

POSTING LOG
 PLANNING COMMISSION/CITY COUNCIL PUBLIC HEARING

In accordance with Section 3.3.3 of the Arvada Land Development Code, signs shall be posted on the property by the applicant, at least fifteen (15) days prior to, but not including, the public hearing date. (See attached notice or Section 3.3.3 of Code for specific requirements as to the siting of such signs)

The applicant will be responsible for checking the signs each day of the required posting period and keeping an accurate log. If a sign has been moved, destroyed, or fallen, the sign must be replaced by the applicant within forty-eight (48) hours.

Applicants must sign the log which states he/she has checked the signs daily and followed the procedures outlined in Section 3.3.3 of the Land Development Code and present it at the time of the Public Hearing. **Failure to comply with the required posting procedure shall require the Public Hearing to be rescheduled.**

POSTING LOG FOR:

DATE	TIME	CONDITION OF SIGNS			
		North	South	East	West
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

Signature of Applicant _____ Date _____

NOTIFICATION OF PROPERTY OWNERS

Written notice to property owners is required by Section 3.3.2 of the Land Development Code prior to all public hearings before Planning Commission and City Council.

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 twelve (12) days prior to the public hearing.

Letter to Property Owners (see attached sample) -

All notices shall:

1. Indicate the time and place of the public hearing;
2. Sufficiently describe the property involved; for example, by legal description, general vicinity, street address, size, and/or nearest cross street;
3. Describe the nature, scope, and purpose of the application or proposal being advertised;
4. Indicate that interested parties may appear at the public hearing and speak on the matter or may file written comments with Community Development Staff; and
5. Indicate where additional information can be obtained.

Area of Notification -

1. For purposes of public hearings before City Council or the Planning Commission, notice shall be mailed to all property owners within 400 feet of the boundary of the property that is the subject of the application, 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.
2. Written notice shall also be mailed to any Home Owners Associations and other Neighborhood Associations with a known interest in the subject area, or to others who have filed a timely request to receive written notice.
3. The Community Development Director shall have the sole discretion to increase 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.

Affidavit of Mailing –

Once the mailing has been completed, an affidavit of mailing will need to be completed confirming that all notices have been given to the property owners. Attached to the affidavit shall be a list of names and addresses of all persons sent such notification and the date the notice was mailed along with a copy of the letter sent. This affidavit shall be returned to city staff on or before the public hearing date. The Affidavit of Mailing form is included in this packet of information.

NOTICE OF PUBLIC HEARING

RE: _____
(Name of Development)

ADDRESS: _____
(Location of Project)

The (Planning Commission/City Council) (choose one) for the City of Arvada will hold a public hearing on (month) (day), (year), at 7:00pm, to consider: (Examples)

- Annexation and Rezoning from _____ zone district in Jefferson / Adams County to _____ zone district in the City of Arvada.
- Rezoning from _____ zone district to _____ zone district in the City of Arvada.
- Preliminary Development Plan / Plat
- Conditional Use Permit
- Vacation Request

The public hearing will be held in the City Council chambers of the Arvada Municipal Building located at 8101 Ralston Road, Arvada, Colorado. All interested parties may appear at the public hearing for this request and speak on the matter or may file written comments with the Community Development Department no later than 8 days prior to the hearing. All written comments received by the specified deadline are forwarded to the appropriate authority. Written comments should be addressed to, and any additional information can be obtained from

**Community Development Department
Arvada Municipal Building
8101 Ralston Road
Arvada, CO. 80001-8101
Telephone 720-898-7435**

The development review process includes a public hearing before Planning Commission and before City Council and is designed to provide opportunities for citizen involvement and comment. Prior to the public hearings, neighboring landowners are notified of the applicant's request by way of this notice.

PUBLIC HEARING PRESENTATION

A public hearing is a formal process. As such, the Planning Commission has established a procedure in receiving testimony and evidence from the applicant and from the public in favor or in opposition to the proposal. The Chairman opens the public hearing by entering the name of the proposal and its case number into the public record. The Chairman instructs everyone who intends to speak in any capacity during the public hearing to stand up and be sworn in. The Chairman then enters into the official record the staff report, the slides or photographs and other related material, such as exhibits of the proposed development.

The applicant or the applicant's appointed representative is then asked to go to the speaker's podium and state their full name and address for the record. The applicant is then requested to make a presentation. The applicant must provide sufficient evidence in order for the Planning Commission to deliberate and determine that sufficient evidence has been presented for a finding of fact.

In order to give the applicant an opportunity to present its case fully before the Planning Commission, the applicant's testimony must justify certain findings of fact and approval criteria (see attached).

You must be able to clearly and articulately present information and justification that applies to your request in addition to any other item(s) that appropriately justify your request. If you do not feel comfortable presenting the information, you should contact a person you feel capable of presenting your case. If you wish, the Community Development Department staff is available prior to the public hearing to assist you with any questions you may have. Please note that the planner does not make a presentation of your proposal.

After your presentation, the Chairman will ask if there is any one else present that would like to speak in favor of your proposal to be followed by those in opposition to the proposal. Following testimony from those opposing, the Chairman will give the applicant an opportunity for rebuttal of the opposition evidence.

The Chairman then closes the public hearing and opens the meeting for discussion by the members of the Planning Commission. The Planning Commission may ask questions for clarification of specific points prior to making a motion for a vote. In order to make a motion for a vote, the Planning Commission determines whether or not there has been sufficient evidence presented for a finding of fact. If so, the Planning Commission will vote on the proposal and will send its recommendation to the City Council for final action. An affirmative vote requires a minimum of four votes from the appointed Planning Commissioners and not just a majority of those members present.

CITY COUNCIL HEARING

A procedure similar to the Planning Commission hearing describe above is also conducted by the City Council at their public hearing. Note that the City Council conducts large number of business items that affect the entire City at the meetings. With that in mind, your presentation should be brief and concise before the City Council. The City Council is provided with minutes of the Planning Commission, which includes a summary of the testimony, the Planning Commission motion, the conditions applied to the proposal (if any) and the findings of fact recommended by the Planning Commission.

For an annexation request, the petitioners/property owner(s) are required to sign the annexation agreement prior to the City Council public hearing. All documents, development agreements

and subdivision maps must also have all applicable signatures prior to the City Council public hearing. Failure to do so may result in the vacation of the application and require a resubmittal of the entire application.

AUDIO VISUAL PRESENTATIONS

Members of the public who wish to make a presentation before the Planning Commission and City Council must work with the KATV and staff for proper setup. The following procedure must be adhered to.

1. Members of the public who wish to make a presentation before the Planning Commission and City Council involving slides, video tapes, or computer presentations, must work with KATV and staff for proper setup.
 - a. Contact KATV at (720) 898-7520 no later than the Wednesday prior to the meeting in question.
 - b. Members of the public who do not contact KATV staff prior to Thursday may not be allowed to use slides, video tapes, or computer presentation as part of their comments before the Planning Commission and City Council.
 - c. Members of the public must take the responsibility of working with KATV and staff to ensure compatibility of visual presentations with regards to slides, video tapes, and or/computer presentations. KATV and staff cannot accept visual presentations at Planning Commission and Council meetings for which no prior notice has been given.

PUBLIC HEARING SIGN POSTING

It is the applicant's responsibility to assure that the public hearing signs are adequately posted and readable to the public. It is in your best interest to assure that this is accomplished so that the public is informed and that the application is not continued in order to re-post. Please place the signs where they can be easily read by the public and in plain view of vehicle and pedestrians. If you have any questions regarding the posting, please ask city staff.

Placement of Signs –

Except as to Right-of-Way and Access Easement Vacations (§3.11.4), where the property abuts public streets, trails, or other public rights-of-way, signs shall be placed along each abutting street, trail, or right-of-way in a manner that makes them clearly visible to neighboring residents and passers-by. At least one (1) sign shall be posted along each adjacent street. If the Community Development Director determines that such signs shall not provide adequate notice to neighbors or to others who may be affected by the application, the Community Development Director may require additional signs to be posted, and the Applicant shall post such additional signs.

With respect to Right-of-Way and Access Easement Vacations (§3.11.4), at least one (1) sign shall be posted upon, or in the immediate vicinity of, the right-of-way or access easement to be vacated. If the Community Development Director determines that such sign(s) shall not provide adequate notice, the Community Development Director may require additional signs to be posted, and the Applicant shall post such additional signs.

Applicants shall remove all notification signs within one (1) week after the public hearing.

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.

FINDINGS OF FACT AND APPROVAL CRITERIA

FOR ANNEXATION REQUEST

1. The annexation is in compliance with the Municipal Annexation Act of 1965 (CRS §31-12-101, et seq., as amended).
2. The annexation is in accord with the Comprehensive Plan and the best interests of the City would be served by annexation of such property.
3. The property is capable of being integrated into the City and developed in compliance with all applicable provisions of this Code and the Arvada City Code.
4. At the time any development of the area proposed to be annexed is completed, there will be capacity to adequately serve residents of such area with all necessary utilities and facilities.

REZONING REQUEST

1. The rezoning is consistent with the Arvada Comprehensive Plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan.
2. The intended land use is consistent with the stated intent of the proposed zoning district.
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.
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.
5. The intended land use for which the rezoning is sought 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.

PRELIMINARY DEVELOPMENT PLAN & REZONING REQUEST

1. The PUD Preliminary Development Plan is consistent with the Comprehensive Plan or reflects conditions that have changed since the adoption of the Comprehensive Plan.
2. The PUD Preliminary Development Plan is consistent with any previously approved Outline Development Plan in effect.
The PUD Preliminary Development Plan addresses a unique situation, confers a substantial benefit to the City, or incorporates creative site design such that it achieves the purposes set out in §4.10.1 and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments.
4. The PUD Preliminary Development Plan complies with all applicable use, development, and design standards set forth in this Code that are not otherwise modified or waived.
5. The PUD Preliminary Development Plan is consistent with and implements the intent of the specific PUD district, and shall comply with all applicable threshold standards and PUD development/design standards set forth in §4.10.
6. To the extent reasonably feasibly, the PUD Preliminary Development Plan provides for integration and connection with adjacent development through street connections, sidewalks, trails, and similar features.
7. To the extent reasonably feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community.
8. Sufficient public safety, transportation, and utility facilities and services will, prior to development, be available to serve the subject property, while maintaining sufficient levels of service to existing development.

PRELIMINARY PLAT REQUEST

1. The subdivision is consistent with the Comprehensive Plan.
2. The subdivision is consistent with any precedent approved PUD Outline Development Plan or other required plan.
3. The subdivision is consistent with and implements the intent of the specific zoning district in which it is located.
4. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Code.
5. The subdivision complies with all applicable use, development, and design standards set forth in Articles 5, 6 and 7 of this Code that have not otherwise been modified or waived pursuant to this Article. Applicants shall avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.
6. The subdivision complies with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations.
7. The subdivision will not result in significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.
8. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated.
9. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools will, prior to development, be available to serve the subject property, while maintaining sufficient levels of service to existing development.

[For residential development proposed at a density greater than that of an adjacent “rural residential area,” a preliminary plat must meet the following additional approval criteria:]

10. the subdivision incorporates a rational and compatible transition in density, design, and use as the new higher-density development approaches the established rural residential area, taking into account the extent to which the existing rural residential area is already adjacent to existing, developed areas other than the proposed new development, and whether the subdivision, if approved, will create a positive precedent for the future cumulative development of the immediate area.
11. The proposed vehicular circulation and access system is adequate to carry the anticipated traffic generated by the new development without adversely affecting the existing rural residential area, taking into account the extent to which the existing rural residential area is already adjacent to existing, developed areas other than the proposed new development, and whether the subdivision, if approved, will create a positive precedent for the future cumulative development of the immediate area.

RIGHT-OF-WAY AND OTHER PUBLIC EASEMENT VACATIONS REQUEST

1. The vacation is consistent with the Comprehensive Plan and with any other City-adopted transportation plan or streets/roadway plan.
2. The land to be vacated is no longer necessary for the public use and convenience.
3. The vacation will not create any landlocked properties.
4. The vacation will not restrict access to any parcel so that access is unreasonable or economically prohibitive.
5. The vacation will not reduce the quality of public services to any parcel of land.

HEIGHT EXCEPTION REQUEST

1. There would be demonstrated benefits to the City if the exception is granted.
2. All other applicable zoning and development regulations have been or will be adhered to by the Applicant, including but not limited to parking, screening, setbacks, bulk, and landscaping.
3. The proposed structure has minimal effect upon adjacent properties with respect to solar access, visual access, and rights of privacy, light, and air.
4. The exception shall not interfere with the City's ability to provide public services to the site at the level currently enjoyed by the area, or at adequate levels per existing City policies and regulations.
5. The project complies with all currently adopted fire department regulations and standards.
6. The architecture and character of the proposed building or structure that will exceed 35 feet in height are or will be compatible with existing development on surrounding or adjacent parcels.

CONDITIONAL USE PERMIT REQUEST

1. The use is consistent with the Comprehensive Plan.
2. The use is consistent with the purpose and intent of the zoning district in which it is located.
3. The proposed use complies with all applicable provisions of this Code, including any applicable use-specific standards of §5.2.
4. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
5. Any significant adverse impacts resulting from the use will be mitigated or offset to the extent reasonably feasible.
6. 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 for existing development.
7. Any significant adverse impacts on the natural environment will be mitigated to the extent reasonably feasible.
8. The use complies with all other applicable federal, state, or county laws and regulations.