

Meeting of the Planning Commission, August 5, 2014

Notes taken by Nancy Young

Planning Commission meeting: Will the public's role in development be eliminated? Pop-Eye's at Arvada Ridge approved; Ralston Townhomes on Olde Wadsworth approved

The Planning Commission meeting this evening consisted of two parts: a workshop at 5:00 pm in the Anne Campbell Room regarding the Land Development Code update; and two public hearings at 6:30 pm in the City Council chambers. The following notes save the best - the workshop - for last. And naturally, the most important items discussed at the workshop are in the last few paragraphs. I urge everyone to read it all - the background information will be very helpful to understanding what is happening now and in the future!

Commissioners present were Crouse, Connell, Hannan, Rothschild and Sullivan. Commissioners Goff and Dantine were excused. In the absence of Chair Goff, Commissioner Sullivan acted as chair for the evening. There were four representatives of developers present. Approximately five members of the public were present for the public hearings. Only one member of the public attended the workshop.

The first public hearing concerned a new Pop-Eyes at Arvada Ridge. The fast-food restaurant will occupy the empty pad on the east edge of the Target shopping center along Kipling and will be located between Guaranty Bank and Chipotles. The main entrance and parking will be on the north side (next to Chipotles), including a bicycle rack near the entrance. There were no public comments - either for or against the proposal. Commissioner Crouse motioned for recommending approval to the City Council. Motion passed, 5-0.

The second public hearing concerned Ralston Townhomes, 6012 Olde Wadsworth. Five single family townhomes will be constructed on an empty lot across from Barbara Ann/Brooks Drive-Marilyn Jean Drive. The townhomes will be 3-stories with about 3,000 square feet. Each will have 4-bedrooms and 2 baths, and a 2-car garage. There will be 4 visitor parking spaces and one handicapped space. Estimated initial pricing will be around \$400,000 per unit. There were no public comments - either for or against the proposal. Commissioner Connell motioned for recommending approval to the City Council. Motion passed, 5-0.

The workshop concerning the Land Development Code review commenced about 5:07 pm. Rita McConnell, planner, introduced Todd Messenger of Fairfield, Woods law practice. Mr. Messenger has been a practicing attorney in zoning and land use for about 15 years, joining Fairfield, Woods about a year ago.

As background, on June 2, 2014, City council approved a contract with Fairfield and Woods, in the amount of \$55,200.00, to review the Land Development Code (LDC). From July 21-23, at least six (possibly seven) stakeholder group meetings were held. Several members of these pages attended these meetings. The workshop with the Planning Commission followed a similar agenda as the stakeholder meetings.

In addition to the five Planning Commissioners, other individuals present at the workshop were Rita McConnell, planner; Mike Elms, Director of Community Development; and Randall Sampson, City attorney. And one member of the public (author of these notes).

Mr. Messenger described his mission as: 1. reviewing Chapter 5 of the LDC, also known as the "zoning table". This table lists zoning districts across the top and allowed land uses down the side. In printed form (6 point font!), the table is 8 pages long! Some consolidation and outdated items need to be

addressed to streamline the table. 2. address the role of the Board of Adjustment 3. strategic review of the LDC to assess the LDC in light of the Comprehensive Plan and identify disconnects between policy documents and the regulations intended to enforce those policies.

Mr. Messenger asked questions of the Commissioners regarding issues that they have encountered regarding the LDC and their work. These questions included items like: - “what are your concerns for Arvada?” - traffic is a big problem due to the lack of east-west arterials; tools are not available in the LDC to address this issue

- “three elements of ‘community’ are buildings, landscaping, and asphalt. How do you see these elements in Arvada’s development?” - big issue is the tension between high density and Arvada’s rural character, especially as Arvada’s rural heritage disappears; the market supports single-family homes, the community wants open space, while the City is promoting denser housing with open space surrounding it. - “Have you investigated some of the innovative suggestions for zoning, like ‘flex buildings’ (either commercial or industrial)?” - Arvada’s code allows for only three types of establishments - bars, fast-food, or restaurants, and in today’s world, almost everything that the Planning Commission reviews is some combination of these three traditional definitions - nothing fits the Code!; drive-thru’s are an issue because some past Council member opposed them and that opposition was written into the code. There are other “political” legacies in the code that no longer have meaning.

Perhaps one of the most important questions of the evening: “Developers want a fast-track, and quick approval. How does the Planning Commission feel about having the final decision on routine items, vs. recommending approval to the Council?” In essence, this suggestion would give more power to the staff to approve developments deemed “routine”, with the Planning Commission acting as an “appellate court”. Commissioners acknowledged that generally they agree with the staff recommendation. Mike Elms noted that most of the controversial issues are “politically sensitive”.

This important item was followed with “What issues need to be elevated to the public process?” - plans in Olde Town are controversial; rental apartments are the biggest issue - the public perceives renters as ‘uncaring’ about their (or their neighbor’s) property, while the Millennials want mobility options, thus creating community tension.

Other Planning Commission comments referred to sales tax items - the ban on motor vehicle sales, the disappearance of auto repair services in Arvada, the lack of hotels (perceived as another “legacy” from past Council members). Regarding the recent Chick-Fil-A item, traffic was a big issue. There was also a discussion about the ban on marijuana sales. Eventually, Federal law will change, and the issue will need to be addressed. Also, there was a discussion about the lost sales tax revenue resulting from the ban. Neighboring communities are reaping gains in this regard from Arvada’s citizens!

Then the question about retail centers - “What’s needed in Arvada?” - responses included “it’s really a matter of aesthetics” (i.e., landscaping) to there’s an overabundance of retail space, much of it aging, to retail visibility is poor because it is set far back from the highway with too much parking lot in front; there’s a conflict between the new and old Arvada - there are barriers to upgrading aging properties and not enough incentives to do so, whether it’s homes or retail.

And finally, the blockbuster question of the evening - “Do you see areas that could be ‘scraped’ (i.e., demolished)?” - answer was yes from one commissioner, then silence descended on the room.

With that final comment, the workshop was adjourned.

A personal note - thank you, Planning Commission, for assuring public access to your workshops and meetings! While sometimes only one or two citizens might attend these meetings, those few citizens

represent hundreds, if not thousands, of Arvada residents who thirst for more information about what their government is doing.