Place. Because only a right (eastward) turn is allowed from W 63rd Place onto W 64th Ave, those vehicles desiring to go west on W 64th Ave would need to traverse the Wildflower Ponds neighborhood on W 63rd Place to its far east end where it turns and becomes Gardenia Street, which intersects W 64th Ave and allows either eastbound or westbound turns via a stoplight there.

Assuming that each of the residences in the new Howard Ranch development accommodates 2 vehicles, and further assuming that about one half of the vehicles intend to travel west on W 64th Avenue, that would mean, at a minimum, an added 72 vehicle trips along the length of W63rd Place (36 trips leaving the area and 36 trips returning) through the Wildflower Ponds neighborhood. This added traffic would have a negative impact on the peace and quiet ambiance of the Wildflower Ponds neighborhood and on the safety of bicyclists on 63rd Place as well as the safety of pedestrians (dog walkers, etc.) on that street.

We suggest that the Arvada Planning Commission consider requiring an added roadway providing vehicular ingress and egress to the Howard ranch property, and connecting westward (directly or indirectly) to Joyce Drive and/or MacIntyre St. Such a street would allow added access for resident vehicles wishing to travel either east or west on W 64th Ave, lower the amount of traffic added to W 63rd Place, as well as provide an added access point for emergency vehicles intending to gain access into the Howard Ranch development.



CED Boards and Commission <cedboardsandcommission@arvada.org>

Fwd: Howard Ranch

2 messages

Heidi Burton

Mon, Mar 7, 2022 at 3:24 PM

To: CED Boards and Commission <cedboardsandcommission@arvada.org>

Arvada Building Department

With the tragic event that happened on December 31, I am hoping you will see the need to change the density of this subdivision. With the cities change to allowing only one egress from the property into another subdivision, I can only imagine the confusion and chaos this would mean if such an event were to happen within the surrounding area. To allow only on egress but rely on in home sprinklers in case of a fire is crazy... they are to keep the interior fire at bay until fire personal can arrive at the sturcture. This doesn't seem like a good idea in lue of a field / brush fire. The homes in Wildflower Pond nor The Lakes at Westwood are fitted with sprinklers.

So is the city just saying to bad to the home owners of Wildflower Pond and Lakes at Westwood? Seems like this is a lawsuit waiting to happen.

How many subdivisions has Arvada changed this ruling to allow only one egress?

What is the cities plan to evacuate all 72 homes from Howard Ranch and all 107 homes from Wildflower Pond into one egress out onto 63rd? Especialy with fire trucks and safty vehicles going in the only egress?

The developers own traffic study is calling for 660 daily trips in and out of this proposed subdivision? 72 homes equals at least 150 autos?

Please reconsider what this density could do to the Wildflower Ponds subdivision. As I have stated in prior emails, it would be great if the city council and city planners visit the area and meet with both neighboring subdivisions HOA boards so we can express our concerns at the site.

Thank you ,
Heidi Burtoni

CED Boards and Commission <cedboardsandcommission@arvada.org>

Tue, Mar 8, 2022 at 11:54 AM

To: Jacob Nitchals <jnitchals@arvada.org>

[Quoted text hidden]

--

Community and Economic Development

Desk: 720-898-7435

E-Mail: cedboardsandcommission@arvada.org





Fwd: Howard Ranch Proposed Subdivision

Heidi Burton [REDACTED] >
To: cedboardsandcommission@arvada.org

Sun, Mar 6, 2022 at 4:29 PM

Dear Arvada Planning Committee

Regarding the new development being planned between Wildflower Ponds And The West Woods:

I am very concerned with the hardship this development will bring to not just the two neighboring subdivisions but also the Schools, Fire/ Police departments, road conditions etc. Why does the city keep committing to all these high density build outs?

Understanding that some of the roads around this subdivision are CDOTS responsibility, but with the amount of high density areas being built (Ridge Road to 60th Street along Ward Road) CDOT can not keep up. This is the proverbial - keep shoving things down the drain. At some point it will all back up. What is the city's plan to get the roads repaired? Are you going to work with CDOT?

Will anything be done to upgrade the light at Gardenia and 64th regardless of the amount of homes that are built on the small parcel of land? Currently there isn't a left hand turn lane when making a left into the Wildflower ponds subdivision. This is already a safety hazard as if a truck or larger car is turning left onto Gardenia from the West the line of sight is blocked for a car turning from the East.

What will happen with the current egress from this property? The city requires two for any subdivision, there is only one way out of this parcel. With the 72 proposed home that would create 150 cars or more exiting in to Wildflower Ponds subdivision? We understand that the developer has the OK from the fire department to put sprinklers in the homes in case of fire but what if there is a brush fire? Indoor sprinklers will not help 150 cars or more trying to exit a parcel of land along with the 200 or more autos from Wildflower Pond.

The Traffic Study states there will **660 daily trips** from this new development in to Wild Flower Ponds development? Why is the city planning giving this developer the OK to only have one egress while all others must provide two?

If approved, what guarantees will there be that the construction trucks will not travel through Wildflower Ponds and put even more wear and tear on already deteriorating roads? An issue that the city has met with the HOA board and informed us that there are no funds to fix.

What will be done to keep traffic speeds low as these new autos will be going by homes with children? Once again **660 daily trips** per traffic study?

What will be done to make sure the new people do not encroach on Wildflower Ponds pond area? Or parking on our streets?

Just my thoughts,
Heidi Burtoni



CED Boards and Commission <cedboardsandcommission@arvada.org>

Howard Ranch

1 message

Heidi Burton

Tue, Mar 22, 2022 at 9:11 AM

To: CED Boards and Commission <cedboardsandcommission@arvada.org>

Dear Arvada Building Dept

Please see the link below as to what Buyers are looking for in new homes.

<https://www.thanmerrill.com/the-5-most-important-features-first-time-homebuyers-want-this-spring/>

I am currently in Real Estate.... I have issues finding homes for buyers as they are not wanting the style of homes that RedT is proposing in the Howard Ranch development.

Having worked in this profession for some time, I can't not believe the current lack of inventory.

Working with all types of buyers I have noticed a substantial change in what buyers are now looking for. Covid has taught us that people need more space than they did prior.

More people are working from home, when our parks closed due to the pandemic kids played in the backyards.... what RedT is planning, the majority of their homes do not have yards at all. The area they are planning on for a play area is actually an area where the storm water will be drained. We have been told that this is just a rendering of what they are proposing... with the density they want to build, this is the only way they will fix all the homes on this small lot.

Colorado people have a lot of stuff with all our great outdoor space... Kayaks, Bikes, Skis and snowboards. Where will these be stored in the "Carport" homes? Last year we had a bear issue in this area among other scavantger types of animals, where will these homes contain their garbage cans?

Where will all the cars park that do not have garages? Will the street be full of cars? Not the best for property values and with our unfortunat rise in crime, it will be certain that this area will be on the next list of areas that are easy pickings.

Current buyers do not want the three story homes, they want the She Sheds, they want the fire pit area, they want the BBQ area with the cute lights hug up. Please wake up to what real buyers want in our great city of Arvada.

Thank you in advance,
Heidi Burtoni



CED Boards and Commission <cedboardsandcommission@arvada.org>

Fwd: Proposed Howard Ranch Subdivision

1 message

Heidi Burto

Tue, Mar 22, 2022 at 2:02 PM

To: CED Boards and Commission <cedboardsandcommission@arvada.org>

Dear Arvada Building

It has been brought to our attention that homes being planned are not compatible with the two subdivisions that border this parcel. I believe compatibility is one thing that is of concern for the building department when doing a rezone?

Since the developer hasn't shared any new renderings, we would have to assume that what was presented at the Neighborhood meeting on 7/29/21 will be what is being built. I have driven around and photographed said buildings by this developer. Please see attached photos plus photos of the homes in Wildflower Pond and The Lakes at Westwood.

Also attached is the overview of the Wildflower Ponds and Lakes at Westwood so that you can see the size of the lots in both subdivisions. How would putting 72 homes in this proposed area be compatible in any way? These two subdivisions have approximately 100 and 50 homes, with open space, and extra large lots. What RedT is trying to build belongs in an Urban Infill project not in Arvada's suburban area.

New data shows that one of the reasons we are in the housing crisis we are in, is that builders have cut the amount of single family homes being built more than half in the last decade that numbers are available... see attachment.

Since Covid

Post Pandemic, 40% of U.S. population now works from home (Census Bureau)

Due to COVID, the average Home Buyer is now looking for the following when considering a home in the Denver Metro Area:

- Bigger Homes
- Multiple Studies or Work From Home Space
- Kid Play Spaces
- They Want Space from Neighbors, so Expansive Yards
- Unfettered Access to Nature

According to Data from NAR (National Association of Realtors), Home Buyers want the following:

- Larger homes with open floor plans
- Walk in Pantry
- Energy Efficiency and Smart Homes
- Laundry Rooms, not closets
- Large Patio and Outdoor Space
- Garage and Storage...85% of buyers are demanding this
- Multi-Generational Living

So my questions would be ... Why not just build nice single family homes with a certain percentage one level? With actual yards for people to gather in?


Why do we need more three story townhomes or homes that don't fit the needs of what Arvada says is our typical family? We all know that Green built is just Builder buzz words, and these certainly will not be affordable housing.

<https://arvada.org/source/Arvada-Demographic-Supplement-2019.pdf>

Thank you in advance,

Heidi Burtoni

10 attachments

 **Number of homes built.pdf**
1580K

 **Map of area showing lot sizes.pdf**
1631K

 **Ingalls RedT.pdf**
98K

 **Ingalls RedT 2.pdf**
106K

 **Jason RedT.pdf**
102K

 **Wolff RedT.pdf**
114K

 **Lakes at West wood 2.pdf**
242K

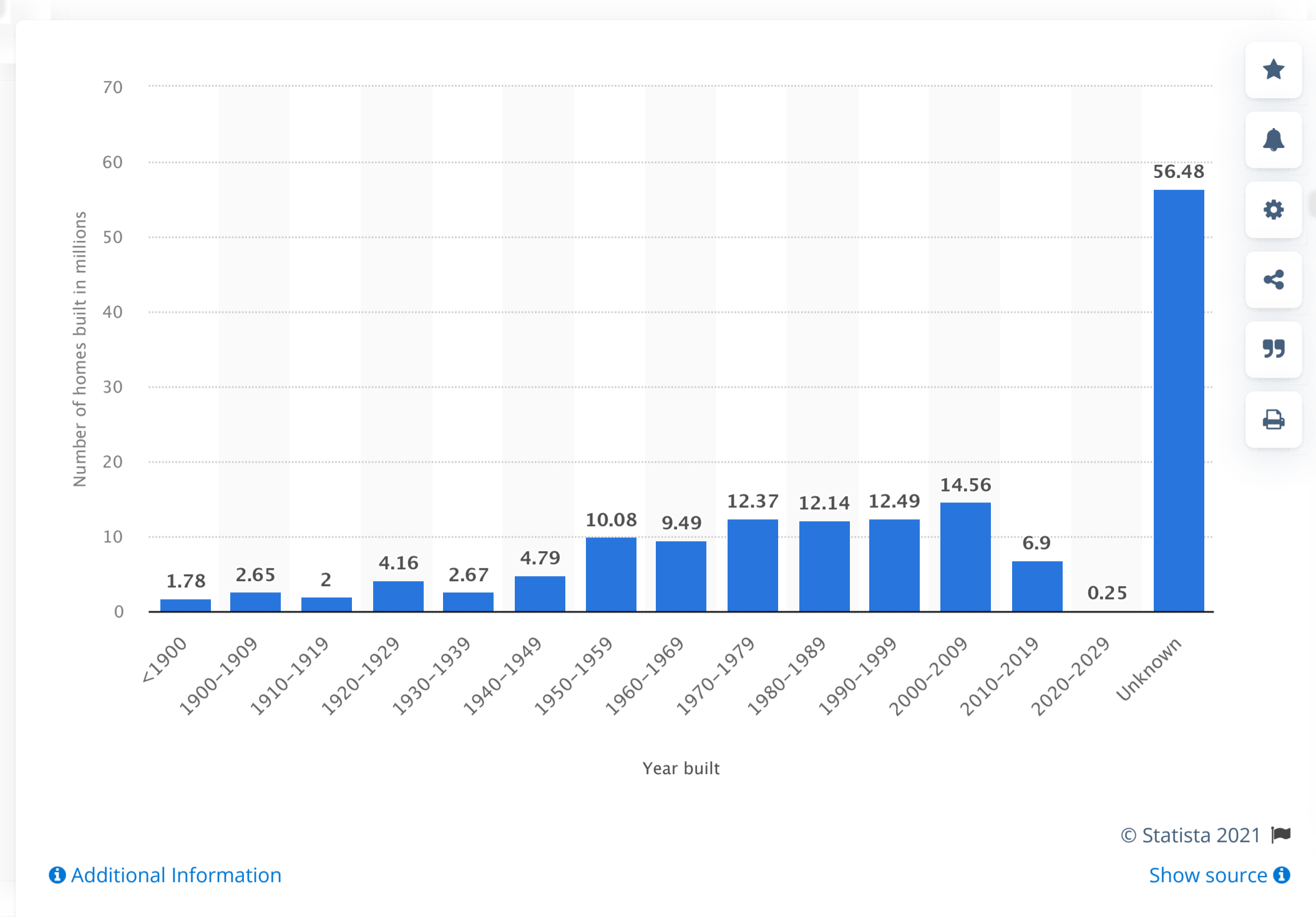
 **Lakes at Westwood.pdf**
234K

 **WFP 2.pdf**
642K

 **WFP.pdf**
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Number of homes built in the United States between 1900 and 2021

(in millions)



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Region: United States

Survey time period: 1900 to 2021

Number of homes built in the U.S. 1900-2021

Published by Statista Research Department, Nov 8, 2021

In 2021, close to ten percent of the 152.8 million homes in the United States were from the first decade of the 21st century. Between 2000 and 2009, approximately 14.6 million homes were constructed.

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Marlene Greenfield
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Residential housing market

- Home building
- Home financing
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- Home flipping

The most important statistics

- Number of U.S. housing units 1975-2020
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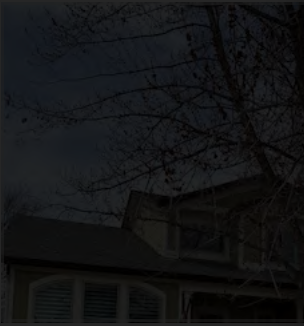
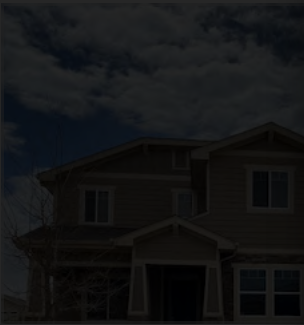
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Heidi Burtoni
970-799-3922

5 Attachments



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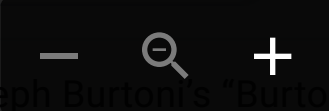
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Mar 21



Subject: Howard Ranch Proposed subdivision



Heidi Burton [REDACTED]

Fri, Feb 4, 9:19 A

to moorman, lsimpson, John Marriott, djones, bfifer, Lisa Smith, jnitchals, rsmetana

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Thank you in advance,
Heidi Burtoni

Subject: Proposed Howard Ranch Subdivision



Heidi Burton

to moorman, lsimpson, jmarriott, djones, bfifer, lsmith, jnitchals, rsmetana

Mon, Dec 6, 2021, 9:47 A

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Dear City Council and building department,

I think that it would be a great idea for the City Council and building department to meet out at the property prior to moving forward with a vote regarding the proposed subdivision with the HOA of both neighboring subdivisions.

It has been brought to our attention that the quality of homes being planned do not blend in with the two subdivisions that border this parcel.

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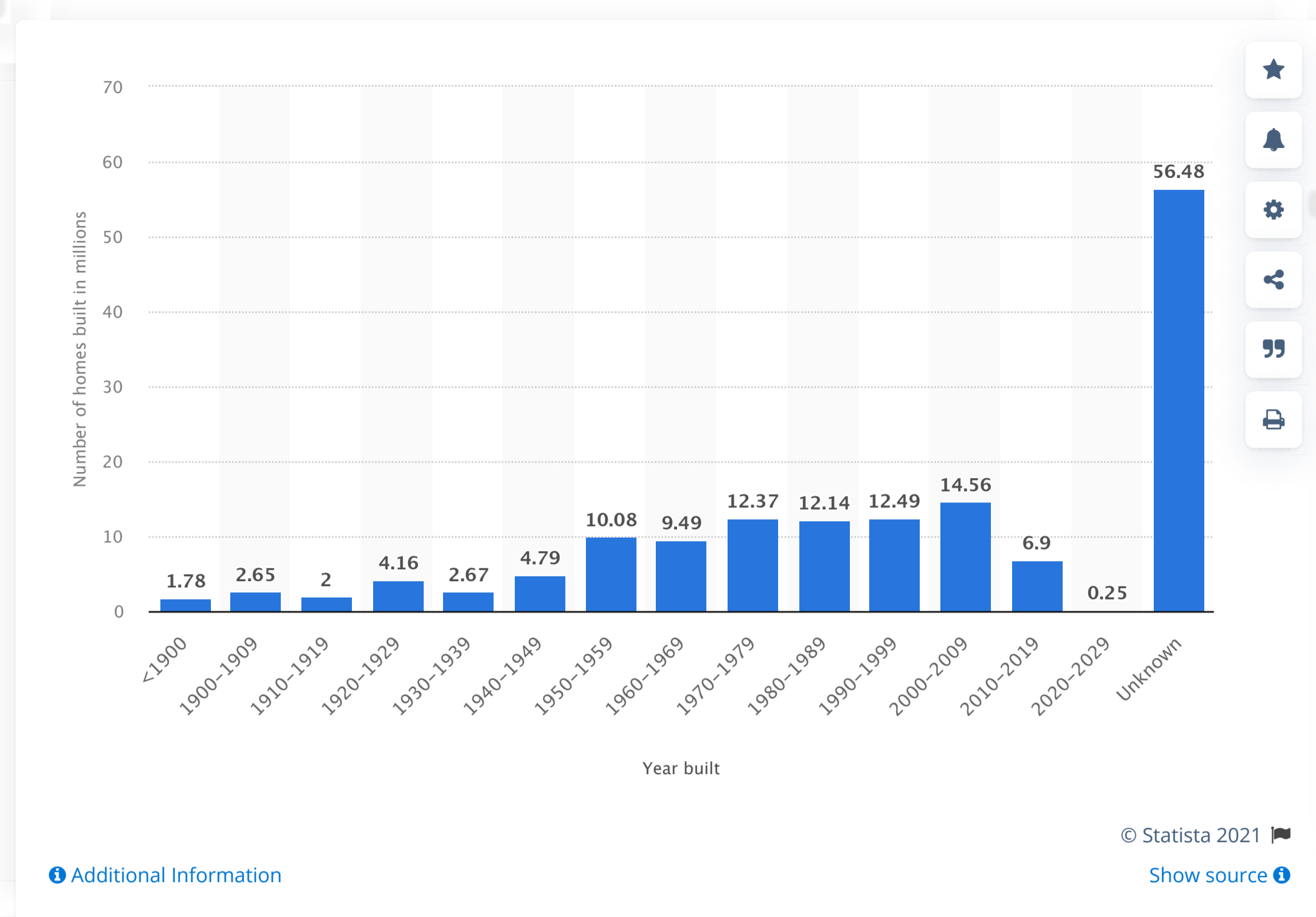
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Heidi Burtoni



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Hi Kevin,

My name is Howard Small and my wife, Polli, and I live in the neighborhood called The Lakes at Westwoods directly to the West of the proposed development on the Howard Ranch Property.

We are strongly opposed to the development of the Howard Ranch Subdivision, **as proposed**, for the following reasons:

- 1) The appeal and natural beauty of the area behind our subdivision, The Lakes at Westwoods, will likely be destroyed. Per the proposed plans, the trees will be cut down, the pond will be filled in and the wildlife (Eagles, Hawks, many other species of Birds, Coyotes, Deer, Turtles, Frogs etc.) will therefore be virtually non-existent. Instead of looking at a wooded natural landscape, we will be viewing tightly fitted homes backed up close to the fence line.
- 2) Our neighborhood is currently surrounded by wetlands. This proposed high density development will likely destroy and endanger our wetlands thus destroying the eco-system and water bodies that make our neighborhood so appealing and unique.
- 3) The impact to Broad Lake is a major concern. Any potential development that may either destroy or adversely impact Broad Lake is completely unacceptable. Many, if not all, of the residents at the Lakes at Westwoods, purchased their homes here because of the lake views and access to the lake. In the event that cutting the water flow off to the Howard property causes the destruction of Broad Lake, it will gravely impact all of the families that have chosen to live here and spent a significant amount of money to do so. The lake and the wildlife it supports must be preserved at all costs.
- 4) A major concern is also traffic and area congestion which has already become nearly intolerable for this suburban area. The excessive density and home types proposed with multi-unit dwellings is not consistent with the existing adjacent neighborhoods. We are also concerned for future safety and security. Today, we are in a virtually crime-free neighborhood and, again, this is a major reason we have all chosen to purchase homes and live in the Lakes at Westwoods community. Currently our neighborhood is in a one way-in, one way out street with cul-de-sacs. We do not want this changed in any way.

In summary, although we are not entirely opposed to development of this property, as proposed, it is not acceptable. Again, we are asking for the following:

- 1) Preserve the natural space and wetlands directly behind the homes to the west of the Howard property.
- 2) Guarantee the continued existence and health of Broad Lake.
- 3) Limit the number of dwellings to be built.
- 4) Guarantee no direct access roads or paths to the Lakes at Westwoods from the Howard Property.

We understand the reality of development and we realize the dollars involved. At the same time, the livability and enjoyment of our homes and neighborhood is of top priority - I'm certain you can understand and relate to this on a personal basis as well. We all want to create an enjoyable place to live. As a result, I am sincerely asking that you come over to our neighborhood and see what we see. I am happy to give you a tour of our area with our perspective and strongly ask you to do so. As a business professional and previous HOA Board Member and President, I am honestly disappointed that we have had reports from our current HOA Board that they have not received any communication from you after an initial early contact regarding the development. My thought is that you would want and

desire neighborhood feedback and involvement to increase acceptance - not just based on the City of Arvada requirements but based on our neighbors reaching out to you and your company's public perception.

Polli and I would greatly appreciate your response to this email.

Thank you for your time and consideration,

Howard and Polli Small
15127 W 63rd Lane
Arvada, CO 80403
[REDACTED]

March 6, 2022

Arvada Planning Commission

8101 Ralston Rd, Arvada CO 80001

RE: Howard Ranch rezoning proposal

Dear Members of the Arvada Planning Commission,

I would like to voice my strong opposition to the Howard Ranch rezoning proposal that has been submitted to you. RedT Development is requesting to rezone the property for development which would consist of 42 single-family homes, 16 duplex units and 12 Cottages utilizing the Cluster Home lot type. A total of 72 units are being proposed.

It is additionally proposed that this community would be serviced by a single vehicle access which is proposed from W 63rd Place via an existing right-of-way through the Wildflower Ponds Community. This is unacceptable. This proposal is not complying with the single point of access requirements, which would require 30 units or less. This proposal creates an unsafe environment for those future residents in that community should this rezoning request be granted but also creates a hazard for the existing homeowners in Wildflower Ponds. These are "Life and Safety" issues.

On December 30, 2021, the Marshall Fire which was approximately 10 miles directly North of the proposed development, destroyed 1,084 homes. That day wind gusts to over 100 miles per hour not only were recorded in Boulder but in Arvada per the National Weather Service. Wind gusts over 70 mph are not usual in our community. In the need to evacuate the residents of the proposed Howard Ranch would be forced through the Wildflower Ponds community. This could put 140 vehicles into our neighborhood in a time of disaster and a time when we are trying to escape. This type of traffic congestion at a critical time of emergency could lead to the needless loss of life. In addition, if a fire occurred at or near the Howard Ranch exit it would be impossible for the residents to evacuate.

The 30 home limit for a property with a single access was created for a reason and wild fires are a real threat in Colorado as we have seen only too recently. For this reason, the proposed rezoning needs to be denied and the developer be forced to obtain a second entrance to the community or reduce the size of this development to comply with the single point access requirements of 30 units or less before moving forward with this project.

Thank you for your consideration.

Kevin Hyland
Resident in Wildflower Ponds
6269 Holman Court
80004



CED Boards and Commission <cedboardsandcommission@arvada.org>

Howard Ranch Subdivision

1 message

Janet Kinde [redacted] >
To: cedboardsandcommission@arvada.org

Tue, Mar 29, 2022 at 11:24 AM

Please consider the points of reference shown below listing the reasons Howard Ranch Subdivision rezoning will not comply with the Arvada code requiring new buildings to be comparable to adjacent properties and should not be approved. I believe allowing the proposed variances to the code will not align with the adjacent properties as required in the city code and the exact reason cities like Arvada must have the building codes in place and follow them. The subdivision of The Lakes At Westwoods is adjacent to Howard Ranch and adhered to the city codes and were approved by this commission.

Thank you for your thorough and careful consideration of the request for 6 homes per acre adjacent to a neighborhood with 3 homes per acre and thus resulting in the denial of this rezoning request.

Respectfully submitted:

Janet Kinder
15117 w 63rd Lane
403
[redacted]



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rezoning howard ranch (1).docx
3085K

Arvada Planning Commission

March 28, 2022

Dear Commissioners,

I want to express my strong opposition to the rezoning and development named Howard Ranch Subdivision 14760 W. 64th Avenue in Arvada.

The zone changes to allow 69 homes, duplexes and cluster homes on 13 acres is not comparable to the adjacent neighborhood at Lakes at Westwood subdivision.

The Lakes at Westwood subdivision has 48 homes on 12 acres, approximately half the density proposed for Howard Ranch subdivision. Below are more items noting how Howard Ranch proposed development site does not support Arvada code requiring new development to compliment and show comparable features with the existing adjacent neighborhoods.

Lakes at Westwood Homes & Property	Howard Ranch Homes & Property
Lot size 11000 to 16000 sq feet	5000 sq feet
3 car garage all homes	Exposed car port / 2 car garage
2600 to 4400 sq. foot homes	1200 to 2200 sq. foot homes
Sidewalk throughout the subdivision	No sidewalk indicated in subdivision
Substantial spacing between lots	Minimal spacing between lots
Premier street appeal: photos below	Minimal Street appeal: photo below
Minimal police concern	Substantial police/crime history in Cluster homes

Above verbally noted in Policy Academy 101 Fall 2019

Front porch with seating area	No front porch- no seating area
Basement @ plumbed bathroom	No basement or porch
Gas Infrastructure	NO Gas Infrastructure: NO gas grills, only charcoal with fire potential

Firefighting access in two locations

No firefighting access; making exterior charcoal grills hazardous, exterior & garage maintenance a hazard to home owners and adjacent neighborhoods

Garage storage: yard tools, toys, gas cans

Minimal garage storage in carport/garage

Photos on March 26,2022 The Lakes At Westwood

Photos show: Premier street appeal. 1100 to1600 size lots, up to 4400 sq foot homes, ample yard space between homes, 3 car garages, significant set back from street, and sidewalks throughout subdivision.





RedT Cluster Home
Photo.pdf





RedT Single Family
Photo.pdf



RedT Cluster Home
Photo.pdf



CED Boards and Commission <cedboardsandcommission@arvada.org>

Response to Howard Ranch Development

Brandon Jun [REDACTED]

Thu, Mar 10, 2022 at 4:05 PM

To: cedboardsandcommission@arvada.org

Arvada Planning Commission:

As a local home owner at 15093 W 63rd Ave I am writing to share our concerns about the very aggressive zoning plans we have seen for this development.

On a regular basis we and our neighbors watch the bald eagles, hawks and other rare local birds on the current property and in the large historic trees. We spend a significant amount of time outdoors and have noted the significant increase in the number of these rare birds over the past few years. Some of the local bird watchers have also suggested that this growth is due to the loss of habitat elsewhere nearby in Arvada and Golden. The density of the proposed development is our primary concern and brings up serious issues with fire, wildlife, water runoff and retention, traffic and basic safety. Parking spots are far too few and access appears to have been completely ignored one entrance for that volume is nowhere close to code.

Our concerns also are for who this zoning is really going to benefit. If this is anything like the development being proposed on 54th and McEntire it should be understood that the only people benefiting from that development are BLACKSTONE and not new home owners. High density zoning here would set us up for the same situation where a private equity company builds homes and makes them into rentals.

Please be advised that we have also noted how the Jeffco planning commission was overruled in that case by a single individual and we are watching very closely given the obvious conflicts of interest that exist.

Thank you for your time and consideration and appreciate your clear, open and transparent evaluation of this project.

Brandon Jun [REDACTED]

Subject: Fwd: 80th and Kipling



LINDA BERGLUND [REDACTED] >
to jnitchals

Thu, Mar 3, 11:57 A

You are viewing an attached message. City of Arvada Mail can't verify the authenticity of attached messages.

Sent from my iPad

Begin forwarded message:

From: LINDA BERGLUND [REDACTED]
Date: March 3, 2022 at 11:01:40 AM MST
To: mdeven@arvada.org
Subject: 80th and Kipling

We are emailing you in regards to the 80th and Kipling project. We live right on 78th Place and Kipling. We moved here in November 2020 from Westminster because of the overgrowth thinking Arvada would be a great place to live. Now we are have second thoughts and sorry we moved. With this project possibly going in right on the corner of 80th and Kipling, the traffic will be unbelievable. We are afraid our street will become a through street off Kipling to get to 80th. Our street is 78th Place/Lee. This street is not a through street. No sidewalks, never gets plowed when it snows it's pretty much like a small country road. That's why we like this area. With the 80th and Kipling project possibly going in, we are very disappointed with the City of Arvada letting developers build on every bare inch of Arvada. With the building that is being done on 72nd between Simms and Kipling the traffic will be increased. Now you want to add to the traffic for 80th and Kipling. It's unbelievable to us all the construction we have seen since we moved here not even 2 yrs ago. I wonder if any of the council members or City planners have actually driven through this neighborhood? Not just 80th and Kipling but the actual neighborhood to see what the city could be destroying. 39 three story units do not fit this neighborhood. We wonder would any members from City Council or City planners want this in their back yard? We are very much against this and will be joining the rest of the neighborhood to stop this from happening.

Larry & Linda Berglund

Sent from my iPad

To Arvada Planning Commission,

Apologies in advance if the format or tone of this letter comes across any different than its intent, which is simply to ask that my voice be heard and accounted for. The truth is, I've never submitted such a letter before. Until now, I have gone about my weeks, months, and years paying my bills and taxes while trying to raise an accountable, service-oriented family – probably no different than you or most of your constituents.

However, I do have very real and strong feelings about the Howard Ranch Proposal. While I may be in the minority, I don't believe that every square inch of land in Arvada needs to be developed. In fact, it is the natural open space and more-than-an-arm's-length between houses that differentiates Arvada from my native Westminster – or frankly any other Colorado suburb.

Therefore, I am writing to ask that you please immediately and completely stop any plans to approve or progress the Howard Ranch Development. 69 properties on 13.11 acres is not only inconsistent with the character of the adjacent neighborhoods, but it is incongruent with the surrounding infrastructure. I don't believe we have the proper ingress/egress points, much less adequate right-of-way access, to support what may be hundreds of additional daily trips. Stacking homes on top of each other, much less in close proximity to neighborhoods and homes that are otherwise not crunched together, is simply not what West Arvada is or has been about.

I appreciate your thoughtful consideration in this matter. Respectfully.

Randy Marrone



The Lakes at Westwoods
15123 W. 63rd Ave., Arvada, 80403



March 22, 2022

Arvada Planning Commission

Dear Commission Members:

This letter is to register my opposition to the current proposed plan by the developer for the Howard Ranch. The developer is not meeting all five criteria necessary in order to rezone the property.

In this letter, I will address Criterion 2: The developer's plan does NOT comply with the "single point of access" that should be for 30 units or less. This is a "Life and Safety" issue.

The proposed development includes 58 units and yet only shows ONE access road off of West 63rd Place for access (previously a driveway to a single ranch house). The single access road will create increased traffic turning south from W. 64th avenue onto W. 63rd Place (no traffic signal); along W. 63rd Place through Wildflower Ponds and past a childcare center; and to the only other exit from Wildflower Ponds at the Gardenia traffic signal farther east on W. 64th.

Not only will the current residents of Wildflower Ponds have increased traffic congestion, the anticipated residents of the new development will have problems with access via one single roadway. In addition, construction and maintenance vehicles will have this same problem.

The most concerning and dangerous issue of all is that FIRE, POLICE, and AMBULANCE vehicles will not have adequate access to the area! And should, God forbid, there be a wildfire, as we know all too well can happen, a single road access would be totally inadequate as an EVACUATION route and an access for FIRE and EMERGENCY vehicles.

Thank you for your attention to these serious concerns.

Sincerely,

Martha B. Johns
6179 Holman Ct.
Arvada 80004

██████████
████████████████████

March 22, 2022

Arvada Planning Commission

Dear Commission Members:

This letter is to register my opposition to the current proposed plan by the developer for the Howard Ranch. The developer is not meeting all five criteria necessary in order to rezone the property.

In this letter, I will address Criterion 4: it is unacceptable to not have had the Environmental Impact Study and Drainage Study done prior to a rezone. The proposed plan may result in significant adverse impacts upon the natural environment, including air, water, noise, wildlife, and vegetation.

I have lived across Croke Canal from Howard Ranch for 26 years. This area is a quiet natural environment, near Hyatt Lake, with clear air and an abundance of wildlife, including foxes, coyotes, deer; waterfowl including ducks, geese, blue heron, black-crowned night heron, egrets, American pelicans, cormorants; many birds including chickadees, red-winged blackbirds, warblers, robins, magpies, bluejays, and the much less common great horned owls. These animals and birds depend on the quiet, undisturbed environment, clean water, plants, and TREES for their survival.

In addition, trees are very important in the urban and suburban environment for cooling, oxygen production, and carbon sequestration. I would hate to see most, if not all, of the mature trees that have been growing for many years on the Howard Ranch property cut down in order to squeeze in 58 housing units.

Thank you for your attention to these serious concerns.

Sincerely,

Martha Johns
6179 Holman Ct.
Arvada, CO 80004

██████████

████████████████████

The intended land use for which the rezoning is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated; and **This is the second criteria not being met. Not having the EIS and Drainage Study done prior to a rezone are unacceptable.**

have problems with access via one single roadway. In addition, construction and maintenance vehicles will have this same problem.

The most concerning and dangerous issue of all is that FIRE, POLICE, and AMBULANCE vehicles will not have adequate access to the area! And should, God forbid, there be a wildfire, as we know all too well can happen, a single road access would be totally inadequate as an EVACUATION route and an access for FIRE and EMERGENCY vehicles.

Thank you for your attention to these serious concerns.

Sincerely,

Martha B. Johns
6179 Holman Ct.
Arvada 80004

██████████

████████████████████

March 22, 2022

Arvada Planning Commission

Dear Commission Members:

This letter is to register my opposition to the current proposed plan by the developer for the Howard Ranch. The developer is not meeting all five criteria necessary in order to rezone the property.

In this letter, I will address Criterion 5: the current proposal for rezoning is not consistent with the character of existing development on adjacent and nearby properties. The proposed plan shows 58 housing units on a small parcel of land (less than 12 acres). The houses would be much closer together, with smaller yards and less space between houses than those in Wildflower Ponds across the Croke Canal, in Candlelight, Wyndham Park, or other areas to the west near McIntyre.

In addition, there is no indication on the plans that I can see of measures to be taken to substantially buffer or mitigate any negative effects on neighbors or the physical environment.

Thank you for your attention to these concerns.

Sincerely,

Martha Johns
6179 Holman Ct.
Arvada, CO 80004

██████████

████████████████████

Dear Mr. Nitchals,

I writing to you as a resident and homeowner within the Wildflower Ponds neighborhood. As a public safety professional with over 20yrs in first response and emergency management I have concerns about the Howard Ranch rezoning project. The addition of 71 homes without any changes to the infrastructure will lengthen the amount of time needed to evacuate this community in the event of a disaster and this delay has the potential to cost the lives of both the future homeowners and current residents in wildflower ponds. Our development has approx 105 single family homes within it. This project in its current form will raise the total number of homes in this area to approx 176 with no change to our current infrastructure. We only have 2 major points of ingress/egress to the neighborhood and only one point of egress allows for left turn toward hwy 93. In addition, daily traffic patterns are all ready congested during drop off and pick up at the local KinderCare facility on W 63rd place adjacent to the Howard Ranch. This addition of 71 homes will clog our already congested roads making traffic more and more difficult, and considering our road almost never has snow removal by the city this will lead to dangerous and potential deadly collisions during the winter months between to a childcare center and body of water.

Secondly, the current design of the proposal shows storm water detention being piped over or under the Croate canal and being dumped into the Hyatt Lake. After the Boulder floods in2013 I feel it is unwise to allow any developer to build anything that might undermine an earthen irrigation canal and subsequently hinder or alter water movement during a high water event. The risk of catastrophic flooding to these neighborhoods will become very high is this project is approved in its current form. Moreover, the storm water that is being detained has plans to be dumped into Hyatt Lake, which is used by the City of Arvada to water various city fields and parks. The city of Arvada is a share holder in Hyatt lake and has a duty to protect the water from contamination. In addition, this lake has an large and diverse ecosystem with a multitude of wildlife ranging from fish, deer, coyote, and the occasional bear and moose that wander out of the foothills. Contamination of this water with storm run off has have the potential to destroy this ecosystem and sicken anyone who swims in the lake or citizens who use the City of Arvada facilities which is irrigated with this water.

I am requesting that they city deny this project in its current form and request the builder work within the current zoning regulation and only develop one house per acre and maintain their storm water run off without contaminating Hyatt Lake or undermining the Croate Canal.

Thank you

Micah Braslawsky, NRP, MS.

Firefighter/Paramedic
6239 Holman Court
Arvada, 80004
[REDACTED]

March 7, 2022

City of Arvada Planning Commission
8101 Ralston Road
Arvada, CO. 80001

RE: Public Safety Concerns – Proposed Howard Ranch Rezone & Development

Planning Commission Members:

We are homeowners and residents of The Lakes at Westwoods HOA. Our community is located east of McIntyre Street at 63rd Avenue. We are writing to express public safety concerns relating to the proposed Howard Ranch Subdivision. The proposed rezone from RA to R6, and the associated development submittal, detail a community with approximately 70 dwellings on 12 acres of land. The development is being proposed with a single point of access. This limited access would need to accommodate any/all emergency equipment movement. Similarly, all private vehicle routing would go thru the single access point in the event of fire or other condition necessitating community evacuation. The Arvada Fire Marshal Development Guidelines, and Arvada Land Development Code, both state that two points of access are required for all subdivisions. The Arvada Fire Marshal's Guidelines specifically state, any single-family or two-family residential development with more than 30 dwellings is to have two points of access.


The Howard Ranch Subdivision, as proposed, includes interior fire sprinklers for all dwellings. We understand fire sprinklers are being proposed as an option to a second point of access. We find no reference to dwelling fire sprinklers as an alternative to required points of access in the Land Development Code. As explained to us by the Arvada Fire Marshal dwelling fire sprinklers provide defense against fire that originates inside the dwelling. Fire that originates outside the dwelling, potentially outside the community, will not be limited or contained by interior fire sprinkler systems.

Additionally, the Howard Ranch application includes no evacuation planning, vehicle routing or police and fire apparatus considerations in the event of fire or other emergency.

Given recent catastrophic fires, we have all become highly sensitized to fire risk. West Arvada is above average risk for catastrophic fire. Recently, winds as high as 100 mph have been recorded. Winds exceeding 70 mph are not infrequent. With conditions often conducive to catastrophic wild-fire, development allowances resulting in a reduced standard for public safety should be prohibited. Increased public safety risk in one community is increased public safety risk for many communities.

We ask the Arvada Planning Commission to deny the Howard Ranch Rezone and Development application because of non-compliance with subdivision access requirements as outlined in the Arvada Land Development Code and Arvada Fire Marshal's Development Guidelines.

Thank you,

Robert & Tracy Olson
15034 W. 63rd Avenue
Arvada, CO. 80403




CED Boards and Commission <cedboardsandcommission@arvada.org>

Howard Ranch development

1 message

RICHARD KUBERSKI [REDACTED]

Tue, Mar 22, 2022 at 2:01 PM

To: "cedboardsandcommission@arvada.org" <cedboardsandcommission@arvada.org>, WFP POA <wfppoa@gmail.com>

Greetings,

As a resident of Wild Flower Ponds, I want to share some concerns about this proposed development.

First of all, I am amazed that such a large number of residences would be placed at the end of a single dead end point of access. All of this traffic would be directed through or adjacent to the WFP points of access. This would be a very significant increase traffic and a potentially unsafe situation. I believe that this is in violation of the current code. I would also strongly oppose any variance that may be requested.

Should this development be approved in some altered form, I would propose that an additional access point be made from their south west corner going directly to the west. I doubt that that development wants added traffic either, but at least this would minimize the volume of traffic going through WFP.

At rush hour, I envision more than 100 cars coming out of this development trying to access W. 64th through a stop sign controlled Tee intersection with only a right out (east) movement on W. 64th, or over to Gardenia St. where there is a full movement signalized intersection with very short green light timing.

I will oppose any variance that this developer may request.

Richard Kuberski
[6359 Holman Ct.](#)
Arvada, Co. 80004

March 8, 2022

Arvada Planning Commission
8101 Ralston Road
Arvada, CO. 80001

RE: Opposition to Howard Ranch Rezone Application & Development Proposal

Planning Commission Members:

My name is Robert Olson. My wife and I are residents of The Lakes at Westwoods HOA and reside at 15034 W. 63rd Avenue. We oppose the Howard Ranch Rezone Application and Development Proposal as it does not comply with Rezone Approval Criteria point #4 from The City of Arvada Land Development Code section 8-3-4-2.

4. The intended land use for which the rezoning is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated; and

The application, if approved, will result in significant adverse impact to the natural environment, wildlife and other features of the property. Based on the applicant's tree study, the applicant intends to destroy 219 of the 272 trees inventoried on the site – 80% ... with the option to remove the remaining 53 trees. The tree removal plan is not based on tree species, sustainability or poor health – as stated. Total tree removal is necessary to accommodate the 69 dwelling units, streets, sidewalks and all other infrastructure proposed for the development. Given the proposed density and design, there is no room to preserve existing trees.

TREE MITIGATION SUMMARY

RECOMMENDATION	# OF TREES	SIZE (DIAMETER INCHES)	MITIGATION INCHES	MITIGATION VALUE
TREES TO BE PRESERVED AND/OR REPLACED	53	448	143	\$85,821
TREES REMOVED DUE TO SPECIES, SUSTAINABILITY, OR POOR HEALTH	219	2084	443.4	\$266,050
TOTAL	272	2532	586.4	\$351,871

The complete destruction of trees on site is also a violation of requirement A in the Tree Removal and Replacement section of the Land Development Code – 4-6-2-2.

4-6-2-2 Tree Removal and Replacement

- A. **Generally.** Existing healthy trees shall be incorporated into new developments to the maximum extent feasible.

There are many desirable species of trees in healthy condition including – Ponderosa Pine, Spruce, Austrian Pine, Linden, Green Ash and more. The existing trees provide numerous benefits including ground temperature cooling, wildlife habitat/nesting conditions, seasonal color/visual appeal, screening and natural beauty.

The Arvada Land Development Code stipulates rezone and development approaches that preserve and incorporate natural features into developments. The proposed Howard Ranch Development does not achieve this. There are decades old mature trees on site, many of which could be preserved and incorporated into a lower density development. The benefits of a more preservation minded approach would be realized by would-be owners and neighboring community members alike. We are asking the Arvada Planning Commission to deny the Howard Ranch Application because it fails to comply with stipulations that require a level of tree and other natural feature preservation.

Thank you,

Robert & Tracy Olson
15034 W. 63rd Avenue
Avada, CO. 80403
[REDACTED]

March 22, 2022

City of Arvada Planning Commission
8101 Ralston Road
Arvada, CO. 80001

RE: Opposition to Howard Ranch Rezone Application – Rezone Approval Criteria #4 not met

Dear Planning Commission Members:

My wife and I are residents of The Lakes at Westwoods Homeowner’s Association. We reside at 15034 W. 63rd Avenue. We oppose the Howard Ranch Rezone application as it fails to include environmental impact assessment.

The applicant stated ...“*Environmental impacts are being researched by professional consultants.*” This statement was included in a response to a question raised at the first neighborhood meeting held July 29th at APEX. We find no statements from environmental impact professionals or consultants in the rezone application. Criteria #4 of the rezone approval criteria requires the applicant to prevent adverse environmental impact, or substantially mitigate any such impact.

4. The intended land use for which the rezoning is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated; and

Applicant Finding: No significant adverse impacts will be caused by this development. If a significant adverse impact is revealed as part of the site plan and subdivision process will be mitigated per City of Arvada standards.

The degree of impact should be based on the findings & recommendations of credentialed professionals. At a minimum, an assessment and written comment from Colorado Parks & Wildlife should be required. Colorado Parks & Wildlife recently submitted a 2-page comment to Jefferson County on wildlife and habitat considerations related to the proposed Avilla Community Development at 54th & McIntyre. The same should be required for Howard Ranch and other proposed rezoning and development within the City of Arvada. The applicant should not be the finding authority on environmental impact associated with their proposal. We ask that you deny the rezone application as it fails to include any environmental impact review from a credentialed professional or organization.

Thank you,

Robert & Tracy Olson
15034 W. 63rd Avenue
Arvada, CO. 80403

[REDACTED]

[REDACTED]



CED Boards and Commission <cedboardsandcommission@arvada.org>

Regarding DA2021-0097 and meeting of April 5 2022

1 message

Linda Sorau [REDACTED]

Sun, Mar 20, 2022 at 10:58 AM

To: CED Boards [REDACTED] andcommission@arvada.org>

Cc: Chris Sorau [REDACTED]

Dear Planning Commission Members,

Please find attached a letter regarding concerns about the D2021-0097 rezoning request. One version is a Word->PDF version, the other has been printed, signed, and put into PDF format. I am not sure which version is best for your needs so I have attached both versions.

Sincerely,

Linda Sorauf

[REDACTED] t

2 attachments

 **Arvada Planning - road - from Word.pdf**
219K

 **Arvada Planning - road - signed.pdf**
2823K

Arvada Planning Commission

8101 Ralston Rd

Arvada, CO 80001

March 19, 2022

Dear Members of the Arvada Planning Commission,

We are homeowners in Arvada in the Wildflower Ponds subdivision. We are strongly opposed to rezoning the ranch property (DA2021-0097) that is to the west of our subdivision. The rezone is to significantly increase the number of residences to 70 homes.

The access road for the ranch property has only one outlet. And that one outlet is to the small W 63rd Place road. That road is the one and only outlet for the Wildflower Ponds subdivision. Adding an additional 70 homes will overwhelm W 63rd Place traffic and significantly add to the congestion, noise, and hazards of the small W 63rd Place road.

In addition if the rezone were to occur, that would mean only one access road to the new homes that then connects to W 63rd Place for all of the new 70 residences. This would create an awful situation should there ever be an evacuation emergency. With the current residential load of W 63rd Place, we are already in a very constrained evacuation situation should we all have to evacuate immediately. Adding an additional 70 residences could really bottleneck and block the limited evacuation route.

Regardless of the zoning considerations, there should be strong consideration for there to be two access points to the ranch property. A second access to the west of the property would increase the safety for all of us.

Sincerely,

Chris and Linda Sorauf

6127 Holman Street

Arvada, CO 80004

Arvada Planning Commission

8101 Ralston Rd

Arvada, CO 80001

March 19, 2022

Dear Members of the Arvada Planning Commission,

We are homeowners in Arvada in the Wildflower Ponds subdivision. We are strongly opposed to rezoning the ranch property (DA2021-0097) that is to the west of our subdivision. The rezone is to significantly increase the number of residences to 70 homes.

The access road for the ranch property has only one outlet. And that one outlet is to the small W 63rd Place road. That road is the one and only outlet for the Wildflower Ponds subdivision. Adding an additional 70 homes will overwhelm W 63rd Place traffic and significantly add to the congestion, noise, and hazards of the small W 63rd Place road.

In addition if the rezone were to occur, that would mean only one access road to the new homes that then connects to W 63rd Place for all of the new 70 residences. This would create an awful situation should there ever be an evacuation emergency. With the current residential load of W 63rd Place, we are already in a very constrained evacuation situation should we all have to evacuate immediately. Adding an additional 70 residences could really bottleneck and block the limited evacuation route.

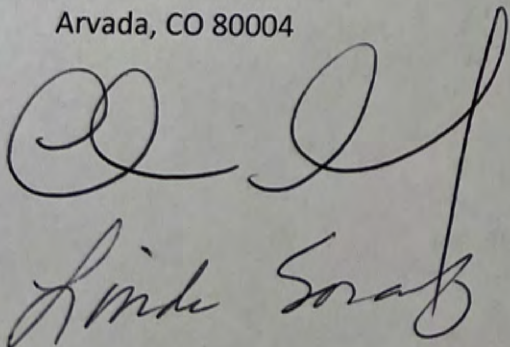
Regardless of the zoning considerations, there should be strong consideration for there to be two access points to the ranch property. A second access to the west of the property would increase the safety for all of us.

Sincerely,

Chris and Linda Sorauf

6127 Holman Street

Arvada, CO 80004



Linda Sorauf



CED Boards and Commission <cedboardsandcommission@arvada.org>

Rezone request for land near 64th and Indiana - concern about EIS

1 message

Linda Sorau [REDACTED]
To: CED Boards and Commission <cedboardsandcommission@arvada.org>

Sun, Mar 20, 2022 at 11:03 AM

Dear Planning Commission Members,

Please find attached a letter regarding concerns about the D2021-0097 rezoning request. One version is a Word->PDF version, the other has been printed, signed, and put into PDF format. Please use the format that best suits your needs.

Sincerely,

Linda Sorauf
[REDACTED] nt
[REDACTED]

2 attachments

 **Arvada Planning - EIS - from Word.pdf**
218K

 **Arvada Planning - EIS - signed.pdf**
2608K

Arvada, CO 80001

March 19, 2022

Dear Members of the Arvada Planning Commission,

We are homeowners in Arvada in the Wildflower Ponds subdivision. We are strongly opposed to rezoning the ranch property (DA2021-0097) that is to the west of our subdivision. The rezone is to significantly increase the number of residences to 70 homes.

The ranch property in question is bordered on the south and east by a lake, wetlands area, and a canal; and by commercial property to the west and a major road (64th Avenue) to the north. The lake, wetlands, and canal are home to a lot of wildlife, including mammals, birds, and fish. There must be an environmental study (EIS) and drainage study done to determine if the area can support 70 new residences before a rezoning can be considered.

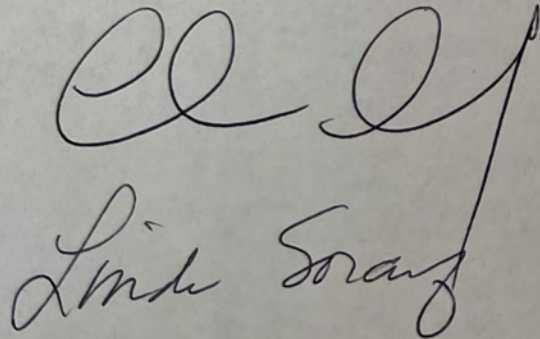
Please consider requiring an EIS and drainage study before considering rezoning to allow 70 more residences into this area.

Sincerely,

Chris and Linda Sorauf

6127 Holman Street

Arvada, CO 80004

A handwritten signature in black ink, appearing to read "Linda Sorauf". The signature is written in a cursive style with a long, thin tail extending upwards and to the right.

Arvada Planning Commission

8101 Ralston Rd

Arvada, CO 80001

March 19, 2022

Dear Members of the Arvada Planning Commission,

We are homeowners in Arvada in the Wildflower Ponds subdivision. We are strongly opposed to rezoning the ranch property (DA2021-0097) that is to the west of our subdivision. The rezone is to significantly increase the number of residences to 70 homes.

The ranch property in question is bordered on the south and east by a lake, wetlands area, and a canal; and by commercial property to the west and a major road (64th Avenue) to the north. The lake, wetlands, and canal are home to a lot of wildlife, including mammals, birds, and fish. There must be an environmental study (EIS) and drainage study done to determine if the area can support 70 new residences before a rezoning can be considered.

Please consider requiring an EIS and drainage study before considering rezoning to allow 70 more residences into this area.

Sincerely,

Chris and Linda Sorauf

6127 Holman Street

Arvada, CO 80004

March 27, 2022

Arvada Planning Commission
8101 Ralston Road
Arvada, CO 80001

Dear Arvada Planning Commission:

I am writing to express my **opposition** to the Howard Ranch Development and to the rezoning of the property that is under consideration. I feel the proposed rezone does not meet the following requirement in the Land Development Code.

The criteria not being met is Criteria #4, which states:

The intended land use for which the rezoning is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated;

To date, a drainage study has not been conducted. I live adjacent to the property and there is currently drainage onto my property from the Howard Ranch property. The drainage will be diverted elsewhere which could adversely affect the trees on my property that need the water for survival as well as retaining walls that we have that could fail due to increased waterflow. In addition, will drainage go into any of the canals that border the property? How can we know without the appropriate study being conducted.

Respectfully,



Ted Swenson

March 27, 2022

Arvada Planning Commission
8101 Ralston Road
Arvada, CO 80001

Dear Arvada Planning Commission:

I am writing to express my **opposition** to the Howard Ranch Development and to the rezoning of the property that is under consideration. I feel the proposed rezone does not meet the following requirement in the Land Development Code.

The criteria not being met is Criteria #3, which states:

“Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will, prior to development, be available to serve the subject property while maintaining adequate levels of service to existing development”.

From a Roads and Transportation viewpoint, there is only one access point to the entire 13.11 acre development. This is a safety concern, especially in light of the recent wildfires that have occurred in the Denver Metro area. In addition, the Cluster Homes are only accessible through a private alley and have no right of way access. Traffic congestion will be a significant problem during high traffic times for this development and adjacent developments. Finally, the availability of public transit is very low which increases the likelihood of a high number of vehicles trying to access and leave the development. The Police and Fire Protection issue is also a concern as the developer is proposing a sprinkler to mitigate the lack of required exits. This does not work if there is any fire from a source outside the home such as a wildfire. The Denver Metro area has now experienced two major wildfires within the last 3+ months. An approval of this rezoning would be putting hundreds of lives at risk.

Respectfully,


Ted Swenson

March 27, 2022

Arvada Planning Commission
8101 Ralston Road
Arvada, CO 80001

Dear Arvada Planning Commission:

I am writing to express my **opposition** to the Howard Ranch Development and to the rezoning of the property that is under consideration. I feel the proposed rezone does not meet the following requirement in the Land Development Code.

The criteria not being met is Criteria #5, which states:

The rezoning is consistent with the character of existing or planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any negative impacts.

The rezoning is not consistent with the adjacent communities. Neither the Lakes at Westwoods or Wildflower Ponds has Cluster Homes or duplexes in them. In addition, the average lot size in both developments is significantly larger (roughly 2-3 times larger) than what is being proposed in Howard Ranch development. Finally, the developer has not provided any renderings or price points for the development, as they promised to do at our initial community meeting in August of 2021. Therefore, consistency with the surrounding neighborhoods cannot be determined and thus does not meet the criteria for approval.

Respectfully,


Ted Swenson



Opposition to rezoning Howard Ranch

1 message

emily tha [REDACTED]

To: cedboardsandcommission@arvada.org

Fri, Mar 11, 2022 at 8:40 AM

January 11, 2022

David Jones
Arvada Mayor Protem
Council Member District 4

Dear David,

As a homeowner in District 4, I am writing to gain your support to help reduce the density of the proposed re-zoning of 14760 W. 64th Avenue, commonly known as Howard Farm.

I moved to Arvada from the city of Denver in 1994. We are proud to live in such a great city and have chosen to make this our long term home with our family. Since moving here, as you know, West Arvada has grown exponentially, in my opinion, not always with the best intentions. Like many homeowners, we feel that the continued development of only homes with no additional infrastructure such as schools, grocery stores, and restaurants is putting a huge burden on west Arvada and does not benefit the community.

Howard Ranch is a 12 acre parcel that is situated behind my house. As a Realtor, we always knew that it would be developed. I am pro development as it's part of my industry. The land was sold in 2021 to a development group from the city of Denver that has no known background building in Arvada. They are proposing to put 72 units on this land with a zoning change to R-6. This would include single family homes, duplexes, and cluster homes that have 4 units and no garage. I understand that from the Arvada Comprehensive Plan that this acceptable zoning.

There are quite a few factors at play with this re-zone that are incredibly detrimental to the land and surrounding neighborhoods, especially with all of the re-zoning that is in progress along McIntyre.

Here are the concerns that the surrounding communities, Lakes at Westwoods and Wildflower Ponds have:

1. The proposed subdivision is not consistent with the surrounding neighborhoods. For example, my lot is 15,724 square feet and the proposed homes behind me sit on lots of 7,000 square feet or less. They are also wanting to build cluster homes with no garage and on street parking. Neither of these surrounding neighborhoods have duplex or cluster homes in them. They are all single family.
2. It was said at a neighborhood meeting last summer that the city is giving them a variance to only have 1 entrance into and out of the neighborhood for 72 homes. Their suggestion is to have fire suppression systems in the home. In light of the Marshall Fire, I have grave concerns about the safety and well being of my home and the homes around me. Comments around this are as follows:
 1. Most likely they will install a dry pipe system that is dry within in the walls and only activates when a fire is inside the home. If a fire starts on the outside of the home, it most likely will be too late. They are NOT designed in anyway to protect against wildfire or land fires.
 2. Many insurance companies do not require proof that these systems have been inspected yearly as required. Since they are residential dwellings, it's very unlikely that homeowners will bother with yearly inspections.
 3. Lakes at Westwoods owners have serious public safety concerns with any possibility of this development moving forward with a single point of access. Arvada Fire Marshal's Site Development Guidelines state two points of access are required for any single or two-family development exceeding 30

dwellings. The City of Arvada Land Development Code also states two points of vehicular access are required for subdivisions.

3. Traffic: This proposed subdivision can only make a right hand turn onto 64th Ave. This means that every single car in that neighborhood that needs to go left must drive through the Wildflower Ponds neighborhood to get to the stoplight at Gardenia in order to make a left hand turn. Wildflower Ponds is not designed to take on a traffic load of that magnitude.

4. Environmental: I know that many of my neighbors are disappointed that the seller sold the water rights from Broad Lake Park to a separate entity. This has become a huge problem as the lake is stagnant and there is bacteria growing in it. This is killing the fish in the lake and could have incredibly harmful consequences for the people that live in Lakes at Westwoods. The second issue that impacts our neighborhood is the certain fact that the wildlife that has lived on this land for years will be left homeless. I know that this is generally not a factor, but we have Great Horned Owls, Fox, Bobcat, Coyote, Bald Eagles, Blue Heron, Red Tailed Hawks, and various other birds and animals that call this land home. All will be forced to move, but to where?

In addition to the above arguments, I have taken quite a bit of time researching the data around what home buyers of 2022 want and need along with the sales stats for West Arvada. This data clearly supports the fact that we do not need more cluster homes or duplexes. Please take a moment to read through this as I believe this is also a very compelling reason the property should only have single family homes.

- National Association of Realtors (NAR) Data:

-
- 81% of Homebuyers want single family
- Only 7% want a townhome, condo, or row home
- 83% want an Energy Efficient or Smart Home
- Nationally the average home size is 1900 square feet with 3 beds/3 baths, built in 1993

- Arvada Sales Stats For the Past 12 Months:

-
- 2,283 properties sold were single family homes
- 681 properties sold were condo, townhome, or row home
- Median Closed Price for West Arvada (Ward-Hwy 93, I-70-72nd): \$755,000
- There are currently 806 new condos, townhomes being built, but yet only 681 sold in past year.

- Arvada Demographic Supplement 2019 from Arvada.org:

-
- West Arvada has seen 12.9% growth
- Low growth in Eastern and Central Arvada
- 38% of population is 50 years or older and will continue to increase
- Compared to Peer Cities, Arvada ranks as city with largest population of seniors over age 65
- 65.5% of the households in Arvada are Family Households
- Median Family Household income is \$99,993
- The location of Howard Ranch in Arvada, the median household income is \$137,191-\$164,464
- People in Arvada depend on their cars to get around. 81.6% drive to work (pre-pandemic)

- Other facts to consider that are not being addressed include:

-
- Post Pandemic, 40% of U.S. population now works from home (Census Bureau)
- Due to COVID, the average Home Buyer is now looking for the following when considering a home in the Denver Metro Area:
 - Bigger Homes
 - Multiple Studies or Work From Home Space
 - Kid Play Spaces

- They Want Space from Neighbors, so Expansive Yards
- Unfettered Access to Nature

- According to Data from NAR, Home Buyers want the following:
-
- Larger homes with open floor plans
- Walk in Pantry
- Energy Efficiency and Smart Homes
- Laundry Rooms, not closets
- Large Patio and Outdoor Space
- Garage and Storage...*85% of buyers are demanding this*
- Multi-Generational Living

-

I appreciate your time and consideration regarding this development. I understand that development will happen. It needs to be done with thoughtfulness for the land, the surrounding subdivisions, and with care regarding fire protection. I look forward to hearing from you.

Sincerely,

Emily Than

6239 Holman Court [REDACTED]

3/22/2022

City of Arvada
Arvada, CO 80002

Dear :

I am writing you because I have some big concerns about the proposed Howard Ranch development. I live in the Wildflower Ponds neighborhood and already the little street that runs off 64th Ave and connects the streets of our neighborhood and the Kindercare parking lot is already very busy. If the proposed neighborhood goes in place as they desire right now with over 70 homes and only one entrance/exit I cannot even imagine how congested that small road will become. The entrance to that road from 64th immediately after the intersection of Indiana is presently a hazard as so many drivers do not know it exists and often when I turn onto it after turning east off Indiana I am nearly rear ended by the other drivers turning east (even when my blinker is on). If there will be 70-180 more cars making this turn the signage will need to be changed to keep accidents from happening regularly.

The turn into this road off 64th farther east is also a hazard (I believe the street may be called Gardenia at the intersection) as there is no turn signal and again I have had many near misses at this intersection. If the traffic onto this tiny street will be doubling or more then this intersection will need modification.

As the mother of two young children I was also incredibly disappointed to hear from the city representative at the meetings that you believe that our neighborhood is "already over served in the way of parks". This is simply not the case. There is not a park that has a playground any closer than 2 miles to our neighborhood. And if you try to walk to the two closest (which I have) there are not sidewalks in several places on 64th which makes it dangerous and scary with small children. If this area will be housing many more families and children then there needs to be a park with a playground closer and there need to be sidewalks lining all of 64th.

As our home backs up to the irrigation ditch that separates Wildflower Ponds and Howard Ranch I am beyond opposed to having that land developed with homes that do not match the homes in the surrounding neighborhoods. 72 homes is far too much for this piece of property. Please do not allow the greed of RedT and Baseline Corp to develop every last inch of this property to prevail. This is a really lovely piece of property with large old trees (that I've often seen bald eagles and great horn owls in) and tons of wildlife. Though I regret that the property was not bought by someone wishing to keep it as a single family home property I am not ignorant enough to not see the financial potential it holds as being developed. I just believe that it does not serve Arvada or this end of town to allow homes to be packed in in the way they have proposed. I am also concerned that their plans not to run gas into the neighborhood and have so many homes with no garages will result in the neighborhood being a transient place for many people and not a neighborhood in which people want to stay and grow their lives and families. This prevents establishment of a good community. If a neighborhood is going to obscure our amazing view of Table Mountain and make our little entrance street more dangerous and congested then I at least would prefer that it be a neighborhood that matches its surroundings and where we can establish good ties with the residents, not watch a revolving door of people come and go.

I ask that you please take the time to drive to the property, take note of the entrance roads and their hazards and challenges for the current neighborhood. Please drive around the surrounding neighborhoods and see for yourself that the proposed plans do not match this area. Ask yourself if you would want to live in a neighborhood without gas access (so no gas appliances, no gas fire pit or grill) and no solar panels. Would you want to live in a neighborhood where a large portion of your neighbors don't have a garage or even a viable street parking spot in front of their home. So you end up fighting for parking in your nice little suburban neighborhood. What if you had a young family and you had no yard to speak of (as many of these homes will) and there wasn't a park within walking distance? Is that the kind of neighborhood you would want to stay in very long? I wouldn't. When considering rezoning this property please think about these things and do not allow 72 homes. Please, I beg you consider something more in the area of 30 homes.

Thank you for your time.

Vernon Stellman
15054 W 63rd Ave
Arvada, CO 80403

March 22, 2022

Reference: Howard Ranch Development and Proposed Re-zoning

Arvada Planning Commission
8101 Ralston Rd
Arvada CO 80001

Dear Planning Commission members:

My wife and I own a home in Arvada adjacent to the proposed Howard Ranch Development. After reviewing the documents submitted by the developer, I have well-founded concerns and objections to their proposed plan as it pertains to the Arvada City Code approval criteria quoted below.

"8-3-4-2. – Approval criteria.

A. *Generally*. Rezoning may be approved if the City Council finds that either the rezoning corrects a technical mistake or the rezoning meets all of the following Approval Criteria:

3. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will, prior to development, be available to serve the subject property while maintaining adequate levels of service to existing development;"

After studying the drawings of the proposed development, I believe having only a single point of ingress and egress for this development is a major concern, and presents a risk to the home owners in the surrounding homes, as well as the children attending the West Woods Kindercare facility, which is located on 63rd Place near the proposed building site. Traffic attempting to evacuate the planned development only has two options: 1) turn right onto 64th Avenue, or 2) drive a considerable distance to the east through an adjacent neighborhood to Gardenia Street near West Woods Kindercare, in order to make a left turn onto 64th Avenue. If a dangerous situation was located in such a way as to make it inadvisable or unsafe to travel to the east, either on 64th Avenue or on 63rd Place, then there would be no viable evacuation route. In my opinion, the very large number of planned homes in the development make this a major concern. In the event of a significant emergency requiring evacuation of the neighborhood, e.g., a fire such as the Marshall Fire in December 2021 or a natural gas leak, a situation could quickly arise that would result in a life threatening safety issue, jeopardizing lives of the residents, as well as the children in the childcare facility. I am also concerned about impact this large concentration of new homes will have on other nearby facilities, utilities and services, including sewage and waste disposal, water, gas, electricity, police, and emergency medical services. I hope that the board will give significant weight to these issues when deliberating the developer's proposed re-zoning requests.

Thank you for your consideration of these matters, and for your service to your constituents. I respectfully ask you to reject the proposed zoning change.

Best regards,



Vernon Stellman

Vernon Stellman
15054 W 63rd Ave
Arvada, CO 80403

March 22, 2022

Reference: Howard Ranch Development and Proposed Re-zoning

Arvada Planning Commission
8101 Ralston Rd
Arvada CO 80001

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Best regards,



Vernon Stellman

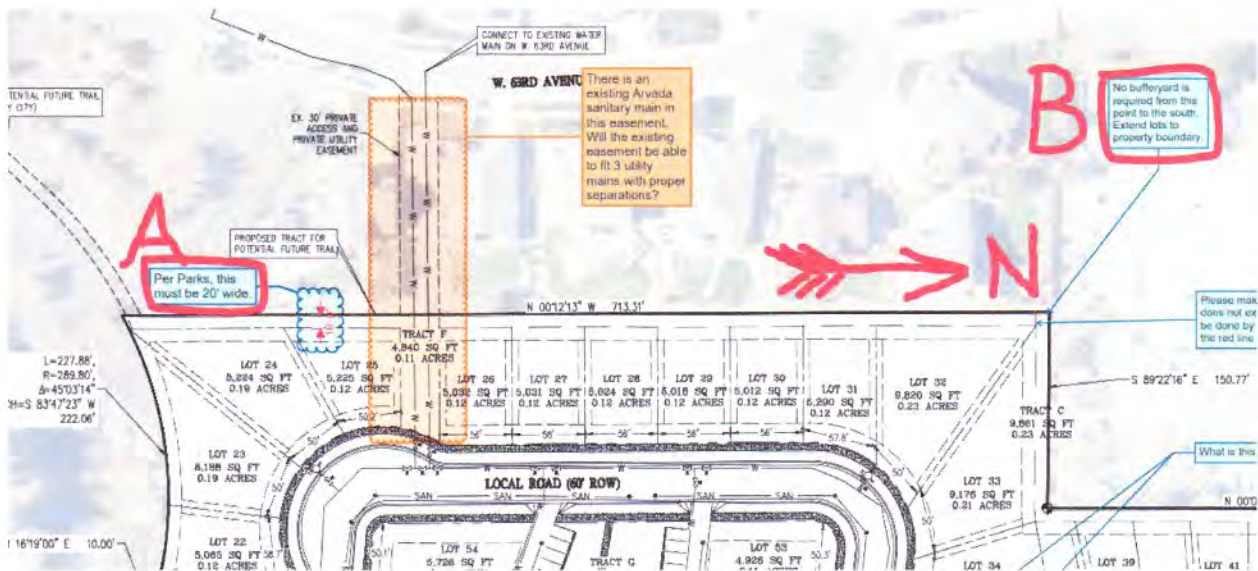
Vernon Stellman
15054 W 63rd Ave
Arvada, CO 80403

March 22, 2022

Reference: Howard Ranch Development and Proposed Re-zoning, Project DA2021-0097
Arvada Planning Commission
8101 Ralston Rd
Arvada CO 80001

Dear Planning Commission members:

Recently, I have been examining the second staff review of project DA2021-0097, Howard Ranch Rezone Community and Economic Development Application Review, and I see two notes that do not appear consistent to me. I've taken a snippet from the plan and inserted it below. The note I've designated by the letter "A" says "Per Parks, this must be 20' wide" (referring to the buffer yard). The note I've designated by letter "B" says "No bufferyard is required from this point to the south. Extend lots to property boundary." I've also indicated with an arrow which direction is north. Note "B" would indicate that no buffer yard is required along the line separating the proposed Howard Ranch development and the existing Lakes at Westwoods development. Note "A" seems to indicate that there does indeed need to be a buffer yard, and that it needs to be 20' wide instead of the proposed 10' width.



As an owner of a home in Lakes at Westwoods that adjoins this line, I am sure this property will be developed in some manner, but I'm greatly concerned about the proposed significant increase in home density, and I certainly want as wide of a buffer as possible between the two developments. I also hope that a substantial privacy fence, as well as significant landscape plantings and a tree buffer to separate the two developments will be required as part of any development plans that are eventually approved by the Commission.

I object to the proposal to rezone this property for a higher density development, based on noncompliance with Arvada Code of Ordinances 8-3-4-2 Approval Criteria, Paragraph A, subparagraph 5, and for other reasons previously communicated to the Commission. I respectfully ask the Commission to reject the proposed zoning change. Thank you for your consideration of these matters, and for your service to your constituents.

Best regards,

Vernon Stellman

Vernon Stellman



CED Boards and Commission <cedboardsandcommission@arvada.org>

Howard Ranch development

3 messages

WFP POA [REDACTED] >

Tue, Mar 22, 2022 at 9:45 PM

To: cedboardsandcommission@arvada.org

Cc: rmoorman@arvada.org, Lauren Simpson <lsimpson@arvada.org>, John Marriott <jmarriott@arvada.org>, David Jones <djones@arvada.org>, lsmith@arvada.or, Bob Fifer <bfifer@arvada.org>

Hello,

I am the President of the Wildflower Ponds Property Owners' Association and a resident of Wildflower Ponds located near 64th & Gardenia in west Arvada.

I understand there is an application underway to create a development just west of the canal in our neighborhood.

I would like to enter my comments in opposition to this development.

We feel the city does not demonstrate adequate "facilities" to allow for the rezoning for this development.

With only one access road, there would be at least 72 extra cars traveling our small street (W 63rd Place). The traffic would severely congest our neighborhood, as there is only the one street which would handle all the traffic.

There is also a safety issue for the families attempting to get into and out of the Kindercare located near 64th & Gardenia.

Increased traffic along W 63rd PI would endanger families traveling from parking near the pond on the south side trying to get across the street.

Also, the traffic signal at 64th & Gardenia is not capable of handling this level of traffic. This would be especially true in the event evacuation of this development would be needed, in emergencies such as the recent Marshall fire.

Further, the condition of W 63rd PI is currently degraded and in a state of disrepair, with projected resurfacing still out 2 years, according to city staff.

The increased traffic would only further degrade this street.

Please advise if we need to bring printed material to the April 5 meeting or if you can accommodate electronic media so we can more accurately demonstrate the traffic congestion this would create.

Thank you,
Anne Schweitzer

David Jones [REDACTED] >

Wed, Mar 23, 2022 at 7:52 AM

To: WFP POA [REDACTED] >, "cedboardsandcommission@arvada.org" <cedboardsandcommission@arvada.org>, Mark Deven <mdeven@arvada.org>, Kristen Rush <kristen@arvada.org>

Cc: "rmoorman@arvada.org" <rmoorman@arvada.org>, Lauren Simpson <lsimpson@arvada.org>, John Marriott <jmarriott@arvada.org>, "lsmith@arvada.or" <lsmith@arvada.or>, Bob Fifer <bfifer@arvada.org>, Marc Williams <mwilliams@arvada.org>

Good morning!

Thank you for reaching out on this development application. I added a few others to this response to ensure your comments were entered into the record.

As this matter will potentially come to the City Council for a quasi-judicial hearing, it would be improper for Councilmembers to comment on this matter at this time. If we have that hearing, it is important that we consider all of the evidence, including emails such as yours, the applicant's presentation, staff report, and public testimony before we voice our opinions and vote on our decision.

You are more than welcome to reach out to the city team if you have questions. I have copied our city Manager, Mark Deven, so he can direct your questions to the right team.

Thank you,



David Jones

Mayor Pro Tem | City of Arvada


e: djones@arvada.org

w: www.arvada.org
8101 Ralston Road, Arvada, CO 80001

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YouTube: www.youtube.com/user/cityofarvada

[Quoted text hidden]

Josie Suk <jsuk@arvada.org>
To: CED Boards and Commission <cedboardsandcommission@arvada.org>

Wed, Mar 23, 2022 at 9:28 AM

----- Forwarded message -----
From: **Kristen Rush** <kristen@arvada.org>
Date: Wed, Mar 23, 2022 at 8:36 AM
Subject: Fwd: Howard Ranch development
To: Josie Suk <jsuk@arvada.org>

Sent from my iPhone

Begin forwarded message:

From: David Jones <djones@arvada.org>
Date: March 2 M MDT
To: WFP POA [REDACTED], cedboardsandcommission@arvada.org, Mark Deven <mdeven@arvada.org>, Kristen Rush <kristen@arvada.org>
Cc: rmoorman@arvada.org, Lauren Simpson <lsimpson@arvada.org>, John Marriott <jmarriott@arvada.org>, Ismith@arvada.or, Bob Fifer <bifer@arvada.org>, Marc Williams <mwilliams@arvada.org>
Subject: Re: Howard Ranch development

[Quoted text hidden]

--
JOSIESUK
Development Systems and Administrative Manager
Desk: 7
Mobile [REDACTED]
E-Mail: jsuk@arvada.org



William Giuliani

14614 W. 62nd Pl.
Arvada, CO 80004

22 March 2022

Arvada Planning Commission

8101 Ralston Rd,
Arvada, CO 80001

To Whom It May Concern:

I am writing to you in regards to the proposed rezoning of the Howard Ranchette property west of the canal in Southwest Arvada, next to Wildflower Ponds. My largest concerns and opposition are in reference to the single point access for over 30 units as they are planning on building 69 housing units within the subdivision.

This brings up several concerns for me living in the adjacent neighborhood. The Marshall fire was an unexpected tragedy that severely impacted nearby communities. If anything, the fire taught us how important it is for communities to have the ability to evacuate quickly and have fire and emergency services have immediate access to neighborhoods to help with fires, wildfires, and emergencies. Disregarding the under 30 units for this single point access will make it difficult not only for that community, but also my family and my community to evacuate quickly and efficiently. This is a huge life and safety issue for me.

Besides being able to evacuate in case of a fire or wildfire, how will the proposed rezoning address increases in sewage and waste disposal, water, gas, electricity, and police protection? How will the canal be affected? How will this impact our neighborhood water? How will the single point access affect our neighborhood if there is a crime where significant police involvement is needed? How will that affect Wildflower Ponds entry and exit to 64th? How will that affect the proposed community? How will our current levels of service be impacted by that many units with the single point entryway?

In addition to having too many units for a single point access, I also worry about the safety of my children and families in the neighborhood. We often walk to the grocery store, walk the neighborhood, walk the open space around the canal, and bike ride. Having this many units coming from a single

point and feeding into our neighborhood means that walkability and safety for pedestrians is directly impacted. While I have taught my children to watch while crossing the street, having that many additional cars and traffic flowing out of the single exit point with no traffic lights and low visibility definitely raises life and safety issues for my family and community. How will these issues be addressed and fixed?

Thank you for your time and acknowledging my concerns and opposition in regards to the proposed rezoning of the ranchette west of the canal from Wildflower ponds.

Regards,

William Giuliani
Concerned resident of Wildflower Ponds

January 22, 2022

David Jones
Arvada Mayor
Council Member District 4

Dear David,

I am a homeowner in District 4 and am writing to gain your support in helping to reduce the proposed density/re-zone of 14760 W. 64th Avenue, aka Howard Farm.

I moved to West Arvada in 2018 with my wife and one year old daughter, and have now added a second to the mix. Drawn to the area for its open space and less dense feel, we have enjoyed living in such a great neighborhood. However, we do understand progress, growth and needs of the city and area change constantly so we accept the development that surrounds us, but when focused on a heavy residential location like this the adjacent neighborhoods need to have a real voice so I'm hopeful you will listen to us as we all navigate this newly proposed project.

I am very concerned with RedT's proposed development plan, including a substantial rezone that would add almost 70 homes to a very limited 13-acre site. This proposed new home development seems substantially more dense than any of the surrounding home sites while the design concept appears to be a minimalist approach, again very different from neighboring projects. Additionally and after attending several gatherings, it felt like RedT has minimal to no experience building such a project in these suburban, low density communities, as I understand them to build more low-budget, high density condo projects in more of the core Denver infill neighborhoods.

- 1) While I have many concerns surrounding this proposed project, I think one of the main concerns is access. The project does not appear to provide adequate levels of ingress and egress to and front the site. Having a single ingress/egress point seems absurd for the almost 70 homes proposed. I don't see how this can't be a huge safety concern for not only residents living here should an evacuation be required, but also for the police, fire and EMS type services that may need to access the area quickly. Additionally, the traffic flow in and out of a single point will surely pose further risk for local residents and commuters trying to get through this area. There are plenty of ancillary concerns that stem from this like how traffic will need flow from this single access point in addition to safety concerns with children and others who will frequent the area.
- 2) Through several meetings both in-person and virtual, hearing RedT speak about the project and their experience is another big concern. RedT has little to no experience not only building in an area like this, but handling a project of this size and scale. After hearing them stumble on the design, layout and structure of this project, it was clear that this is a highly unsophisticated group in this arena. They are playing to the city's desire for affordable housing, yet offering little to no depth on their ability to execute. I strongly believe they may not even build this project themselves, but essentially reach the higher density needed so they can turn around and flip the project to yet another developer, likely unsophisticated like themselves in these type of projects, for profit without ever having to break ground and commit real dollars. I've seen this story before and For-Rent developers like NexMetro would likely be a group to take RedT out once they get this higher density re-zone. This would be an unfortunate outcome and hope this is not their intent, but something that should absolutely be considered.

Again, I hope you listen to the neighborhoods that will be most impacted by this development and try to really understand what this non-conforming project will do to the immediate area. As I mentioned early,

I'm all for development and progress, but this density re-zone they are asking for is not the right fit for this site and surrounding communities it will impact, largely from a safety perspective.

Sincerely,

Jake K Young

Mobile: [REDACTED]

Email: [REDACTED]

Letter in Opposition to Howard Ranch Re-Zone

Carrie Werneck [REDACTED]
To: cedboardsandcommission@arvada.org

Tue, Apr 5, 2022 at 12:43 PM

Good Afternoon,

Please see the attached letter in opposition to the Howard Ranch Rezone.

Thank you,
Carrie


Carrie Wernecke
Camber Realty

 Camber Realty

[REDACTED]

Camber Realty
290 Fillmore Street, Suite #4
Denver, CO 80206
[About Me](#) | [Resources](#) | [Neighborhoods](#)

**Received after public
comment deadline**

 Xerox Scan_04052022124114.pdf
167K

April 5, 2022

Dear Arvada Planning Commission,

I am writing in opposition of the proposed Howard Ranch re-zone. This property is located at 14760 W 64th Ave.

Based on REAL data taken from the National Association of Realtors (NAR), the local MLS, and your own Demographic Supplement from 2019, it's hard to understand how this proposal can even be considered. Please see the below data that shows what Arvada needs and what homebuyers want.

Stats and Data for Argument Against Howard Ranch

National Association of Realtors Data:

- 81% of Homebuyers want single family
- Only 7% want a townhome, condo, or row home
- 83% want an Energy Efficient or Smart Home

Arvada Sales Stats For the 2021:

- 2,283 properties sold were single family homes
- 681 properties sold were condo, townhome, or row home
- Median Closed Price for NW Arvada (Ward-Hwy93, I70-72nd): \$755,000
- There are currently 806 new condos, townhomes being built, but yet only 681 sold in past year.

Arvada Demographic Supplement 2019 from Arvada.org:

- West Arvada has seen 12.9% growth
- Low growth in Eastern and Central Arvada
- 38% of population is 50 years or older and will continue to increase
- Compared to Peer Cities, Arvada ranks as city with largest population of seniors over age 65
- 65.5% of the households in Arvada are Family Households
- Median Family Household income is \$99,993
- The location of Howard Ranch in Arvada, the median household income is \$137,191-\$164,464
- People in Arvada depend on their cars to get around. 81.6% drive to work (pre-pandemic)

Other Facts to Consider:

- Post Pandemic, 40% of U.S. population now works from home (Census Bureau)
- Due to COVID, the average Home Buyer is now looking for the following when considering a home in the Denver Metro Area:
 - Bigger Homes
 - Multiple Studies or Work From Home Space
 - Kid Play Spaces
 - They Want Space from Neighbors, so Expansive Yards
 - Unfettered Access to Nature
- **According to Data from NAR, Home Buyers want the following:**
 - Larger homes with open floor plans
 - Walk in Pantry

- Energy Efficiency and Smart Homes
- Laundry Rooms, not closets
- Large Patio and Outdoor Space
- Garage and Storage...85% of buyers are demanding this
- Multi-Generational Living

Additional Questions and Thoughts:

RedT is completely out of touch with today's buyer. They are an infill builder from the city and they do not understand the needs of the suburban buyer nor do they understand why people are moving from the city. They have children, want more space, and better schools.

Does the city of Arvada understand the needs of today's home buyers?

Howard Ranch needs larger homes on larger lots. This should also include single story homes for baby boomers that are looking to live closer to their children and grand children. Many of them are moving in from New York and California. They have the money to pay cash.

Respectfully,



Carrie Wernecke
15064 W 63rd Avenue
[REDACTED]

Howard Ranch Rezoning CASE NUMBER: DA2021-0097

Howard Sma [REDACTED]
To: CEDBOARD [REDACTED] da.org
Cc: Polli Sma [REDACTED]

Tue, Apr 5, 2022 at 10:13 AM

**Received after public
comment deadline**

Good Morning,

We reside at the Lakes at Westwoods, the immediate adjoining development to the Howard Ranch Property. For the record, we are strongly opposed to the rezoning and development of the Howard Ranch property as proposed for the following reasons:

- 1) Density: The density of the development does not coincide with the density of existing surrounding developments.
- 2) Traffic and Access: Traffic on 64th is already problematic. Traffic studies completed during COVID can not be used as a basis of information. Access in and out of the property is too limited. Too many lights exist in too short of a distance on 64th as is. Speeding on 64th is a common issue and accident rates and injuries will increase.
- 3) Safety: Fire safety is a major issue today and fire department access will be limited. Density of population along with potential for many rental units within this development may create additional unlawful activity.
- 4) Vegetation and Wildlife: Of the 272 trees counted, 219 are to be destroyed outright. The remaining 53 trees are to be "preserved and/or replaced." Replaced meaning destroyed. The preservation of any trees is virtually impossible to satisfy the density plan of 69 dwellings. In addition, preserves, existing trees, vegetation, watercourses, wildlife areas and other natural features will be destroyed.
- 5) Broad Lake: Broad lake has already become an environmental and public safety issue this past year since the water flow and movement has been stopped. The City of Arvada representatives have yet to supply us with a plan to prevent the lake from becoming stagnant, full of algae and toxic to our surrounding homes. The developer of the Howard Ranch property has not cooperated with a plan for water movement that previously was handled through that property.

Please mark both of us down as a no vote on this property rezoning and development as it does not meet the City of Arvada Land Development Code criteria and is strongly opposed by the majority of the surrounding tax paying citizens.

Howard and Polli Small
[15127 W 63rd Lane](#)
[Arvada, CO 80403](#)

Further Comments for the record on the Howard Ranch rezoning

james@albersheim.com [REDACTED] >
To: CEDBOARDSANDCOMMISSION@arvada.org

Tue, Apr 5, 2022 at 2:48 PM

Zoning Commission:

Please enter the following into the record for points of discussion:

1. Look-n-feel:

According to the Arvada Comprehensive Plan and the Zoning Resolution Adopted January 18, 2022, in Section 6, page 5, section D, the rezoning must be "compatible with the existing and allowable land uses in the surrounding areas".

The Howard Ranch parcel lies between the Lakes at Westwoods subdivision, which is zoned RN-7500, and the Wild Flower Ponds subdivision, which is zoned RN-6000.

The proposed rezoning of the Howard Ranch parcel into RN-6 is not "compatible with those surrounding areas".

2. Water:

According to the Arvada Land Development Code, section 4-1-4-4, Significant Natural Features: In paragraph B, "Any area providing groundwater recharge to bedrock aquifers shall be identified at the time of the development review, and the design of the proposed development shall preserve the total amount and the quality of naturally occurring recharge."

However, the outflow from Broad Lake used to flow directly into the Howard Ranch property. Upon purchase of this parcel, the purchase did not include water rights, so the applicant blocked off this outflow. The result was the stagnation of Broad Lake. It is my understanding that Broad Lake is maintained by the City of Arvada, but who owns the maintenance of the outflow from Broad Lake? Since the applicant has not purchased the water rights, does the previous owner still have these rights? This issue should be resolved by the Planning Commission, the Applicant, or others, prior to approving this rezoning. Otherwise, the Broad Lake ecosystem will be destroyed, along with Broad Lake Park.

3. Environmental Impacts:

According to the Arvada Land Development Code, section 4-1-4-4, Significant Natural Features: In paragraph A: "if the subject property contains significant natural features (such as corridors, bluffs, ridges, steep slopes, stands of mature trees,...) or water features (such as drainages, washes, canals, ditches, lakes, natural ponds, and retention and detention ponds),, the Applicant shall identify on the plat the Limits of Development (see Section 4-1-4-2, Limits of Development), include a plat note that areas outside the Limits of Development are not available for development, and incorporate measures to mitigate any visual, functional, or environmental impact of nearby development on such features."

The applicant's proposed plan will cause the total loss of the current natural vegetation, including the current stands of mature trees. According to the HF Tree Destruction document, of the 272 trees, 219 will be destroyed, The remaining 53 will be "replaced", which means destroyed.

The preservation of the trees and current water features, and wildlife dependent on those trees and water features are impossible to retain along with the planned 69 dwelling density.

Sincerely,

James Albersheim
15193 W 63rd Ave
Arvada, CO 80403
Lakes at Westwoods

**Received after public
comment deadline**

Email for planning commission April 5th meeting RE: DA2021-0097

Ralston Valley Coalition [REDACTED]

To: cedboardsandcommission@arvada.org

Tue, Apr 5, 2022 at 12:06 AM

**Received after public
comment deadline**RE: Howard Ranch Rezone
DA2021-0097

Dear Arvada Planning Commission,

I'm writing on behalf of the Ralston Valley Coalition (RVC), a Colorado non-profit member organization of numerous HOAs, individual members and businesses in the Ralston Valley, focused on protecting our community, our homes and our natural resources. The RVC board has received numerous concerns about the Howard Ranch project scheduled to come before the planning commission on April 5th. I have listed a few concerns that RVC feels are worthy of more consideration. Many of the neighbors in the adjacent communities to that development will also bring up their concerns in person at the meeting on Tuesday night.

RVC is opposed to this application based on the following deficiencies and would ask that the Planning Commission recommend denial of the project until the developer does the necessary work to assure the community is protected.

- 1) Density and Compatibility- the proposed concept, which has a barracks like design for the homes, seems incompatible with the community. It also appears they're really trying to squeeze as many dwelling units as possible into that location. The density seems high for that site and the homes do not appear to be suburban in nature. We recall the recent LDC amendment removes "Urban Townhome" from R6 zoning, which then would require homes being built in a suburban community be compatible with a suburban (not urban) design. Seems like that should apply here with these "smaller homes". The lot sizes should be larger to be compatible with the surrounding neighborhoods.
- 2) Having only one access isn't allowed per the LDC as far as we can tell - aren't two access points preferred for fire services? There is a provision in the IFC from 2018 to reduce the access roads down to only one if there are sprinklers in the homes, but how does that help if a fire comes from outside (ie Marshall Fire)? Wouldn't the most conservative approach be a safer and more prudent path forward? One access point seems to disregard wildfire mitigation and public safety. Can you imagine having to evacuate that neighborhood if an emergency happened? 150 or so cars all leaving at once and having to go through another neighborhood to get out? This is a community concern for many homeowners in the area. Can a fire truck get into this and turn around - sure seems like that could be problematic?
- 3) As I'm sure you have heard many times, the road system in West Arvada is in disrepair and not up to the standards to keep up with the growth that seems to be exploding along the Indiana and McIntyre corridors. This application creates even further concerns.
- 4) We couldn't find any specifics on the amenitized common space or site drainage. Is this because the plan's engineering is not yet done? How can you approve zoning when the full use is not really specified? With the canal running through that property, which raises environmental concerns, and two of the parcels not even platted and subdivided properly, it seems like the developer is not prepared to address some important things that the community is asking about. Has the CPW been consulted regarding setbacks from the canal? A similar proposal in Jeffco bordered the Farmer's Highline Canal, and the CPW letter for that application specifically mentioned a preference for setbacks of 50 feet even for trails.
- 5) RVC is a strong advocate for the community having input about what happens to their neighborhoods. We believe citizens can engage and play a role in these infill development projects so there is a better outcome for all. In the past, citizens have felt their concerns weren't being heard by our elected officials and city planning staff so RVC is trying to help the process to open up dialogue. I do know there's an organized group of neighbors (many who are RVC members), who have really done good research and a lot of work so we hope the planning commission will give them all the opportunity to speak and share this valuable info without being cut off. The info they will share is valuable to the decision making process.

We know the commission is cognizant of what makes sense and what doesn't so we wanted to ask you to look a bit closer and ask the hard and good questions of the applicant as you should so the process is good and people do the right thing.

The fear of the community is that this developer is not going to do what's required once they get the zoning and at that point the community has no say in the process. What's proposed, even if this is just conceptual, doesn't fit. It's like putting a square peg in a round hole. The applicant should do the work then come back. The community needs to see what's actually being proposed and that the community concerns have been addressed and the project is within the LDC and Comp Plan guidelines.

We respectfully request denial of this project.

Gina Hallisey
RVC Board Member





Chris Koch <chrisk@arvada.org>

Fwd: Proposed Howard Ranch Development

1 message

Kristen Rush <kristen@arvada.org>
To: Chris Koch <chrisk@arvada.org>

Wed, Dec 1, 2021 at 4:12 PM

----- Forwarded message -----

From: **Marc Williams, Arvada Mayor** <mwilliams@arvada.org>
Date: Wed, Dec 1, 2021 at 3:59 PM
Subject: Re: Proposed Howard Ranch Development
To: [REDACTED] Rush, Kristen <kristen@arvada.org>, Stachelski, Ryan <rstachelski@arvada.org>

Chris, thank you for your email. Because this matter may come before City Council as a quasi judicial land use matter, it is not appropriate that any member of City Council comment on the project at this time. I will have your email added to the Public Record that we consider at the Public Hearing. I would urge you to participate and testify both at the Planning Commission and City Council when this matter comes forward.

Marc Williams

Mayor

work: (303) 424-4486

cell: (720) 935-4979

mwilliams@arvada.org



On Wed, Dec 1, 2021 at 3:54 PM Chris [REDACTED] wrote:

Mayor Williams, I am a resident of Wildflower Ponds. I am very concerned about the proposed development adjacent to our HOA, Wildflower Ponds. Please do not rezone to allow 72 multi family and townhomes built adjacent to our HOA. One of many concerns is. What will happen with the current egress from this property? The city requires two for any subdivision, there is only one way out of this parcel. With the 72 proposed homes that would create 150 cars or more that would exit into Wildflower Ponds subdivision? We understand that RedT has the Ok from the fire department to put sprinklers in the homes in case of fire but what if there is a brush fire? Indoor sprinklers will not help 150 cars or more trying to exit a parcel of land along with the 200 or more autos from Wildflower Ponds. There must be two entry and egress to this new development

Chris Sorau [REDACTED]
Sent from my iPad

--
Kristen Rush
City Clerk
720-898-7546 (Work)



Chris Koch <chrisk@arvada.org>

Fwd: Opposition to Howard Ranch development

1 message

Kristen Rush <kristen@arvada.org>
To: Chris Koch <chrisk@arvada.org>

Wed, Dec 1, 2021 at 3:55 PM

----- Forwarded message -----

From: **Marc Williams, Arvada Mayor** <mwilliams@arvada.org>

Date: Wed, Dec 1, 2021 at 10:41 AM

Subject: Re: Opposition to Howard Ranch development

To: [REDACTED]

Cc: djones@arvada.org <djones@arvada.org>, rmoorman@arvada.org <rmoorman@arvada.org>, lsimpson@arvada.org <lsimpson@arvada.org>, jmarriott@arvada.org <jmarriott@arvada.org>, lsmith@arvada.org <lsmith@arvada.org>, bfifer@arvada.org <bfifer@arvada.org>, Wildflower Ponds POA [REDACTED], Rush, Kristen <kristen@arvada.org>, Stachelski, Ryan <rstachelski@arvada.org>

Bruce and Maureen, thank you for your email. Because this matter may come before City Council as a quasi judicial land use matter, it is not appropriate that any member of City Council comment on the project at this time. I will have your email added to the Public Record that we consider at the Public Hearing. I would urge you to participate and testify both at the Planning Commission and City Council when this matter comes forward.

Marc Williams

Mayor

work: (303) 424-4486

cell: (720) 935-4979

mwilliams@arvada.org



On Tue, Nov 30, 2021 at 3:01 PM Maureen Kiphart [REDACTED] wrote:

SUBJECT: Howard Ranch Impact to Wildflower Ponds

We wish to express our opposition to the proposed development, Howard Ranch.

We are original owners of a home in Wildflower Ponds, and have resided here for 26 years. During that period there has been much new development and growth along 64th Avenue and the northwest area of the city along Indiana Street. This includes not only homes but much needed retail development. Unfortunately, this growth has led to problems for entrance and egress of our neighborhood. A traffic light at 64th and Gardenia is the main entrance to our neighborhood and the ONLY entrance when heading westbound. There is no left arrow for entering our neighborhood, and it has become quite dangerous with the increased traffic caused by development to enter our neighborhood. Similarly, it is difficult to exit our neighborhood in a westbound direction. The traffic light is only green for a minimal

amount of time so making a lefthand turn out of the neighborhood or going straight on Gardenia has become extremely difficult. We are very concerned about the impact to entry and egress of our neighborhood that will be caused by the Howard Ranch Development. Wildflower Ponds has 105 homes, and it appears we'll be expected to share the entrance/exit with the proposed 72 homes in Howard Ranch. This is untenable.

In fact, Howard Ranch doesn't appear to have any entrance/egress other than to drive through the Wildflower Ponds subdivision. The roads are already in poor shape, yet the City has informed Wildflower Ponds there are no funds to maintain the current state of our roads within Wildflower Ponds. What changes will be made to the egress plan so as not to impact Wildflower Ponds? What guarantees are going to be given to keep construction trucks from going through Wildflower Ponds? The new development does not seem to comply with the Arvada City policy that each subdivision must have two vehicle egresses. One solution would be to have Howard Ranch have its own egress due north to the intersection of 64th and Indiana. Don't allow the project to go forward until the developer has clear access to 64th and Indiana. An alternative solution would be to have egress to the little used Joyce Street to the west of the property which already exits to 64th Avenue and has a traffic light in place.

Of equal concern is the fact that the builder wants to sandwich 72 homes onto a piece of land that currently is occupied by a single home and some outbuildings. The surrounding neighborhoods are single family homes in a very rural and natural setting, with Hyatt Lake to the south, two irrigation canals and an abundance of wildlife. Using this land for single family homes would be a better fit for the existing neighborhoods on the west and east side of Howard Ranch. High density housing sandwiched between the existing neighborhoods will adversely affect the property values of the subdivisions that border this parcel.

We are also concerned with the impact to the Croke Canal. What setbacks are planned for dealing with the Croke Canal and ensuring that it is structurally sound? Could the area adjacent to the canal be turned into open space or a walking/bike trail? As residents whose home backs up to the canal, we want to be sure that construction does not lead to any breaches of the canal which could cause flooding to our property.

We hope that you will give serious consideration to these points.

Bruce and Maureen Kiphart
6159 Holman Court
(Wildflower Ponds)
Arvada

--
Kristen Rush
City Clerk
720-898-7546 (Work)
303-915-5246 (Cell)
kristen@arvada.org



Chris Koch <chrisk@arvada.org>

Fwd: Howard Ranch Development

1 message

Kristen Rush <kristen@arvada.org>
To: Chris Koch <chrisk@arvada.org>

Wed, Dec 1, 2021 at 3:55 PM

----- Forwarded message -----

From: **Marc Williams, Arvada Mayor** <mwilliams@arvada.org>

Date: Wed, Dec 1, 2021 at 10:38 AM

Subject: Re: Howard Ranch Development

To: [REDACTED], Council <Council@arvada.org>, Rush, Kristen <kristen@arvada.org>, Stachelski, Ryan <rstachelski@arvada.org>

Martha, thank you for your email. Because this matter may come before City Council as a quasi judicial land use matter, it is not appropriate that any member of City Council comment on the project at this time. I will have your email added to the Public Record that we consider at the Public Hearing. I would urge you to participate and testify both at the Planning Commission and City Council when this matter comes forward.

Marc Williams

Mayor

work: (303) 424-4486

cell: (720) 935-4979

mwilliams@arvada.org



On Tue, Nov 30, 2021 at 4:21 PM Martha Johns [REDACTED] wrote:

November 30, 2021

Dear Mayor Williams,

I am writing you to express some of my many concerns regarding the proposed Howard Ranch development.

I am an original homeowner in Wildflower Ponds. My husband and I purchased a lot and had our home built here 26 years ago because we wanted a quiet, safe neighborhood with lots of nearby open space. Now the quality of the neighborhood and that of much of West Arvada is threatened by the proposed building of 72 units, including many townhomes and duplexes on the 12.5 acre ranch.

As I'm sure you know, there are already hundreds of three-story townhomes, duplexes, and other high density buildings completed or being built within a two- or three-mile radius of the proposed development. Arvada has a deficiency of single family homes with adequate yard space and parking, desired by families. Seniors over 65, of whom Arvada has a large number, want one-story homes.

One of my main concerns is traffic. Up to 150 vehicles cannot possibly enter and exit through the one current egress onto W. 63rd Place—then onto 64th Avenue or east through Wildflower Ponds—without causing massive traffic back-

ups, increased noise, potential accidents, and the need for changes in traffic lights. In fact, I believe the city requires two roads into and out of any development? Where will the other road be?

There are multiple other issues having to do with sewage, effects on wildlife, elimination of trees (when what is needed for the health of Arvada and our planet are MORE trees!), strain on schools and fire and police services.

I ask you to please seriously consider these issues and work with the developers to **decrease** the number of units and take other steps to mitigate the negative impact of the Howard Ranch development on Wildflower Ponds, Lakes at Westwood and West Arvada in general.

Thank you,

Martha Johns

6179 Holman Ct.

Arvada 80004

—
Kristen Rush
City Clerk
720-898-7546 (Work)
303-915-5246 (Cell)
kristen@arvada.org





Chris Koch <chrisk@arvada.org>

Fwd: New subdivision proposal

1 message

Kristen Rush <kristen@arvada.org>
To: Chris Koch <chrisk@arvada.org>

Mon, Nov 29, 2021 at 8:11 PM

Sent from my iPhone

Begin forwarded message:

From: David Jones <djones@arvada.org>
Date: November 29, 2021 at 8:10:59 PM MST
To: Janelle Rogers Franklin [REDACTED] mwilliams@arvada.org
Cc: Kristen Rush <kristen@arvada.org>
Subject: Re: New subdivision proposal

Janelle,

Thank you for reaching out.

I am forwarding your email to the City Clerk to make sure it is included in the Public Record. If this matter does come before City Council, I would urge you and others to come and provide additional testimony as to your concerns about this project. It will be a very open and public forum for anyone to speak in favor or against this proposed project.

Again, thank you for your input!

Best regards,

**David Jones**

Mayor Pro Tem | City of Arvada

c: 303-949-0452

e: djones@arvada.org

w: www.arvada.org
8101 Ralston Road, Arvada, CO 80001

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From: Janelle Rogers Franklin [REDACTED]
Date: Monday, November 29, 2021 at 2:08 PM
To: "djones@arvada.org" <djones@arvada.org>, Marc Williams <mwilliams@arvada.org>
Subject: New subdivision proposal

Hello,

There is currently a proposed development basically in our backyard. There are many concerns but these are a few.

How will these proposed 72 homes (150 autos) access this property? What changes will be made to the egress as to not impact Wildflower Ponds?

How can our small subdivision handle all of this traffic? We already have traffic from Kindercare going through the neighborhood, now with the only entrance to this new subdivision off W. 63rd place/Gardenia it will increase the traffic through the central part of the subdivision. It is a danger to walkers, children, pets having this amount of traffic funneled into one singular street. This will lower the value of our homes.. The front two cul-de sacs will be on a thoroughfare as there is no other way into or out of the new subdivision.

Currently, the City has informed Wildflower Ponds there are no funds to maintain the current state of our roads throughout Wildflower Ponds. These new 150 (approximately) autos will add to the much-needed repairs. What is the city's plan to rectify this situation?

I would think that the concerns and values of your current and longstanding residents of Arvada would mean more to you than those of a developer coming from out of state and trying to change the esthetics and feel of why we chose to live and stay in Arvada.

Please take the time to investigate this proposal and think of the consequences. The risks far outweigh the benefits.

Janelle Franklin

Wildflower Ponds resident



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

**AGENDA ITEM
8.C.2.**

TO: THE HONORABLE CITY COUNCIL

DATE: August 1, 2022

SUBJECT: CB22-063, An Ordinance Amending Certain Provisions Within the Land Development Code, of the City of Arvada Code (Public Hearing to be set for September 19, 2022 at 6:15 p.m.)

Report in Brief

The Land Development Code was adopted by the City Council on May 18, 2020. It was later amended to allow for Short Term Rental properties within the City. On March 21, 2022, there were a number of additional amendments made to the code based on the City team's experience of implementing the code since its adoption. During the discussion, the City Council asked for a number of additional code provisions to be reviewed. A workshop with the City Council occurred on April 11, 2022 to discuss the remaining items.

The Arvada team recommends that the City Council approve CB22-063, An Ordinance Amending Certain Provisions Within the Land Development Code, of the City of Arvada Code, on first reading, ordered published in full and a public hearing date be set for September 19, 2022 at 6:15 p.m.

Financial Impact

There is no financial impact of this ordinance.

Background

The Land Development Code was adopted by City Council on May 18, 2020. It was later amended to allow for Short Term Rental properties within the City.

A large package of amendments was approved on March 21, 2022. However, there were a handful of changes that required additional discussion. A workshop with the City Council occurred on April 11, 2022 to discuss the remaining items. Additionally, a workshop with the Planning Commission occurred on June 7, 2022. The Planning Commission held a public hearing regarding the amendments on June 21, 2022.

This amendment will modify the following (see redlined pages):

1. Revisions to Section 3-1-5-3, Short Term Rentals, for overall clarity, a better definition of the local contact, elimination of specific fees for violations, and clarification of inspection by the City.
2. The addition of Section 4-5-2-9, Fleet Vehicle Parking, to address the maximum number of spaces within a parking area that can be dedicated to company-owned or operated vehicles.
3. Revisions to Table 6-1-5-1A, Wall Signs, to eliminate the maximum text limitation on murals.
4. The addition of Subsection 8-2-3-11I, Call Ups, to allow for City Council review of Administrative Decisions.
5. Revisions to Subsection 8-2-4-3A6, Notice Area, to increase the mailing notice area from property boundaries.
6. The addition of criteria in Subsection 8-3-5-3, Site Plan and Site Plan Amendment, to address previously granted Conditional Use approval.
7. Additional and revised definitions in Chapter 11.

Discussion

The following information summarizes the analysis of the Approval Criteria associated with the proposed action.

Division 8-3-2 Approval Criteria (05-18-20)	Finding	Rationale
A. The proposed amendment is consistent with the Arvada Comprehensive Plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan.	Complies	The proposed amendment is consistent with the Arvada Comprehensive Plan because the proposed amendments will ensure that the community and developers can clearly understand and interpret the LDC.
B. The proposed amendment is consistent with the Purposes of the Code set out in Section 1-1-1-2, Purpose and Intent, of the LDC.	Complies	The proposed LDC amendments are consistent with the intent and purposes of the Code because the regulations will promote the public health, safety, convenience, comfort, prosperity, and general welfare of the City.

Public Contact

Information was available on the City's website.

A published notice was posted in the newspaper 15 days prior to the meeting.

Commission Recommendation

Following the public hearing on June 21, 2022, the Planning Commission recommended approval of the proposed amendments with the following proposed changes: That typographical errors noted during the meeting be corrected (recommended by a vote of 5 to 0), that the City Council have the option of referring a Call Up item to the Planning Commission for a recommendation prior to the item being considered by the City Council (recommended by a vote of 5 to 0), and that the threshold for one way truck trips between light industry and heavy logistics be 50 heavy truck trips per day (recommended by a vote of 4 to 1). The proposed ordinance has corrected the typographical errors but has not incorporated the two additional revisions recommended by the Planning Commission (see attached red line document for those changes). To include those additional revisions, the City Council may make a motion to approve the proposed ordinance with the two changes recommended by the Planning Commission.

Strategic Alignment

The recommended action is consistent with the following Principle within the Community and Economic Development Priority Area of the City Council Strategic Plan:

Uses the Comprehensive Plan to guide planning, land use code decisions, development management, and informational and resource services that are delivered to residents, businesses, the development community, decision-making bodies, and neighborhood partners to achieve a well-planned, aligned, sustainable, and livable community for current and future residents.

Alternative Courses of Action

N/A.

Recommendation for Action

SUBJECT: CB22-063, An Ordinance Amending Certain Provisions Within the Land Development Code, of the City of Arvada Code (Public Hearing to be set for September 19, 2022 at 6:15 p.m.)

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The Arvada team recommends that the City Council approve CB22-063, An Ordinance Amending Certain Provisions Within the Land Development Code, of the City of Arvada Code, on first reading, ordered published in full and a public hearing date be set for September 19, 2022 at 6:15 p.m.

Suggested Motion:

I move that CB22-063, An Ordinance Amending Certain Provisions Within the Land Development Code, of the City of Arvada Code, be (approved on first reading, ordered published in full and a public hearing date be set for September 19, 2022 at 6:15 p.m.) (rejected).

Prepared by:
Abigail Ogg, Administrative Specialist

Reviewed by:

Approved by:

Josie Suk, Development Systems and Administrative Manager	7/12/2022
Robert Smetana, Manager of City Planning and Development	7/13/2022
Ryan Stachelski, Director of Community and Economic Development	7/15/2022
Gail Walker, Legal Specialist-Contracts	7/15/2022
Emily Grogg, Senior Assistant City Attorney	7/15/2022
Rachel Morris, City Attorney	7/19/2022
Linda Haley, Deputy City Manager	7/19/2022
Lorie Gillis, Deputy City Manager	7/20/2022
Mark Deven, City Manager	7/20/2022

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 22-063
ORDINANCE NO.

AN ORDINANCE AMENDING CERTAIN PROVISIONS WITHIN THE LAND
DEVELOPMENT CODE, OF THE ARVADA CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Chapter 3, Use Regulations, of the Land Development Code, of the Arvada City Code is hereby amended:

Section 3-1-5-3 Short-Term Rentals is hereby amended in its entirety to read as follows:

- A. *“License Required.* Short Term Rental is prohibited within the City unless a license has been duly issued therefore pursuant to this Section 3-1-5-3 and in compliance with the Code, including without limitation, Chapter 98, Article V, Division 2, Lodging License.
- B. *Application.*
1. *Requirements.* An application for a license shall be submitted to the Director and shall be signed by the fee owner of record of the property to be licensed or an individual authorized in writing by the fee owner of record. All license applications shall be submitted on a form supplied by the Director, which shall include such information as is reasonably necessary for the Director to act on such application, together with an application fee as authorized under Section 74-31 of the Code. The applicant must specify which portions of the Dwelling Unit, Dwelling Unit or Accessory Dwelling Unit, Residential ("ADUR") will constitute the licensed premises available for use by renters. A license is not valid until the application fee is paid and accepted by the City.
 2. *Certification.* The applicant shall self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado. Applicants shall inform the Director in writing of any material change to the information submitted on an application for a license within 30 calendar days of such change.
- C. *Term of License and Renewal.* Licenses issued pursuant to this Section shall be valid for a period of one calendar year from the date of issuance. Licenses must be renewed annually. Applications for renewals of a Short Term Rental license are subject to all application, fees, licensing, and operation requirements set forth in this Section that apply to new licenses. In the Financial Officer's discretion, after consultation with the Director, the Financial Officer may impose conditions upon a license at the time of renewal to address non-compliance with the terms of the license, the provisions of this Section, or any other applicable provision of federal, state, or local law. Failure to comply with such conditions may result in suspension, revocation, or non-renewal of the license.
- D. *License Regulations.*
1. *Compliance.* The licensee shall comply with all applicable Code provisions and state and federal law including, but not limited to, Chapter 18, Buildings and Building Regulations, Chapter 38, Article III, Nuisances, and Chapter 98, Taxation.

2. *Restrictions.* The licensee shall ensure that renters of a Short Term Rental Unit shall only be allowed access to the portions of the Dwelling, Dwelling Unit or ADUR identified in the license.
3. *Local Contact Person.* The licensee must designate on the application a local contact person who shall be available to respond within one hour of being notified by the city of a complaint about the condition of the property or the conduct of short term tenants. The local contact person must be available to respond as set forth herein 24 hours per day, seven days per week during any term the Short Term Rental Unit is occupied by or rented to a short term tenant, must be able to provide access to the licensed premises, and must be authorized to make decisions about the licensed premises. The local contact may be an individual or an organization or company that specializes in such services and otherwise meets the requirements of this Section. Should the local contact change, the licensee must, within seven days of the change, update the license on file with the city.
4. *Brochures.* Each Short Term Rental Unit shall provide two brochures to its guests:
 - a. The first brochure shall include the licensee's contact information, the local contact party's contact information, and any necessary emergency contact information. The brochure shall also provide information pertinent to the neighborhood where the Short Term Rental Unit is located including, but not limited to, parking restrictions, trash collection schedule, relevant water restrictions, fire evacuation routes, and any other information, as required by the Director, applicable to the Short Term Rental Unit and the surrounding neighborhood.
 - b. The second brochure will be provided by the City and include relevant local ordinances, rules, and regulations that apply to all residences in the City. The licensee must display the City's brochure in each Short Term Rental Unit as it is made available and updated by the City.

E. *Licensing Requirements.*

1. *Number of Short Term Rentals Units per lot.* Licensees are limited to one Short Term Rental Unit per property. If a property contains more than one legal Dwelling, Dwelling Unit or ADUR, only one Dwelling, Dwelling Unit or ADUR on such lot is eligible for licensure as a Short Term Rental Unit.
2. *Permitted structures.* Short Term Rental Units are allowed in primary and accessory structures with finished living space. All structures shall comply with the regulations for primary and accessory structures, including maximum size, height, lot coverage, and setbacks, for the property's zoning district. In the case of a multifamily property, the licensee is allowed one Short Term Rental Unit. In the case of condominiums or buildings held in similar common ownership, each licensee shall be limited to one Short Term Rental Unit per property.
3. *Reservations.* Only one Short Term Rental reservation to one party at a time is allowed.
4. *Parking requirements.* One additional on-site parking space shall be required if a portion of a primary structure is used for Short Term Rental.

5. *Safety requirements.* Each Short Term Rental Unit shall be equipped with an operational smoke detector, carbon monoxide detector, and fire extinguisher on the licensed premises.
 6. *Occupancy.* The occupancy of a Short Term Rental Unit shall not exceed the total number of unrelated persons that are otherwise permitted to occupy property in the City.
 7. *Prohibited uses.* Use of the Short Term Rental Unit for any commercial or large social events or gatherings, such as weddings, is prohibited.
 8. *Trash collection.* The licensee shall maintain weekly residential trash collection services for the Short Term Rental Unit.
 9. *Number of days in use.* No Short Term Rental may be occupied by guests for more than 240 days in any 365 day period. Upon renewal of the license, the licensee shall provide to the City the number of days that the Short Term Rental was occupied by guests during the previous 365 days. The licensee shall certify that the number reported is accurate.
 10. *Number of Short Term Rentals per Licensee.* No applicant may operate more than three individual properties as short term rentals within the City at any one time. Licensee shall certify compliance with this requirement on each application submitted to the City.
- F. *Refusal to Grant, Suspension, Revocation, Nonrenewal of License.* The Director may refuse to grant an initial license, or suspend, revoke, or not renew any license requested or issued pursuant to this Section if the Director determines that any of the following have occurred: (i) fraud, material misrepresentation or false statement in the initial application for the license or any renewal application; or (ii) failure to comply with the terms or conditions of the license, the provisions of this Section, or any other application provision of federal, state, or local law including, but not limited to, the Arvada City Code.
1. *Authority.* In addition, the Director may issue any order reasonably calculated to ensure compliance with this Section.
 2. *Remedies.* The Director's authority under this Section is in addition to any other authority the Director has to enforce this Section, and election of one remedy by the Director shall not preclude resorting to any other remedy as well.
 - a. The Director shall not accept a new application from the same licensee for the same Dwelling, Dwelling Unit or ADUR after revocation of a license:
 - (i) For at least one year following the revocation; and
 - (ii) Unless the applicant demonstrates compliance with all applicable laws and licensing requirements.
 3. *Appeal.* An applicant or licensee may appeal any decision to refuse to grant, not renew, or suspend his or her license to the City Manager within 14 days from the City providing notice of the decision. The City Manager's decision shall be final.
 4. *Administrative Hearing.* A licensee may appeal any decision to revoke his or her license through the City's Administrative Hearing procedure as provided in Chapter 2,

Article V, Division 3 of the Arvada City Code. The appeal must be received within 14 days from the City providing notice of the revocation.

G. *Administration.* The Financial Officer and Director shall administer the provisions of this Article and are authorized to jointly promulgate rules and regulations for its administration and implementation.

1. *Authority to Inspect.* The Director may inspect the property, dwelling, dwelling unit, or ADUR prior to the issuance of a license or a license renewal to ensure compliance with the provisions of this Section or with any other applicable local, state, or federal laws. The Director may inspect the licensed premises for the purpose of investigating and determining compliance with the requirements for a license issued under this Section, the provisions of this Section, or with any other applicable local, state, or federal law. Where any part of the property, dwelling, dwelling unit, ADUR, or licensed premises consists of a locked area, such area shall be made available for inspection as provided hereunder, without delay, upon request. Refusal to allow an inspection may result in the non-issuance of a license, or in the suspension, revocation, or non-renewal of the license for that licensed premises.

a. *Right of Entry.* Where it is necessary to make an inspection to enforce the provisions of this code during a license period, or where the Director has reasonable cause to believe that there exists in a property, dwelling, dwelling unit, or ADUR a condition that is contrary to Arvada City Code that makes the dwelling or property unsafe, dangerous, or hazardous, the Director is authorized to enter the property, dwelling, dwelling unit, or ADUR at reasonable times to inspect , provided that if such property, dwelling, dwelling unit, or ADUR be occupied that credentials be presented to the occupant and entry requested. If such property, dwelling, dwelling unit, or ADUR is unoccupied, the Director shall first make a reasonable effort to locate the owner or local contact person and request entry. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry.

2. *Violations and Penalty.* It shall be unlawful for any person to violate a provision of this section. Violators shall be subject to the penalties as contained in section 1-5 of the Arvada City Code and may also be subject to civil remedies. A separate offense shall be deemed committed upon each day such person is in violation of this chapter unless otherwise provided in this chapter.”

The remaining portions of Chapter 3 shall remain unchanged.

Section 2. Chapter 4, Environmental and Site Design, of the Land Development Code, of the Arvada City Code is hereby amended:

Section 4-5-2-9 Fleet Vehicle Parking is added to read as follows:

“4-5-2-9 Fleet Vehicle Parking

- A. **Generally.** The maximum number of parking spaces allowed for fleet vehicles shall be as set out in this Section. Spaces used for fleet vehicles are in addition to the minimum parking requirements. Uses requiring fewer than 25 fleet parking spaces shall be exempt.
- B. **Maximum Number of Fleet Vehicle Parking Spaces.** The calculation to determine the maximum number of fleet vehicle parking spaces in the allowed zoning districts is as follows:
1. In the CG zoning district, the maximum number shall be no more than 50 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
 2. In the IL zoning district, the maximum number shall be no more than 100 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
 3. In the IG zoning district, the maximum number shall be no more than 200 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.”

The remaining portions of Chapter 4 shall remain unchanged.

Section 3. Chapter 6, Signs, of the Land Development Code, of the Arvada City Code is hereby amended:

Table 6-1-5-1A: Wall Signs is hereby amended in its entirety to read as follows:

Table 6-1-5-1A: Wall Signs				
Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Mul family Residential (RM)	Single-Family Residential (RS)
Applied or Painted Wall Sign				
Max. #	1 for single family, duplex or mul plex form: 1 per principal building. All other forms: 1 per establishment	Not limited	1 per building elevation	1 per building elevation
Max. Sign Area (Total Per Building Elevation)	Single family detached, duplex or mul plex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted, max. 32 sf.; a minimum of 30 sf., if establishment frontage is less than 30 lf.	1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted.	1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation	Residen al Building: 1 sf. Nonresiden al Building: 1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Mul family Residential (RM)	Single-Family Residential (RS)
Allowed Lighting	External	External	External	None
Mural Wall Sign				
Max. #	1 per building May be allowed on en re eleva on	1 per building May be allowed on en re eleva on	1 per building May be allowed on en re eleva on	Not allowed
Max. Sign Area	subject to the Design Guidelines for OT			-
Allowed Lighting	External	External	External	-
Other Standards	a. Murals shall not be placed on a building that is exclusively for a residen al use. b. Murals shall not: i. Project more than 2 in. in the OT sign district and 6 in. in all other sign districts from the plane of the wall upon which it is painted or to which it is affixed and shall not extend above the top of the wall upon which it is painted or to which it is affixed; and ii. Cover or interrupt major architectural features, such as doors, exits, and windows. c. The property owner shall not be compensated for the display of the mural or the right to place the mural on a site.			-
Bulletin Board Attached to Building Wall				
Max. #	1 per principal building entrance	1 per principal building entrance	1 per principal building entrance	Residen al Building: Not allowed Nonresiden al Building: 1 per principal building entrance
Max. Sign Area (Per Sign)	6 sf.	12 sf.	6 sf.	6 sf.
Allowed Lighting	External	External	External	None
Other Standards	Not allowed above an eleva on of 8 . . above adjacent grade	Not allowed above an eleva on of 8 ft. above adjacent grade	Not allowed above an eleva on of 8 ft. above adjacent grade	Residen al Building: Not allowed Nonresiden al Building: Not allowed above an eleva on of 8 ft. above adjacent grade
Cabinet Wall Signs or Dimensional Wall Signs (Primary)				
Max. #	Dimensional wall sign only; cabinet wall signs are not allowed. Single family detached, duplex or mulplex form: 1 per principal building.	Not limited	1 per building eleva on	Residen al Building: Not allowed Nonresiden al Building: 1 per building (dimensional wall sign)

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Mul family Residential (RM)	Single-Family Residential (RS)
Max. Sign Area (Per Sign)	All other forms: 1 per establishment Single family detached, duplex or mulplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted max. 32 sf.; a minimum of 30 sf. if establishment frontage is less than 30 lf.	Dimensional wall signs: 1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted Cabinet wall signs: 1 sf. per 2 lf. of establishment frontage of the building elevation upon which the sign is mounted, not to exceed 60 sf.	32 sf.	only; cabinet wall signs are not allowed) Residential Building: Not allowed Nonresidential Building: 12 sf.
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Not allowed on building elevations that are located within 10 feet of a property line of a single-family detached or duplex residential use	Not allowed if primary fin sign is also present on the same building elevation Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	Not allowed if primary fin sign is also present on the same building elevation Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	None
Cabinet Wall Signs or Dimensional Wall Signs (Secondary)				
Max. #	1 per principal building entrance (dimensional wall sign only; cabinet wall signs are not allowed)	1 per principal building entrance	1 per principal building entrance	Not allowed
Max. Sign Area (Per Sign)	4 sf.	48 sf.	6 sf.	NA
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Must be located above ground floor principal building entrance No part of the sign shall be located more than 15 ft. above adjacent grade	Must be located above ground floor principal building entrance No part of the sign shall be located more than 15 ft. above adjacent grade	Must be located above ground floor principal building entrance No part of the sign shall be located more than 15 ft. above adjacent grade	NA

Table 6-1-5-1A: Wall Signs				
Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Mul family Residen al (RM)	Single-Family Residen al (RS)
	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	

The remaining portions of Chapter 6 shall remain unchanged.

Section 4. Chapter 8, Development Review Process, of the Land Development Code, of the Arvada City Code is hereby amended:

Section 8-2-3-11 Review by Director is hereby amended to add a subsection J to read as follows:

“J. Call Ups.

1. Prior to the effective date of any decision by the Director on a Track 1 application, any member of the City Council may move to call up the development application for consideration within seventeen days of the Director’s decision.
2. If the motion passes, the application shall be brought before the City Council as a public hearing as soon as practicable following the date on which the decision was made for review and consideration in accordance with the criteria provided in this LDC.
3. The City Council shall have the authority to approve, approve with conditions, modify, or reverse the decision of the Planning Director. The City Council may also remand the application back to the Director with direction for further consideration.”

8-2-4-3 Specific Requirements by Notice Type is hereby amended in its entirety to read as follows:

A. “Mailed Notice.

1. *Mailing List.* The Applicant shall submit a mailing list to the Director, including the names and addresses of all property owners of record of all properties within the Area of Notification described below. If there are homeowners associations and/or neighborhood organization registered with the City within the Notice Area, the Applicant shall also notify them. The list shall be compiled from the names and addresses that appear in the records of the applicable County Assessor not more than 30 days before the date the list is submitted to the Director.
2. *Method of Mailing.* Mailed notice shall be mailed first-class, postage pre-paid by the Applicant, at the Applicant’s expense, to all property owners on the mailing list.
3. *Affidavit of Compliance.* An affidavit of the Applicant’s compliance with the mailing notice requirements shall be provided to the Director prior to the decision or public hearing to which the notice relates.

4. *Preparation/Timing of Notice.* When the provisions of this Code require that written or mailed notice be provided, the Applicant shall be responsible for preparing the written notice, and for mailing the notice at the Applicant's expense. All written notice shall be mailed at least fifteen days prior to the public hearing. Notices shall be prepared pursuant to a written notice form provided by the City.
 5. *Deadlines.* For decision-making Tracks 2 through 5 and Track 8, mailed notices shall be postmarked no later than 15 days before a neighborhood meeting, a public hearing, or an appeal hearing. For decision-making Tracks 1, 6, or 7, mailed notice of administrative application shall be postmarked no later than five days after acceptance of an application. For a notice of administrative decision, mailed notice shall be postmarked no later than ten days prior to the decision date.
 6. *Notice Area.*
 - a. For purposes of public hearings before the City Council or the Planning Commission, Notice of Administrative Application, and Administrative Decision (if required), notice shall be mailed to all property owners that are within 1,000 feet of the boundary of the property that is the subject of the application if the property is less than five acres in size, or 1,500 feet of the boundary of the property that is the subject of the application if it is five acres or greater in size, except as otherwise provided herein. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property. For street and alley right-of-way and public vehicular access easement vacations, mailed (written) notice shall be sent to all owners of property abutting the right-of-way or access easement to be vacated. Written notice shall also be mailed to any homeowners associations and other neighborhood organization with a known interest in the subject area, or to others who have filed a timely request to receive written notice. The Director shall have the ability to reduce the notice distance by up to 500 feet for applications determined to have a minimal impact on surrounding properties.
 - b. *Notices for Board of Adjustment.* For purposes of public hearings before the Board of Adjustment, notice shall be mailed to all property owners that are adjacent to the property that is the subject of the application. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property.
 - c. *Changes to Notification Area.* The Director shall have the sole discretion to expand or contract the notification area based on a consideration of the complexity of the project, the geographic reach of potential adverse impacts, the extent of neighborhood compatibility issues, and similar factors.
- B. **Published Notice.** When the provisions of this Code require that notice be published, the City shall be responsible for preparing the content of the notice, and the City shall ensure that notice is published in a newspaper of general circulation in the City, at the Applicant's

expense. Notice shall be published at least 15 days prior to any public hearing by the Planning Commission or Board of Adjustment, and at least seven days prior to any public hearing by the City Council.

C. Posting Requirements.

1. *Signs to be Posted by Applicant.* Posted notice shall be provided on signs provided by the City at the Applicant's expense. It is the Applicant's responsibility to post the sign(s) on the subject property and ensure that they remain in place from the date of posting to the date of the public hearing.
2. *Minimum Requirements.* Posted notice shall be provided with one sign per street frontage of the applicable property. Additional posting may be required at the Director's discretion. Signs shall be located so that they are clearly visible from the adjoining street. Applicants shall remove all notification signs within one week after the public hearing.
3. *Deadline for Posting.* Notices shall be posted not less than 15 days before the public hearing date.
4. *Affidavit of Compliance.* An affidavit of the Applicant's compliance with the posted notice requirements shall be provided to the Director prior to the public hearing.
5. *Posting Log/Maintenance of Signs.* The Applicant shall be responsible for checking the posted signs each day of the posting period and for keeping a log, to be filed with the City at the time of, or prior to, any public hearing on the matter. If a sign has been removed, destroyed, or has fallen, the sign shall be replaced by the Applicant within 48 hours or by the close of the next business day, whichever period is longer. The Applicant shall sign a statement that the sign(s) were checked daily by the Applicant or the Applicant's representative, and the above-stated procedures were followed. Failure to comply with the required posting procedure may require the public hearing to be rescheduled. Such delays shall not prejudice the City regarding the City's compliance with required times to act set forth in this Code.
6. *City-Initiated Rezoning That Affects Multiple Ownership.* The posting of signs shall not be required when an amendment to the Official Zoning Map is initiated by the City and affects multiple ownerships. At the City's option, notice of a rezoning that affects multiple ownerships may be posted at City Hall.

- D. Internet Requirements.** The Director will create and maintain web pages upon which the Director may provide timely notice of applications. If a notice is missed by the Director, it shall not void the hearing or approval.”

Section 8-3-5-3 Site Plan is hereby retitled and amended in its entirety to read as follows:

“8-3-5-3 Site Plan and Site Plan Amendment

- A. Generally.** The purpose of the Site Plan or Site Plan Amendment is to ensure compliance with the development and design standards and provisions of this Code, while encouraging quality development in the City reflective of the goals, policies, and objectives found in the Comprehensive Plan.

- B. **Site Plans.** All applicable provisions of this Division apply unless specifically listed. A Site Plan is required before a building permit may be issued for all development in the City except those listed below:
1. Single family detached homes or duplex units in a subdivision of nine or fewer lots within a residential zoning district and that are not part of land for which a Master Development Plan has been approved;
 2. Permitted additions to existing single-family detached dwellings or duplex units; and
 3. Interior improvements and tenant finish.
- C. **Approval Criteria.** A Site Plan or Site Plan Amendment shall be reviewed for compliance with the following criteria:
1. The application complies with the applicable standards of this LDC, other adopted City regulations, any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning Commission or City Council in a prior decision affecting the property;
 2. The application is consistent with the Comprehensive Plan;
 3. The City's existing infrastructure and public improvements, including but not limited to its water, wastewater, street, trail, and sidewalks systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable;
 4. The application will preserve and protect natural areas, ridgelines, swales, natural landforms, water quality and wildlife habitat of riparian corridors, wetlands and floodplains affected by the proposed development and integrates those areas into site design where practicable;
 5. The application will improve or expand multi-modal connections with adjacent sites, neighborhoods, and urban centers;
 6. The application is similar to surrounding uses in terms of size, scale and building façade materials;
 7. The application mitigates any adverse impacts on the surrounding area to the degree practicable;
 8. Within the MX, R6, R13 and R24 zoning districts, townhome and multifamily residential uses shall provide appropriate amenities, including recreational facilities, pedestrian facilities, unique aesthetic features and quality design; and
 9. If the application includes residential uses and was granted Conditional Use approval:
 - a. The number of residential units proposed is within five percent of the number of units presented during the Conditional Use review; and
 - b. The project shall be substantially similar in design to the conceptual plan presented during the Conditional Use review in terms of the following:
 - i. Building height(s) and location(s),
 - ii. Parking location and number of spaces,
 - iii. Landscape areas and bufferyards, and
 - iv. Small urban park location(s) (if applicable)."

The remaining portions of Chapter 8 shall remain unchanged.

Section 5. Chapter 11, Measurements, Rules of Construction, and Definitions, of the Land Development Code, of the Arvada City Code is hereby amended:

Division 11-3-3 Definitions is amended or definition is added to read as follows, all defined words not listed here, remain unchanged.

“Fleet Vehicles

A group of motor vehicles, such as cars, vans, and/or trucks, excluding semi-trailer trucks, owned or leased by a business, government agency, or other organization rather than by an individual or family. Examples are vehicles operated by public utilities, governmental entities, and businesses that utilize vehicles to deliver goods to customers, provide off-site services, or for sales representatives to travel to clients.”

“Heavy Logistics Center

A wholesaling, warehousing, and/or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. “product warehouses”), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. “truck terminals” or “logistics centers”), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least 76 heavy truck trips per day. Warehousing and distribution uses that involve fewer than 76 heavy truck trips per day are classified as Light Industry.”

“Heavy Truck

A truck with a gross vehicle weight rating of greater than 16,000 pounds.”

“Heavy Truck Trip

A heavy truck trip involves the inbound or outbound movement of the truck on a site, with each movement being considered a single trip.”

“Light Industry

Uses that involve research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components, with limited outside storage and limited external impacts or risks such that the use is not defined as heavy industry or heavy logistics center. Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than 76 heavy truck trips per day. For illustrative purposes, light industrial uses include:

1. Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components;
2. Offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include:
 - a. Overhead door access to indoor storage of tools, parts, and materials;

- b. Parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or
- c. Limited outdoor storage areas;
3. Food production (*e.g.*, commercial kitchen or bakery) and packaging, but not:
 - a. Meat processing involving butchering of large animal carcasses;
 - b. Medical marijuana-infused products manufacture; and
 - c. Restaurants;
4. Beverage production (non-alcoholic) and bottling;
5. Furniture making or refinishing;
6. Manufacture of textiles or apparel;
7. Screen printing of apparel (except low volume screen printing at a retail store);
8. Printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V of the Clean Air Act permit for air emissions;
9. Research, development, and testing laboratories (*e.g.*, for development of products, equipment, or materials), if not classified as office, general or professional, or heavy industry;
10. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
11. Manufacture of glass products (*e.g.*, window panes, bottles and jars), including hand-blown products;
12. Fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry);
13. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products;
14. Packaging of products; or
15. Storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or wholesalers, except that wholesale membership clubs that offer memberships to the general public are not light industrial uses.”

The remaining portions of Chapter 11 shall remain unchanged.

Section 6. Should any provision of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 7. This ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 1st day of August, 2022.

PASSED, ADOPTED AND APPROVED this day of , 2022.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney:

BY: _____

Publication Dates: August 4, 2022

REDLINE/STRIKEOVER VERSION

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

Underlined indicates new material
~~Strikethrough~~ indicates deleted material

3-1-5-3. Short-term rentals.

- A. *License Required.* Short Term Rental is prohibited within the City unless a license has been duly issued therefore pursuant to this Section 3-1-5-3 and in compliance with the Code, including without limitation, Chapter 98, Article V, Division 2, Lodging License.
- B. *Application.*
1. *Requirements.* An application for a license shall be submitted to the Director and shall be signed by the fee owner of record of the property to be licensed or an individual authorized in writing by the fee owner of record. All license applications shall be submitted on a form supplied by the Director, which shall include such information as is reasonably necessary for the Director to act on such application, together with an application fee as authorized under Section 74-31 of the Code. The applicant must specify which portions of the Dwelling Unit, Dwelling Unit or Accessory Dwelling Unit, Residential ("ADUR") will constitute the licensed premises available for use by renters. A license is not valid until the application fee is paid and accepted by the City.
 2. *Certification.* The applicant shall self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado. Applicants shall inform the Director in writing of any material change to the information submitted on an application for a license within 30 calendar days of such change.
- C. *Term of License and Renewal.* ~~An application fee shall be received by the City prior to issuance of a license.~~ Licenses issued pursuant to this Section shall be valid for a period of one calendar year from the date of issuance. Licenses must be renewed annually. Applications for renewals of a Short Term Rental license are subject to all application, fees, licensing, and operation requirements set forth in this Section that apply to new licenses. In the Financial Officer's discretion, after consultation with the Director, the Financial Officer may impose conditions upon a license at the time of renewal to address non-compliance with the terms of the license, the provisions of this Section, or any other applicable provision of federal, state, or local law. Failure to comply with such conditions may result in suspension, revocation, or non-renewal of the license.
- D. *License Regulations.*
1. *Compliance.* The licensee shall comply with all applicable Code provisions and state and federal law including, but not limited to, Chapter 18, Buildings and Building Regulations, ~~and~~ Chapter 38, Article III, Nuisances, and Chapter 98, Taxation.
 2. *Restrictions.* The licensee shall ensure that renters of a Short Term Rental Unit shall only be allowed access to the portions of the Dwelling, Dwelling Unit or ADUR identified in the license.
 3. *Local Contact Person.* The licensee must designate on the application a local contact person who shall be available to respond within one hour of being notified by the city of a complaint about the condition of the property or the conduct of short term tenants. The local contact person must be available to respond as set forth herein 24 hours per day, seven days per week during any term the Short Term Rental Unit is occupied by or rented to a short term tenant, must be able to provide access to the licensed premises, and must be authorized to make decisions about the licensed premises. The local contact may be an individual or an organization or company that specializes in such services and otherwise meets the requirements of this Section. Should the local contact change, the licensee must,

~~within seven days of the change, update the license on file with the city. During the term that a Short Term Rental Unit is occupied by a short term tenant, the owner and/or the local contact person designated by the owner shall be available 24 hours per day, seven days per week, for the purpose of responding within one hour to complaints regarding the condition or operation of the Short Term Rental Unit or the conduct of short term tenants. If the local contact person designated by the owner changes, then the owner shall update the license on file within five business days. For the purposes of this section, "local contact person" means an individual located within 30 miles of the Short Term Rental Unit, during the entire length of the Short Term Rental period, who has access to the licensed premises and is authorized to make decisions regarding the licensed premises.~~

4. *Brochures.* Each Short Term Rental Unit shall provide two brochures to its guests:
 - a. The first brochure shall include the licensee's contact information, the local contact party's contact information, and any necessary emergency contact information. The brochure shall also provide information pertinent to the neighborhood where the Short Term Rental Unit is located including, but not limited to, parking restrictions, trash collection schedule, relevant water restrictions, fire evacuation routes, and any other information, as required by the Director, applicable to the Short Term Rental Unit and the surrounding neighborhood.
 - b. The second brochure will be provided by the City and include relevant local ordinances, rules, and regulations that apply to all residences in the City. The licensee must display the City's brochure in each Short Term Rental Unit as it is made available and updated by the City.

E. *Licensing Requirements.*

1. *Number of Short Term Rentals Units per lot.* Licensees are limited to one Short Term Rental Unit per property. If a property lot contains more than one legal Dwelling, Dwelling Unit or ADUR, only one Dwelling, Dwelling Unit or ADUR on such lot is eligible for licensure as a Short Term Rental Unit.
2. *Permitted structures.* Short Term Rental Units are allowed in primary and accessory structures with finished living space. All structures shall comply with the regulations for primary and accessory structures, including maximum size, height, lot coverage, and setbacks, for the property's zoning district. In the case of a multi-family property, the property owner licensee is allowed one Short Term Rental Unit. In the case of condominiums or buildings held in similar common ownership, each owner licensee shall be limited to one Short Term Rental Unit per property.
3. *Reservations.* Only one Short Term Rental reservation to one party at a time is allowed.
4. *Parking requirements.* One additional on-site parking space shall be required if a portion of a primary structure is used for Short Term Rental.
5. ~~*Safety requirements.* Each Short Term Rental Unit shall be equipped with an operational smoke detector, carbon monoxide detector, and fire extinguisher on the licensed premises. The Director or his or her designee may inspect the Dwelling, Dwelling Unit or ADUR prior to issuance of a license and during the term of any license issued to verify compliance with such requirements, Code provisions and state and federal law. Refusal by the applicant to allow such inspection shall be grounds for denial, non-renewal or revocation of a license.~~
6. *Occupancy.* The occupancy of a Short Term Rental Unit shall not exceed the total number of unrelated persons that are otherwise permitted to occupy property in the City.
7. *Prohibited uses.* Use of the Short Term Rental Unit for any commercial or large social events or gatherings, such as weddings, is prohibited.
8. *Trash collection.* The owner licensee shall maintain weekly residential trash collection services for the Short Term Rental Unit.
9. *Number of days in use.* No Short Term Rental may be occupied by guests for more than 240 days in any 365 day period. ~~The maximum number of days per calendar year that a Short Term Rental may be~~

occupied by guests is 240. ~~Upon renewal of the license~~ By December 31st of each calendar year, the ~~Owner-licensee~~ shall provide to the City the number of days that the Short Term Rental was occupied by guests during the previous 365 days. The ~~Owner-licensee~~ shall certify that the number reported is accurate.

10. *Number of Short Term Rentals per Owner-Licensee.* No applicant may operate more than three individual properties as short term rentals within the City at any one time. ~~Licensee shall certify compliance with this requirement on each application submitted to the City. By December 31st of each calendar year, the Owner shall certify that the number operated is in accordance with this regulation.~~

F. *Refusal to Grant, Suspension, Revocation, Nonrenewal of License.* The Director may refuse to grant an initial license, or suspend, revoke, or not renew any license requested or issued pursuant to this Section if the Director determines that any of the following have occurred: (i) fraud, material misrepresentation or false statement in the initial application for the license or any renewal application; or (ii) failure to comply with the terms or conditions of the license, the provisions of this Section, or any other application provision of federal, state, or local law including, but not limited to, the Arvada City Code.

1. *Authority.* ~~In addition, if the Director may issue any order reasonably calculated to ensure compliance with this Section. finds that a violation of any provision of this Section exists, the Director, after notice to the licensee, may take any one or more of the following actions to remedy the violation:~~
 - a. ~~Impose a civil penalty according to the following schedule: ¶~~
 - (i) ~~For the first violation of the provision, \$150.00; ¶~~
 - (ii) ~~For the second violation of the same provision, \$300.00; and ¶~~
 - (iii) ~~For the third violation of the same provision, \$1,000.00.~~
 - b. ~~Revoke the license; ¶~~
 - c. ~~Issue any order reasonably calculated to ensure compliance with this Section.~~
2. *Remedies.* The Director's authority under this Section is in addition to any other authority the Director has to enforce this Section, and election of one remedy by the Director shall not preclude resorting to any other remedy as well.
 - a. The Director shall not accept a new application from the same licensee for the same Dwelling, Dwelling Unit or ADUR after revocation of a license:
 - (i) For at least one year following the revocation; and
 - (ii) Unless the applicant demonstrates compliance with all applicable laws and licensing requirements.
3. ~~All licensed premises shall be subject to inspection by the Director or his or her designee for the purpose of investigating and determining compliance with the requirements for any license issued under this Section. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection as provided hereunder, without delay, upon request. Refusal to allow an inspection may result in the license being revoked subject to the following Subsection 5.~~
34. *Appeal.* An applicant or licensee may appeal any decision to ~~refuse to grant, not renew, or suspend his or her application or~~ license to the City Manager within 14 ~~consecutive calendar~~ days from the City providing notice of the decision. The City Manager's decision shall be final.
45. *Administrative Hearing.* ~~An applicant~~ licensee may appeal any decision to revoke his or her license through the City's Administrative Hearing procedure as provided in Chapter 2, Article V, Division 3 of the Arvada City Code. ~~The Appeals~~ must be received within 14 ~~consecutive calendar~~ days from the City providing notice of the revocation.

G. **Administration.** The Financial Officer and Director shall administer the provisions of this Article and are authorized to jointly promulgate rules and regulations for its administration and implementation.

1. **Authority to Inspect.** The Director ~~or his/her designee~~ may inspect the property, dwelling, dwelling unit, or ADUR prior to the issuance of a license or a license renewal to ensure compliance with the provisions of this Section or with any other applicable local, state, or federal laws. The Director ~~or his or her designee~~ may inspect the licensed premises for the purpose of investigating and determining compliance with the requirements for a license issued under this Section, the provisions of this Section, or with any other applicable local, state, or federal law. Where any part of the property, dwelling, dwelling unit, ADUR, or licensed premises consists of a locked area, such area shall be made available for inspection as provided hereunder, without delay, upon request. Refusal to allow an inspection may result in the non-issuance of a license, or in the suspension, revocation, or non-renewal of the license for that licensed premises."

a. **Right of Entry.** Where it is necessary to make an inspection to enforce the provisions of this code during a license period, or where the Director has reasonable cause to believe that there exists in a property, dwelling, dwelling unit, or ADUR a condition that is contrary to Arvada City Code that makes the dwelling or property unsafe, dangerous, or hazardous, the Director is authorized to enter the property, dwelling, dwelling unit, or ADUR at reasonable times to inspect, provided that if such property, dwelling, dwelling unit, or ADUR be occupied that credentials be presented to the occupant and entry requested. If such property, dwelling, dwelling unit, or ADUR is unoccupied, the Director shall first make a reasonable effort to locate the owner or local contact person and request entry. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry.

2. **Violations and Penalty.** It shall be unlawful for any person to violate a provision of this section. Violators shall be subject to the penalties as contained in section 1-5 of the Arvada City Code and may also be subject to civil remedies. A separate offense shall be deemed committed upon each day such person is in violation of this chapter unless otherwise provided in this chapter.

4-5-2-9 Fleet Vehicle Parking

A. **Generally.** The maximum number of parking spaces allowed for fleet vehicles shall be as set out in this Section. Spaces used for fleet vehicles are in addition to the minimum parking requirements. Uses requiring fewer than 25 fleet parking spaces shall be exempt.

B. **Maximum Number of Fleet Vehicle Parking Spaces.** The calculation to determine the maximum number of fleet vehicle parking spaces in the allowed zoning districts is as follows:

1. In the CG zoning district, the maximum number shall be no more than 50 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
2. In the IL zoning district, the maximum number shall be no more than 100 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
3. In the IG zoning district, the maximum number shall be no more than 200 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.

Table 6-1-5-1A: Wall Signs				
Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Applied or Painted Wall Sign				

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Max. #	1 for single family, duplex or multiplex form: 1 per principal building. All other forms: 1 per establishment	Not limited	1 per building elevation	1 per building elevation
Max. Sign Area (Total Per Building Elevation)	Single family detached, duplex or multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted, max. 32 sf.; a minimum of 30 sf., if establishment frontage is less than 30 lf.	1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted.	1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation	Residential Building: 1 sf. Nonresidential Building: 1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation
Allowed Lighting	External	External	External	None
Mural Wall Sign				
Max. #	1 per building	1 per building	1 per building	Not allowed
Max. Sign Area	May be allowed on entire elevation subject to the Design Guidelines for OT	May be allowed on entire elevation	May be allowed on entire elevation	-
Allowed Lighting	External	External	External	-
Other Standards	<ul style="list-style-type: none"> a. Murals shall not be placed on a building that is exclusively for a residential use. b. Murals shall not: <ul style="list-style-type: none"> i. Project more than 2 in. in the OT sign district and 6 in. in all other sign districts from the plane of the wall upon which it is painted or to which it is affixed and shall not extend above the top of the wall upon which it is painted or to which it is affixed; and ii. Cover or interrupt major architectural features, such as doors, exits, and windows; and iii. Contain text covering more than 3% of the mural area. c. The property owner shall not be compensated for the display of the mural or the right to place the mural on a site. 			-
Bulletin Board Attached to Building Wall				
Max. #	1 per principal building entrance	1 per principal building entrance	1 per principal building entrance	Residential Building: Not allowed Nonresidential Building:

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
				1 per principal building entrance
Max. Sign Area (Per Sign)	6 sf.	12 sf.	6 sf.	6 sf.
Allowed Lighting	External	External	External	None
Other Standards	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Residential Building: Not allowed Nonresidential Building: Not allowed above an elevation of 8 ft. above adjacent grade
Cabinet Wall Signs or Dimensional Wall Signs (Primary)				
Max. #	Dimensional wall sign only; cabinet wall signs are not allowed. Single family detached, duplex or multiplex form: 1 per principal building. All other forms: 1 per establishment	Not limited	1 per building elevation	Residential Building: Not allowed Nonresidential Building: 1 per building (dimensional wall sign only; cabinet wall signs are not allowed)
Max. Sign Area (Per Sign)	Single family detached, duplex or multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted max. 32 sf.; a minimum of 30 sf. if establishment frontage is less than 30 lf.	Dimensional wall signs: 1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted Cabinet wall signs: 1 sf. per 2 lf. of establishment frontage of the building elevation upon which the sign is mounted, not to exceed 60 sf.	32 sf.	Residential Building: Not allowed Nonresidential Building: 12 sf.
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Not allowed on building elevations that are located within 10 feet of a property line of a single-family detached or duplex residential use	Not allowed if primary fin sign is also present on the same building elevation Not allowed on building elevations that are located within 24 feet of a property	Not allowed if primary fin sign is also present on the same building elevation Not allowed on building elevations that are located within 24 feet of a property	None

Table 6-1-5-1A: Wall Signs				
Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
		line of a single-family detached or duplex residential use	line of a single-family detached or duplex residential use	
Cabinet Wall Signs or Dimensional Wall Signs (Secondary)				
Max. #	1 per principal building entrance (dimensional wall sign only; cabinet wall signs are not allowed)	1 per principal building entrance	1 per principal building entrance	Not allowed
Max. Sign Area (Per Sign)	4 sf.	48 sf.	6 sf.	NA
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Must be located above ground floor principal building entrance No part of the sign shall be located more than 15 ft. above adjacent grade Not allowed if secondary fin sign is also present above the same entrance	Must be located above ground floor principal building entrance No part of the sign shall be located more than 15 ft. above adjacent grade Not allowed if secondary fin sign is also present above the same entrance	Must be located above ground floor principal building entrance No part of the sign shall be located more than 15 ft. above adjacent grade Not allowed if secondary fin sign is also present above the same entrance	NA

8-2-3-11 Review by Director

J. Call Ups.

1. Prior to the effective date of any decision by the Director on a Track 1 application, any member of the City Council may move to call up the development application for consideration within seventeen days of the Director’s decision.
2. If the motion passes, the application shall be brought before the City Council as a public hearing as soon as practicable following the date on which the decision was made for review and consideration in accordance with the criteria provided in this LDC.
3. The City Council shall have the authority to approve, approve with conditions, modify, or reverse the decision of the Planning Director. The City Council may also remand the application back to the Director with direction for further consideration.”

8-2-4-3 Specific Requirements by Notice Type is hereby amended in its entirety to read as follows:

- A. **“Mailed Notice.**

1. *Mailing List.* The Applicant shall submit a mailing list to the Director, including the names and addresses of all property owners of record of all properties within the Area of Notification described below. If there are homeowners associations and/or neighborhood organization registered with the City within the Notice Area, the Applicant shall also notify them. The list shall be compiled from the names and addresses that appear in the records of the applicable County Assessor not more than 30 days before the date the list is submitted to the Director.
2. *Method of Mailing.* Mailed notice shall be mailed first-class, postage pre-paid by the Applicant, at the Applicant's expense, to all property owners on the mailing list.
3. *Affidavit of Compliance.* An affidavit of the Applicant's compliance with the mailing notice requirements shall be provided to the Director prior to the decision or public hearing to which the notice relates.
4. *Preparation/Timing of Notice.* When the provisions of this Code require that written or mailed notice be provided, the Applicant shall be responsible for preparing the written notice, and for mailing the notice at the Applicant's expense. All written notice shall be mailed at least fifteen days prior to the public hearing. Notices shall be prepared pursuant to a written notice form provided by the City.
5. *Deadlines.* For decision-making Tracks 2 through 5 and Track 8, mailed notices shall be postmarked no later than 15 days before a neighborhood meeting, a public hearing, or an appeal hearing. For decision-making Tracks 1, 6, or 7, mailed notice of administrative application shall be postmarked no later than five days after acceptance of an application. For a notice of administrative decision, mailed notice shall be postmarked no later than ten days prior to the decision date.
6. *Notice Area.*
 - a. For purposes of public hearings before the City Council or the Planning Commission, ~~and~~ Notice of Administrative Application, and Administrative Decision (if required), notice shall be mailed to all property owners that are within 1,0500 feet of the boundary of the property that is the subject of the application if the property is less than five acres in size, or 1,500 feet of the boundary of the property that is the subject of the application if it is five acres or greater in size, except as otherwise provided herein. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property. For street and alley right-of-way and public vehicular access easement vacations, mailed (written) notice shall be sent to all owners of property abutting the right-of-way or access easement to be vacated. Written notice shall also be mailed to any homeowners associations and other neighborhood organization with a known interest in the subject area, or to others who have filed a timely request to receive written notice. The Director shall have the ability to reduce the notice distance by up to 500 feet for applications determined to have a minimal impact on surrounding properties.
 - b. *Notices for Board of Adjustment.* For purposes of public hearings before the Board of Adjustment, notice shall be mailed to all property owners that are

adjacent to the property that is the subject of the application. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property.

- c. *Changes to Notification Area.* The Director shall have the sole discretion to expand or contract the notification area based on a consideration of the complexity of the project, the geographic reach of potential adverse impacts, the extent of neighborhood compatibility issues, and similar factors.
- B. Published Notice.** When the provisions of this Code require that notice be published, the City shall be responsible for preparing the content of the notice, and the City shall ensure that notice is published in a newspaper of general circulation in the City, at the Applicant's expense. Notice shall be published at least 15 days prior to any public hearing by the Planning Commission or Board of Adjustment, and at least seven days prior to any public hearing by the City Council.
- C. Posting Requirements.**
1. *Signs to be Posted by Applicant.* Posted notice shall be provided on signs provided by the City at the Applicant's expense. It is the Applicant's responsibility to post the sign(s) on the subject property and ensure that they remain in place from the date of posting to the date of the public hearing.
 2. *Minimum Requirements.* Posted notice shall be provided with one sign per street frontage of the applicable property. Additional posting may be required at the Director's discretion. Signs shall be located so that they are clearly visible from the adjoining street. Applicants shall remove all notification signs within one week after the public hearing.
 3. *Deadline for Posting.* Notices shall be posted not less than 15 days before the public hearing date.
 4. *Affidavit of Compliance.* An affidavit of the Applicant's compliance with the posted notice requirements shall be provided to the Director prior to the public hearing.
 5. *Posting Log/Maintenance of Signs.* The Applicant shall be responsible for checking the posted signs each day of the posting period and for keeping a log, to be filed with the City at the time of, or prior to, any public hearing on the matter. If a sign has been removed, destroyed, or has fallen, the sign shall be replaced by the Applicant within 48 hours or by the close of the next business day, whichever period is longer. The Applicant shall sign a statement that the sign(s) were checked daily by the Applicant or the Applicant's representative, and the above-stated procedures were followed. Failure to comply with the required posting procedure may require the public hearing to be rescheduled. Such delays shall not prejudice the City regarding the City's compliance with required times to act set forth in this Code.
 6. *City-Initiated Rezoning That Affects Multiple Ownership.* The posting of signs shall not be required when an amendment to the Official Zoning Map is initiated by the City and affects multiple ownerships. At the City's option, notice of a rezoning that affects multiple ownerships may be posted at City Hall.

- D. **Internet Requirements.** The Director will create and maintain web pages upon which the Director may provide timely notice of applications. If a notice is missed by the Director, it shall not void the hearing or approval. “

8-3-5-3 Site Plan and Site Plan Amendment

- A. **Generally.** The purpose of the Site Plan or Site Plan Amendment is to ensure compliance with the development and design standards and provisions of this Code, while encouraging quality development in the City reflective of the goals, policies, and objectives found in the Comprehensive Plan.
- B. **Site Plans.** All applicable provisions of this Division apply unless specifically listed. A Site Plan is required before a building permit may be issued for all development in the City except those listed below:
1. Single family detached homes or duplex units in a subdivision of nine or fewer lots within a residential zoning district and that are not part of land for which a Master Development Plan has been approved;
 2. Permitted additions to existing single-family detached dwellings or duplex units; and
 3. Interior improvements and tenant finish.
- C. **Approval Criteria.** A Site Plan or Site Plan Amendment shall be reviewed for compliance with the following criteria:
1. The application complies with the applicable standards of this LDC, other adopted City regulations, any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning Commission or City Council in a prior decision affecting the property;
 2. The application is consistent with the Comprehensive Plan;
 3. The City’s existing infrastructure and public improvements, including but not limited to its water, wastewater, street, trail, and sidewalks systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable;
 4. The application will preserve and protect natural areas, ridgelines, swales, natural landforms, water quality and wildlife habitat of riparian corridors, wetlands and floodplains affected by the proposed development and integrates those areas into site design where practicable;
 5. The application will improve or expand multi-modal connections with adjacent sites, neighborhoods, and urban centers;
 6. The application is similar to surrounding uses in terms of size, scale and building façade materials;
 7. The application mitigates any adverse impacts on the surrounding area to the degree practicable; ~~and~~
 8. Within the MX, R6, R13 and R24 zoning districts, townhome and multifamily residential uses shall provide appropriate amenities, including recreational facilities, pedestrian facilities, unique aesthetic features and quality design; ~~and~~
 9. If the application includes residential uses and was granted Conditional Use approval:

- a. The number of residential units proposed is within five percent of the number of units presented during the Conditional Use review; and
- b. The project shall be substantially similar in design to the conceptual plan presented during the Conditional Use review in terms of the following:
 - i. Building height(s) and location(s),
 - ii. Parking location and number of spaces,
 - iii. Landscape areas and bufferyards, and
 - iv. Small urban park location(s) (if applicable).

Section 11-3-3 Definitions

Fleet Vehicles

A group of motor vehicles, such as cars, vans, and/or trucks, excluding semi-trailer trucks, owned or leased by a business, government agency, or other organization rather than by an individual or family. Examples are vehicles operated by public utilities, governmental entities, and businesses that utilize vehicles to deliver goods to customers, provide off-site services, or for sales representatives to travel to clients.

Heavy Logistics Center

A wholesaling, warehousing, and/or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. “product warehouses”), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. “truck terminals” or “logistics centers”), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least ~~7650 semi-trailer~~ heavy truck trips per day. Warehousing and distribution uses that involve fewer than ~~7650 semi-trailer~~ heavy truck trips per day are classified as Light Industry.

Heavy Truck

A truck with a gross vehicle weight rating of greater than 16,000 pounds.

Heavy Truck Trip

A heavy truck trip involves the inbound or outbound movement of the truck on a site, with each movement being considered a single trip.

Light Industry

Uses that involve research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components, with limited outside storage and limited external impacts or risks such that the use is not defined as heavy industry or heavy logistics center. Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than ~~7650 semi-trailer~~ heavy truck trips per day. For illustrative purposes, light industrial uses include:

1. Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components;
2. Offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include:
 - a. Overhead door access to indoor storage of tools, parts, and materials;
 - b. Parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or
 - c. Limited outdoor storage areas;
3. Food production (*e.g.*, commercial kitchen or bakery) and packaging, but not:
 - a. Meat processing involving butchering of large animal carcasses;
 - b. Medical marijuana-infused products manufacture; and
 - c. Restaurants;
4. Beverage production (non-alcoholic) and bottling;
5. Furniture making or refinishing;
6. Manufacture of textiles or apparel;
7. Screen printing of apparel (except low volume screen printing at a retail store);
8. Printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V of the Clean Air Act permit for air emissions;
9. Research, development, and testing laboratories (*e.g.*, for development of products, equipment, or materials), if not classified as office, general or professional, or heavy industry;
10. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
11. Manufacture of glass products (*e.g.*, window panes, bottles and jars), including hand-blown products;
12. Fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry);
13. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products;
14. Packaging of products; or
15. Storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or wholesalers, except that wholesale membership clubs that offer memberships to the general public are not light industrial uses.

Planning Commission Recommended Revisions to Staff Presented LDC Revisions

Section 8-2-3-11 Review by Director is hereby amended to add a subsection J to read as follows:

“J. Call Ups.

1. Prior to the effective date of any decision by the Director on a Track 1 application, any member of the City Council may move to call up the development application for consideration within seventeen days of the Director’s decision.
2. If the motion passes, the application ~~shall~~may be:

a. Brought before the City Council as a public hearing as soon as practicable following the date on which the decision was made for review and consideration in accordance with the criteria provided in this LDC. In which case, The City Council shall have the authority to approve, approve with conditions, modify, or reverse the decision of the Planning director; or

~~3. The City Council shall have the authority to approve, approve with conditions, modify, or reverse the decision of the Planning Director.~~

~~b. The City Council may also Remand it the application~~ back to the Director with direction for further consideration; or

c. Order it to be heard at the next available Planning Commission meeting for their recommendation prior to going before the City Council.”

“Heavy Logistics Center

A wholesaling, warehousing, and/or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. “product warehouses”), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. “truck terminals” or “logistics centers”), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least ~~5076~~ heavy truck trips per day. Warehousing and distribution uses that involve fewer than ~~5076~~ heavy truck trips per day are classified as Light Industry.”

“Light Industry

Uses that involve research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components, with limited outside storage and limited external impacts or risks such that the use is not defined as heavy industry or heavy logistics center. Light industry also includes

wholesaling, warehousing, and distribution uses that involve fewer than 5076 heavy truck trips per day. For illustrative purposes, light industrial uses include:

1. Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components;
2. Offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include:
 - a. Overhead door access to indoor storage of tools, parts, and materials;
 - b. Parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or
 - c. Limited outdoor storage areas;
3. Food production (*e.g.*, commercial kitchen or bakery) and packaging, but not:
 - a. Meat processing involving butchering of large animal carcasses;
 - b. Medical marijuana-infused products manufacture; and
 - c. Restaurants;
4. Beverage production (non-alcoholic) and bottling;
5. Furniture making or refinishing;
6. Manufacture of textiles or apparel;
7. Screen printing of apparel (except low volume screen printing at a retail store);
8. Printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V of the Clean Air Act permit for air emissions;
9. Research, development, and testing laboratories (*e.g.*, for development of products, equipment, or materials), if not classified as office, general or professional, or heavy industry;
10. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
11. Manufacture of glass products (*e.g.*, window panes, bottles and jars), including hand-blown products;
12. Fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry);
13. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products;
14. Packaging of products; or
15. Storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or wholesalers, except that wholesale membership clubs that offer memberships to the general public are not light industrial uses.”

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3-1-5-3 Short-Term Rentals

- A. **License Required.** Short Term Rental is prohibited within the City unless a license has been duly issued therefore pursuant to this Section 3-1-5-3 and in compliance with the Code, including without limitation, Chapter 98, Article V, Division 2, Lodging License.
- B. **Application.**
1. **Requirements.** An application for a license shall be submitted to the Director and shall be signed by the fee owner of record of the property to be licensed or an individual authorized in writing by the fee owner of record. All license applications shall be submitted on a form supplied by the Director, which shall include such information as is reasonably necessary for the Director to act on such application, together with an application fee as authorized under Section 74-31 of the Code. The applicant must specify which portions of the Dwelling Unit, Dwelling Unit or Accessory Dwelling Unit, Residential ("ADUR") will constitute the licensed premises available for use by renters. A license is not valid until the application fee is paid and accepted by the City.
 2. **Certification.** The applicant shall self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado. Applicants shall inform the Director in writing of any material change to the information submitted on an application for a license within thirty (30) calendar days of such change.
- C. **Term of License and Renewal.** ~~An application fee shall be received by the City prior to issuance of a license.~~ Licenses issued pursuant to this Section shall be valid for a period of one (1) calendar year from the date of issuance. Licenses must be renewed annually. Applications for renewals of a Short Term Rental license are subject to all application, fees, licensing and operation requirements set forth in this Section that apply to new licenses. In the Financial Officer's discretion, after consultation with the Director, the Financial Officer may impose conditions upon a license at the time of renewal to address non-compliance with the terms of the license, the provisions of this Section, or any other applicable provision of federal, state, or local law. Failure to comply with such conditions may result in suspension, revocation, or non-renewal of the license.
- D. **License Regulations.**
1. Compliance. The licensee shall comply with all applicable Code provisions and state and federal law including, but not limited to, Chapter 18, Buildings and Building Regulations, ~~and~~ Chapter 38, Article III, Nuisances, and Chapter 98, Taxation.
 2. Restrictions. The licensee shall ensure that renters of a Short Term Rental Unit shall only be allowed access to the portions of the Dwelling, Dwelling Unit or ADUR identified in the license.
 3. Local Contact. ~~The licensee must designate on the application a local contact who shall be available to respond within one hour of being notified by the City of a complaint about the condition of the property or conduct of short term tenants. The local contact must be available to respond as set forth herein 24 hour per day, seven days per week during any term the Short Term Rental Unit is occupied by or rented to a short term tenant, must be able to provide access to the licensed premises, and must be authorized to make decisions about the licensed premises. The local contact may be an individual or an organization or company that specializes in such services and otherwise meets the requirements of this Section. Should the local contact change, the licensee must, within seven days of the change, update the license on file with the City.~~ ~~During the term that a Short Term Rental~~

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~~Unit is occupied by a short term tenant, the owner and/or the local contact person designated by the owner shall be available twenty four (24) hours per day, seven (7) days per week, for the purpose of responding within one (1) hour to complaints regarding the condition or operation of the Short Term Rental Unit or the conduct of short term tenants. If the local contact person designated by the owner changes, then the owner shall update the license on file within five (5) business days. For the purposes of this section, "local contact person" means an individual located within thirty (30) miles of the Short Term Rental Unit, during the entire length of the Short Term Rental period, who has access to the licensed premises and is authorized to make decisions regarding the licensed premises.~~

4. Brochures. Each Short Term Rental Unit shall provide two brochures to its guests:
 - a. The first brochure shall include the licensee's contact information, the local contact party's contact information, and any necessary emergency contact information. The brochure shall also provide information pertinent to the neighborhood where the Short Term Rental Unit is located including, but not limited to, parking restrictions, trash collection schedule, relevant water restrictions, fire evacuation routes, and any other information, as required by the Director, applicable to the Short Term Rental Unit and the surrounding neighborhood.
 - b. The second brochure will be provided by the city and include relevant local ordinances, rules, and regulations that apply to all residences in the city. The licensee must display the city's brochure in each Short Term Rental Unit as it is made available and updated by the city.

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E. Licensing Requirements.

1. *Number of Short Term Rentals Units per lot.* Licensees are limited to one Short Term Rental per property. If a ~~lot~~property contains more than one legal Dwelling, Dwelling Unit or ADUR, only one Dwelling, Dwelling Unit or ADUR on such lot is eligible for licensure as a Short Term Rental Unit.
2. *Permitted structures.* Short Term Rental Units are allowed in primary and accessory structures with finished living space. All structures shall comply with the regulations for primary and accessory structures, including maximum size, height, lot coverage, and setbacks, for the property's zoning district. In the case of a multifamily property, the property owner licensee is allowed one ~~(1)~~ Short Term Rental Unit. In the case of condominiums or buildings held in similar common ownership, each owner licensee shall be limited to one ~~(1)~~ Short Term Rental Unit per property.
3. *Reservations.* Only one Short Term Rental reservation to one party at a time is allowed.
4. *Parking requirements.* One additional on-site parking space shall be required if a portion of a primary structure is used for Short Term Rental.
5. *Safety requirements.* Each Short Term Rental Unit shall be equipped with an operational smoke detector, carbon monoxide detector, and fire extinguisher on the licensed premises. ~~The Director or his or her designee may inspect the Dwelling, Dwelling Unit or ADUR prior to issuance of a license and during the term of any license issued to verify compliance with such requirements, Code provisions and state and federal law. Refusal by the applicant to allow such inspection shall be grounds for denial, non-renewal or revocation of a license.~~
6. *Occupancy.* The occupancy of a Short Term Rental Unit shall not exceed the total number of unrelated persons that are otherwise permitted to occupy property in the City.

7. *Prohibited uses.* Use of the Short Term Rental Unit for any commercial or large social events or gatherings, such as weddings, is prohibited.
 8. *Trash collection.* The ownerlicensee shall maintain weekly residential trash collection services for the Short Term Rental Unit.
 9. *Number of days in use.* ~~No Short Term Rental may be occupied by guests for more than 240 days in any 365 day period. The maximum number of days per calendar year that a Short Term Rental may be occupied by guests is 240. By December 31st of each calendar year, Upon renewal of the license,~~ the Ownerlicensee shall provide to the City the number of days that the Short Term Rental was occupied by guests during the previous 365 days. The Owner shall certify that the number reported is accurate.
 10. *Number of Short Term Rentals per OwnerLicensee.* No applicant may operate more than three individual properties as short term rentals within the City at any one time. Licensee shall certify compliance with the requirement on each application submitted to the City. By December 31st of each calendar year, the Owner shall certify that the number operated is in accordance with this regulation.
- F. **Refusal to Grant, Suspension, Revocation, Nonrenewal of License.** The Director may refuse to grant an initial license, or suspend, revoke, or not renew any license requested or issued pursuant to this Section if the Director determines that any of the following have occurred: (i) fraud, material misrepresentation or false statement in the initial application for the license or any renewal application; or (ii) failure to comply with the terms or conditions of the license, the provisions of this Section, or any other application provision of federal, state, or local law including, but not limited to, the Arvada City Code.
- ~~1. *Authority.* If In addition, the Director may issue any order reasonably calculated to ensure compliance with this Section. finds that a violation of any provision of this Section exists, the Director, after notice to the licensee, may take any one or more of the following actions to remedy the violation:~~
 - ~~a. *Impose a civil penalty according to the following schedule:*~~
 - ~~(i) *For the first violation of the provision, \$150;*~~
 - ~~(ii) *For the second violation of the same provision, \$300; and*~~
 - ~~(iii) *For the third violation of the same provision, \$1,000.*~~
 - ~~b. *Revoke the license;*~~
 - ~~e.1. *Issue any order reasonably calculated to ensure compliance with this Section.*~~
 2. *Remedies.* The Director’s authority under this Section is in addition to any other authority the Director has to enforce this Section, and election of one remedy by the Director shall not preclude resorting to any other remedy as well.
 - a. The Director shall not accept a new application from the same licensee for the same Dwelling, Dwelling Unit or ADUR after revocation of a license:
 - (i) For at least one year following the revocation; and
 - (ii) Unless the applicant demonstrates compliance with all applicable laws and licensing requirements.
 - ~~3. *All licensed premises shall be subject to inspection by the Director or his or her designee for the purpose of investigating and determining compliance with the requirements for any license issued under this Section. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection as provided hereunder,*~~

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~~without delay, upon request. Refusal to allow an inspection may result in the license being revoked subject to the following Subsection 5.~~

~~4-3. *Appeal.* An applicant or licensee may appeal any decision to refuse to grant, not renew, or suspend his or her ~~application or~~ license to the City Manager within 14 ~~consecutive calendar~~ days from the city providing notice of the decision. The City Manager's decision shall be final.~~

~~5-4. *Administrative Hearing.* An ~~applicant~~ licensee may appeal any decision to revoke his or her license through the city's Administrative Hearing procedure as provided in Chapter 2, Article V, Division 3 of the Arvada City Code. The Appeals must be received within 14 ~~consecutive calendar~~ days from the city providing notice of the revocation.~~

G. Administration. The Financial Officer and Director shall administer the provisions of this Article and are authorized to jointly promulgate rules and regulations for its administration and implementation. ▲

~~1. *Authority to Inspect.* The Director may inspect the property, dwelling, dwelling unit, or ADUR prior to the issuance of a license or a license renewal to ensure compliance with the provisions of this Section or with any other applicable local, state, or federal laws. The Director may inspect the licensed premises for the purpose of investigating and determining compliance with the requirements for a license issued under this Section, the provisions of this Section, or with any other applicable local, state, or federal law. Where any part of the property, dwelling, dwelling unit, ADUR, or licensed premises consists of a locked area, such area shall be made available for inspection as provided hereunder, without delay, upon request. Refusal to allow an inspection may result in the non-issuance of a license, or in the suspension, revocation, or non-renewal of the license for that licensed premises.~~ ▲

~~a. *Right of Entry.* Where it is necessary to make an inspection to enforce the provisions of this code during a license period, or where the Director has reasonable cause to believe that there exists in a property, dwelling, dwelling unit, or ADUR that is contrary to Arvada City Code that makes the dwelling or property unsafe, dangerous, or hazardous, the Director is authorized to enter the property, dwelling, dwelling unit, or ADUR at reasonable times to inspect, provided that if such property, dwelling, dwelling unit, or ADUR be occupied that credentials be presented to the occupant and entry requested. If such property, dwelling, dwelling unit, or ADUR is unoccupied, the Director shall first make a reasonable effort to locate the owner or local contact person and request entry. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry.~~ ▲

~~G-2. *Violations and Penalty.* It shall be unlawful for any person to violate a provision of this section. Violators shall be subject to the penalties as contained in section 1-5 of the Arvada City Code and may also be subject to civil remedies. A separate offense shall be deemed committed upon each day such person is in violation of this chapter unless otherwise provided in this chapter.~~

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Division 3-1-6 Oil and Gas Operations.

Reserved.

4-5-2-8 Bicycle Parking

- A. **Generally.** Bicycle parking shall be provided as set out in this Section, and designed according to the requirements of Section 4-5-3-8, Bicycle Parking Design.
- B. **Exceptions.** Bicycle parking is not required for the following uses:
 - 1. The land uses that are set out in Section 3-1-2-10 Agriculture Land Use by Zoning District;
 - 2. The land uses that are set out in Section 3-1-2-9, Utility and Communications Land Use by Zoning District;
 - 3. Waste transfer station;
 - 4. Salvage yard;
 - 5. Heavy industry;
 - 6. Heavy logistics center;
 - 7. Waste Removal Fleet Storage and Administration;
 - 8. The land uses that are set out in Section 3-1-2-3 Additional Residential Land Use by Zoning District
 - 9. Single-family detached, duplex, townhome, or multiplex dwelling units.
- C. **Minimum Number of Bicycle Parking Spaces.** Except as provided in Subsection B., above, bicycle parking shall be provided as follows:
 - 1. **Multifamily.** One space for every four dwelling units. Twenty percent shall be for long-term.
 - 2. **Elementary School.** One space for every five students. Twenty five percent shall be long-term.
 - 3. **Middle School.** One space for every five students. Twenty five percent shall be long-term.
 - 4. **High School.** One space for every ten students. Twenty five percent shall be long-term.
 - 5. **College or University.** One space for every ten students. Twenty five percent shall be long-term. **Personal Services.** Personal services, if related to personal fitness (e.g., boxing or kickboxing instruction; fitness centers; martial arts instruction; swim instruction; or yoga instruction). One space for every ten required motor vehicle spaces. Ten percent shall be for long-term
 - 6. **All Other Uses.**
 - a. **Generally.** One space for every 20 required motor vehicle parking spaces. Ten percent shall be long-term.
 - b. **MX-T Zoning District.** One space for every ten required motor vehicle parking spaces.
 - c. **Olde Town District.** One space for every five required motor vehicle parking spaces. For historic buildings that are not required to provide off-street parking, five spaces per building.
 - d. **MX-S, MX-U and CG Zoning Districts.** One space for every 15 required motor vehicle parking spaces.

4-5-2-9 Fleet Vehicle Parking

- A. **Generally.** The maximum number of parking spaces allowed for fleet vehicles shall be as set out in this Section. Spaces used for fleet vehicles are in addition to the minimum parking requirements. Uses requiring fewer than 25 fleet parking spaces shall be exempt.

B. Maximum Number of Fleet Vehicle Parking Spaces. The calculation to determine the maximum number of fleet vehicle parking spaces in the allowed zoning districts is as follows:

1. In the CG zoning district, the maximum number shall be no more than 50 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
2. In the IL zoning district, the maximum number shall be no more than 100 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
3. In the IG zoning district, the maximum number shall be no more than 200 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.

Division 4-5-3 Parking and Loading Design

4-5-3-1 General Design Principles

- A. **Generally.** Circulation systems within a subject property shall provide for continuous traffic flow with efficient, non-conflicting movement throughout the site.
- B. **Vehicular-Pedestrian Conflicts.**
 1. Conflicts between areas of significant pedestrian movement and vehicular circulation shall be minimized.
 2. Required drive-through stacking areas shall not intersect with pedestrian access to a public entrance of a building.
- C. **Configuration of Parking Lots.** If differentiated, short-term and long-term parking shall be clearly signed, and short-term parking areas shall generally be located closer to the primary public entrances of principal buildings.
 1. Parking lots and loading areas shall have access from a clearly defined drive aisle not less than 18 feet in width for one-way traffic and 24 feet in width for two-way traffic.
 2. Parking spaces shall be marked on the pavement surface with striping, or change of color or material.
- D. **Parking in the Front Setbacks.** Parking shall not be permitted within the front setback or frontage zone on any lot, except for single-family detached and duplex lots and multiplex sites with parking on paved driveways.
- E. **Parking Areas Surface.** All off-street parking spaces and areas required by Division 4-5-2-2, Parking Requirements Tables, vehicular access and drive aisles, and stacking areas shall be surfaced with asphalt, concrete or other approved equivalent surface. Recycled asphalt, gravel, or similar compacted materials are not an acceptable parking surface.
 1. The surfacing requirements above shall not apply to access drives on lots or tracts within the RA zoning district when the access drive is more than 100 feet in length or utilized for an accessory agricultural use.
 2. Any area used to park vehicles on a single-family or duplex lot, which is not an off-street parking space required by Table 4-5-2-2A, Residential Land Use Parking Standards, shall be clearly delineated, improved with concrete, asphalt, stone pavers, gravel or rock (provided the installation is sufficient to support vehicles), maintained free of weeds and display no

Review Advisory Committee agenda. The Design Review Advisory Committee shall consider and decide the application within 45 days after the referral.

3. The Building Official shall process building permit applications that are required to erect or install signs simultaneously with the Director or Design Review Advisory Committee, as applicable.

3.J. Call Ups

- 4.1. Prior to the effective date of any decision by the Director on a Track 1 application, any member of the City Council may move to call up the development application for consideration within seventeen days of the Director's decision.
2. If the motion passes, the application shall be brought before the City Council as a public hearing as soon as practicable following the date on which the decision was made for review and consideration in accordance with the criteria provided in this LDC.
3. The City Council shall have the authority to approve, approve with conditions, modify, or reverse the decision of the Planning Director. The City Council may also remand the application back to the Director with direction for further consideration.

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8-2-3-12 Public Hearing Notice and Schedule

- A. **Generally.** For applications that require public hearings, Track 2 through Track 8, when administrative review pursuant to Section 8-2-3-11, Review by Director, is complete, the Director shall coordinate with the Applicant to cause notice to be issued according to the requirements of Division 8-2-4, Required Notices, and set the application on the agenda of the next body that will consider the application, consistent with the legal requirements for public notice.
- B. **Special Provisions for Signs, Wireless Communications Facilities, and Small Cell Facilities.**
 1. Applications for Alternative Sign Programs shall be set for hearing within 45 days after the determination of completeness (see Section 8-2-3-7, Completeness Review).
 2. Applications for Wireless Communications Facilities Freestanding Towers shall be processed as required by the applicable "shot clocks" set out in Division 8-3-6, Wireless Communications Facilities.
- C. **Notice to Applicant.** The Director shall notify the Applicant regarding the time and place of public hearings.

8-2-3-13 Hearing Procedures

- A. **Generally.** All applications that are subject to Track 2, Track 3, Track 4, and Track 5, Track 6, Track 7 and Track 8 development review procedures are subject to the requirements of this Section and the applicable rules of the body conducting the hearing.
- B. **Hearing Procedures.**
 1. The Planning Commission, Board of Adjustment, and City Council shall adopt rules of procedure for the conduct of public hearings.
- C. **Continuances.** Requests for continuance may be granted at the discretion of the body holding the public hearing.
- D. **Decision or Recommendation.**
 1. If the hearing is before the Planning Commission, the Planning Commission shall:
 - a. Apply the approval criteria for review and approval as stated in the LDC when considering an application.

A. **Mailed Notice.**

1. *Mailing List.* The Applicant shall submit a mailing list to the Director, including the names and addresses of all property owners of record of all properties within the Area of Notification described below. If there are homeowners associations and/or neighborhood organization registered with the City within the Notice Area, the Applicant shall also notify them. The list shall be compiled from the names and addresses that appear in the records of the applicable County Assessor not more than 30 days before the date the list is submitted to the Director.
2. *Method of Mailing.* Mailed notice shall be mailed first-class, postage pre-paid by the Applicant, at the Applicant's expense, to all property owners on the mailing list.
3. *Affidavit of Compliance.* An affidavit of the Applicant's compliance with the mailing notice requirements shall be provided to the Director prior to the decision or public hearing to which the notice relates.
4. *Preparation/Timing of Notice.* When the provisions of this Code require that written or mailed notice be provided, the Applicant shall be responsible for preparing the written notice, and for mailing the notice at the Applicant's expense. All written notice shall be mailed at least fifteen days prior to the public hearing. Notices shall be prepared pursuant to a written notice form provided by the City.
5. *Deadlines.* For decision-making Tracks 2 through 5 and Track 8 , mailed notices shall be postmarked no later than 15 days before a neighborhood meeting, a public hearing, or an appeal hearing. For decision-making Tracks 1, 6, or 7, mailed notice of administrative application shall be postmarked no later than five days after acceptance of an application. For a notice of administrative decision, mailed notice shall be postmarked no later than ten days prior to the decision date.
6. *Notice Area.*
 - a. For purposes of public hearings before the City Council or the Planning Commission, ~~and~~ Notice of Administrative Application and Administrative Decision (if required), notice shall be mailed to all property owners that are within ~~500~~1,000 feet of the boundary of the property that is the subject of the application if the property is less than five acres in size, or 1,500 feet of the boundary of the property that is the subject of the application if it is five acres or greater in size, except as otherwise provided herein. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property. For street and alley right-of-way and public vehicular access easement vacations, mailed (written) notice shall be sent to all owners of property abutting the right-of-way or access easement to be vacated. Written notice shall also be mailed to any homeowners associations and other neighborhood organization with a known interest in the subject area, or to others who have filed a timely request to receive written notice. The Director shall have the ability to reduce the notice distance by up to 500 feet for applications determined to have a minimal impact on surrounding properties.
 - b. *Notices for Board of Adjustment.* For purposes of public hearings before the Board of Adjustment, notice shall be mailed to all property owners that are adjacent to the property that is the subject of the application. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned

- B. **Site Plans.** All applicable provisions of this Division apply unless specifically listed. A Site Plan is required before a building permit may be issued for all development in the City except those listed below:
1. Single family detached homes or duplex units in a subdivision of nine or fewer lots within a residential zoning district and that are not part of land for which a Master Development Plan has been approved;
 2. Permitted additions to existing single-family detached dwellings or duplex units; and
 3. Interior improvements and tenant finish.
- C. **Approval Criteria.** A Site Plan or Site Plan Amendment shall be reviewed for compliance with the following criteria:
1. The application complies with the applicable standards of this LDC, other adopted City regulations, any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning Commission or City Council in a prior decision affecting the property;
 2. The application is consistent with the Comprehensive Plan;
 3. The City's existing infrastructure and public improvements, including but not limited to its water, wastewater, street, trail, and sidewalks systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable;
 4. The application will preserve and protect natural areas, ridgelines, swales, natural landforms, water quality and wildlife habitat of riparian corridors, wetlands and floodplains affected by the proposed development and integrates those areas into site design where practicable;
 5. The application will improve or expand multi-modal connections with adjacent sites, neighborhoods, and urban centers;
 6. The application is similar to surrounding uses in terms of size, scale and building façade materials;
 7. The application mitigates any adverse impacts on the surrounding area to the degree practicable; ~~and~~
 8. Within the MX, R6, R13 and R24 zoning districts, townhome and multifamily residential uses shall provide appropriate amenities, including recreational facilities, pedestrian facilities, unique aesthetic features and quality design-: and
 9. If the application includes residential uses and was granted Conditional Use approval:
 - a. The number of residential units proposed is within five percent of the number of units presented during the Conditional Use review; and
 - b. The project shall be substantially similar in design to the conceptual plan presented during the Conditional Use review in terms of the following:
 - i. Building height(s) and location(s),
 - ii. Parking location and number of spaces,
 - iii. Landscape areas and bufferyards, and
 - iv. Small urban park location(s) (if applicable).

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8-3-5-4 Certificate of Compliance with Design Guidelines

Family

Any of the following individuals or groups:

1. One or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit;
2. A group of not more than five persons not related by blood, marriage, or adoption, living together as a single housekeeping unit; or
3. A family foster home, licensed by the State of Colorado, or certified by the Jefferson County Department of Human Services or Adams County Department of Social Services, or a state-licensed child placement agency having no more than four foster children.

The term “family” does not include more than one person who is required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended, unless related to all other members of the same housekeeping unit by blood, marriage, or adoption.

Farmers’ Market

An occasional or periodic market where items such as fresh produce, seasonal fruits, and fresh flowers are offered for sale directly to the consumer. A farmers’ market may also include accessory sales of value-added food products such as jams, jellies, pickles, sauces, or baked goods, arts and craft items, and prepared food and beverages. The phrase “farmers’ market” does not include the sale of second-hand goods or commercially produced or packaged goods.

Federal Register

The official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

Fenestration

The placement and proportion of windows, doors and other exterior openings of a building’s façade.

Fleet Vehicles

A group of motor vehicles, such as cars, vans, and/or trucks, excluding semi-trailer trucks, owned or leased by a business, government agency or other organization rather than by an individual or family. Examples are vehicles operated by public utilities, governmental entities and businesses that utilize vehicles to deliver goods to customers, provide off-site services or for sales representatives to travel to clients.

Flood or Flooding

Any of the following:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters; or
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. Mudslides (*i.e.*, mudflows) that are proximately caused by flooding as defined in 1, above and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an

A state-licensed group home serving not more than eight persons exclusively for the care of persons with mental illness, as defined and regulated by the Colorado Department of Public Health and Environment.

Guest House

An accessory dwelling attached to, or detached from, a principal dwelling used to house guests of the occupant of the principal dwelling, and which shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling.

H

Heavy Industry

Industrial uses that are not specifically defined elsewhere in this Code, which can be described in one of the following three ways:

1. Primary processing, manufacturing, assembly or repair operations not specifically defined elsewhere in this Code or this definition, which involve any of the following:
 - a. A material risk of significant environmental contamination, explosion, or fire;
 - b. Perceptible ground vibration at the property line;
 - c. Excessive noise or dust emissions at the property line and downwind;
 - d. Large-scale outdoor storage of inputs or products;
 - e. Significant outdoor installations of processing equipment;
 - f. Outside emission of objectionable odors;
 - g. More than ~~3060~~ trips by ~~semi-trailer~~**heavy** trucks per day; or
2. Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, logs, pulpwood, or fossil fuels; or
3. Activities that are required to undergo New Source Review under the federal Clean Air Act, or are subject to construction or operation permits pursuant to the Colorado Stationary Sources Program or Title V of the federal Clean Air Act.

Heavy Logistics Center

A wholesaling, warehousing, and / or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. "product warehouses"), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. "truck terminals" or "logistics centers"), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least ~~5076~~ **heavy** truck trips per day. Warehousing and distribution uses that involve fewer than ~~7650~~ **heavy** truck trips per day are classified as Light Industry.

Heavy Truck

A truck with a gross vehicle weight rating of greater than 16,000 pounds.

Heavy Truck Trip

A heavy truck trip involves the inbound or outbound movement of the truck on a site, with each movement being considered a single trip.

Historic Structure Any structure that is:

Letter of Map Revision Based on Fill (“LOMR-F”)

The Federal Emergency Management Agency’s (“FEMA’s”) amendment, by letter, to an effective Flood Insurance Rate Map (“FIRM”) where fill was brought in or used to elevate a property, portion of property, or structure above the Base Flood Elevation (“BFE”).

Levee

A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Little Free Library

A free book exchange for anyone to take and usually the size of a large mailbox.

Light Industry

Uses that involve research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components, with limited outside storage and limited external impacts or risks such that the use is not defined as heavy industry or heavy logistics center. Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than ~~5076~~ heavy truck trips per day. For illustrative purposes, light industrial uses include:

1. Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components;
2. Offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include:
 - a. Overhead door access to indoor storage of tools, parts, and materials;
 - b. Parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or
 - c. Limited outdoor storage areas;
3. Food production (e.g., commercial kitchen or bakery) and packaging, but not:
 - a. Meat processing involving butchering of large animal carcasses;
 - b. Medical marijuana-infused products manufacture; and
 - c. Restaurants;
4. Beverage production (non-alcoholic) and bottling;
5. Furniture making or refinishing;
6. Manufacture of textiles or apparel;
7. Screen printing of apparel (except low volume screen printing at a retail store);
8. Printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V of the Clean Air Act permit for air emissions;
9. Research, development, and testing laboratories (e.g., for development of products, equipment, or materials), if not classified as office, general or professional, or heavy industry;
10. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
11. Manufacture of glass products (e.g., window panes, bottles and jars), including hand-blown products;
12. Fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry);

City of Arvada
Community and Economic Development Department
PUBLIC HEARING STAFF REPORT

2022 Land Development Code Amendments
LDC2022-0001

NATURE OF REQUEST

The City of Arvada is requesting approval of an ordinance amending various sections of the Land Development Code to include changes and clarifications to make the Code easier to understand and administer.

BACKGROUND

The Land Development Code was adopted by City Council on May 18, 2020. It was later amended to allow for Short Term Rental properties within the City.

A large package of amendments was approved on March 21, 2022. However, there were a handful of changes that required additional discussion. A workshop with the City Council occurred on April 11, 2022 to discuss the remaining items. Additionally, a workshop with the Planning Commission occurred on June 7, 2022.

PUBLIC NOTIFICATION

Division 8-2-4 of the Land Development Code requires public notification for all public hearings as follows:

Published Notice: At least 15 days prior to all public hearings, notice of the hearing must be published in a newspaper of general circulation in the City. The required notice has been published.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

The project is consistent with the City Council Strategic Plan principles for the Community and Economic Development work system.

PROJECT ANALYSIS

Summary of Proposed Update

This amendment will modify the following (see redlined pages):

1. Revisions to Section 3-1-5-3, Short Term Rentals, for overall clarity, a better definition of the local contact, elimination of specific fees for violations, and clarification of inspection by the City.
2. The addition of Section 4-5-2-9, Fleet Vehicle Parking, to address the maximum number of spaces within a parking area that can be dedication to company-owned or operated vehicles.
3. The addition of Subsection 8-2-3-11I, Call Ups, to allow for City Council review of Administrative Decisions.
4. Revisions to Subsection 8-2-4-3A6, Notice Area, to increase the mailing notice area from property boundaries.
5. The addition of criteria in Subsection 8-3-5-3, Site Plan and Site Plan Amendment, to address previously granted Conditional Use approval.
6. Additional and revised definitions in Chapter 9.

Compliance with the Comprehensive Plan

The proposed amendments to the LDC will not conflict with the intent of the 2014 Comprehensive Plan.

Consistency with the Purpose of the Code

The proposed amendment is consistent with the Purposes of the Code set out in Section 1-1-1-2, Purpose and Intent, in that the amended regulations will promote the public health, safety, convenience, comfort, prosperity, and general welfare of the City.

LAND DEVELOPMENT CODE APPROVAL CRITERIA

The Planning Commission should make a recommendation to the City Council based on its findings regarding the approval criteria shown in the table(s) below and upon testimony heard during the public hearing as it applied to the criteria.

Staff performed an analysis of the proposal, based on the approval criteria listed in Division 8-3-2 of the Land Development Code, and presents the following findings:

Division 8-3-2 Approval Criteria (05-18-20)	Finding	Rationale
A. The proposed amendment is consistent with the Arvada Comprehensive Plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan.	Complies	The proposed amendment is consistent with the Arvada Comprehensive Plan because the proposed amendments will ensure that the community and developers can clearly understand and interpret the LDC.
B. The proposed amendment is consistent with the Purposes of the Code set out in Section 1-1-1-2, Purpose and Intent, of	Complies	The proposed LDC amendments are consistent with the intent and purposes of the Code because

the LDC.		the regulations will promote the public health, safety, convenience, comfort, prosperity, and general welfare of the City.
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STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, the City team recommends approval of these amendments.

Fwd: Heavy Logistics - Planning Commission workshop tomorrow, June 7

Rob Smetana <rsmetana@arvada.org>
To: CED Boards and Commission <cedboardsandcommission@arvada.org>

Tue, Jun 7, 2022 at 8:50 AM

Another comment letter for tonight/June 21st.

Thanks.

Rob Smetana, AICP
Manager of City Planning and Development
720.898.7440
rsmetana@arvada.org



----- Forwarded m
From: **Nancy Young** [REDACTED]
Date: Mon, Jun 6, 2022 at 5:01 PM
Subject: Heavy Logistics - Planning Commission workshop tomorrow, June 7
To: Rob Smetana <rsmetana@arvada.org>

Hi Rob -

Could you please assure that the following comment is sent to all of the Planning Commissioners?

My respect and admiration for you and the entire Planning staff is very high. However, in this instance, I wonder if perhaps you have been focused on correcting the LDC, when perhaps changes in the logistics world need a broader viewpoint. E-commerce is a very recent development. I believe that Arvada could be at the forefront of adapting to this new logistics world, once it is understood at the city planning level and its implications for other City functions (like roads) are thoroughly understood.

Please consider these comments as constructive - another way to look at the evolving world around us.

Thank you.

Nancy

Greetings Commissioners -

I am deeply concerned with allowing a heavy logistics center in either an IL (light industrial) or CG (general commercial zone). Due to my concern, I have done extensive research, summarized below. Despite my

respect and admiration for the City staff and their excellent work, it appears that perhaps they need to step back from the details and examine the larger context of today's changing world.

Specifically, logistics centers are generally defined as a central location where goods are stored (warehoused), sorted, and then distributed to users. From the perspective of City planning, the key element of any logistics center, light or heavy, involves transportation (especially vehicles). Before internet commerce, most logistics centers were intermodal, involving ships, planes, trains, and large semi-tractor trailers. After internet commerce, a new form of logistics center is evolving, involving incoming goods delivered by large semi-tractor trailer trucks, organizing the goods for delivery to individual home addresses, with a very large fleet of outgoing vehicles being smaller "trucks." This definition fits not only the Amazon model, but also FedEx, UPS, and similar household delivery organizations in our e-commerce world.

The implications of this evolving function of logistics centers for City planners does not seem to be appreciated. From my perspective, heavy logistics involves perhaps 15-30 daily incoming semi-tractor trailer trucks (one-way trips), and something well over 100 outgoing vehicles. In the case of Amazon, something like 1500 vehicles were planned for outgoing delivery trips. Light logistics would involve a total number of trucks, of all kinds, below these numbers. Light logistics makes sense in both IL and CG zoning districts.

That brings the discussion back to where should heavy logistics centers be located. Since heavy logistics involves a large number of very heavy trucks, and an even larger volume of outgoing, fully-loaded smaller trucks/vans, the major considerations need to address the roads that will be used for both incoming and outgoing vehicles, the volume and weight of outgoing trucks (relative to the impact on road quality), and the impact on overall traffic volume on local roads within one mile of the center. Among the considerations are whether the roads used to access and exit the heavy logistics center are designed for heavier vehicles and the traffic volumes expected.

My conclusion is that heavy logistics centers should be very close to an interstate highway or a state highway designed to hold up under heavily loaded very large trucks. It should never depend on roads that are only one lane in each direction (like Indiana, Lamar, or Ridge Road), and should not be located on collector streets, which are often also residential streets.

As I look around Arvada, there are very few locations that meet these criteria for heavy logistics. Perhaps in the area of the Sam's Club shopping center at 52nd and Wadsworth, or along I-70 between Wadsworth and Kipling. Even locations along Sheridan leave much to be desired. Sheridan near I-70 and I-76 is very narrow. In northwest Arvada, the nearest major highways are the NW Parkway and the Denver-Boulder Turnpike (State Highway 36). There are very few non-residential locations in Arvada along these roads. There might be a possibility further west, on Highway 93. I do not know much about that area, although I've heard that Highway 93 carries a lot of personal vehicle traffic.

I wanted to share these thoughts before tomorrow night's meeting. I believe they are relevant to any revision of definitions involving heavy logistics centers.

Thank you for your consideration.

Nancy

**RVC Questions for City Staff
Regarding Proposed LDC Major Amendments
Semi-Truck Trip, Heavy Truck Trip, Heavy Logistics, Light Industry
6/5/2022**



The Ralston Valley Coalition (RVC) is a volunteer run, citizen coalition committed to protecting our community and quality of life in Arvada. The Land Development Code of Arvada is a governing document that was created with citizen input and should be compatible with other governing city documents for consistency. The LDC should also demonstrate the responsible and compatible development for the betterment of all who reside in the City of Arvada. Amending such an important guiding document requires citizen input and explanation by city staff so citizens can understand why changes are currently needed without waiting for the formal revisiting of the LDC document. **RVC respectfully requests that the city staff answer all the bolded questions during the workshop sessions PRIOR to bringing these amendments to a public hearing setting** so the citizens of Arvada have time to understand the changes and be able to respond publicly at the hearings. Just to clarify... the Staff Report in brief to the Planning Commission (dated June 7, 2022) states that the final proposed changes were discussed with the City Council on April 11th. RVC was in attendance at the April 11th workshop and we do not recall changing the definition to be based on heavy trucks. This was not presented nor was the change to the definition Heavy Industry discussed or presented. We want to make sure it is understood that the City Council has not yet heard these changes. We do recall the discussion on doing a comprehensive study to examine the proposed changes, look at what other cities are doing, etc as that was in fact suggested at the City Council workshop of April 11th.

The following concerns/questions pertain to the Arvada City Planning Staff's proposed LDC Major Amendments for the following:

- The revised definition of Heavy Logistics based on "heavy" truck trips.
- The revised definition of Light Industry based on "heavy" truck trips.
- The claim that the staff has always interpreted that "truck trips" are "round trips" in the 2020 amended LDC.
- The number of truck trips in the 2020 amended LDC.

In 2015, the LDC was amended to include and use definitions for Heavy Logistics, Light Industry, and Heavy Industry. The definitions were not modified or apparently not a subject of discussion when amending the LDC in 2020.

- 1. Why is the amendment process continuing without a study? What is the urgency for these changes?**
- 2. What problems prompted the need for the proposed amendments since the LDC was recently amended in 2020?**
- 3. How will the proposed amendments prevent further problems or provide added clarity in interpreting the LDC?**



4. *What legal evidence supports the claim that a “truck trip” as used in the 2020 and the 2015 amended LDCs is to be interpreted as a round trip?*

The Ralston Valley Coalition legal counsel emailed a letter with exhibits to each member of the current Arvada City Council, the Arvada City Attorney, and the Arvada Director of Community and Economic Development on December 13, 2021 arguing against the proposed amendments with specific regard to the staff’s claim that a “truck trip” in the 2020 LDC is a round trip with the evidence being a letter from Prescient dated 8/28/2015.

5. *Please address the concerns and arguments in the RVC letter dated Dec 13, 2021 and provide written evidence in support of the “round trip” theory in the LDC.*

6. *How does the Arvada level of industrial activity permitted in Light Industry (truck traffic and outdoor storage) compare to other front range cities of comparable size to Arvada and with similar land development codes defining Heavy Industry, Heavy Logistics, and Light Industry? If there are deviations, please provide justification for the deviations.*

The change to base the definitions of Heavy Logistics and Light Industry based solely on heavy-truck trips will remove a constraint on truck traffic in Light Industry areas since the current definition is based on all types of trucks.

7. *How will truck and other commercial traffic be regulated or limited within Light Industry areas?*

There does not appear to be any consideration or coordination of the definition of Heavy Industry and the requirement for a Heavy Truck Routing Plan with the new proposed threshold 76 semi-truck trips between Light industry and Heavy Logistics. The current LDC describes Heavy Industry as a use with more than 30 trips by semi-trailer trucks per day.

8. *How do you rationalize using a threshold of 76 heavy-truck trips for Light Industry and Heavy Logistics which is 2.5 times the level of truck trips which describes the current Heavy Industry zoning?*

9. *Have you looked at how the new definitions affect the requirements for a Heavy truck routing plan or the definition of heavy trucks?*

The Staff Truck Study data table seems to indicate that, with the exception of Sundyne, all the operations comply with existing truck traffic levels for Light Industry and does not support a need to change the LDC.



10. Please explain in detail how the study was performed, what truck traffic is included, and how the data supports the requested LDC amendments.

11. Is there a detailed staff report analyzing consistency with the Comp Plan and LDC?

The Federal Government and State of Colorado has lists describing the various classes of trucks by vehicle weights. (See attachment)

12. Would the city consider adopting the standards recognized by the State and Federal as Arvada standards to describe trucks and develop permissible levels of truck traffic for Light Industry and Heavy Logistics?

The Fleet Vehicle definition does not address contract vehicles which are being utilized more and more instead of an owner or operator fleet.

13. How are contract vehicles which are part of the business plan of a specific proposal regulated?

In summary, RVC has been in attendance at all the workshops on the LDC held by the City Council and Planning Commission that we were aware of. We understand the process of these workshops is to improve and craft the amendments until such time they can be in the best version and a finalized form to then present to Council for a vote. Through this process the City Council gave direction to staff to count truck trips as “one way” to be consistent with ITE standards and we believe that is appropriate as it clarifies the current LDC numbers for truck trips correctly as “one way” which is how the LDC reads. Light Industry is a total not to exceed 50 truck trips (25 in and 25 out) and Heavy Industry is anything over 30 semi-truck trips. Compared to similar sized cities, these numbers are already very liberal. We would highly encourage the staff to research what other cities with similar LDC’s have in place. (i.e. Loveland or Centennial have very similar LDC’s to Arvada)

Staff continues to argue that trips have always been “round trip” so they simply doubled all the numbers in the latest versions of the proposed LDC amendments now that Council made the trips one way. The amendment process is not getting closer to a final version but further away from where it began in our estimation as there is absolutely no justification shown that these changes are needed.

RVC does not agree with the LDC changes as proposed and has continually requested staff to show evidence and/or precedent that 1) the current LDC definition of truck trips has always been round trip, 2) give us examples of how the proposed changes will improve Arvada and 3) how the current LDC hasn’t worked for Arvada development and that’s why the changes in truck trips and truck definitions are needed.

**RVC Questions for City Staff
Regarding Proposed LDC Major Amendments
Semi-Truck Trip, Heavy Truck Trip, Heavy Logistics, Light Industry
6/5/2022**



The proposed changes to truck definition and truck trips will substantially change the LDC from the current version and further confuses the process. The definition changes from “truck” to “semi-truck” to now “heavy truck” needs more clarification. RVC encourages the Planning Commission and City Council to study this more to make sure you get this right. The current proposal, if approved, could be seen as rezoning without a public rezoning hearing to further industrialize Arvada without community input. We caution you to consider the potential problems that will come from such a change. The LDC should guide the development of Arvada given where Arvada currently is in 2022 and what is still left to develop, looking also to what could be redeveloped in the future. The vacant parcels are mostly infill sites other than a few larger parcels on the outskirts and older developments that could be redeveloped are also infill sites. This should be considered along with Arvada’s current capacity for infrastructure to support any future development. Responsible and compatible development should be the #1 Goal in all cases.

These are the RVC suggestions to consider if using Heavy Truck as the definition:

- All truck trips should be counted as one way to be consistent with ITE.
- Truck definitions should be consistent with state and federal definitions for trucks.
- If Heavy Trucks is the threshold, a guideline for all other cargo vehicles associated with the business should be added.
- Warehousing and distribution uses that involve fewer than 50 (25 in and 25 out) truck trips per day are classified as Light Industry.
- Heavy Logistics Centers are expected to generate more than 50 (25 in and 25 out) heavy truck trips per day.
- More than 30 trips (15 in and 15 out) by heavy trucks is considered Heavy Industry.
- Fleet vehicles definition should include contractor fleet vehicles.

RVC also recommends a study be performed prior to making changes to include the following statement as well as answers to these questions:

- A statement of why changes are needed
- What problems will be corrected?
- How do the changes compare to industrial levels in other cities?
- What will be the effect of the changes / permitted traffic levels?
- Has a thorough coordination of changes been performed with the Arvada Comp Plan, LDC, and other Arvada municipal code?

RVC will continue to follow the workshops and provide community input in written form. We look forward to being able to engage publicly at the hearings. In the meantime, we would request that this information become part of the public record so other citizens can be informed of the proposed changes and RVC’s opposition to the major amendments to the LDC as currently proposed.



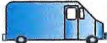


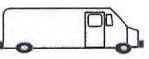


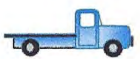
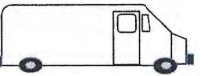


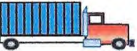



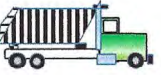
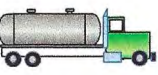
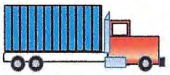





HOW ARE TRUCKS AND OTHER VEHICLES CLASSIFIED?

THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) CLASSIFIES TRUCKS AND VEHICLES AND BASED ON THEIR GROSS VEHICLE WEIGHT RATING (GVWR).

THE GVWR OF A VEHICLE IS THE VEHICLE WEIGHT PLUS MAXIMUM PAYLOAD.

THE FOLLOWING TABLE SHOWS THE TRUCK AND VEHICLES BY THEIR GVWR AND SHOWS THE EMPTY AND PAYLOAD WEIGHTS FOR EACH CLASSIFICATION.

PAYLOADS BY VEHICLE CLASS

Vehicle Description	Truck Class	GVWR LBS	Empty Weight LBS	Maximum Payload LBS	Payload % of Empty Weight	
Cars						
Mini-vans, Small SUVs and Pickups	1	2,400 to 4,000	3,200 to 4,500	1,500	33	
Large SUVs & Std Pickups	2a	6,001 to 8,500	4,500 to 6,000	2,500	40	 
Large SUVs & Std Pickups	2b	8,501 to 10,000	5,000 to 6,300	3,700	60	
Utility Vans, Multi-purpose mini-bus, Step Van	3	10,001 to 14,000	7,650 to 8,750	5,250	60	  
City Delivery, Parcel Delivery, large Walk-in Vans	4	14,001 to 16,000	7,650 to 8,750	7,250	80	   
City Delivery, Parcel Delivery, large Walk-in Vans	5	16,001 to 19,500	9,500 to 10,000	8,700	80	
City Delivery, School Bus, Large Walk-in Vans	6	19,501 to 26,000	11,500 to 14,500	11,500	80	  
City Bus, Refrigerated Trucks, Refuse trucks, Fuel Tankers Dump trucks, Concrete Trucks, Fire Engines, tow trucks (straight trucks)	7	26,001 to 33,000	11,500 to 14,500	18,500	125	   
City Bus, Refrigerated Trucks, Refuse trucks, Fuel Tankers Dump trucks, Concrete Trucks, Fire Engines Tractor Trailers, tow trucks	8a	33,001 to 80,000	20,000 to 26,000	54,000	200	   
Tractor-Trailer Trucks: Van, Refrigerated, Bulk Tanker, Flat Bed	8b	33,001 to 80,000	20,000 to 26,000	54,000	200	   

Source: National Academy of Sciences, Technologies and Approaches to Reducing the Fuel Consumption of Medium and Heavy Duty Vehicles, prepublication copy, March 2010, pp. 2-2 and 5-42



PLANNING COMMISSION ACTION HELD JUNE 21, 2022
SYNOPSIS MINUTES

8. PUBLIC HEARINGS

LDC2022-0001 An Ordinance Amending the Land Development Code, of the Arvada City Code.

Mr. Griffith opened the public hearing and entered into the record the corrected staff report dated June 21, 2022.

City of Arvada Staff gave a brief description of the proposed Land Development Code amendments.

The City of Arvada Attorney explained the additional amendment pertaining to murals and content review that was not mentioned at the workshop, along with 6-1-5-1A and 3-1-5-3-G1A grammatical corrections.

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

PUBLIC COMMENT

IN FAVOR

IN OPPOSITION

Richard Bohling, 14991 W. 70th Ave., stated his opposition, due to truck trip definitions and the rezoning of industrial areas. He also requested the analysis of the Comprehensive Plan.

Nancy Young, 7706 Robinson Way, stated her opposition due to truck trip/fleet definitions and heavy logistics centers, the use of the word multi modal and the longevity of public infrastructure.

Phil Lankford, 16878 W. 65th Circle stated his opposition due to the perceived urgency of the proposed changes and the definitions for industrial zoning.

Mike Rawluk, 18735 W. 59th Dr., stated his opposition due to fleet vehicle definition, traffic study requirements and process.

Mike Schweitzer, 14615 W. 62nd Place, stated his opposition due to the perceived urgency of the proposed changes, truck trip definitions and potential problems the changes could create.



Gina Hallisey, 14626 W. 68th Place, stated her opposition due to truck trip definitions, public infrastructure effects and perceived hastiness of changes.

STAFF REBUTTAL

Mr. Griffith closed public comment.

QUESTIONS FROM THE COMMISSION

The Commission discussed the project with staff addressing the following concerns:

- A. Process for congruence of Comprehensive Plan and Land Development Code.
- B. The timing of the proposed changes.
- C. Industrial zoning and heavy truck and truck trips definitions compared to other metro areas.
- D. How does Arvada's heavy truck definition compare to the Colorado Department of Transportation definition.
- E. Process of public input and feedback to the public.
- F. Definition of truck trips and the maximum allowed along with the enforcement.
- G. Procedure of defining truck classification and trips.
- H. Roadway classifications and widths.
- I. Amendment 8-2-3-11J adding language to allow the Planning Commission to hear an administratively approved Development Application if it is called up.
- J.
- K. Short Term Rental right of entry by the Director.
- L. Specification of contract fleet vehicles and parking.
- M. Removal of violations fees for short term rentals.
- N. Short Term Rental tracking and effect on long term rental housing.

Staff explained the following:

- A. The new Land Development Code required developed based upon the goals and policies of the Comprehensive Plan.
- B. There is no generic standard for heavy truck classification and truck trip definition.
- C. Council had previously discussed the appropriate number of truck trips and the fleet vehicle definition by using historical numbers and past impact to public infrastructure.
- D. Local law enforcement/code enforcement would uphold the short-term rental regulations of the code and administer violations.
- E. Off-site parking for fleet vehicles is not allowed per the Land Development Code and would have to go through a Conditional Use approval process through the Planning Commission and City Council.
- F. Many metropolitan cities do not have weight limits for heavy truck use in their zoning or land development codes.



- G. The procedure for responding to public input and all of the public engagement that was included during this Land Development Code update and adoption process.

MOTION:

It was moved by Mr. Knapp, that an Ordinance Amending the Land Development Code of the Arvada City Code be recommended to City Council for approval. Subject to typographical errors, noted at the beginning of this hearing, those being found and expressed by the City Attorney in Amendments 6-1-5-1-A and 3-1-5-3-G1A This motion is based on the findings of fact and approval criteria on Page 2 & 3 of the staff report.

Mr. Knapp made a motion to amend the motion at issue by amending the language of the proposed 8-2-3-11-J to the Land Development Code to the following:

“1. Prior to the effective date of any decision by the director on a Track 1 application, any member of the City Council may move to call up the development application for consideration within 17 days of the Directors decision.

2.If the motion passes:

A. The application may be brought before the City Council as a public hearing as soon as practicable following the date on which the decision was made for review and consideration in accordance with the criteria provided in this Land Development Code. In which case the City Council shall have the authority to approve, approve with conditions, modify, or reverse the decision of the director, or

B. The City Council may refer the application back to the director for further consideration, or

C. Order it to be heard at the next available Planning Commission meeting for their recommendation prior to going before the City Council.”

Figliolino stated his concerns for the developers timeline

Those voting Yes: Griffith, Hannan, Knapp, Gay, Figliolino

Those voting No:

Those absent: Aljinovich, Magee

The motion carried 5-0

Further discussion as to whether there are any other amendments to the motion presented by Mr. Knapp.

The commission made suggestions for other amendments to the proposed truck definition and truck trips per day.

Mr. Gay suggested further study of vehicle definition and trips per day.



Mr. Hannan stated his support of the vehicle and trip per day definition.

Mr. Knapp stated his support as well.

Mr. Griffith stated his opposition to the proposed definitions of truck trips and heavy vehicles.

Ms. Grogg stated that the Commission is an advisory board and the approval criteria for amending the LDC requires that the proposed amendment is consistent with the Comprehensive Plan. .

The commission discussed the amendment with the following concerns:

- A. Public input for Comprehensive Plan
- B. Reduction of truck trips
- C. Definition of fleet vehicles and heavy trucks

It was moved by Mr. Griffith to amend the current motion as stated with the approved amendments to also include a threshold of 50 heavy truck trips per day or less to designate a light industry use and a threshold of above 50 heavy truck trips per day to designate a heavy logistic center.

Those voting Yes: Griffith, Knapp, Gay, Figliolino

Those voting No: Hannan

Those absent: Magee, Aljinovich

The motion carried 4-1

Land Development Code Additional Proposed Amendments City Council Public Hearing

September 19, 2022



We Dream Big and Deliver

WHY THE AMENDMENTS?

Fine-tuning of the Land Development Code was anticipated following adoption in 2020, as new concepts and processes were introduced with the LDC. The bulk of the changes necessary were approved by City Council on March 21st.

Additional discussion on the following items was requested by City Council during the December 13, 2021 workshop. The final proposed changes were discussed with City Council on April 11th. The Planning Commission held a public hearing regarding the proposed changes during their June 21st meeting, and made recommended changes that are noted as part of this presentation.

TOPICS FOR ADDITIONAL DISCUSSION

Radius of Notifications:

- Based on City Council feedback the City team is increasing the notice distance requirement from 500 feet to 1,000 feet for administrative cases, administrative decisions and public hearing cases less than five acres in size and 1,500 feet for cases five acres or more. The City team is also adding a provision in code that would allow the Director to have the ability to reduce the notice requirement for administrative projects that he/she deems to be small, or of limited impact to 500 feet.

TOPICS FOR ADDITIONAL DISCUSSION

Additional Site Plan Criteria for Residential Projects Granted Conditional Use Approval:

- If the application includes residential uses and was granted Conditional Use approval:
 - The number of residential units proposed is within five percent of the number of units presented during the Conditional Use review; and
 - The project shall be substantially similar in design to the conceptual plan presented during the Conditional Use review in terms of the following:
 - Building height(s) and location(s); parking location and number of spaces; landscape areas and bufferyards; and small urban park location(s) (if applicable).

TOPICS FOR ADDITIONAL DISCUSSION

Definition of Fleet Vehicle:

- A group of motor vehicles, such as cars, vans, and/or trucks, excluding semi-trailer trucks, owned or leased by a business, government agency or other organization rather than by an individual or family. Examples are vehicles operated by public utilities, governmental entities and businesses that utilize vehicles to deliver goods to customers, provide off-site services or for sales representatives to travel to clients.
- Limitations:
 - limiting the fleet size to 50% of the minimum parking spaces in the CG zone district, 100% of the minimum parking spaces in the IL zone district, and 200% of the minimum parking spaces in the IG zone district.
 - Fleets with fewer than 25 total vehicles would be exempt.

TOPICS FOR ADDITIONAL DISCUSSION

Heavy Truck Trip:

- Definition: “A heavy truck trip involves the inbound or outbound movement of the truck on a site, with each movement being considered a single trip.”

Company	Average Daily Trips	Peak Daily Trips
Wanco	14	22
Liva Nova	22	34
Prescient	6	10
Sundyne	50	64
Sartorius	15	20
Easter Owens	6	12

TOPICS FOR ADDITIONAL DISCUSSION

Heavy Truck Trip:

- The threshold between Light Industry and Heavy Logistics Center is proposed to be reduced from 100 one way trips to 76 trips. This number of trips will keep all existing businesses conforming under the LDC. Under the current code definition 50 round trips = 100 one way trips.
- Planning Commission recommended the threshold remain at 50 one way trips.

Appeals Process:

- No changes are proposed, except for the increase in the notice area requirement to 1,000 or 1,500 feet.

TOPICS FOR ADDITIONAL DISCUSSION

Call Up by City Council:

- Following an Administrative Decision by the Director, City Council would be notified of the action in the Weekly Memo.
- Within 17 days, any Councilmember could request review of a case. A majority of the City Council present at a business meeting would need to agree to hear the case.
- Should the City Council agree to hear the case, a public hearing date would be set and notice provided.
- The public hearing would be treated as a new item, with testimony from the public and the applicant allowed.
- City Council could approve, approve with conditions, or deny the application.

TOPICS FOR ADDITIONAL DISCUSSION

Call Up by City Council:

- If an Administrative Decision is not called up at the next City Council business meeting, it shall be deemed approved/denied as determined by the Director.

Reviews Since Adoption of the LDC:

Case Type	Number of Cases Approved	Cases Appealed
Administrative (Site Plan, Master Development Plan, Minor Modification, Plat, Certificate of Compliance)	143	1 (Grandview Station)
Public Hearing (Major Modification, Conditional Use, PUD)	29	0

TOPICS FOR ADDITIONAL DISCUSSION

Call Up by City Council:

- The Planning Commission recommended that an option for Planning Commission review be included.

TOPICS FOR ADDITIONAL DISCUSSION

Short Term Rentals:

- Planning Commission was concerned that “local contact person” was limited to an individual when requiring a response to an issue with the short term rental. The City team recommends adding “management company” to the section describing the contact to clarify who can be responsible for responding.
- Planning Commission also asked for the regulations to delineate between immediate right of entry to inspect for life and safety issues and authority to inspect for compliance prior to issuance of a license. The team recommends that during the license term, the licensee must make the property available for inspection at the request of the Director and refusal to do so could result in the revocation of the license.

TOPICS FOR ADDITIONAL DISCUSSION

Add or revise definitions:

- Heavy Logistics Center (to indicate more than 76 heavy truck trips)
- Light Industry (to indicate up to 76 heavy truck trips)
- Heavy Truck Trip (as defined earlier)
- The Planning Commission recommended that the threshold remain at 50 one way trips.

Murals:

- Remove text limitation from the mural section of the sign regulations.

Additional Questions?



REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.A.

TO: THE HONORABLE CITY COUNCIL

DATE: August 1, 2022

SUBJECT: Major Modification from the Land Development Code subsection 2-1-3-3A to allow for a reduction in the side setback from 7.5 ft to 3 ft with RN 7.5 zoning to allow a garage expansion, generally located at 6446 Iris Way.

Report in Brief

Dorian Krausz owns the property at 6446 Iris Way and is requesting approval of a Major Modification to reduce the side setback to allow for a garage expansion. The existing home has a one-car garage and she is requesting to reduce the side setback from 7.5 ft to 3 ft to allow for a second garage space.

The Arvada Team recommends approval of the Major Modification from the Land Development Code subsection 2-1-3-3A to allow for a reduction in the side setback from 7.5 ft to 3 ft with RN 7.5 zoning to allow a garage expansion, generally located at 6446 Iris Way.

Financial Impact

This request has no financial impact to the City of Arvada.

Background

The subject property is located in an established neighborhood in the middle of Arvada, more specifically at 6446 Iris Way. The property was platted as part of the Arvada West Filing No. 4 subdivision in 1958 and the home was constructed shortly thereafter. The existing ranch-style home is approximately 1,300 square feet in size, including a one-car garage. The property owner desires to add onto the existing home by enlarging the garage space to allow for a two-car garage. In order to accomplish this addition, a Major Modification to the Land Development Code (LDC) is required in order to allow for a reduced side setback.

Discussion

The following summarizes the analysis of the Major Modification Approval Criteria.

Div. 8-3-11 Major Modification Approval Criteria	Finding	Rationale
1. The requested modification is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district.	Complies	This home will remain as a single family residence in compliance with the Comprehensive Plan.
2. The requested modification addresses a unique situation or incorporates creative site design.	Partially Complies	This neighborhood has a mix of two-car and one-car garages depending on the size of the lot. This request will allow for a two-car garage in keeping with other homes in the neighborhood. However, there is no

SUBJECT: Major Modification from the Land Development Code subsection 2-1-3-3A to allow for a reduction in the side setback from 7.5 ft to 3 ft with RN 7.5 zoning to allow a garage expansion, generally located at 6446 Iris Way.

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ITEM: 10.A.

3. The requested modification will not result in incompatible development.	Complies	creative design or unique situation associated with this project. The proposed garage design will be consistent with the form, color, and materials of the existing home.
4. The requested modification will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public.	Complies	The north/south ridgeline will direct flows to the east and west areas of the lot. A gentle swale will also be constructed along the north lot line to direct flows toward the street. Grades on the adjacent lot will remain unchanged.
5. Any adverse impacts resulting from the modification will be mitigated to the extent reasonably feasible.	Complies	As noted above, the proposed building design and drainage swale are intended to mitigate any adverse impacts.

Public Contact

Division 8-2-2 of the Land Development Code requires that at least one neighborhood meeting be held for projects that require public hearings before the Planning Commission and City Council.

The required neighborhood meeting for this project took place on December 2, 2021 via Zoom. The applicant, Arvada team members, and two neighbors were in attendance. The property owner to the north expressed concern about the potential impacts on her property as a result of moving the adjacent structure closer to her own. Of particular concern was the potential impact on the grading and drainage in the area, as the adjacent neighbor said water already pools near the property line between the two homes during major rain events. The neighbor also mentioned potential impacts from noise and exhaust/pollution being closer to the bedroom area of her home. Dorian has been working with this adjacent property owner to try and address her concerns. The second neighbor lived farther away and will not be directly affected by the proposed improvements and, as a result, had no concerns.

The applicant prepared a summary of the meeting, which is attached.

Written Notice: At least 15 days prior to all public hearings, written notice must be mailed to all property owners within 500 feet of the subject property and to all homeowners associations and neighborhood associations with a known interest in the subject property. The applicant must provide an affidavit of mailing verifying this requirement has been met prior to the public hearing.

Posted Notice: At least 15 days prior to all public hearings, signs notifying the public of the hearing must be posted on the subject property. The applicant will provide a posting log verifying that this requirement has been met prior to the public hearing.

Published Notice: At least 15 days prior to all public hearings, notice of the hearing must be published in a newspaper of general circulation in the City. The required notice has been published.

Commission Recommendation

The Planning Commission voted 6 to 1 in favor of City Council approval/denial during a public hearing held on July 19, 2022.

Strategic Alignment

The recommended action is consistent with the following Principle within the Community and Economic Development Priority Area of the City Council Strategic Plan:

SUBJECT: Major Modification from the Land Development Code subsection 2-1-3-3A to allow for a reduction in the side setback from 7.5 ft to 3 ft with RN 7.5 zoning to allow a garage expansion, generally located at 6446 Iris Way.

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Uses the Comprehensive Plan to guide planning, land use code decisions, development management, and informational and resource services that are delivered to residents, businesses, the development community, decision-making bodies, and neighborhood partners to achieve a well-planned, aligned, sustainable, attractive, and livable community for current and future generations.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada Team recommends approval of a Major Modification from the Land Development Code subsection 2-1-3-3A to allow for a reduction in the side setback from 7.5 ft to 3 ft with RN 7.5 zoning to allow a garage expansion, generally located at 6446 Iris Way.

Suggested Motion:

I move that a Major Modification from the Land Development Code subsection 2-1-3-3A to allow for a reduction in the side setback from 7.5 ft to 3 ft with RN 7.5 zoning to allow a garage expansion, generally located at 6446 Iris Way, be (approved) (rejected).

This motion is based on the findings of fact adopted by the Planning Commission.

This motion is based on the following findings of fact for denial.

Prepared by:
Heidi Van Gieson, Administrative Specialist

Reviewed by:

Approved by:

Linda Hoover, Senior Planner	7/13/2022
Josie Suk, Development Systems and Administrative Manager	7/13/2022
Robert Smetana, Manager of City Planning and Development	7/13/2022
Emily Grogg, Senior Assistant City Attorney	7/13/2022
Ryan Stachelski, Director of Community and Economic Development	7/15/2022
Rachel Morris, City Attorney	7/19/2022
Linda Haley, Deputy City Manager	7/19/2022
Lorie Gillis, Deputy City Manager	7/19/2022
Mark Deven, City Manager	7/20/2022

Enclosure, exhibits & attachments required to support the report

City of Arvada
Community and Economic Development Department
PUBLIC HEARING STAFF REPORT

6446 Iris Way Garage Expansion
Major Modification
DA2022-0011

NATURE OF REQUEST

Dorian Krausz owns the property at 6446 Iris Way and is requesting approval of a Major Modification to reduce the side setback to allow for a garage expansion.

MAJOR MODIFICATIONS REQUESTED

The Applicant is requesting a modification to the Arvada Land Development Code (LDC) standards as part of this project. The requested modification is:

To reduce the required side setback on the north side of the lot from 7.5 feet down to 3 feet.

LOCATION AND HISTORY

The subject property is located in an established neighborhood in the middle of Arvada, more specifically at 6446 Iris Way. The property was platted as part of the Arvada West Filing No. 4 subdivision back in 1958 and the home was constructed shortly thereafter. The existing ranch-style home is approximately 1,300 square feet in size, including a one car garage. The property owner desires to add onto the existing home by enlarging the garage space to allow for a two car garage. In order to accomplish this addition, a major modification to the Land Development Code (LDC) is required.

NEIGHBORHOOD MEETING

Division 8-2-2 of the Land Development Code requires that at least one neighborhood meeting be held for projects that require public hearings before the Planning Commission and City Council.

The required neighborhood meeting for this project took place on December 2, 2021 via Zoom. The applicant, staff, and two neighbors were in attendance. The property owner to the north expressed concern about the potential impacts to her property as a result of moving the adjacent structure closer to her own. Of particular concern was potential impacts to the grading and drainage in the area as the adjacent neighbor said water already pools near the property line between the two homes during major rain events. The neighbor also mentioned potential impacts from noise and exhaust/pollution being closer to the bedroom area of her home. Dorian has been working with this adjacent property owner to try and address her concerns. The second neighbor lived farther away and will not be directly affect by the proposed improvements and as a result had no concerns.

The applicant prepared a summary of the meeting, which is attached.

PUBLIC NOTIFICATION

Division 8-2-4 of the Land Development Code requires public notification for all public hearings as follows:

Written Notice: At least 15 days prior to all public hearings, written notice must be mailed to all property owners within 500 feet of the subject property and to all homeowners associations and neighborhood associations with a known interest in the subject property. The applicant has provided an affidavit of mailing verifying this requirement has been met prior to the public hearing.

Posted Notice: At least 15 days prior to all public hearings, signs notifying the public of the hearing must be posted on the subject property. The applicant will provide a posting log verifying that this requirement has been met prior to the public hearing.

Published Notice: At least 15 days prior to all public hearings, notice of the hearing must be published in a newspaper of general circulation in the City. The required notice has been published.

DEVELOPMENT REVIEW TIMELINE

This application was submitted on February 12, 2022 and proceeded through three rounds of development review. Most of the issues related to verifying that any potential drainage impacts associated with this addition would be adequately addressed, as explained in further detail below.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

The project is consistent with the City Council Strategic Plan principles for the Community and Economic Development work system.

ZONING AND LAND USE

The subject property is currently zoned RN 7.5 (Residential Neighborhood 7.5) which is intended for single family uses. This lot is approximately 7,300 square feet and has an existing ranch-style single family home of approximately 1,400 square feet in size (including the existing one car garage). This lot is in the middle of the block and fully surrounded by other single family homes, all with the same RN7.5 zoning designation.

PROJECT ANALYSIS

Compliance with the Comprehensive Plan

The property is designated as Suburban Residential on the Comprehensive Plan Future Land Use map which supports single-family residential homes as the primary use in these areas. As such, this property is in compliance with the Comprehensive Plan.

Setbacks and Lot Coverage

The existing and proposed setbacks are as follows:

Location	Required	Existing	Proposed	Action Needed
Front	20 feet	28 feet	unchanged	n/a
South side	7.5 feet	12 feet	unchanged	n/a
North side	7.5 feet	12 feet	3 feet	Major Modification
Rear	10 feet	30 feet	unchanged	n/a

The front façade of the garage shall be in alignment with the front façade of the home. The maximum allowed lot coverage for this zoning designation is 40%. The current lot coverage is approximately 22% and it will increase to approximately 28% with this addition. As a result, the proposed lot coverage will continue to be in compliance with the LDC.

Building Design

The proposed addition is intended to match the architectural design of the remainder of the existing home. To accomplish that, the roof pitch will be the same and the north/south ridgeline will be carried across the new garage expansion. In addition, the exterior building colors and materials will be red brick on the lower portion with slate blue siding on top to be consistent with the existing home. The single story addition will also comply with the maximum building height requirement of 28 feet as measured from grade to the midpoint of the highest peak.

Grading and Drainage

A small drainage swale will be formed within the three foot setback between the new garage addition and the shared property line to ensure any potential drainage flows will remain on Dorian's lot and be directed toward the street and away from the structures. The grades on the adjoining lot are to remain in its current state.

Utility Services

Water and Sewer service is in front of the home within Iris Way right-of-way and will not be affected by this proposed addition. The plat does not reflect any utility easements along the side of this lot.

Landscaping

The existing driveway is already double wide to accommodate two vehicles side by side, however covered garage parking is currently only provided for one of these two spaces. As a result, this garage addition will not require changes in the front landscaping. Landscaping along the north side of the lot will be reduced to a three foot wide strip along the property line once the garage is constructed.

Police and Fire Protection

The property will continue to be served by Arvada Police and Arvada Fire Protection District.

School District

The property is within the Jefferson County R-1 School District and this addition will have no effect on the district.

LAND DEVELOPMENT CODE APPROVAL CRITERIA

It is the responsibility of the applicant to justify the requested land use application. The Planning Commission should make a recommendation to the City Council based on its findings regarding the approval criteria shown in the table(s) below and upon testimony heard during the public hearing as it applied to the criteria.

Staff performed an analysis of the proposal, based on the approval criteria listed in Chapter 8 of the Land Development Code, and presents the following findings:

Div. 8-3-11 Major Modification Approval Criteria	Finding	Rationale
1. The requested modification is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district.	Complies	This home will remain as a single family residence in compliance with the Comprehensive Plan.
2. The requested modification addresses a unique situation or incorporates creative site design.	Partially Complies	This neighborhood has a mix of two car and one car garages depending on the size of the lot. This request will allow for a two car garage in keeping with other homes in the neighborhood. However, there is no creative design or unique situation associated with this project.
3. The requested modification will not result in incompatible development.	Complies	The proposed garage design will be consistent with the form, color, and materials of the existing home.
4. The requested modification will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public.	Complies	The north/south ridgeline will direct flows to the east and west areas of the lot. A gentle swale will also be constructed along the north lot line to direct flows toward the street. Grades on the adjacent lot will remain unchanged.
5. Any adverse impacts resulting from the modification will be mitigated to the extent reasonably feasible.	Complies	As noted above, the proposed building design and drainage swale are intended to mitigate any adverse impacts.

STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, staff position is neutral with regard to this project request.

NEIGHBORHOOD MEETING SUMMARY

Property of Interest: 6446 Iris Way, Arvada, CO 80004

Owner: Dorian Krausz

Zone District: RN 7.5

Major Modification Request – Side Setback Reduction Greater than 20%

1. The neighborhood meeting took place on Thursday, December 2, 2021 at 6pm through zoom.
2. A total of 105 letters were sent out on November 10, 2021. An affidavit was sent to Linda Hoover as well. The affidavit is attached in this application for your convenience.
3. There were 4 people in attendance, including Linda Hoover and myself, Dorian Krausz. The two guests were Sue Garcia (owner of 6448 Iris Way) and a women who lived at the end of the block.
4. Sue Garcia expressed concerns related to drainage of rainfall between our properties with the reduced spaced between our houses.
5. The concerns listed in item 4 above were addressed with a document attached here.
6. All concerns were addressed and Sue Garcia was satisfied with the information provided.

NOTICE OF NEIGHBORHOOD MEETING

This notice is to inform you of an upcoming opportunity to participate in a neighborhood meeting for a potential development project planned within the City of Arvada.

PROJECT NAME: 6446 Iris Way Major Modification

PROPERTY LOCATION: 6446 Iris Way

APPLICATION SUMMARY: The property owner at 6446 Iris Way desires to expand the existing one car garage to allow for a two car garage. As such a major modification is requested to reduce the required side setback from 7.5 feet down to 3 feet.

MEETING INFORMATION

DATE: Thursday, December 2, 2021

LOCATION: Virtual zoom link: <https://bit.ly/6446-neighborhood-meeting> ID: 885 9978
0521 Passcode: 511532

TIME: 6pm

PROJECT REPRESENTATIVE

NAME: Dorian Krausz

PHONE NUMBER: 415-686-2759

EMAIL ADDRESS: doriankrausz92@gmail.com

ARVADA STAFF CONTACT

NAME: Linda Hoover

PHONE NUMBER: 720-484-1476

EMAIL ADDRESS: LHoover@arvada.org

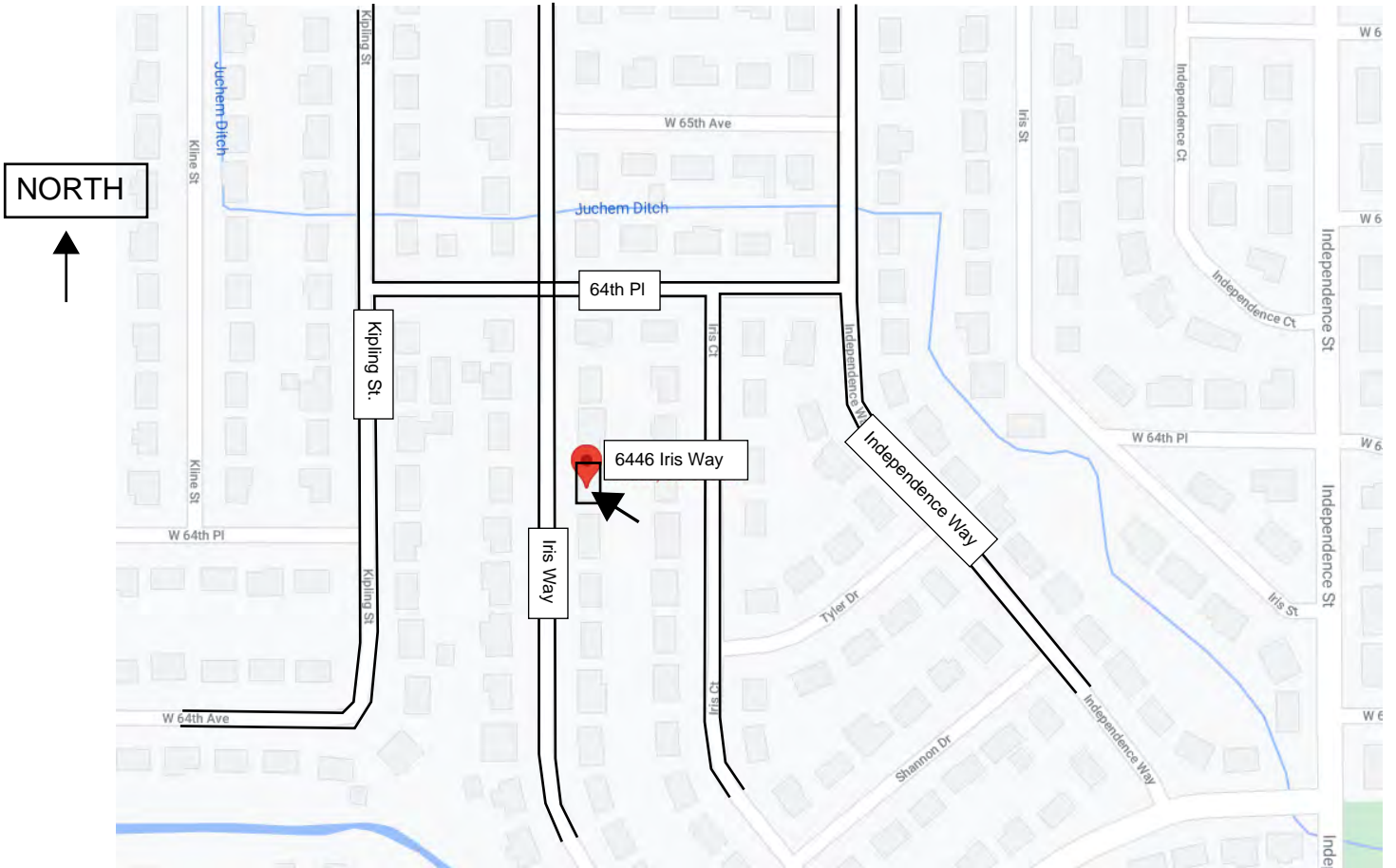
A neighborhood meeting is the first step of the public process in the City of Arvada for developments that require a public hearing. This is done to help ensure community input and feedback into proposed developments prior to any formal application being submitted. If an application is submitted and the project moves forward, property owners and Homeowners Associations located within 500 feet of the subject property will be notified of the dates of both the Planning Commission hearing and the City Council hearing approximately 10 days in advance of the hearing dates.

During the neighborhood meeting, the project representative will present the proposal to the audience, and may have a graphical representation of the proposal, a project fact sheet, and/or detailed handouts regarding specific details of the planned development for audience review.

Audience members will be given an opportunity to ask questions and provide comments regarding the proposed project. Arvada city staff will be available at the meeting to address any questions regarding the development review and application process.

Please feel free to contact the project representative or the Arvada staff contact listed above with any questions regarding the meeting.

PROJECT VICINITY MAP





SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
July 19, 2022

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

1. CALLED MEETING TO ORDER– By Michael P. Griffith at 6:15 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL OF MEMBERS

Those present: Michael P. Griffith, Andrew Gay, Tim Knapp, Brandon Figliolino, Tom Aljinovich, 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; Abigail Ogg, Administrative Specialist, Linda Hoover, Sr. Planner, Carol Ibanez, Sr. Planner, Jenny Wolfschlag, Civil Engineer Manager, Kyle Gillitzer, Civil Engineer, JT Pritts, Heidi Van Gieson, Recording Secretary.

4. APPROVAL OF MINUTES

June 21, 2022. The minutes stand approved as printed.

5. GENERAL BUSINESS

None

6. REPORTS

None

7. PUBLIC COMMENT

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

8. PUBLIC HEARINGS

DA2022-0011 6446 Iris Way Garage Expansion Major Modification

Mr. Griffith opened the public hearing and entered into the record the Staff report, posting log and affidavit, mailing affidavit and emailed public comments.

Ms. Hoover introduced the project.

Applicant Dorian Krausz 6446 Iris Way presented the garage expansion. They will be adding on an additional 9 ft to an existing garage which is a little over 10 ft. This addition would give them a 3 ft setback from the property line. Drainage will be addressed in the 3 ft setback area.

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

PUBLIC COMMENT

IN FAVOR

James Murphy 6443 Iris Way Arvada, he is also looking to add a garage in the future and feels that it would be good to get cars off of the street.

IN OPPOSITION

Susan Garcia 6448 Iris Way, Mr. Aljinovich read Susan's email (attached) to the applicant and the commission.

APPLICANT REBUTTAL

Ms. Krausz stated that during this project they have addressed the drainage issue. With the new structure, the amount of water that falls between their houses will be the same but 50% will be falling on a roof now and be redirected so it will bring less water to the yard in between the properties. Regarding the solar shade, the addition of this roof will not add a large amount of extra shade to the neighbors property.

Mr. Griffith closed public comment.

QUESTIONS FROM THE COMMISSION

Mr. Hannan, questioned if drainage is something we look for in the review process.

Mr. Gillitzer responded that engineering does review drainage and does not allow any change that would negatively impact the neighboring properties.

Mr. Hannan asked if a driveway were added in the future, would they be able to go that close to the property line.

Ms. Hoover responded that flatwork does not need to meet setback requirements.

Mr. Hannan asked if the tree on the northeast corner of the property will be impacted by the construction.

Ms. Krausz stated it will not be impacted.

Mr. Hannan asked if the north side of the property will be flat.

Ms. Krausz stated that it will be.

Mr. Knapp asked about the extension of the gutters and if they would be collecting all of the water from the roof.

Ms. Krausz stated that there will be a more defined swale about 6 inches in depth and 3 feet wide to help with drainage.

Mr. Knapp asked if the floor elevation of the north side will be the same as it currently is.

Ms. Krausz stated that it will stay the same.

Mr. Knapp asked if they are planning on using rock or grass in the swale.

Ms. Krausz stated they will be using rock.

Mr. Aljinovich is concerned about the water coming off of the buildings, where it will be going. How will they deal with the erosion of the ground?

Ms. Krausz stated that the water hitting her roof will be redirected to the driveway and the street.

Ms. Wolfschlag mentioned that City staff has suggested the rock as it will allow for some infiltration and allow the water to be directed to the street.

Mr. Gay asked why they did not do a French drain.

Mr. Gillitzer stated that the rock will allow for infiltration and align with Mile High Flood District recommendations.

Ms. Wolfschlag stated that with the area and amount of water being so small, there is no need to have a french drain in addition to the rock.

Mr. Griffith wanted to verify that the neighboring property is at a higher elevation than the applicant's property.

Ms. Krausz stated that is correct. There is a slope of anywhere between 2.5 -3% slope.

Mr. Griffith asked staff why the 7.5 foot setback

Ms. Hoover stated that it is to ensure that there is space in between homes and sometimes there are utility easements, which there are none in this area.

Mr. Griffith asked if there are requirements in regards to ADA Compliance.

Ms. Wolfschlag stated that there are no access requirements between lots, that would be up to the individual property owner.

Mr. Griffith asked if we see very many projects like this.

Ms. Hoover stated that we have not in the past. Part of this is due to changes we adopted when we revised the Land Development Code. The City didn't have a Major Modification application in our code before the amendments. City staff does have the ability to grant a Minor Modification which covers anything up to a 20% change administratively without going through a public hearing process. Anything greater than 20% has to go through a Public Hearing Process.

MOTION:

It was moved by Mr. Magee, that DA2022-0011, 6446 Iris Way, Garage Expansion Major Modification from the Land Development Code subsection 2-1-3-3A to allow for a reduction in the side setback from 7.5 ft to 3 ft within RN 7.5 zoning, be recommended to City Council for approval. This motion is based on the findings of fact and approval criteria on Page 4 of the staff report.

DISCUSSION OF MOTION

Mr. Magee is concerned about how one neighbor will benefit from this request while possibly impacting another neighbor. How will this affect the neighbor and will put one neighbor against another neighbor. He will be voting in opposition to this.

Mr. Griffith stated that the presentation and drawings are very well done. He wants to make sure that the relationship between the neighbors stays in a good standing. He will be supporting this.

Mr. Hannan, feels that the applicant is doing all they can to mitigate any flooding issue. He will be supporting this project.

Mr. Knapp is also suggesting a French Drain and to possibly look at that still. Made suggestions to go as deep as you can go with the swale. He will be supporting this.

Mr. Gay feels that the drainage will actually assist the neighbor with their issues. He will be supporting this.

Mr. Figliolino thanked the applicant for the time they put into their presentation and he likes the brick work to continue the style of the house.

Mr. Aljinovich asked that the staff keep the neighbor to the north in mind and that we try to keep all parties taken care of. He will be supporting this.

Those voting Yes: Griffith, Hannan, Knapp, Ajinovich, Gay, Figliolino

Those voting No: Magee

Those absent: None

The motion carried 6-1

Public Comment
DA2022-0011 6446 Iris Way Garage
Expansion

Cedboardsandcommission@arvada.org comments by 5 today July18th

Subject: DA 2022-0011 or 6446 Iris Way



WET_Report_-Arvad
a_September_2013_!

Referencing the Wet Report Arvada September 13, 2013

My Personal experiences as a homeowner in the area question, (6448 Iris way,)

I got water in my basement.

In 2013 after a particularly rainy season (over a two-year period) created a water in our basement event.

As referenced in the Wet Report Arvada September 13, 2013. The ground was saturated, and rainfall created this event: The exceptional rainfall that year, saturated the ground causing water to seep into the basement. **This was without the proposed structure and variance that the owner is now seeking in this public hearing!** The September 13, 2013, event caused Ralston Creek to exceed its projected 100-year flood plain area. (See attached WET Report Arvada September 2013)

We got water in our basement.

The proposed 6446 structure predictably will increase the probability that even more water would flood into my yard and basement. The planned structure will increase the Solar Shade which increases the effectiveness of mitigation steps that I have taken to keep water out of the basement.

Because of increased Solar Shade, Snowpack will last longer and will freeze and contract potentially impacting the home foundation.

The decreased Solar Shade will decrease the evaporation of water which will increase the potential of even more water into my basement.

The increased solar shade will decrease the purpose of the existing xeriscape landscaping.

Allowing this variance is not in the best interest for my home; - To Decrease the space between the houses negatively impacts my home and has great potential to negatively impact my home in a negative way.

Every single year I have a 1 percent chance because that risk is there 100 percent of the time.

The 1 percent chance is there 100 percent of the time.

Susan Garcia

Homeowner 6448 Iris Way Arvada Colorado 80004

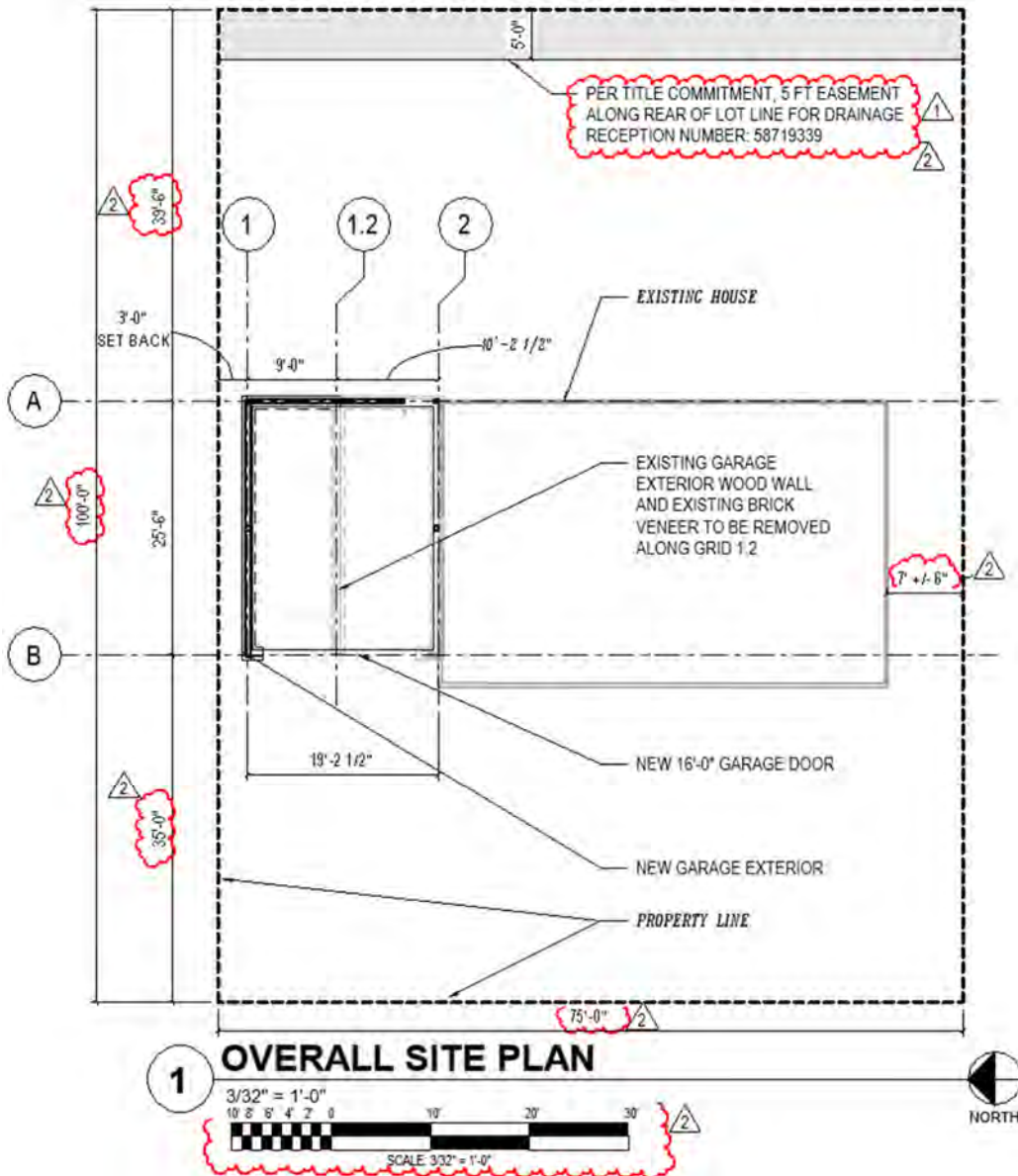


Figure 1

Property under consideration: 6446 Iris Way, Arvada, CO 80004

- Located in the SW 1/4 of section 3, township 3 south, range 69 west, 6th p.m., city of Arvada, county of Jefferson, state of Colorado. Area = 7500 sq.ft, or .172 acres more or less
- Lot 13 of Block 19

Adjacent Property: 6448 Iris Way, Arvada, CO 80004

- Located in the SW 1/4 of section 3, township 3 south, range 69 west, 6th p.m., city of Arvada, county of Jefferson, state of Colorado. Area = 7500 sq.ft, or .172 acres more or less
- Lot 14 of Block 19

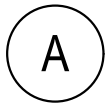


(E) 6448 IRIS WAY EXTERIOR
 2'-10" ABOVE REFERENCE PT
 (SURVEY PT = 5395.8')

13'-0"

12'-0"

(E) 6446 IRIS WAY
 EXTERIOR



2.56%
 SLOPE



SLOPE
 DOWN

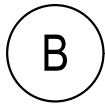
2'-6" ABOVE REFERENCE PT
 (SURVEY PT = 5395.5')

0.8-1%
 SLOPE



SLOPE
 DOWN

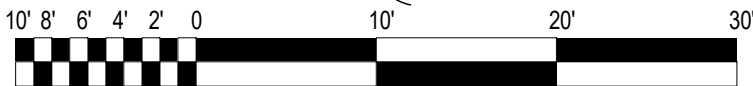
2'-10" ABOVE REFERENCE PT
 (SURVEY PT = 5395.8')



3.85%
 SLOPE



2'-4" ABOVE REFERENCE PT
 (SURVEY PT = 5395.3')



SCALE: 3/32" = 1'-0"

PROPERTY LINE = FENCE LINE

REFERENCE POINT = 0'-0"
 (SURVEY BENCHMARK = 5393.0')

NOTES:

1. SURVEY COMPLETED USING A STADIA ROD WITH ROD LEVEL & TRIPOD
2. ALL ELEVATIONS LISTED ARE IN 'FT' ABOVE SIDEWALK REFERENCE POINT
3. IN SUMMARY, THE GROUND IS SLOPING DOWN FROM 6448 TO 6446 PROPERTY (6"), AND THEN DOWN TOWARDS THE STREET (>24")
4. DURING CONSTRUCTION ACTIVITIES, A SILT FENCE WILL BE USED ALONG THE PROPERTY LINE TO CATCH SEDIMENT RUNOFF. A ROCK SOCK WILL ALSO BE USED ALONG THE STREET TO AVOID SEDIMENT RUNOFF.
5. GRADING AT NEW GARAGE EXTERIOR WILL BE DESIGNED TO AVOID ANY DRAINAGE TOWARDS NEW FOUNDATION ELEMENTS.



GARAGE EXPANSION

DETAIL TITLE:

ELEVATION SURVEY BETWEEN 6446 AND 6448
 PROPERTIES - CURRENT

DETAIL NO:

SK-1

PROJECT NUMBER:

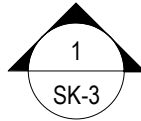
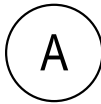
PA2021-0193

DWG REF:

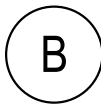
DATE: 02/08/22

(E) 6448 IRIS WAY EXTERIOR

2'-10" ABOVE REFERENCE PT
(SURVEY PT = 5395.8')



2'-10" ABOVE REFERENCE PT
(SURVEY PT = 5395.8')



NORTH



SCALE: 3/32" = 1'-0"

13'-0"

3'-0"

(NEW) 6446 IRIS WAY EXTERIOR

5% CROSS SLOPE

2.56% SLOPE

2'-6" ABOVE REFERENCE PT
(SURVEY PT = 5395.5')

SLOPE DOWN

1% SLOPE

5% CROSS SLOPE

2'-4" ABOVE REFERENCE PT
(SURVEY PT = 5395.3')

3.85% SLOPE

5-6% SLOPE DOWN TO STREET

PROPERTY LINE = FENCE LINE

REFERENCE POINT = 0'-0"
(SURVEY BENCHMARK = 100)

NOTES:

1. SURVEY COMPLETED USING A STADIA ROD WITH ROD LEVEL & TRIPOD
2. ALL ELEVATIONS LISTED ARE IN 'FT' ABOVE SIDEWALK REFERENCE POINT
3. IN SUMMARY, THE GROUND IS SLOPING DOWN FROM 6448 TO 6446 PROPERTY (6"), AND THEN DOWN TOWARDS THE STREET (>24")
4. DURING CONSTRUCTION ACTIVITIES, A SILT FENCE WILL BE USED ALONG THE PROPERTY LINE TO CATCH SEDIMENT RUNOFF. A ROCK SOCK WILL ALSO BE USED ALONG THE STREET TO AVOID SEDIMENT RUNOFF.
5. GRADING AT NEW GARAGE EXTERIOR WILL BE DESIGNED TO AVOID ANY DRAINAGE TOWARDS NEW FOUNDATION ELEMENTS.

GARAGE EXPANSION

DETAIL TITLE:

NEWLY GRADED AREA BETWEEN 6446 AND 6448 PROPERTIES

DETAIL NO:

SK-2

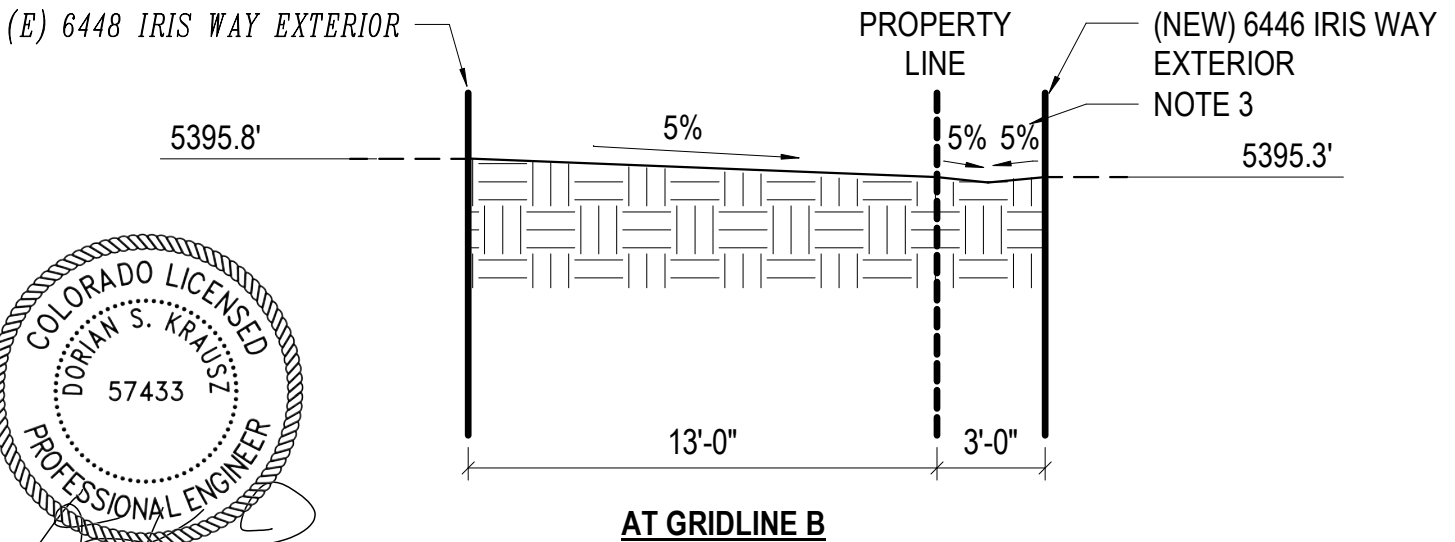
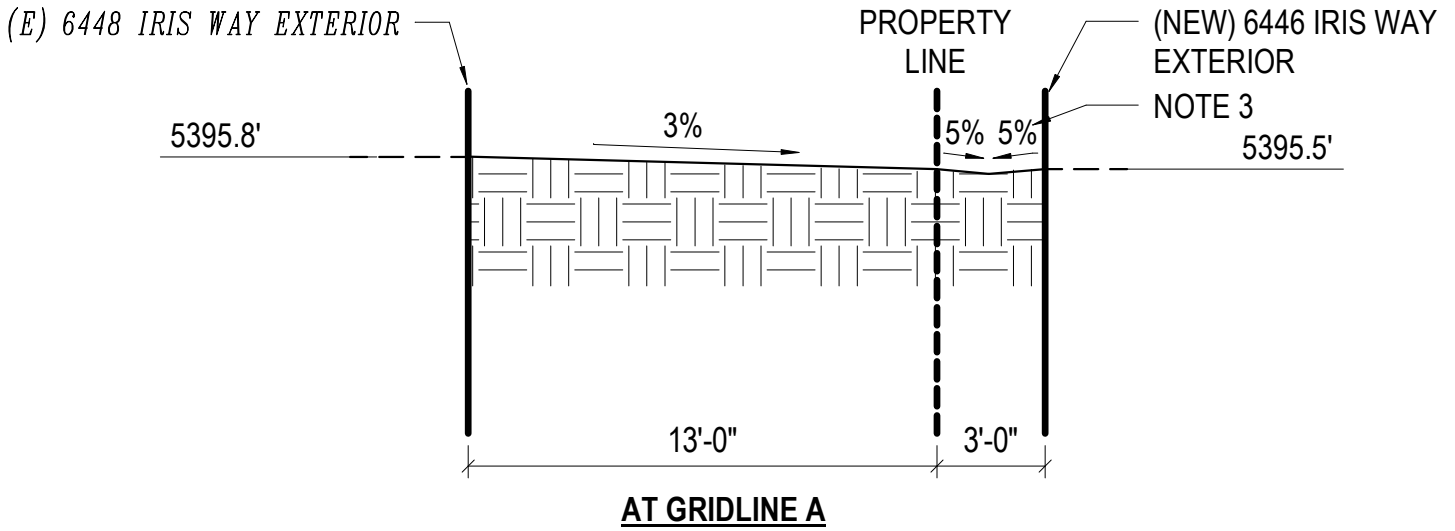


PROJECT NUMBER:

PA2021-0193

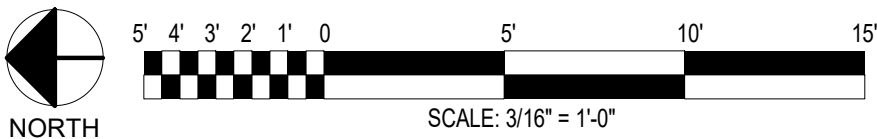
DWG REF:

DATE: 06/06/22



NOTES:

1. NEWLY GRADED SWALE WILL BE A GRASS SWALE
2. EXISTING GRADES BETWEEN PROPERTY LINE AND NEIGHBORING 6448 IRIS WAY PROPERTY MAINTAINED
3. CROSS SLOPE OF SWALE BETWEEN PROPERTY LINE AND NEW 6446 IRIS WAY STRUCTURE CAN VARY BETWEEN 5% AND 25%, AT CONTRACTOR'S OPTION



GARAGE EXPANSION

DETAIL TITLE:
NEWLY GRADED SWALE SECTIONS

DETAIL NO:

SK-3

PROJECT NUMBER:

PA2021-0193

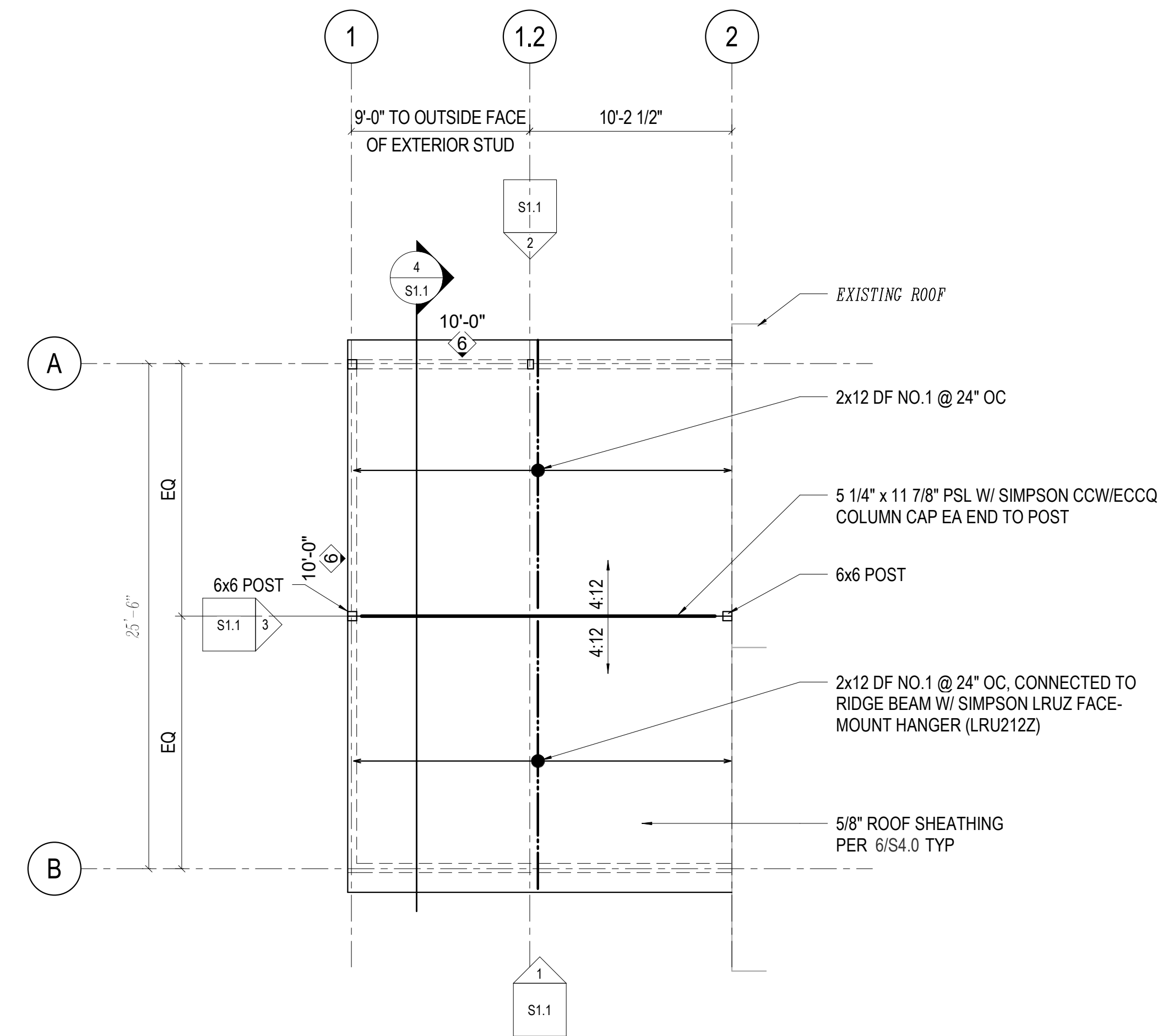
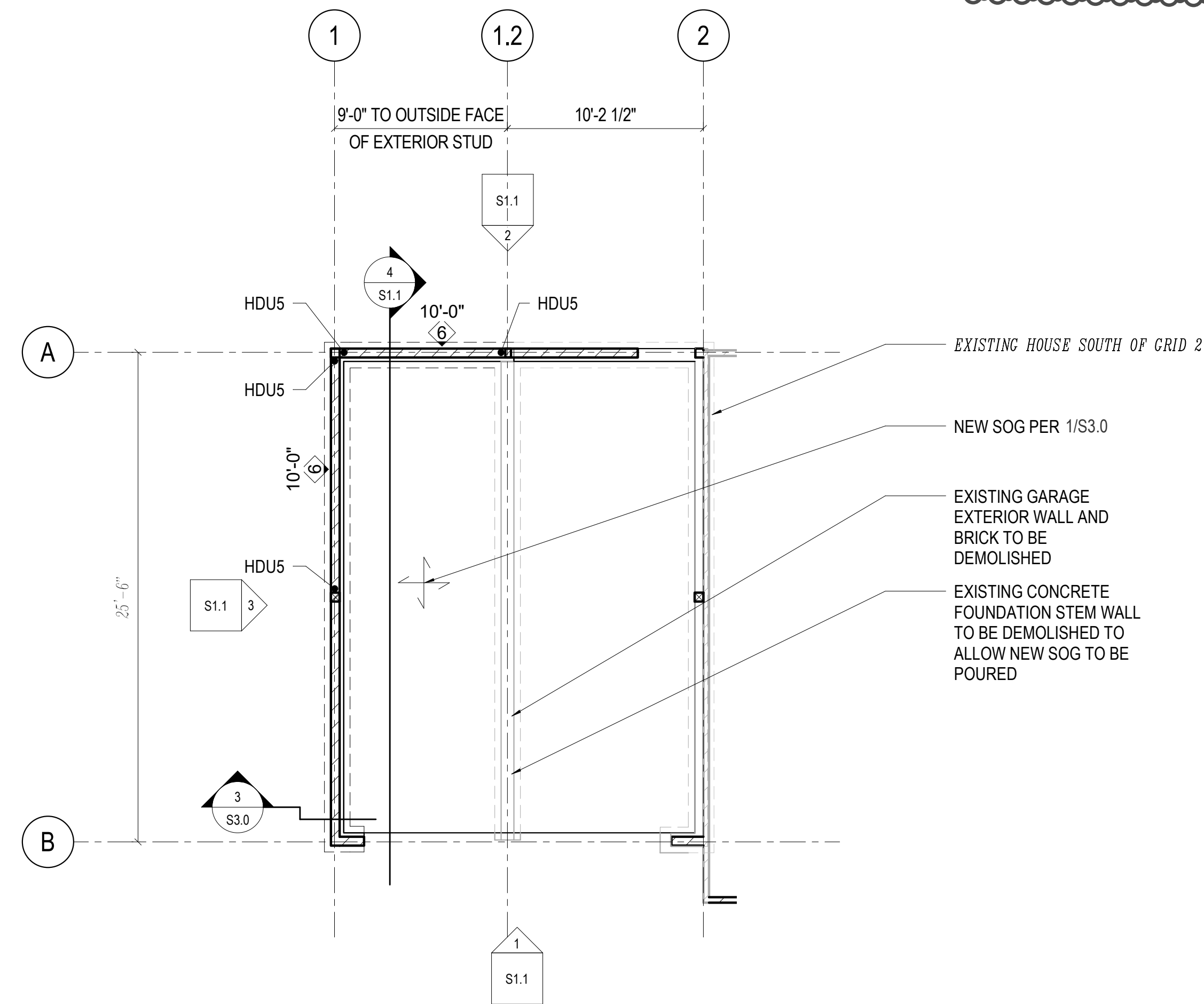
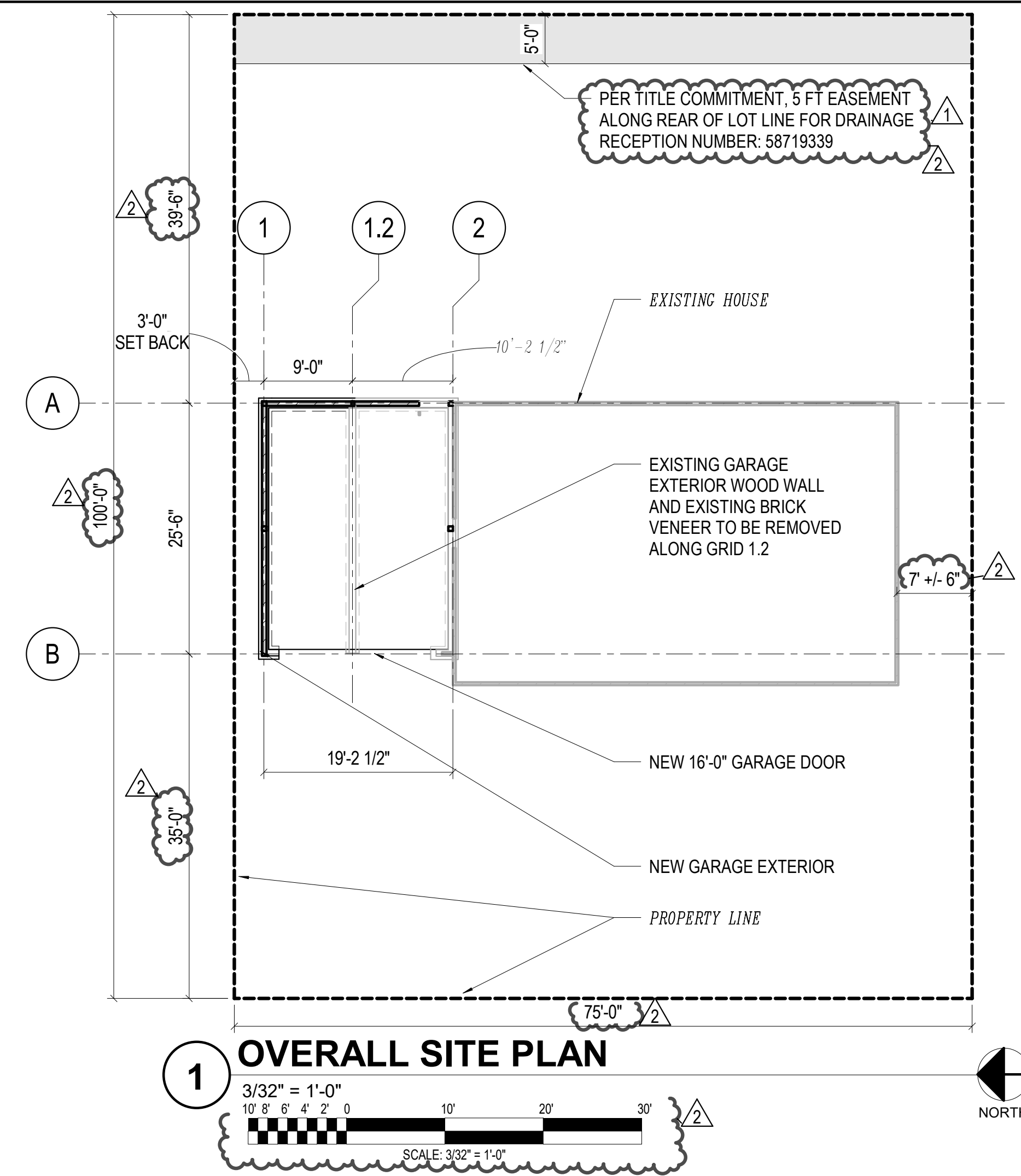
DWG REF:

DATE: 06/07/22



GARAGE EXPANSION

6446 IRIS WAY
ARVADA, CO 80004



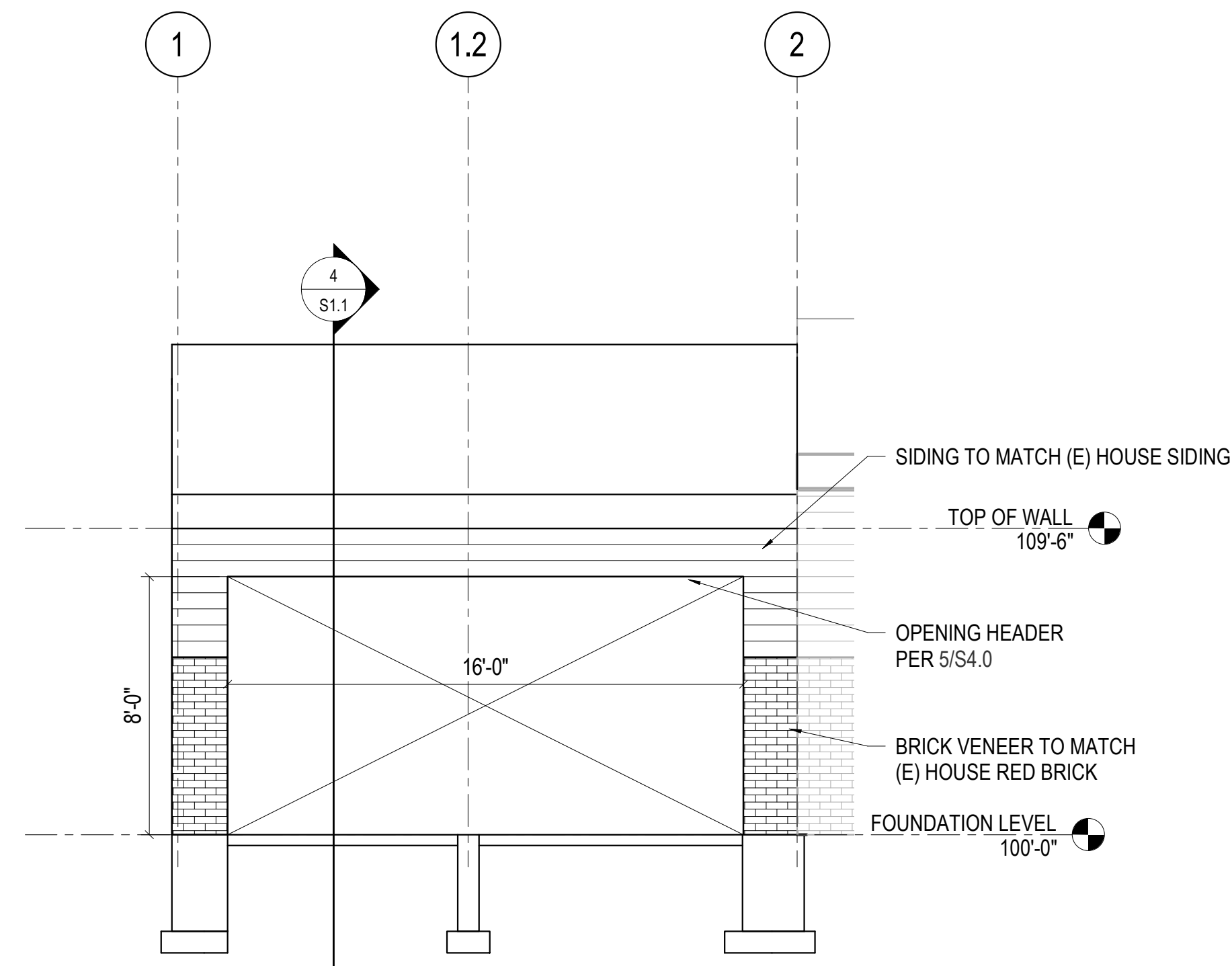
- NOTES:
- FOR TYPICAL WOOD STRUCTURAL WALL FRAMING DETAILS, SEE 4/S4.0
 - FOR TYPICAL WOOD SHEAR WALL DETAILS (SHEAR WALL NOTED ON PLAN), SEE 5/S4.1

REVISIONS		
NO.	ISSUE	DATE
1	REVIEW ITERATION 1	04/08/22
2	REVIEW ITERATION 2	06/08/22

PROJECT NO: PA2021-0193
DATE: 01/05/22

SHEET TITLE:
PLANS

SHEET NUMBER:
S1.0

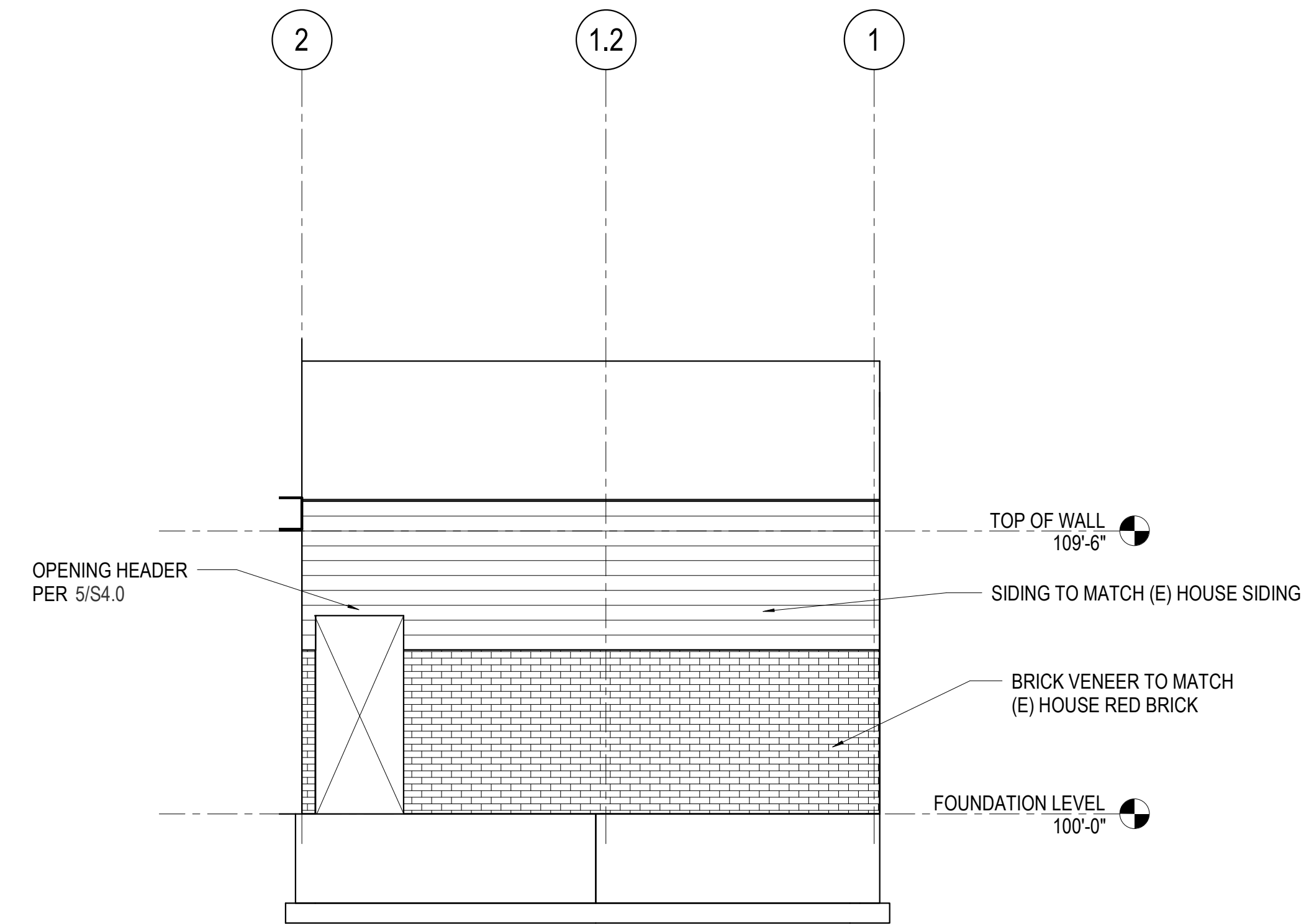


1 WEST ELEVATION

1/4" = 1'-0"

NOTES:

1. FOR TYPICAL WOOD STRUCTURAL WALL FRAMING DETAILS, SEE 4/S4.0
2. FOR TYPICAL WOOD SHEAR WALL DETAILS (SHEAR WALL NOTED ON PLAN), SEE 5/S4.1

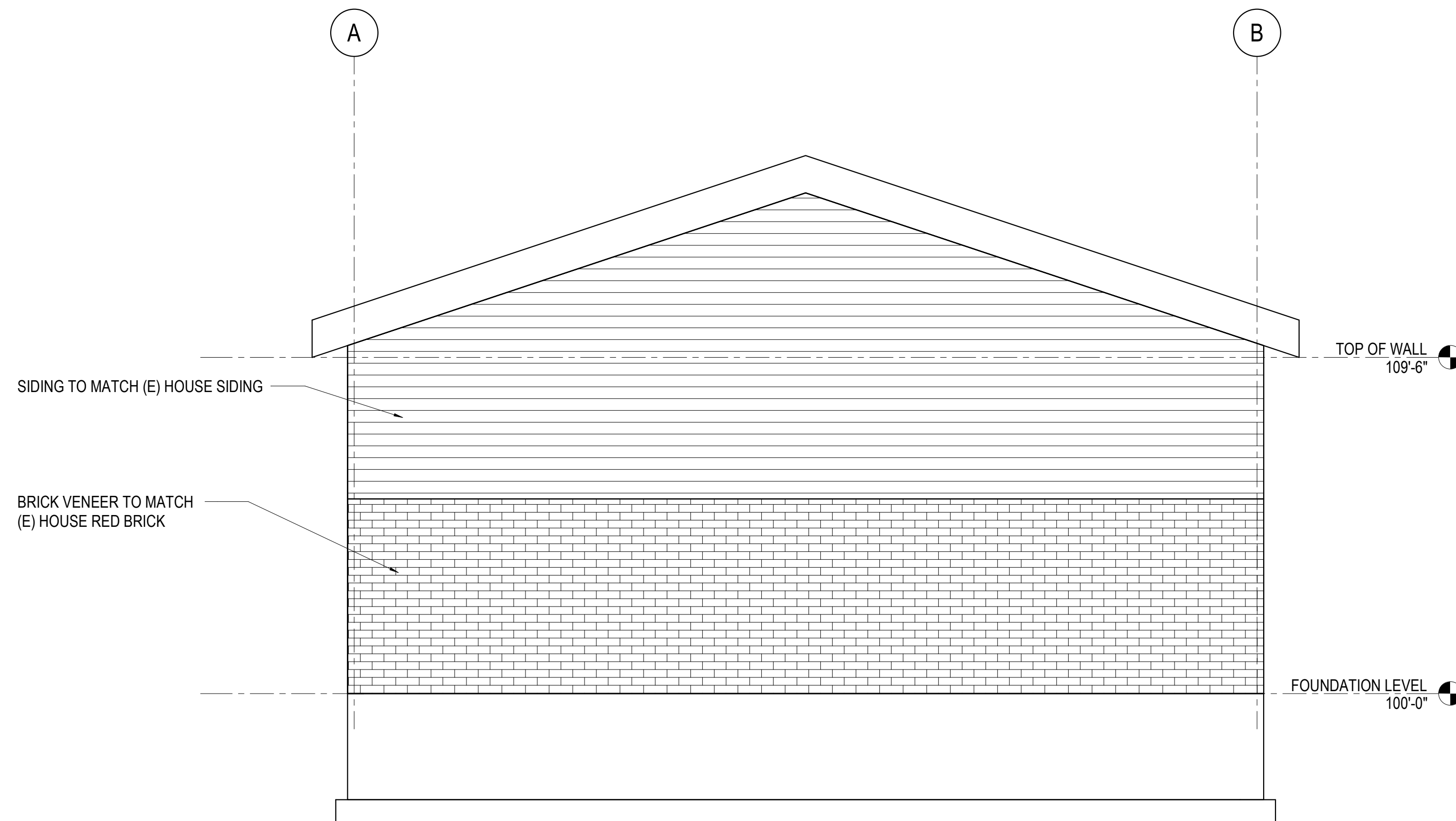


2 EAST ELEVATION

1/4" = 1'-0"

NOTES:

1. FOR TYPICAL WOOD STRUCTURAL WALL FRAMING DETAILS, SEE 4/S4.0
2. FOR TYPICAL WOOD SHEAR WALL DETAILS (SHEAR WALL NOTED ON PLAN), SEE 5/S4.1

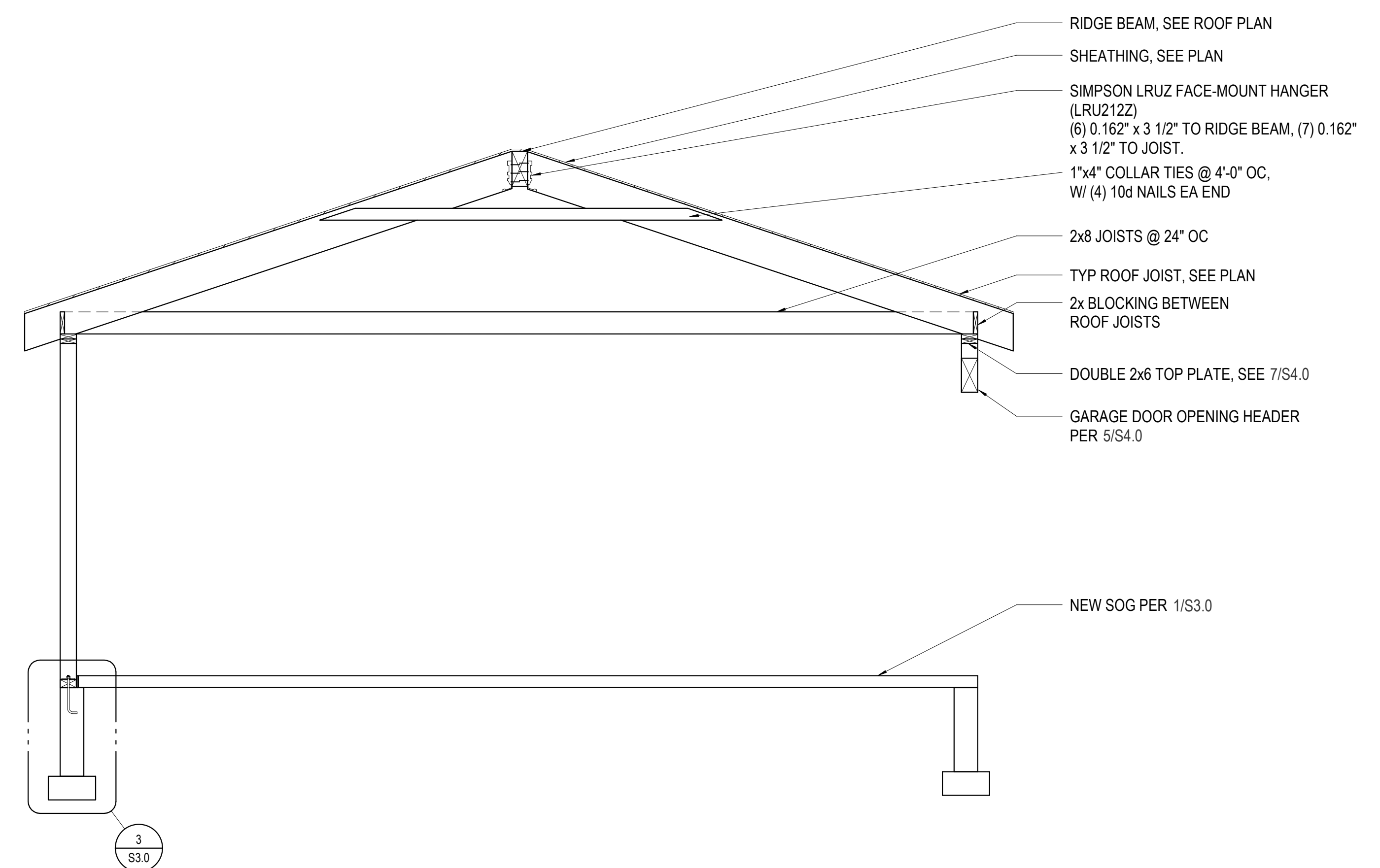


3 NORTH ELEVATION

3/8" = 1'-0"

NOTES:

1. FOR TYPICAL WOOD STRUCTURAL WALL FRAMING DETAILS, SEE 4/S4.0
2. FOR TYPICAL WOOD SHEAR WALL DETAILS (SHEAR WALL NOTED ON PLAN), SEE 5/S4.1



4 SECTION THROUGH GABLE ROOF

3/8" = 1'-0"

NOTES:

1. FOR TYPICAL WOOD STRUCTURAL WALL FRAMING DETAILS, SEE 4/S4.0
2. FOR TYPICAL WOOD SHEAR WALL DETAILS (SHEAR WALL NOTED ON PLAN), SEE 5/S4.1

GARAGE EXPANSION

6446 IRIS WAY
ARVADA, CO 80004

REVISIONS

NO.	ISSUE	DATE

PROJECT NO: PA2021-0193

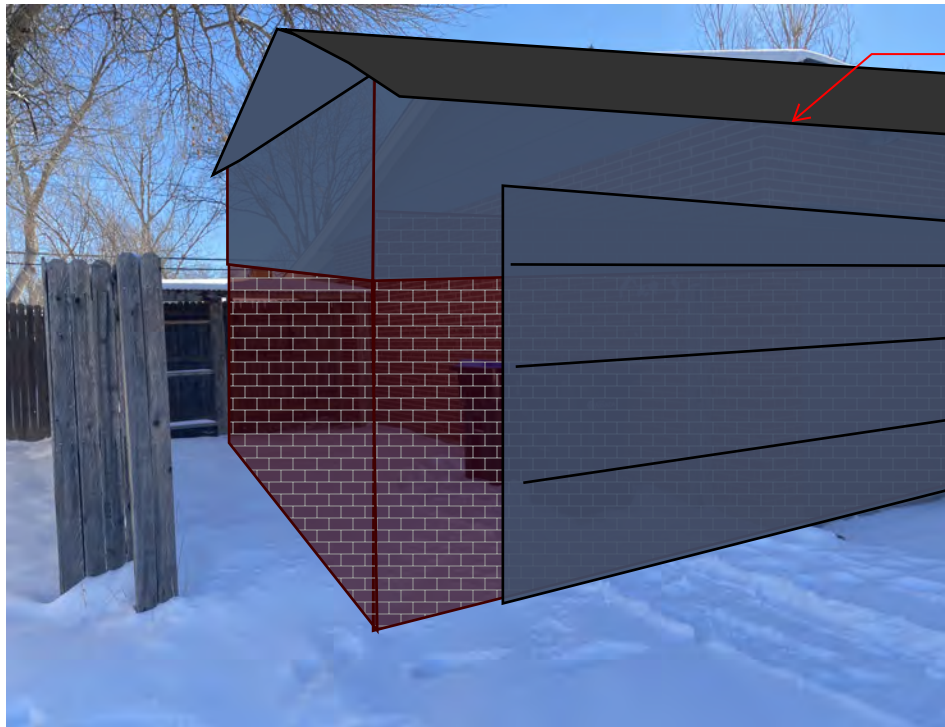
DATE: 01/24/22

SHEET TITLE:
ELEVATIONS & SECTIONS

SHEET NUMBER:
S1.1



A WEST ELEVATION - PROPOSED EXPANSION



THE EVE OVERHANGS OF THE NEW ADDITION WILL BE IDENTICAL TO THE EXISTING EVE OVERHANGS OF THE REMAINDER OF THE HOUSE.

B NORTH ELEVATION - PROPOSED EXPANSION



C EAST ELEVATION - PROPOSED EXPANSION



REPORT FROM CITY COUNCIL	AGENDA ITEM 12.A.
---------------------------------	------------------------------

DATE: August 1, 2022

SUBJECT: Council Committee Reports

Report in Brief

City Council members are appointed to various committees and boards as set out on the attached listing. As meetings are held, individual council members will report back to the full City Council any relevant discussions and issues that occurred.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report

Council Member	Committee
Marc Williams	Arvada Municipal Court/Judicial Committee Arvada City Attorney Committee Arvada Urban Renewal Authority E-470 Authority (alternate) Jefferson Parkway Public Highway Authority Northwest Parkway Authority (Associate Member) (alternate) Urban Drainage and Flood Control District West Connect Coalition *Metro Mayors Caucus
Bob Fifer	Adams County Regional Economic Partnership (ACREP) Apex Coordinating Committee Arvada City Attorney Committee Arvada Transportation Committee Denver Regional Council of Governments (Alternate) Jefferson County R-1 Schools Coordinating Committee Jeffco Transportation Action & Advisory Group (JEFFTAAG) Smart City Advisory Committee
David Jones	E-470 Authority (alternate) Jefferson County Community Corrections Board Jefferson County R-1 Schools Coordinating Committee Jefferson Economic Development Council (JEDC) Jefferson Parkway Public Highway Authority Northwest Parkway Authority (Associate Member) (alternate) West Connect Coalition (alternate)
John Marriott	Adams County Regional Economic Partnership (ACREP) (alternate) Apex Coordinating Committee Arvada Economic Development Association Board Arvada Municipal Court/Judicial Committee Arvada Parks Advisory Committee Arvada Visitors Center Committee (alternate) CML Policy Committee Olde Town Business Improvement (BID) District Rocky Mountain Metropolitan Airport Community Noise Roundtable
Randy Moorman	Arvada Audit Committee Arvada Sustainability Advisory Committee CML Policy Committee Rocky Flats Stewardship Council
Lauren Simpson	Arvada Audit Committee Arvada Center for the Arts and Humanities Arvada Fire Protection District Coordinating Committee Arvada Visitors Center Committee Olde Town Business Improvement (BID) District (alternate)
Lisa Smith	Arvada Chamber of Commerce Government Affairs Committee Arvada Fire Protection District Coordinating Committee Denver Regional Council of Governments Jefferson County Community Corrections Board (alternate) Jeffco Transportation Action & Advisory Group (JEFFTAAG) (alternate) Smart City Advisory Committee

*Asterisked committees are not appointed by Council

City Clerk Team Drive: Council appointed committees



REPORT TO CITY COUNCIL

AGENDA ITEM
13.A.

TO: THE HONORABLE CITY COUNCIL

DATE: August 1, 2022

SUBJECT: Review of Future Workshops and Presentations

Report in Brief

The City Manager's Office maintains a list of upcoming workshops and presentations to be scheduled for City Council meetings. During City Manager Reports, at the end of City Council business meetings, City Manager, Mark Deven, will review with City Council the tentative schedule and make any adjustments necessary.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Rachel Morris, City Attorney	7/19/2022
Linda Haley, Deputy City Manager	7/19/2022
Lorie Gillis, Deputy City Manager	7/19/2022
Mark Deven, City Manager	7/20/2022

Enclosure, exhibits & attachments required to support the report

2022 CITY COUNCIL WORKSHOPS, STUDY SESSIONS, PRESENTATIONS AND RETREATS (TENTATIVE)

WORKSHOPS	Date	Lead
City Council Recruitment events (interviews all day on the 9th)	Aug 8-9	
Quarterly Bond Project Update	August 8	PW
Sub Area Plans	August 8	CED
10-year model	August 22	Finance
CIP Update	Aug 22	
Utilities Rates and Fees 2023	Sept 12	
Micromobility (e-bike/e-Scooter) Pilot Project Update The Arvada Public Works Department will present the results of Arvada's pilot micromobility project to the City Council and share staff recommendations for Council feedback.	Sept 26	PW
Budget Presentation	Sept 26	
Budget Workshop	Oct 10	
Neighborhood Engagement and Marketing Updates	Oct 24	
Olde Town Strategic Reinvestment Plan Update	Oct 24	
	Nov 14	
Streets Maintenance 10-year Plan	Nov 28	PW
Infrastructure Master Plan Strategic Result Update	Dec 12	PW/Utilities
STUDY SESSIONS		
Housing @5:30 p.m.	May 4	
DEI @5 p.m.	May 10	
DEI @5 p.m.	Aug 11	
Hold for Housing	Aug 16	
DRCOG's Greenhouse gas (GHG) initiative related to transportation policy	Week of Aug 22	
Sustainability @5 p.m.	TBD	
Homelessness	TBD	
Total Rewards Philosophy and Strategy Update	TBD (Sept)	
Gun Legislation	TBD	
Workshop TBD's		
Regional Homelessness	TBD	
Council Retreat Update	TBD	CMO
Pre-Sentencing/One Small Step	TBD	Courts
Pocket Neighborhoods	TBD	
Meyers Pool	TBD	CMO
City Marketing Plan	TBD	CMO
Traffic Violation Fee	TBD	PW
Financial Scenarios for Street Maintenance Deficit/Options for Increasing Maintenance Funds Engage City Council in a discussion around the current street maintenance needs and how the City might fund them. This will include revenue enhancements, future allocations and expenditure realignments.	TBD	PW/Fin/ CMO
Fiber Master Plan The Fiber Master Plan which is also called Arvada Fiber Optic Network (AFON), was first presented to City Council 4/10/2017. City Councils had set a strategic goal to build a fiber	TBD	PW

network to enable high speed/real-time connectivity to city facilities and assets in order to enhance city operations. This workshop is intended to brief City Council as to the progress of the AFON build out. Updates are intended to cover conduit installation progress, fiber installation progress, current co-locate opportunities, IGA member updates, and connections to current assets (city buildings, traffic, signals, utilities, radio, etc.).		
Community Survey Update The purpose of this item is to continue a discussion with Council about the Community Survey results and what the City team is doing to apply what is learned. Discussion will include an update on action plans targeting key drivers of the City's 5-star rating as well as how Worksystems are targeting specific measures.	TBD	CMO
Problem Properties	TBD	P.D.
Water Storage – Plan B (include with master plan presentation)	TBD	Utilities
Activation of Historical Assets	TBD	VCN
Customer Service Philosophy	TBD	CMO
Ask Arvada Update	TBD	CMO
APAC	TBD	VCN
Golf Course	TBD	VCN
COUNCIL JOINT MEETINGS/DINNERS:		
Denver Water Board Apex Board AURA Board Arvada Center Board–Per Coop Agreement - Annually after October 1 of each year Jefferson Parkway Meeting with Jeffco and Broomfield Council Annual Retreat		