

Summary of Planning Commission Votes
Regular Meeting of the Aurora Colorado Planning Commission
July 24, 2019

Agenda Item #	Item Description	Plg Dept Recom	Plg Comm Action*	Est. City Council Schedule**
5a.	<p>ROCKINGHORSE CSP NO 12 AMENDMENT – CONTEXTUAL SITE PLAN AMENDMENT WITH WAIVER (Ward VI) CASE MANAGER: Heather Lamboy APPLICANT: Nash Inspiration LLC Development Application: DA-1370-36 Case Number: 2018-6066-01 General Location: South of E Heritage Parkway and West of E Inspiration Lane Condition: 1. Resolution of outstanding technical issues prior to final approval of the CSP Amendment with Waiver.</p>	Approve with a waiver and a condition	<p>Approved with a waiver and a condition For Approval: 5 For Denial: Abstentions: 1 (Staley) Absent: Vacancies: 1</p>	Call-up deadline Aug 19, 2019
5b.	<p>THE PLAZA FITZSIMONS – MASTER PLAN (Ward I) CASE MANAGER: Sarah Wieder APPLICANT: Catlina Development Development Application: DA-1279-38 Case Number: 2017-6037-00 General Location: Southwest Corner of Scranton Street and Colfax Avenue Condition: 1. Resolution of outstanding technical issues prior to recordation of the Master Plan and issuance of any building permits.</p>	Approve with a condition	<p>Approved with a condition For Approval: 5 For Denial: 0 Abstentions: 0 Absent: 1 (Staley) Vacancies: 1</p>	Call-up deadline Aug 19, 2019
5c.	<p>THE PLAZA FITZSIMONS – SITE PLAN WITH WAIVERS (Ward I) CASE MANAGER: Sarah Wieder APPLICANT: Catlina Development Development Application: DA-1279-38 Case Number: 2017-6037-01 General Location: Southwest Corner of Scranton Street and Colfax Avenue Condition: 1. Resolution of outstanding technical issues prior to recordation of the Site Plan and issuance of any building permits.</p>	Approve with four waivers and a condition	<p>Approved with four waivers and a condition For Approval: 5 For Denial: 0 Abstentions: 0 Absent: 1 (Staley) Vacancies: 1</p>	Call-up deadline Aug 19, 2019
5d.	<p>HIGH POINT AT DIA – INITIAL ZONING TO E-470 AIRPORT DISTRIBUTION SUB-AREA (Ward II) CASE MANAGER: Sarah Wieder APPLICANT: Westside Investment Partners Inc Development Application: DA-1746-20 Case Number: 2019-2004-00 General Location: Southeast Corner of 64th Avenue and E-470</p>	Recommend approval	<p>Recommended approval For Approval: 5 For Denial: 0 Abstentions: 0 Absent: 1 (Staley) Vacancies: 1</p>	City Council Meeting Date Aug 19, 2019

Agenda Item #	Item Description	Plg Dept Recom	Plg Comm Action*	Est. City Council Schedule**
5e.	<p>KUM AND GO STORE NO 2312 – CONDITIONAL USE FOR A FUELING STATION IN A B-3 ZONE DISTRICT (Ward IV) CASE MANAGER: Christopher Johnson APPLICANT: Kum & Go LLC Development Application: DA-2175-00 Case Number: 2019-6010-01 General Location: Southeast Corner of S Havana Street and Yale Avenue (2700 S Havana St)</p>	Approve	<p>Approved For Approval: 4 For Denial: 1 (Deane) Abstentions: 0 Absent: 1 (Staley) Vacancies: 1</p>	Call-up deadline Aug 19, 2019
5f.	<p>KUM AND GO STORE NO 2312 – SITE PLAN WITH WAIVERS (Ward IV) CASE MANAGER: Christopher Johnson APPLICANT: Kum & Go LLC Development Application: DA-2175-00 Case Number: 2019-6010-00 General Location: Southeast Corner of S Havana Street and Yale Avenue (2700 S Havana St) Condition: 1. Resolution of outstanding technical issues prior to recordation of the Site Plan and issuance of any building permits.</p>	Approve with two waivers and a condition	<p>Approved with two waivers and a condition For Approval: 4 For Denial: 1 (Deane) Abstentions: 0 Absent: 1 (Staley) Vacancies: 1</p>	Call-up deadline Aug 19, 2019
5g.	<p>TLC CAR AND DOG WASH AT SADDLE ROCK EAST – GENERAL DEVELOPMENT PLAN AMENDMENT TO REMOVE CAR WASHES FROM THE PROHIBITED USES (Ward VI) CASE MANAGER: Dan Osoba APPLICANT: TLC Car and Dog Wash Development Application: DA-1216-23 Case Number: 1998-2007-05 General Location: Northeast Corner of Gartrell Road and E Hinsdale Avenue (7316 S Gartell Rd)</p>	Recommend approval	<p>Recommended approval For Approval: 5 For Denial: 0 Abstentions: 0 Absent: 1 (Staley) Vacancies: 1</p>	City Council Meeting Date Aug 19, 2019
5h.	<p>TLC CAR AND DOG WASH AT SADDLE ROCK EAST – CONDITIONAL USE FOR A CAR AND DOG WASH IN A PLANNED DEVELOPMENT ZONE DISTRICT (Ward VI) CASE MANAGER: Dan Osoba APPLICANT: TLC Car and Dog Wash Development Application: DA-1216-23 Case Number: 2019-6018-01 General Location: Northeast Corner of Gartrell Road and E Hinsdale Avenue (7316 S Gartell Rd) Conditions: 1. The Operations Plan shall be included in the Site Plan 2. The approval of this Conditional Use is subject to the final approval of the Saddle Rock East GDP Amendment by the Aurora City Council.</p>	Approve with two conditions	<p>Approved with two conditons For Approval: 5 For Denial: 0 Abstentions: 0 Absent: 1 (Staley) Vacancies: 1</p>	Call-up deadline Aug 19, 2019

Agenda Item #	Item Description	Plg Dept Recom	Plg Comm Action*	Est. City Council Schedule**
5i.	<p>TLC CAR AND DOG WASH AT SADDLE ROCK EAST – CONDITIONAL USE FOR 24-HOUR OPERATIONS (Ward VI) CASE MANAGER: Dan Osoba APPLICANT: TLC Car and Dog Wash Development Application: DA-1216-23 Case Number: 2019-6018-02 General Location: Northeast Corner of Gartrell Road and E Hinsdale Avenue (7316 S Gartell Rd) Conditions: 1. The Hours of Operation for the vacuum stations will be limited to 7:00 AM and 9:00 PM. 2. The approval of this Conditional Use is subject to the final approval of the Saddle Rock East GDP Amendment by the Aurora City Council.</p>	Approve with two conditions	<p>Approved with two conditions For Approval: 5 For Denial: 0 Abstentions: 0 Absent: 1 (Staley) Vacancies: 1</p>	Call-up deadline Aug 19, 2019
5j.	<p>TLC CAR AND DOG WASH AT SADDLE ROCK EAST – SITE PLAN (Ward VI) CASE MANAGER: Dan Osoba APPLICANT: TLC Car and Dog Wash Development Application: DA-1216-23 Case Number: 2019-6018-00 General Location: Northeast Corner of Gartrell Road and E Hinsdale Avenue (7316 S Gartell Rd) Conditions: 1. Resolution of outstanding technical issues prior to recordation of the Site Plan and issuance of any building permits. 2. The approval of this Site Plan is subject to the final approval of the Saddle Rock East GDP Amendment by the Aurora City Council.</p>	Approve with two conditions	<p>Approved with two conditions For Approval: 5 For Denial: 0 Abstentions: 0 Absent: 1 (Staley) Vacancies: 1</p>	Call-up deadline Aug 19, 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

**Site Plan Name: ROCKINGHORSE CSP NO 12 AMENDMENT
CONTEXTUAL SITE PLAN AMENDMENT WITH WAIVER**

Planning Commission Hearing Date: July 24, 2019
Deadline for City Council Call Up: August 19, 2019
Ward: Ward VI

Project Type: Contextual Site Plan with Waiver
DA Number: DA-1370-36
Case Number: 2018-4007-01
Location: QS:30S – South of E Heritage Parkway and West of E Inspiration Lane
Case Manager: Heather Lamboy

Description:

The applicant, Newland Communities, requests a Contextual Site Plan (CSP) waiver approval to reduce the rear yards from 20 feet to 15 feet for an approximately 76-acre project which will provide 152 age-restricted single-family detached residential lots. The residential development will be located northwest of the intersection of East Inspiration Lane and East Rockinghorse Parkway with access from East Rockinghorse Parkway as well as South Versailles Street. The site is zoned E-470 Low Density Residential Subarea within the Rockinghorse Framework Development Plan (FDP). When this plan originally received administrative approval, the applicant was considering standard market-rate homes and did not seek a reduction in the rear yard setback. Based on market preferences associated with age-restricted housing customers, the applicant has determined that a smaller rear yard is more desirable.

The subject site will maintain the permitted residential density of three (3) dwelling units per acre as established in the FDP. The Rockinghorse FDP allows for a total of 2,000 dwelling units within the master planned community.

Standard and large lots are proposed with this CSP with frontages greater than 55 feet and lot sizes ranging from 6,300 square feet to over 13,000 square feet. There are no small lots proposed. The CSP contains a total of 152 lots, of those 130 are standard and 22 are large lots with sizes greater than 9,000 square feet. These large lots are proposed within this development to serve as a transition to adjacent low-density development in Douglas County to comply with a Douglas County Intergovernmental Agreement (IGA).

The CSP includes trail connections to the north, south, and east, as well as a street network and access to nearby neighborhood activity centers with amenities. The amendment also includes the removal of a temporary fire lane easement that is no longer needed due to adjacent development providing the required two points of access.

Three (3) registered neighborhood associations and thirteen (13) abutting property owners were notified of the application. No neighborhood comments were received and therefore no neighborhood meeting was held.

Testimony Given at the Hearing:

Heather Lamboy, Case Manager, gave a presentation on the items, including the staff recommendation and condition of approval.

Ryan McBreen, Norris Design, 1101 Bannock Street, Denver, CO, representing the applicant, commented that the reduced setback had been provided as an option as part of the Framework Development Plan (FDP). When the project was originally approved administratively, the reduced setback was not requested. However, the single-story ranch is the type of home most preferred by the age-restricted demographic. As such, the footprint is larger than two-story homes; therefore, it was decided to request the reduced rear yard setback. Mr. McBreen pointed out that the reduced setback has been approved for other similar filings of Rockinghorse.

Commissioner Lyon asked about open space tracts, and Ms. Lamboy responded by referring to the illustrations provided as part of the presentation. Commissioner Lyon asked for clarification on the separation of buildings at the rear lot line, and Ms. Lamboy clarified that the separation is 30 feet between building faces. Uncovered decks may encroach into the rear-yard setback by 10 feet.

Commissioner Deane asked whether additional density is proposed with this request. Mr. McBreen replied that the lot layout and density would not change.

Planning Commission Results

Agenda Item 5a – Contextual Site Plan Amendment with Waiver

A motion was made by Commissioner Deane and seconded by Commissioner Bush.

Move to approve, with a condition, the Contextual Site Plan with a waiver of Code Section 146-913 to allow for 15-foot rear yard setbacks because the proposal complies with the requirements of Code Section 146-409(D), for the following reasons:

1. The proposal is consistent with the Aurora Places Plan in that it complies with the “Housing for All” principle by providing housing opportunities to Aurora’s senior population.
2. The Contextual Site Plan is consistent with the provisions of the E-470 Corridor standards regarding design as the development maintains much of the natural topography.
3. The Contextual Site Plan complies with the requirements for residential development as established in the Rockinghorse Framework Development Plan by meeting the density, open space, and Neighborhood Activity Center programming requirements.

Approval to be subject to the following condition:

1. Resolution of outstanding technical issues prior to final approval of the Contextual Site Plan Amendment with Waiver.

Further Discussion:

No further discussion occurred.

Action Taken: Approved with Conditions

Votes for the Site Plan: 5

Votes against the Site Plan: 0

Absent: 1 (Staley)

Abstaining: None

Vacancies: 1

Planning Department
City of Aurora, Colorado

SUMMARY OF PLANNING COMMISSION ACTIONS

PROJECT NAME: THE PLAZA FITZSIMONS - MASTER PLAN AND SITE PLAN W/ WAIVERS

Planning Commission Hearing Date: July 24, 2019
Deadline for City Council Call Up: August 19, 2019
Ward: Ward I

Project Type: Master Plan and Site Plan with Waivers
DA Number: DA-1279-38
Case Number(s): 2017-6037-00; 2017-6037-01
Location: QS:05E – Southwest Corner of Colfax Avenue and Scranton Street
Case Manager: Sarah Wieder

Description:

The applicant, Catalina Development Company, is requesting approval of a Master Plan for a phased development and a Site Plan for a new mixed-use building with 410 apartment units with 3,700 square feet of retail, eight live / work units and a shared parking garage. Live / work means that an individual can lease space for their business on the ground floor and live in the unit above. The 6-acre property is located at the southwest corner of Colfax Avenue and Scranton Street; the Master Plan includes the entire property, whereas the Site Plan only includes the eastern 4 acres of this site. The parcel has been vacant for many years, but was most recently leased for temporary overflow parking for the Anschutz Medical Campus. It is within the Fitzsimons Boundary Area District, Subarea 1 and is located across the street from the Anschutz Medical Campus. It is also within one mile of the Aurora Line's Colfax Station. The site is bordered by retail to the east and single-family homes to the south. A future Hyatt House Hotel, which was recently approved by the Planning Commission, will be constructed to the west.

The proposed 7-story mixed-use building will be fronting Colfax Avenue and Scranton Street, creating an urban building form along the street frontages. The building encompasses most of the 4-acre site and is bordered to the south and west by a public access, fire lane and utility easement. The first floor of the building includes the leasing office, retail space, 6,750 square feet of "work" space for the live / work units, and 242 spaces in a parking garage. The second floor contains the "live" space for the live / work units and 303 spaces in the parking garage. Floors 3-7 will be the multi-family component of the building and will include a mix of studio, 1-and 2-bedroom apartments. All parking will be shared between the retail, live / work units and residential. On-site amenities include a pool, multiple outdoor courtyards, a dog park, a business center, an indoor clubhouse and a gym.

An urban streetscape with scored concrete, pavers, street trees and pedestrian lights in compliance with the Fitzsimons Boundary Area Public Realm Design Standards will be constructed along Colfax Avenue, while a detached sidewalk and tree lawn will be constructed along Scranton Street to provide a transition to the residential neighborhood. The master-planned site will have three vehicular access points (one signalized full-movement and two right-in, right-out) from Colfax Avenue and one full-movement access from Scranton Street. The primary pedestrian entrance for all uses will be from Colfax Avenue. The building will be constructed primarily of brick, stone, and fiber cement panels in compliance with all Fitzsimons Boundary Area District architectural and urban design standards. Four Site Plan waivers are being requested as part of the application related to an increased building height adjacent to residential, a reduction in the average size of apartment units, a reduction in the size of balconies, and a reduction in the number of parking spaces.

Because the entire property is under single ownership and within the Fitzsimons Boundary Area District, a Master Plan is required to guide development for not only the subject application ("Planning Area 1"), but also the parcel to the west known as "Planning Area 2." The Master Plan is a high-level document that identifies access, infrastructure improvements, pedestrian and vehicular circulation, and design standards. Any development proposed for Planning Area 2 will need to comply with these requirements to ensure a cohesive outcome for this key redevelopment area.

Twenty adjacent property owners and five registered neighborhood organizations were notified of the application. With the initial submittal of the application in 2017, four comments were received, three of which had concerns about the proposed development. The other comment, which was from NANO, stated their support of the project. The primary concerns received from adjacent property owners were about traffic, noise, trash, increases in property taxes, and loss of privacy.

In response to these concerns, a neighborhood meeting was held on Tuesday, March 19, regarding the application and six residents attended the meeting. The applicant gave an overview of the project and stated that, since the first submittal of the application, he had increased the size of the masonry fence along the south property boundary from 6' to 8', provided additional landscaping, and updated the lighting plan to decrease any spillover onto adjacent properties. Concerns from residents at the meeting included the loss of privacy, an increase in traffic (particularly along 14th Avenue), trash, light pollution, and noise. Although many of the attendees appreciated the improvements that were made to the Site Plan, some residents still had concerns.

Testimony Given at the Hearing:

Sarah Wieder, Case Manager, gave a presentation on the items, including the staff recommendations and conditions.

Commissioner Deane asked Ms. Wieder to explain the proposed height waiver in more detail. Ms. Wieder stated that the Fitzsimons Boundary Area District has no height limit except for when a building is within 75' of a residentially-zoned property. When a building is within 75' of a residentially-zoned property, the maximum building height is 35' for the portion of the building within that 75'. Due to the narrow size of the lot and the need to construct a functional parking garage, the building is located only 62' away from the property line instead of 75', which is why the waiver is requested. Additional screening beyond standard code requirements is provided as mitigation.

John Green, KTG, 3365 Ash Street, Denver, CO 80207, representing the applicant, gave a presentation on the project and discussed how the building form and design was determined.

The applicant, Randy Bryant of Catalina Development Company, 5251 DTC Parkway, Suite 975, Greenwood Village, CO 80111, stated that he was available for any questions.

Commissioner Deane asked about the height of the fence along the south property boundary and how far off the property line it would be. Mr. Bryant stated that the concrete panel fence would be 8' tall and would be about 2' off the property line. He stated that he would be responsible for maintaining the area between the existing residential fences and the new fence.

Commissioner Bengen asked about the lighting along the south side of the building. Mr. Bryant stated that all lighting would be downcast and shielded from the homes so it does not spill over onto their properties.

Carmen Cavazos, 12705 E 14th Avenue, Aurora, CO 80011, is a property owner that lives caddy-corner to the proposed development and lives directly behind the recently-constructed Starbucks. She stated that since the Starbucks was constructed, there has been an increase in traffic, noise and trash in the neighborhood. She also stated that the lights from the Starbucks shine onto her property, their trash pick-up is occurring very early in the morning, and their landscape buffer is not as large as they showed on their Site Plan. She believes that the retail spaces that are proposed as part of The Plaza Fitzsimons will be empty due to other retail vacancies in the area and that this project does not need to be constructed. She stated that this development will only worsen the impacts that the Starbucks has created.

Mindy Parnes, Planning Manager, stated that the city is aware of code enforcement issues with Starbucks and she recommended that Ms. Cavazos meet with Sarah Wieder, Case Manager, to discuss her concerns about how the Starbucks is operating.

The applicant, Mr. Bryant, responded to Ms. Cavazos' comments by outlining how all trash pick-up for his project will be internal to the site (in the parking garage) and how the lighting study shows that light will not spill over onto adjacent properties. He also noted that the access onto Scranton Street is needed for traffic circulation and that The Forum, which he developed, is 84% leased.

Planning Commission Results

Agenda item 5b: Master Plan

A motion was made by Commissioner Lyon and seconded by Commissioner Hettick.

Move to approve, with one condition, the Master Plan because the proposal complies with the requirements of Code Section 146-405(F) for the following reasons:

1. Shows the general arrangement of uses and infrastructure.
2. Provides appropriate vehicular and pedestrian circulation.
3. Unifies the site visually through design standards.
4. Meets the intent of the "Urban District" designation in Aurora Places.

Approval to be subject to the following condition:

1. Resolution of outstanding technical issues prior to recordation of the Master Plan and issuance of any building permits.

Further Discussion:

No further discussion occurred.

Action Taken: Approved with One Condition

Votes for the Master Plan: 5

Votes against the Master Plan: 0

Absent: 1 (Staley)

Abstaining: None

Vacancies: 1

Agenda Item 5c: Site Plan with Waivers

A motion was made by Commissioner Hettick and seconded by Commissioner Bush.

Move to approve, with one condition, the Site Plan with four waivers for an increased building height adjacent to residential, a reduction in the average size of apartment units, a reduction in the size of balconies, and a reduction in the number of parking spaces because the proposal complies with the requirements of Code Section 146-405(F) for the following reasons:

1. Enhances the existing city infrastructure.
2. Provides for internal efficiency of design and pedestrian circulation.
3. Demonstrates quality architecture and urban design
4. Provides accessibility and connectivity of traffic and circulation.
5. Meets the intent of the "Urban District" designation in Aurora Places.

Approval to be subject to the following condition:

1. Resolution of outstanding technical issues prior to recordation of the Site Plan and issuance of any building permits.

Further Discussion:

No further discussion occurred.

Action Taken: Approved with Four Waivers and One Condition

Votes for the Site Plan: 5

Votes against the Site Plan: 0

Absent: 1 (Staley)

Abstaining: None

Vacancies: 1

Planning Department
City of Aurora, Colorado

SUMMARY OF PLANNING COMMISSION ACTIONS

PROJECT NAME: HIGH POINT AT DIA – INITIAL ZONING

Planning Commission Hearing Date: July 24, 2019
City Council Meeting Date: August 19, 2019
Ward: Ward II

Project Type: Initial Zoning
DA Number: DA-1746-20
Case Number(s): 2019-2004-00
Location: QS:93U – Northeast Corner of 64th Avenue and E-470
Case Manager: Sarah Wieder

Description:

The applicant, Westside Investment Partners, is requesting approval of an initial zoning for 157 acres of undeveloped land to E-470 Airport Distribution (E-470 ADIST) Subarea. The property is generally located at the northeast corner of E-470 and 64th Avenue within Unincorporated Adams County. Surrounding land is within the city of Aurora except to the north, which is within the city of Denver and is part of Denver International Airport. This initial zoning application is being reviewed concurrently with an annexation request. Following the annexation and initial zoning, the property will be a part of the High Point at DIA Framework Development Plan (FDP). This FDP is currently being amended to revise the location of land uses, create design standards for the proposed uses, update engineering-related documents and include this additional acreage.

Development in the E-470 Airport Distribution Subarea is intended to take advantage of the strategic location near the Denver International Airport and major transportation corridors such as E-470. A variety of commercial, light manufacturing, and distribution uses are anticipated to be developed in this subarea, with an emphasis on high-quality transportation-oriented businesses related to DIA. Limited and supporting retail and service uses are also allowed in the subarea but are not intended to be regional draws. As part of the High Point at DIA FDP Amendment, the applicant intends to designate this parcel as “Industrial” on the Land Use Map, which is consistent with the initial zoning request. No residential uses are proposed on this parcel.

The Aurora Places Comprehensive Plan identifies this parcel as an “Industry Hub” Placetype, which aligns with the initial zoning request. Aurora Places describes this Placetype as “an area typically dedicated to uses such as manufacturing, warehousing, distribution, fulfillment centers, freight operations, and renewable energy enterprises. This Placetype plays an important role in the city’s employment base and economy, but can sometimes have external impacts such as noise and freight traffic that should be appropriately buffered from nearby residential and commercial areas. It can generate high volumes of traffic from both its employees and associated trucks, so adjoining roadways should accommodate traffic without negatively impacting quieter Placetypes or traffic on local streets serving residential areas.”

Following the annexation and initial zoning, development in this parcel would need to comply with the standards that are being created with the High Point at DIA FDP Amendment that is currently under review. This application is expected to go before the Planning Commission later in 2019.

Testimony Given at the Hearing:

Sarah Wieder, Case Manager, gave a presentation on the item, including the staff recommendation.

The applicant, Kevin Smith of Westside Investment Partners, 4100 E Mississippi Avenue, Denver, CO, was available for questions, but the Planning Commission had no questions.

Planning Commission Results

Agenda Item 5d: Initial Zoning

A motion was made by Commissioner Deane and seconded by Commissioner Lyon.

Move to recommend approval of the initial zoning to E-470 Airport Distribution Subarea to City Council because the proposal complies with Code Section 146-401(C) for the following reasons:

1. It is consistent with the "Industry Hub" Placetype identified in the Aurora Places Comprehensive Plan.
2. It is compatible with the surrounding industrial land uses proposed in High Point at DIA, Harvest Mile / Fulenwider and Denver International Airport.

Further Discussion:

No further discussion occurred.

Action Taken: Recommend Approval

Votes for the Site Plan: 5

Votes against the Site Plan: 0

Absent: 1 (Staley)

Abstaining: None

Vacancies: 1

Planning Department
City of Aurora, Colorado

SUMMARY OF PLANNING COMMISSION ACTIONS

Site Plan Name: KUM & GO STORE NO. 2312 – CONDITIONAL USE AND SITE PLAN WITH WAIVERS

Planning Commission Hearing Date: July 24, 2019
Deadline for City Council Call Up: August 19, 2019
Ward: Ward IV

Project Type: Conditional Use & Site Plan With Waivers
DA Number: DA-2175-00
Case Numbers: 2019-6010-00; 2019-6010-01
Location: QS:15C – Southeast Corner of Havana Street and Yale Avenue
(2700 S Havana Street)
Case Manager: Christopher Johnson

Description:

The applicant, Kum & Go LLC, is requesting approval of a Site Plan for a 5,600 square-foot convenience store and an 8-pump fueling station. A Conditional Use request is also included in this application to allow a motor vehicle fueling station in a B-3 zone district. The approximately 1.4-acre site is located at 2700 S Havana Street, on the southeast corner of Havana Street and Yale Avenue. The subject site is surrounded by B-3 zoning to the north, east, and south, providing a variety of restaurants, shopping centers, and car dealerships. To the west of this site, across Havana Street, is the City and County of Denver. The proposal also includes two waiver requests, one related to parking lot design and another for the width of landscape buffers.

This proposal is located at the site of the former Summit Steakhouse and will involve the demolition of the now vacant building. The new proposed building will contain a 5,600 square-foot convenience store, with onsite food preparation, indoor and outdoor seating areas, and complimentary Wi-Fi. The building will be constructed of composite wood siding, cast stone and cementitious panels of various colors, with glazing and aluminum accents. Vehicular access to the site will be provided from the existing access points on S Havana Street and E Yale Avenue, which are proposed to be widened to allow for fuel truck access. The proposal will also improve long-standing drainage issues within the site through the provision of a new underground stormwater detention system. New landscaping is proposed on site, exceeding the number of plantings typically required by code, along with a decorative 40-inch wrought iron fence with masonry columns along the site's street frontages.

A total of seventeen (17) neighborhood association referrals, five (5) adjacent property owners, and five (5) agency referrals were sent for this project. Comments were received from 24 members of the public.

Testimony Given at the Hearing:

Heather Lamboy, Planning Supervisor, gave a presentation of the item including staff recommendations on behalf of the Planning Case Manager, Christopher Johnson.

Chance Horiuchi, Havana Business Improvement District (BID), 1555 S Havana Street Suite F303, Aurora, CO, representing the BID, spoke of the BID's support of the project, citing the site improvements and job creation that will be brought to this corner. Ms. Horiuchi stated that while they are sad to see the Summit Steakhouse go, many restaurant operations cannot afford the improvements required on this site.

Pam Eagna, 9400 E Iliff Avenue, Denver, CO, a citizen, spoke of her concerns with the use, stating she does not feel that a gas station improves anyone's life. She also brought up concerns regarding the neighborhood meeting that was held for this project in May 2019, stating that she did not receive notification of the meeting. Ms. Eagna stated that she was upset that the Summit Steakhouse would no longer occupy this site, and that she feels the neighborhood deserves a similar destination in this location.

Catherine Cook, 9400 E Iliff Avenue #236, Denver, CO, a citizen, spoke in opposition to the project as well. Ms. Cook reiterated the comments from the previous speaker, stating she was also not notified of the neighborhood meeting. Mindy Parnes, Planning Manager, asked Ms. Cook if the neighborhood in which she and Ms. Eagna reside is registered with the City of Aurora, and explained how to do so in order to receive notification of future projects. Ms. Cook stated that their neighborhood is not registered with the City of Aurora, but that they will do so.

Kevin McShane, 9400 E Iliff Avenue #216, Denver, CO, a citizen, also spoke in opposition to the project. Mr. McShane cited concerns about environmental and health hazards brought by this land use and wished to reinforce the earlier comments about the Summit Steakhouse being replaced. Mindy Parnes explained to Mr. McShane that there are restrictions in code that would prohibit certain uses from being located too close to this gas station in the future, such as housing, day care facilities, hospitals, and other uses, dependent upon the grade of the site. If a daycare is within 300 feet of the use and is a lower elevation such restrictions would apply.

Garrett Walls, 13428 E Asbury Drive, Aurora, CO, a representative of the Havana BID and an adjacent property owner, spoke in support of the project. Mr. Walls stated that he has looked over the proposed plans extensively and was very impressed with the adherence to the Havana BID Landscape Overlay, which governs this parcel, and the general quality and quantity of the proposed landscaping on site. Mr. Walls stated that he also would miss the Summit Steakhouse, but that the property has sat vacant for over a year and this proposal has been the only offer. Commissioner Hettick asked Mr. Walls about the public art on site and whether it was sponsored by the City of Aurora. Mr. Walls explained that the Art2C Public Art program is actually a partnership between the City of Aurora and the BID, and that the applicant is providing an easement and concrete pad site to accommodate future installations of the rotating sculptures included in the program.

Tracy Williams, 27466 E Jamison Circle, Aurora, CO, a citizen and former owner of the Summit Steakhouse and the subject property, spoke about the project. Ms. Williams stated that she would miss the Summit very much and that she tried her best to stay in business. Ms. Williams stated that she tried to sell the operations to another restaurant operator but could not. Ms. Williams stated that Kum & Go LLC was the first offer for the property, and that she felt that they could provide something for the corner that was useable. Commissioner Bengen asked Ms. Williams if the property had already been sold, to which she responded that the sale was in process currently.

Robert Fiebig, 1459 Grand Avenue, Des Moines, IA, the applicant for Kum & Go LLC was present to answer questions from the Commission. Commissioner Bengen asked Mr. Fiebig about the safety measures employed by Kum & Go LLC, in relation to leakage. Mr. Fiebig stated that they used double-walled fiberglass tanks with numerous sensors to test for emissions, leaks, etc. Mr. Fiebig also stated that their buildings can be LEED certified, to which Commissioner Bengen asked if they planned to certify this building. Mr. Fiebig stated that if it was required of them they would seek LEED Certification. Commissioner Deane asked the applicant what level certification they have achieved, to which Mr. Fiebig responded LEED Silver Certification. Commissioner Lyon asked the applicant to describe the kitchen and food. Mr. Fiebig explained that the Kum & Go corporation provides much larger inventory than most other convenience stores, and has a sit down area with a full kitchen that serves a number of made to order food items. Mr. Fiebig also described the wider inventory sold in Kum & Go stores, including regular convenience store items, and fresh fruits and vegetables.

Planning Commission Results

Agenda Item 5e – Conditional Use For a Fueling Station in a B-3 Zone District

A motion was made by Commissioner Bush and seconded by Commissioner Lyon.

Move to approve the Conditional Use request because the proposal complies with the requirements of Code Section 146-402(C), for the following reasons:

1. It is consistent and compatible with existing nearby uses.
2. It will not change the predominant character of the area.
3. It successfully mitigates any negative external impacts on the surrounding area.
4. It establishes high quality architectural and landscape features.

Further Discussion:

No further discussion occurred.

Action Taken: Approved
Votes for the Conditional Use: 4
Votes against the Conditional Use: 1 (Deane)
Absent: Commissioner Staley
Abstaining: None

Agenda Item 5f – Site Plan with Waivers and a Condition

A motion was made by Commissioner Lyon and seconded by Commissioner Bush.

Move to approve, with one condition, the Site Plan w/ Waivers because the proposal complies with the requirements of Code Section 146-405(F), for the following reasons:

1. It will improve drainage infrastructure.
2. It achieves an internal efficiency of design.
3. It controls for nuisance impacts on surrounding land uses.
4. It establishes a high quality of design
5. It establishes adequate connectivity and circulation.

Approval to be subject to the following condition:

1. Resolution of outstanding technical issues prior to recordation of the site plan and issuance of any building permits.

Further Discussion by the Commission:

Commissioner Lyon stated that it is unfortunate that the neighbors left the hearing and wishes to emphasize that there is real value to public hearings and that it is helpful to hear all sides of a topic. He too is upset that the Summit Steakhouse is no longer in business but hopes that this will be an appropriate alternative. Commissioner Deane stated that he voted no because he does not feel like this use is in keeping with the character of the neighborhood.

Action Taken: Approved with a Condition
Votes for the Site Plan: 4
Votes against the Site Plan: 1 (Deane)
Absent: Staley
Abstaining: None

Planning Department
City of Aurora, Colorado

SUMMARY OF PLANNING COMMISSION ACTIONS

Project Name: TLC Car and Dog Wash at Saddle Rock East
Planning Commission Hearing Date: July 24, 2019
City Council Meeting Date: August 19, 2019
Ward and Council Member: VI - Councilmember Bergen

Project Type: General Development Plan Amendment, Two Conditional Uses and Site Plan
DA Number: DA-1216-23
Case Numbers: 1998-2007-05; 2019-6018-01; 2019-6018-02; 2019-6018-00
Location: 7316 S Gartrell Rd
Case Manager: Dan Osoba

Description:

The applicant, Trembath Land Company, is proposing to amend the Saddle Rock East General Development Plan (GDP) to remove Car Washes as a Prohibited Use and add "Car Washes" and "24-hour Operations" as a Conditional Use. Concurrently there is a request for a Site Plan and Conditional Use requests for a car wash and a 24-hour operation. The property is located at 7316 S. Gartrell Road and is a currently vacant pad site within the center of the Saddle Rock East shopping center and does not front on a public street. It is designated as Planned Development Mixed Use/Commercial/Multifamily (PD mu/comm/mf). Development standards and land use restrictions are established by the Saddle Rock East GDP. The site is adjacent to an alternative Cherry Creek High School; vacant pad sites and a detention pond to the east; surface parking for the shopping center to the south; and a child care center to the west.

The proposed car wash will consist of four (4) automatic wash bays, two (2) self-serve wash bays, three (3) vacuum stations, and a dog wash. Each vacuum station will house two (2) vacuums and will be accessed from adjacent parking spaces. These vacuums are proposed to be limited to operate only between the hours of 7:00 AM and 9:00 PM to minimize noise impacts on surrounding properties, which corresponds with the noise restrictions per Zoning Code Section 146-1802. The dog wash will be located in an attached enclosure on the east side of the building providing an added amenity for customers. One staff attendant will be present on site to ensure the parking lot and facilities are clean and the equipment is operating properly.

The Saddle Rock East GDP contains specific architectural design standards that exceed Zoning Code requirements. The proposed building materials for this project will include stucco, stone veneer and smooth faced concrete masonry units. The bay doors will be opaque polycarbonate to reduce visibility of equipment and vehicles inside the wash bays. The dog wash and roof line will be finished in an aluminum storefront window system. The pay and vacuum stations will have masonry bases to match the building as well as light fixtures matching the shopping center design.

Testimony Given at the Hearing:

None

Other Issues Discussed at the Hearing:

The Planning Commission asked if there would be employee staffing on-site for 24-hours. The applicant's consultant, Bruce Barkley, answered that staffing will vary based on demand. If this location has more customers using the facilities after hours, then the staffing hours will change to accommodate. The vehicle bays are all equipped with automatic pay-stations, so the employees will be on-site for security and maintenance.

The Planning Commission asked about the operations of the dog wash proposed at this location.

Jon Trembath, TLC Car and Dog Wash, 40 Blue Heron Drive, Thornton, CO, the applicant responded that the dog wash is a fully enclosed section of the northern portion of the building. These wash stations include soaps and shampoo and are offered at many new car wash locations as a highly utilized amenity.

The Planning Commission asked about the operations of the car wash. The applicant and consultant responded that the wash contains 2 manual wash bays and 4 automatic wash bays. Customers will pay at the automated pay stations and pull through the bays. The automatic and manual wash bays are hands-free. The vacuum stations are then available for use in 3 designated parking areas on-site.

Planning Commission Results

Agenda Item 5g: Saddle Rock East General Development Plan Amendment\

A motion was made by Commissioner Deane and seconded by Commissioner Hettick.

Move to recommend approval of the General Development Plan Amendment to City Council because the proposal complies with the requirements of Code Section 146-403(C), for the following reasons:

1. The amendment is consistent with the Aurora Places Plan Commercial Service Placetype because commercial service is a primary land use.
2. The amendment is consistent with similar land use requirements found in the Zoning Code which requires Conditional Use approval for car washes and 24-hour operations in standard zone districts.

Further Discussion:

Commissioner Lyon asked, for clarification purposes, to have the amendment read. Mr. Osoba read the amendment.

Action Taken: Recommended Approval

Votes for the General Development Plan Amendment: 5

Votes against the General Development Plan Amendment: 0

Absent: 1 (Staley)

Abstaining: None

Vacancies: 1

Agenda Item 5h: Conditional Use for a Car Wash in a Planned Development Zone District

A motion was made by Commissioner Hettick and seconded by Commissioner Lyon.

Move to approve, with two conditions, the Conditional Use for a car wash in a Planned Development Zone District, because the proposal complies with the requirement of Code Section 146-402(C), for the following reasons:

1. The use is compatible with surrounding development.
2. The use accounts for adequate traffic circulation and vehicle stacking for the car wash.
3. The use is located on a interior pad site which does not front onto a major arterial.

Approval to be subject to the following conditions:

1. The operations plan shall be included in the Site Plan.
2. The approval of this Conditional use is subject to the final approval of the Saddle Rock East GDP Amendment by the Aurora City Council.

Further Discussion

No further discussion occurred.

Action Taken: Approved with two Conditions

Votes for the Conditional Use: 5

Votes against the Conditional Use: 0

Absent: 1 (Staley)

Abstaining: None

Vacancies: 1

Agenda Item 5i – Conditional Use for after-hours for 24-hour Operations

A motion was made by Commissioner Lyon and seconded by Commissioner Bush.

Move to approve, with two conditions, the Conditional Use for 24-hour operations, because the proposal complies with the requirements of Code Section 146-402(C), for the following reasons:

1. The use does not change the predominant character of the surrounding area.
2. The operation of this use will mitigate impacts on surrounding development.
3. The use will have minimal impacts on existing city infrastructure.

Approval to be subject to the following conditions:

1. The hours of operation for the vacuum stations will be limited to 7:00AM and 9:00 PM.
2. The approval of this Conditional Use if subject to the final approval of the Saddle Rock East GDP Amendment by the Aurora City Council.

Further Discussion:

No further discussion occurred

Action Taken: Approved with two Conditions

Votes for the Conditional Use: 5

Votes against the Conditional Use: 0

Absent: 1 (Staley)

Abstaining: None

Vacancies: 1

Agenda Item 5j: Site Plan

A motion was made by Commissioner Bush and seconded by Commissioner Deane.

Move to approve, with two conditions, the Site Plan because the proposal complies with the requirements of Code Section 146-405(F), for the following reasons:

1. The proposal is consistent with the Aurora Places Plan goal to develop “Commercial Hubs”
2. Provides for internal efficiency of design.
3. Demonstrates quality of architecture and design.
4. Conforms with the landscape buffer and screening requirements.

Approval to be subject to the following conditions:

1. Resolution of outstanding technical issues prior to recordation of the Site Plan and issuance of any building permits.
2. The approval of this Site Plan is subject to the final approval of the Saddle Rock East GDP amendment by the Aurora City Council.

Further Discussion:

No further discussion occurred.

Action Taken: Approved with two Conditions

Votes for the Site Plan: 5

Votes against the Site Plan: 0

Absent: 1 (Staley)

Abstaining: None

Vacancies: 1