

Arvada City Council Meeting, June 16, 2014

Council OKs Hometown South Plan with Height Restrictions

Notes taken by Susan Shirley

In attendance were Mayor Marc Williams, Mayor Pro-Tem Mark McGoff, and Councilmembers Don Allard, Bob Dyer, Bob Fifer, Jerry Marks, and John Marriott.

Public attendance at 6 p.m. was about 60 people; at 6:30 p.m. it was at least 86 including standing room in the adjacent foyer.

Minutes from the June 2nd meeting were approved with no changes.

The Leadership Arvada Class of 2014 was recognized by Mayor Marc Williams. Leadership Arvada is a collaborative effort on the part of the Arvada Chamber of Commerce and the Arvada Economic Development Association (AEDA.) There is a nine-month curriculum covering a range of topics which include government, non-profit organizations and service clubs, and education; the class also chooses a community service project. This class chose two: the garden at the McIlvoy House, and a Block Party Trailer which neighborhood associations can reserve at no charge. The class not only contributed labor but also raised \$15,000 for the projects.

Members of the class of 2014 are:

From the City of Arvada, Brenda Berg, Greg Carr, Rita McConnell, Jill McGranahan, and Kirk Nagle.
From Apex Parks & Recreation District, David Craig.
From the Arvada Chamber of Commerce, Ashley Garst.
From Arvada Visitors Center, Jean Gordon.
From Wells Fargo, Jeremy Gregory.
From Arvada Fire Protection District, Deanna Harrington, Scott Pribble, and Robert Putfark.
From FirstBank, Erin Hyde.
From Noviscon Realty, Kendra Lanterman.
From All Secure Lock & Security, Ben Lawrence.
Arvada volunteer Nancy Mayer.
From Blues & BBQ, Ranger Miller.
From Val-U-Ads of Arvada, Deb Olsen.
From Keller Williams, Caryn Prall.
From Custom Environmental Services, Elizabeth Simonson and Renee Wilson.
From SJO Electric, Mika Story.
From AEDA, Allison Trembly.
From Walker Investments, Virlie Walker.
From Colorado Homeless Families, Connie Zimmerman.

Councilmember John Marriott recognized Nancy Bentzen for her twelve years of service on the Arvada Festivals Commission, including six years as chair. An Arvada resident since 1975, and Arvada Chamber of Commerce Woman of the Year for 2008, Nancy has also volunteered for the Arvada Food Bank, Ralston House, Jaycees, Arvada's Sister Cities Program, and the Historical Society's annual yard sale, among others. Bentzen said she began with the Commission during the first year of Trails Day,

and now it has grown to eight events; she said she has "put in a lot of hours, but most of all had a lot of fun."

Public Comment:

Mary Jo Giddings of the Arvada Historical Society spoke about the Society's Garden Tour, coming up on June 28. All the featured gardens will be new from last year, and there may be goldfish crackers included.

Judith Denham of the Festivals Commission invited Arvadans to the upcoming July 4 festivities at the Stenger complex. Around 25,000 people are expected to participate in a day of live music, fireworks, and family-friendly activities which include a military display vehicle, a kid zone featuring, among other things, a "human hamster ball," and a special area called "It's All About Me," for children with developmental disabilities. KOOL 105 will be on hand, activities start at 4 p.m. and the fireworks begin at around 9 p.m.

Consent Agenda:

R14-090 and -091 are to authorize an amendment to the operating budget. The city is experiencing a steady increase in applications for building permits; more permits were issued between January 1, 2014 and May 23, 2014 than were issued in all of 2012. In order to avoid a backlog, in 2012 the City began to retain a Lakewood, Colorado, consulting company, Code Consultants International. This item retains Code Consultants in 2014 for an amount not to exceed \$175,000, which is expected to be offset by permit and plan review fees and use tax.

These items passed, 7 to 0.

Resolutions:

R14-092 involves an intergovernmental agreement regarding Little Dry Creek. In February, Council passed R14-016, concerning intergovernmental agreements between the City of Arvada and Urban Drainage and Flood Control District, the City of Westminster, and Adams County for funding of major drainageway planning for Leyden Creek and Little Dry Creek. Adams County has dropped out of the agreement, so therefore a new agreement is needed.

This item passed, 7 to 0.

Public Hearings:

Ordinance, Second Reading and Public Hearing:

CB14-026 accepts a petition for organization of an Olde Town Business Improvement District (BID.) This involves collaboration between the merchants in the district, and the city, to provide funds for marketing and improvements in the Olde Town area. City Manager Mark Deven said that the City Clerk has reviewed the petition and it is in the form and content required by law. He added that the 5 founding members of the board of directors for this merchants' group is committed to finding additional board members.

Several people commented. Karen Miller, business owner and president of Historic Olde Town Association (HOTA) said, "Olde Town is a community, the vibrant heart of Arvada...we are voting ourselves a mil levy which is not lunch money for us because we are very serious" about the benefit of this district. Adam Mueller, a 4-year HOTA volunteer, spoke about the success of some of the newer festivals such as Second Saturday, hoping that the BID will bring more funding for those kinds of activities. Debbie Pearson of American Family Insurance on Yukon Street said that the BID is a great funding option, and that many of the good programs currently in Olde Town will not be able to continue without additional support and funding.

Councilmember Bob Fifer said that he appreciates the grassroots effort to make the BID happen. He hopes there will be performance measurements, and also emphasized the need for more than the current number of 5 directors. Councilmember John Marriott mentioned some specifics as to which buildings are exempted from the tax, including church or city property, and asked Mark Deven what would happen if any of those properties were converted to another use such as retail. Deven said that the exemption would then be removed and the building would be part of the BID. Councilmember Bob Dyer clarified that the 8 1/2 mil levy does not apply to residential properties. Mayor Marc Williams said that the Second Saturday is an "incredible event" and that there were many new faces appearing this time which he has not seen before at other Olde Town events.

The BID petition was accepted on a 7 to 0 vote.

CB14-027 is to rezone land at 11815 W. 64th Ave., which is currently zoned for 22.58 dwelling units per acre, to allow the building of a 134-unit assisted living facility, Signature Senior Living.

Item "C" is to approve the Preliminary Development Plan of Signature Senior Living, above.

CB14-028 is to approve a Conditional Use Permit for Signature Senior Living.

There was a brief presentation by Signature's Executive Vice President Gale Schrag, who said that a market analysis shows that the area is currently underserved relative to the demand for assisted living and memory care. There will be 134 assisted living and memory care units; 39% of the parcel will be open space, exceeding the zoning requirement, and, Schrag said, Signature will not be generating noise, light, dust or glare onto adjacent properties. Elise Gordon of Arvada commented, saying she is happy to see this plan for this space, noting that the Springwood facility is a great asset and a nice choice over condos or transient housing; that Signature, similarly, will cause less of a traffic problem for the area. Councilmember Dyer asked Schrag if he is confident they can move forward quickly upon approval and Schrag replied that there is already a management company in place to make that happen. Dyer said that he can't think of anything better for that problematic space which has difficult access and didn't seem right for condos. Fifer asked for the timeline, to which Schrag gave a fall 2015 opening date. Fifer replied that this is housing stock that is really needed in this area. Councilmember John Marriott said he agrees this is a very good use for this unusually shaped property, and hopes Signature will be very successful there. Mayor Williams said that the Council has had concerns over whether that site would ever be developed in a way which was compatible with nearby Arvada West High School.

All items were approved on 7 to 0 votes.

Items "E", "F", and "G" are public hearings for the proposed Hometown South Development in the 64th and McIntyre area. During the June 2 City Council meeting, Mayor Marc Williams requested and received recusal from this vote, citing a possible perceived conflict of interest and the request of the developer, Century Communities. Five of the councilmembers voted for the recusal, with Councilmember Bob Dyer voting against. Mayor Williams excused himself from the June 16 meeting and turned it over to Mayor Pro Tem Mark McGoff before leaving the chambers.

The Preliminary Development Plan for Hometown South was approved in May, 2014, on a minority vote of the Arvada Planning Commission, with three yes votes (Rothschild, Hannan, and Connell,) one no vote (Goff,) and three members absent (Dantinne, Crouse, and Sullivan.) This development would have 281 units, a density of 12.66 units per acre, and would require a height exception. It would also include 18 live/work units, which are retail spaces with living areas above each space, in order to meet minimum mixed use requirements of the Comprehensive plan. Including the 18 live-work units into the count brings the total to 299 units in 49 buildings on approximately 22 acres.

Problems existing with this development are relatively high density for the area, added traffic in a part of town already experiencing major traffic issues, aesthetic challenges to blend with existing housing stock nearby, and extremely limited options for access to the development.

There will be a more in-depth report on this meeting as part of a planned series on Hometown South, which is intended to show how a project happens in Arvada, starting at its inception and following it through to groundbreaking and beyond. In order not to make this current report too long, just the basics are given here:

There were lengthy presentations by the developer, the commercial realtor handling the live/work units, and the traffic engineer from LSC Transportation Consultants (which, by coincidence, is the same traffic engineering firm we encountered last year in the Arvada Plaza Walmart public hearing.) These were followed by presentations by two HOA representatives, from The Meadows and from Hometown North. Following a rebuttal by the developer and some questions from councilmembers, Mayor Pro Tem Mark McGoff offered that Councilmembers have received many letters, most in opposition to the project.

Eight individuals, sworn in because this was a "quasi-judicial" matter, then gave testimony in opposition to the development plan as it stands. Most concerns had to do with the three story height of some of the buildings, the added traffic and relatively limited access, and the fact that the Planning Commission passed this matter along on a less than majority vote.

The developer gave a rebuttal, which was followed by extensive questioning on the part of Councilmembers. Several members were bothered by the request for a height exception, the "live-work units" which, to some, seemed a convenient way to skirt the mixed use requirement of the Comprehensive Plan, and the traffic. Councilmember Bob Fifer attempted to include a provision that the Preliminary Development Plan (PDP) would include access onto Kendrick Street. This motion was defeated, 4 to 2. The following vote was for the PDP itself, which passed on a 5 to 1 vote, with Dyer voting no and Williams absent by recusal.

There followed some discussion on the height exception, with Marriott and Dyer making statements that the increase did not seem necessary or desirable. The vote for the request to increase the height of some buildings was 3 to 3, with Fifer, Marriott, and Dyer voting not to allow increased height. Because

the motion did not pass, it was automatically rejected, and the buildings will have to stay within the 35 feet limit. The developer had made clear, earlier, that this did not necessarily force a limit of two stories, however; the buildings can have flat roofs or a shallower pitched roof and stay within the height limit.

Reports from City Council: Councilmember Fifer moved to appoint Mr. Shawn Koch to the Parks Advisory Committee for the term ending April 30, 2015. This passed on a 6 to 0 vote.

Reports from City Manager: There will be no City Council workshop on June 23.

Report from City Attorney: none.

The meeting adjourned at 10:35 p.m.