

Summary of Planning Commission Votes
 Regular Meeting of the Aurora Colorado Planning Commission
 July 10, 2019

Agenda Item #	Item Description	Plg Dept Recom	Plg Comm Action*	Est. City Council Schedule**
5a.	<p>UNIFIED DEVELOPMENT ORDINANCE (UDO) – ADOPTION OF UDO PROJECT MANAGER: Karen Hancock APPLICANT: City of Aurora Development Application: DA-2163-00 Case Number: 2018-1005-00 General Location: Within the boundaries of the city Conditions: 1. Approval shall be subject to technical corrections. 2. Incorporation of changes as directed by city council subcommittees regarding regulations for donation bins, cultivation and manufacturing of medical marijuana, and hemp. 3. Master plans, site plans and preliminary plats in Subarea C shall be subject to public hearing requirements consistent with the requirements of Subareas A and B. 4. Section 146 – 4.8.1 of the Building Design Standards Intent Statement to include the following: “Innovative methods in green building and energy efficiency technologies are encouraged to conserve natural resources.” 5. Section 146 – 4.8.8A II, Roof Design, for Mixed use and multi-family districts to include the requirement that roofs be solar ready.</p>	Recommend approval with two conditions	<p>Recommended approval with two staff conditions and three Planning and Zoning Commission conditions For Approval: 6 For Denial: 0 Abstentions: 0 Absent: 0 Vacancies: 1</p>	City Council Meeting Date August 5, 2019

PLEASE NOTE:* Planning Commission approvals and denials are always listed in terms of the APPLICANT’S original request, regardless of whether the Commission’s motion was phrased as a motion to approve or to deny. For example, Commission members voting FOR a motion to deny approval are listed as voting for “denial”.

** City Council hearing dates listed are preliminary—final dates may be subject to change.

Planning Department
City of Aurora, Colorado

SUMMARY OF PLANNING COMMISSION ACTIONS

PROJECT NAME: UNIFIED DEVELOPMENT ORDINANCE - ADOPTION OF UDO

Planning Commission Hearing Date: July 10, 2019
City Council Meeting Date: August 5, 2019
Ward: All Wards

Project Type: Adoption of Unified Development Ordinance (UDO)
DA Number: DA-2163-00
Case Number(s): 2018-1005-00
Location: Within the boundaries of the City
Project Manager: Karen Hancock

Description:

In accordance with the laws of the State of Colorado and the Home Rule powers of the city of Aurora, authority is granted to Planning and Zoning for the administration of subdivision and land use laws. This UDO consolidates both land use and subdivision into a single document which will be codified as Article 126.

In 2014, the city initiated a complete overhaul of the Aurora Zoning Code. Through a competitive process, the city contracted with Clarion Associates to prepare a Needs Assessment; conduct a robust outreach effort; collect comments from city, business and community stakeholders; and prepare drafts of a Unified Development Ordinance (UDO).

A public hearing at Planning and Zoning Commission was held on November 14, 2018, for the Unified Development Ordinance (UDO) that would replace the city's existing Zoning Code. Staff recommended approval of the application. Based on feedback from the Planning and Economic Development City Council policy committee (PED) and testimony from citizens at the public hearing, the Commissioners tabled the item, citing a number of unresolved issues. Staff was directed at PED to meet with members of the development community to work through a list of specific topics in the first quarter of 2019. Staff met with members of the Metro Denver Homebuilders Association weekly in January and February until consensus on issues was reached. Topics addressed in the workshops are included in "Summary" below.

The Draft UDO has been developed with input from City Council, Planning and Zoning Commission, residents, business owners, builders, developers and staff from city departments. The Draft UDO implements the community principles described in the Aurora Places Comprehensive Plan, adopted by City Council in October 2018.

The Draft UDO document and the zoning conversion map are linked to the city's website: www.auroragov.org/zoningcodeupdate.

The Draft UDO supports the community principles and specifically addresses many of the goals and recommended practices described in the comprehensive plan. Land use regulation through the city's zoning code is specifically called out as an important tool for implementation of the comprehensive plan. The following are examples of how the Draft UDO addresses important points found within the comprehensive plan.

A Strong Economy: The Draft UDO streamlines code requirements for all customers, providing graphically rich illustrations and tables that are transparent and easy to use. Residential lot standards reflect current market conditions with elements to assure that new neighborhoods are sustainable and offer quality architecture and amenities. The transition from commercial-only zoning districts to mixed-use zoning districts allows for residential infill along Aurora's many commercial corridors, which is expected to support and strengthen Aurora's businesses. Mixed use zoning and enhanced design standards also support economic development through "placemaking", which is the defining focus of the Aurora Places plan.

Diverse and Equitable City: The Draft UDO has requirements that are specific to three distinct subareas of the city. Subarea A contains the older parts of Aurora, including Original Aurora. Subarea B is the middle of the city where development occurred from the 1960s to the 1990s, and Subarea C includes raw land and new neighborhoods that offer new opportunities and amenities on the city's eastern plains. The Draft UDO also includes housing provisions that address issues related to diversity and equity, as described below.

Housing for All: The Draft UDO supports development of affordable housing by offering reduced architectural standards and additional flexibility for housing which is defined as a multi-family structure that receives state tax credit or is voluntarily subsidized by the property owner. Rezoning and development application review criteria now includes provisions to evaluate impacts to housing and displacement of existing residents. New types of housing products and neighborhood layouts accommodate a broader range of housing choices. One important outcome of the UDO is that housing choices have increased, despite consolidated use categories, and requirements encourage a mix of housing products within new neighborhoods.

Healthy Community: Parks and Open Space now has a unique zone district. Urban agriculture, gardening, and food stands have been included as new permitted land uses. The Draft UDO also includes provisions for maintaining or enhancing the connectivity and multimodal capacity of the city's transportation network to support active lifestyles.

Thriving Environment: Floodplains and floodways have been rezoned to an Open Space zone district, along with the Floodplain Overlay regulated in Article 70 of the city's Code, to protect riparian and habitat corridors. Low Impact Development has been incorporated into landscaping standards to offer options for managing stormwater and connecting water and land use, including an increased focus on climate-appropriate landscaping for water conservation. The Draft UDO includes provisions allowing environmentally-friendly building materials and expands opportunities for renewable energy generation, where appropriate.

Improved Mobility and Active Transportation: The Draft UDO contains balanced standards for assuring that neighborhoods accommodate all transportation modes. Block size and connectivity are key factors in creating great neighborhoods that retain their value over time and reducing traffic congestion. The proposed block and street system allows for utilities to be installed within the street geometry and sets the framework for future development and redevelopment. The Public Works Roadway Manual is referenced throughout the UDO allowing for a wide menu of multi-modal opportunities, including urban multi-modal streets.

Authentic Aurora: The Draft UDO includes missing commercial design standards applied city-wide; an expanded list of permitted uses; a new menu of zone districts; neighborhood protection standards; and formalized opportunities for neighborhood input. Improved architecture standards support high quality redevelopment and new development. Original Aurora is highlighted with its own unique zoning districts and design standards, recognizing its unique character and historic importance. The Draft UDO supports context-sensitive and compatible infill development.

Summary

The current Zoning Code does not address the following:

- Affordable Housing
- Small residential lots in Subarea C
- Displacement of existing residents
- Tools to implement Opportunity Zones
- New household and group living situations
- Opportunities to respond to changing markets/emerging housing types
- Placemaking and revitalization of aging commercial corridors
- Differing development contexts of the city
- Predictability of future land uses for existing residents in Subarea C
- Administrative challenges of numerous Planned Districts
- Requirements for neighborhood meetings, when there are neighboring communities

The Draft UDO provides the following:

- An easier to use, more consolidated, consistent document
- Allowances for new, emerging and popular types of businesses and experiences
- Improved protections for neighborhoods
- Flexibility for expanding businesses
- Tools to implement affordable housing policy
- Criteria to review impacts to existing residents
- Lot and housing choices in all parts of the city
- Streamlined review of development applications that meet code
- A robust, comprehensive and easy-to-use permitted use table
- Design standards that are applied equitably city wide
- Reduces the number of zone districts from 66 to 19
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The following changes have been made to the Draft UDO since the November 2018:

Ground Rumble Overlay: The previously proposed overlay has been removed.

Development Application Approval Criteria: An approval criterion was added to Zoning text or map changes and Conditional Uses that includes language allowing City Council to consider dislocations of tenants or occupants of the property.

Review of Residential and Mixed Use Zone District Uses: To promote easier review of the use table by staff, citizens and business customers, Table 3.2-1 was revised to include columns for Subareas A and B and Subarea C separately, where appropriate.

Subarea C Residential Lots: To promote easier review of the dimensional standards, separate tables are now included for Subareas A and B and Subarea C.

Single Family Attached (SFA) versus Small Lots: Language was added that requires SFA product to be counted toward caps on Small Lot percentages in Subarea C unless the SFA directly fronts a street and is alley-loaded.

Landscaping Standards: There were a number of specific edits made to the landscaping standards as a result of the HBA workshops. One notable topic discussed at the workshops was including a 20-foot setback from rear-facing single family product on major streets for curbside landscaping to reduce the impacts of rear yard fences, or “fence canyons”, throughout the city’s major street corridors. The current Zoning Code only includes setbacks for commercial and multi-family.

Internal Comments: Integrated comments from various city departments and City Attorney.

Next Steps

Upon recommendation from the Planning and Zoning Commission, the Draft UDO will be forwarded to an additional City Council Special Session on July 15, 2019, and ultimately to the City Council for adoption.

Approval Criteria

Criteria for Approval of Text Amendments and Legislative Rezoning of Large Areas in the Draft UDO is as follows:

“The application has demonstrated that the Ordinance Amendment is consistent with the city’s adopted comprehensive plan and with other policies and plans adopted by the City Council.”

The UDO as proposed meets this approval criteria and aligns with the city’s newly adopted Aurora Places Comprehensive Plan. The “placetypes” identified in the comprehensive plan serves as the city’s Land Use Plan and aligns with the newly defined zoning districts. For example, “Emerging Neighborhood” placetype is commonly designated as the R-2 Medium Density Residential District, which will allow for a variety of housing types, such as townhomes or co-housing.

The proposed Zone District Map accompanies the UDO that implements the criteria for converting to new zone districts.

Testimony Given at the Hearing:

Karen Hancock, Project Manager, gave a presentation of the item including staff recommendation and conditions.

Dayna Ashely-Oehm, Aurora Housing Authority, 2280 S Xanadu Way, Aurora, CO, spoke and thanked staff for working to include design concessions for Affordable Housing Structures

Melissa Cornelius, 27955 E Nichols Avenue, Aurora, CO, requested to allow beauty salons as home occupations.

Jonathan Woodward, Aurora Economic Development Council, 12510 E Iliff Avenue, Aurora, CO, requested that an adjustment be made to the alternative compliance language in Special Industrial Standards pertaining to loading doors.

Margaret Sobey, E-470 Neighbors, 1403 S Addison Court, Aurora, CO, requested that public hearings be required for Master Plans and Site Plans that are larger than three acres in size; also for those projects not specifically identified in an approved Master Plan document; or for non-residential near a residential zone district. In suburban areas when there are more than 30% small lots with reduced parking limits, require the inclusion and/or presence of amenities such as: public transportation within walking distance; shopping within walking distance; and appropriate commercial services. She also requested for notification to neighborhood to be extended from a one-mile radius to 10 miles of proposed projects.

Jon Barber, E-470 Neighbors, 25144 E 2nd Avenue, Aurora, CO, requested that consideration be given to roadway ingress and egress to Area C neighborhoods, based on the significant increase in density associated with the new standards.

The Planning Commission requested that staff research the concerns expressed by the speakers at the public hearing.

Planning Commission Results

A MOTION WAS MADE BY COMMISSIONER HETTICK AND SECONDED BY COMMISSIONER STALEY TO RECOMMEND APPROVAL TO CITY COUNCIL THE UNIFIED DEVELOPMENT ORDINANCE AS PRESENTED BY STAFF.

APPROVAL TO BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. APPROVAL SHALL BE SUBJECT TO TECHNICAL CORRECTIONS.
2. INCORPORATION OF CHANGES AS DIRECTED BY CITY COUNCIL SUBCOMMITTEES REGARDING REGULATIONS FOR DONATION BINS, CULTIVATION AND MANUFACTURING OF MEDICAL MARIJUANA, AND HEMP.

A MOTION TO AMEND THE MOTION WAS MADE BY COMMISSIONER LYON AND SECONDED BY COMMISSIONER BUSH TO INCLUDE THAT MASTER PLANS, SITE PLANS AND PRELIMINARY PLATS IN SUBAREA C BE SUBJECT TO PUBLIC HEARING REQUIREMENTS CONSISTENT WITH THE REQUIREMENTS OF SUBAREAS A AND B.

MOTION PASSED UNANIMOUSLY.

A MOTION TO AMEND THE MOTION WAS MADE BY COMMISSIONER DEANE AND SECONDED BY COMMISSIONER STALEY TO INCLUDE UNDER SECTION 146 - 4.8.1 OF THE BUILDING DESIGN STANDARDS INTENT STATEMENT TO INCLUDE THE FOLLOWING: "INNOVATIVE METHODS IN GREEN BUILDING AND ENERGY EFFICIENCY TECHNOLOGIES ARE ENCOURAGED TO CONSERVE NATURAL RESOURCES."

MOTION PASSED UNANIMOUSLY.

A MOTION TO AMEND THE MOTION WAS MADE BY COMMISSIONER STALEY AND SECONDED BY COMMISSIONER DEANE TO INCLUDE UNDER SECTION 146 - 4.8.8A II, ROOF DESIGN, FOR MIXED USE AND MULTI-FAMILY DISTRICTS TO INCLUDE A REQUIREMENT THAT ROOFS BE SOLAR READY.

MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY COMMISSIONER HETTICK AND SECONDED BY COMMISSIONER DEANE MOVE TO RECOMMEND TO CITY COUNCIL APPROVAL WITH TWO STAFF CONDITIONS AND THREE PLANNING AND ZONING COMMISSION CONDITIONS OF THE UNIFIED DEVELOPMENT ORDINANCE.

APPROVAL TO BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. APPROVAL SHALL BE SUBJECT TO TECHNICAL CORRECTIONS.
2. INCORPORATION OF CHANGES AS DIRECTED BY CITY COUNCIL SUBCOMMITTEES REGARDING REGULATIONS FOR DONATION BINS, CULTIVATION AND MANUFACTURING OF MEDICAL MARIJUANA, AND HEMP.
3. MASTER PLANS, SITE PLANS AND PRELIMINARY PLATS IN SUBAREA C SHALL BE SUBJECT TO PUBLIC HEARING REQUIREMENTS CONSISTENT WITH THE REQUIREMENTS OF SUBAREAS A AND B.
4. SECTION 146 – 4.8.1 OF THE BUILDING DESIGN STANDARDS INTENT STATEMENT TO INCLUDE THE FOLLOWING: “INNOVATIVE METHODS IN GREEN BUILDING AND ENERGY EFFICIENCY TECHNOLOGIES ARE ENCOURAGED TO CONSERVE NATURAL RESOURCES.
5. SECTION 146 – 4.8.8A II, ROOF DESIGN, FOR MIXED USE AND MULTI-FAMILY DISTRICTS TO INCLUDE THE REQUIREMENT THAT ROOFS BE SOLAR READY.

MOTION PASSED UNANIMOUSLY.

**Action Taken: Recommended Approval with Two Staff Conditions
and Three Planning and Zoning Commission Conditions**

Votes for Recommendation of the Unified Development Ordinance: 6

Votes against Recommendation of the Unified Development Ordinance: 0

Absent: None

Abstaining: None

Vacancies: 1