

Summary of Planning and Zoning Commission Votes
 Regular Meeting of the Aurora Colorado Planning Commission
 July 22, 2020

Agenda Item #	Item Description	Plg Dept Recom	Plg Comm Action*	Est. City Council Schedule**
5a.	UNIFIED DEVELOPMENT ORDINANCE – UDO AMENDMENT (All Wards) CASE MANAGER: Karen Hancock APPLICANT: City of Aurora Planning & Dev Serv Development Application: DA-2163-03 Case Number: 2018-1006-03 General Location: Within the boundaries of the City	Recommend Approval	Recommended Approval For Approval: 7 For Denial: 0 Abstentions: 0 Absent: 0	City Council meeting date Sept 21, 2020
5b.	1324 N FULTON STREET ADU – CONDITIONAL USE (Ward I) CASE MANAGER: Christopher Johnson APPLICANT: Dolores Cavazos Development Application: DA-2234-00 Case Number: 2020-4013-00 General Location: Approximately 219 feet north of the intersection of E 13 th Avenue and N Fulton Street Condition: 1. Building permit submittals for the ADU and associated garage must be consistent with the proposed plan and elevations.	Recommend Approval with a condition	Approved with a condition For Approval: 7 For Denial: 0 Abstentions: 0 Absent: 0	Call-up deadline Aug 17, 2020

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 ACHIEV 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 - UDO AMENDMENT

Planning Commission Hearing Date: July 22, 2020
City Council Meeting Date: September 21, 2020
Ward: All Wards

Project Type: Unified Development Ordinance Amendment
DA Number: DA-2163-03
Case Number(s): 2018-1006-03
Location: Within the boundaries of the City
Case Manager: Karen Hancock

Description:

The Unified Development Ordinance (UDO) was adopted by City Council in August 2019 and became effective on September 21, 2019 supported by a unanimous recommendation by the Planning and Zoning Commission (PZC) in favor of adoption. At the time the UDO was presented to Planning and Zoning Commission and City Council, staff described the likely need for a number of corrections within the first year of implementing the UDO. This first batch of text amendments includes typographical errors, corrections, clarifications and missing standards. Spacing, formatting, cross-references and other non-substantive corrections are not included in these text amendments in accordance with Section 146-5.4.1.3.b.ii as follows:

Non-substantive updates to the text of the Ordinance, including but not limited to updates of hyperlinks or other references to online information related to this UDO, may be approved by the Planning Director and do not require review or approval by the Planning and Zoning Commission or City Council.

These City initiated Text Amendments address primarily corrections and clarifications within the newly adopted Unified Development Ordinance. This first batch of proposed amendments is applicable to the criterion identified above and includes changes to the entire document with the larger focus on corrections to Definitions and the Land Use Tables and applies to lands within the incorporated Aurora city limits and the city's planning area boundary.

The proposed text amendments require a recommendation from the Planning and Zoning Commission with final approval by City Council.

Testimony Given at the Hearing:

Karen Hancock, Case Manager, gave a presentation of the item. There were no community speakers in attendance.

Commissioner Hogan asked about onsite outdoor space and whether it would count toward parks dedication. Brandon Cammart, Development Review Manager, clarified that these requirements do not constitute required dedication but offer some flexibility in the design of multi-family projects.

Commissioners Gaiser and Hogan asked about changes to the Accessory Dwelling Units (ADUs). Mindy Parnes, Long Range Planning Manager, clarified that the UDO did not reflect direction from Council regarding the locations where these uses should be permitted that was the result of a robust public outreach process which was conducted concurrently with development of the UDO. The proposed text amendments will correct these errors.

Commissioner Hogan also pointed out an error in the ordinance pertaining to subsection numbering and staff agreed to make these corrections.

Commission Gaiser asked clarifying questions about ADUs specifically pertaining to residential lot sizes and a property owner requirement to live in the primary or accessory unit. Ms. Parnes and Ms. Hancock reiterated that the proposed changes to ADUs reflected corrections that should have been incorporated in the adoption draft and that additional text amendments to the ADU regulations may be proposed to support the recommendations of the citywide Housing Study.

Planning Commission Results

Agenda Item 5a – UDO Amendment

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

Move to Recommend approval to the City Council of the proposed text amendments to the Unified Development Ordinance. The text amendments conform to approval criteria and are needed to correct and clarify elements of the UDO that staff, development applicants and the citizens use to review proposed projects.

Further Discussion:

No further discussion occurred

Action Taken: Recommended Approval

Votes for the UDO Amendment: 7

Votes against the UDO Amendment: 0

Absent: None

Abstaining: None

Planning Department
City of Aurora, Colorado

SUMMARY OF PLANNING COMMISSION ACTIONS

Project Name: 1324 N FULTON STREET ADU - CONDITIONAL USE

Planning Commission Hearing Date: July 22, 2020
Deadline for City Council Call Up: August 17, 2020
Ward: Ward I

Project Type: Conditional Use
DA Number: DA-2234-00
Case Number(s): 2020-4013-00
Location: Approximately 219 feet north of the intersection of E 13th Avenue and N Fulton Street
Case Manager: Christopher Johnson

Description:

The applicant, Dolores Cavazos, is requesting approval of a Conditional Use for an Accessory Dwelling Unit (ADU) in an Original Aurora Low Density Residential (OA-R1) Zone District. Ms. Cavazos wishes to construct this unit to provide more space for herself and her family, and to allow her to age in place on her own property. The subject property is located at 1324 N Fulton Street, approximately 180 feet north of the intersection of E 13th Avenue and N Fulton Street. A Conditional Use approval is required for all Accessory Dwelling Units (ADU) in Original Aurora. The property is surrounded by OA-R1 zoning and other single family detached homes and is located 2 blocks south of Colfax Avenue and 1 block west of Del Mar Parkway and is in close proximity to more intensive multi-family and commercial development.

In accordance with the zoning requirements, a one-story detached building is proposed which contains an approximately 640 square-foot ADU and a 528 square-foot attached two-car garage. This garage, which will be accessed from the alley, will provide the required 1 parking space for the new ADU as well as additional off-street parking and storage space for the primary residence. The property currently does not have any existing garage parking on site. The size of the subject property and the placement of the primary residence and accessory dwelling unit within the lot allow for the accommodation of the required 360 square feet of usable outdoor space which is located between the primary residence and the ADU/garage building.

The primary residence is approximately 1,750 square feet and constructed of an asphalt shingle roof and brick, with a recently constructed expansion off the rear with lap siding of the same shade as the brick. The proposed building elevations illustrate compliance with the ADU standards regarding building materials and design, which include a design that is complementary or superior to the primary dwelling. Building materials for the ADU include a shingle roof, lap siding, wood trim and vinyl windows. The new accessory structure which houses the proposed unit will have two doors providing access from the western side of the structure, with a double garage door facing to alley to provide vehicular access.

If this Conditional Use application is approved, the subsequent building permit submittal will be reviewed for compliance with all zoning and building code regulations, as well as any relevant City Code requirements. The building permits must be substantially similar to the plans associated with this Conditional Use application.

Eight (8) adjacent property owners and eight (8) neighborhood associations were notified of the application. No comments were received from any members of the community, and no neighborhood meeting was held.

Testimony Given at the Hearing:

Christopher Johnson, Case Manager, gave a presentation of the item.

Commissioner Hogan asked if a family member had to be an occupant of the ADU. Mr. Johnson answered that the owner can rent the ADU to a family member or a member of the general public. There is a provision in the Unified Development Ordinance (UDO) that states the owner must live on the property; either the main residence or the ADU. He further stated that the owner is planning on occupying the ADU and renting the main residence. Enforcement of UDO of the provision will be a Code Enforcement responsibility.

Commissioner Gaiser asked if the requirement of the owner remaining on the property passed on when the property is sold does it need to be recorded on the deed. Mr. Johnson stated that it may not need to be recorded on the deed. Commissioner Gaiser asked if the applicant had to build by a certain time. Mr. Johnson responded that there is not a definitive timeline other than lapsing of approvals. Once a permit is applied for it is good for six months, and the Building Division can extend the permit for six months if the building is not under construction. Commissioner Gaiser asked if the building permit can be extended multiple times. Mr. Johnson answered that it can.

Commissioner Hogan asked if the water and electricity for the ADU will be metered separately. Mr. Johnson responded that the main residence and the ADU will be on one meter, which is a requirement of the UDO.

The applicant did not have a presentation to give.

Commissioner Jetchick asked if the front door of the ADU will face the primary residence and if there will be a sidewalk that will connect the primary residence to the ADU that is wheelchair accessible. Mr. Johnson explained the access points of the ADU and that there will be a sidewalk installed.

Brian Pearson, Uplift Structures and Design LLC, Montclair Court, Highlands Ranch, CO, representing the applicant also explained the access points of the ADU to the main residence and to the alley.

Planning Commission Results

A motion was made by Commissioner Bengen and seconded by Commissioner Gaiser.

Move to approve, with one condition, the Conditional Use for the accessory dwelling unit in an Original Aurora Low Density Residential (OA-R1) Zone District because the proposal complies with the requirements of Code Section 146-5.4.6.A.3. of the Unified Development Ordinance for the following reasons:

1. The proposal complies with the Aurora Places "Housing For All" goal.
2. Has minimal impact on and can be accommodated by existing city infrastructure.
3. Controls external negative impacts.
4. Exceeds minimum parking requirements.
5. Provides an additional housing option and does not cause any dislocation of tenants.
6. Mitigates adverse impacts on the neighborhood.

Approval to be subject to the following condition:

1. Building permit submittals for the ADU and associated garage must be consistent with the proposed plan and elevations.

Further Discussion:

No further discussion occurred.

Action Taken: Approved with a Condition

Votes for the Site Plan: 7

Votes against the Site Plan:

Absent: None

Abstaining: None