

APPROVED
September 9, 2020 PED Minutes

**PLANNING AND ECONOMIC DEVELOPMENT (PED)
POLICY COMMITTEE
TELECONFERENCE MEETING
September 9, 2020**

Members Present: Councilmember Francoise Bergan, Chair; Councilmember Crystal Murillo, Vice Chair; Councilmember Allison Hiltz

Others present: Mayor Pro Tem Nicole Johnston, Councilmember Marsha Berzins, Councilmember Dave Gruber, Andrea Amonick, Andrea Barnes, Becky Hogan, Bob Gaiser, Chance Horiuchi, Christopher Johnson, Col. Micah Fesler, Colleen Brisnehan, Daniel Kryzanowski, Dan Money, David Berry, Dennis Lyon, Diana Rael, Elena Vasconez, Frank Butz, Garrett Walls, Gayle Jetchick, George Adams, Heather Lamboy, Ian Best, Jason Batchelor, Melvin Bush Jeffrey Moore, John Cheney, Karen Hancock, Linda Kiefer, Margaret Sobey, Marisa Noble, Mark Witkiewicz, Mindy Parnes, Marcia McGilley, Porter Ingrum, Robert Oliva, Sarah Teschner, Sarah Wile, Tod Kuntzelman, John Cheney, Bruce Stokes, Cherie Talbert, Brad Pierce, Liz Fuselier, Yuriy Gorlov, Vinessa Irvin

APPROVAL OF MINUTES

August 12, 2020 minutes were approved.

Introduction of Colonel Micah Fesler, Buckley Air Force Base Col. Micah Fesler – Col Fesler discussed the desire for Buckley AFB to be more involved with interactions with the city regarding planning. There were no questions for Col. Fesler.

Subarea C: Proposed Amendments to the UDO regarding Notice and Approvals

Summary of Issue and Discussion:

Karen Hancock introduced the agenda item brought forward by Mayor Pro Tem Johnston. George Adams provided a presentation of proposed amendments to the Unified Development Ordinance. Several of the proposed amendments have been changed since the August 12, 2020 PED meeting. Current proposed amendments include: 1) within Subarea C, provide notification for registered homeowners associations within 2-miles of a site for Comprehensive Plan amendments and rezone applications; 2) within Subarea C, require Planning Commission approval of master plans; and, 3) include summaries of first review neighborhood meetings in Council and Planning Commission backup materials. The proposed Lowry Landfill UDO amendments has been deferred to permit additional discussion.

MPT Johnston provided input on the proposed changes, stating that improved communication with Ward II residents is needed.

CM Bergan responded with concern over the notification distance applying to denser parts of the city and inquired whether the southeastern portion of Subarea C could be divided into a new subarea.

MPT Johnston stated that there should be a process to review rezones and Comprehensive Plan Amendments.

CM Hiltz stated her support for expanded notice and stated that updates in the future could be made if the expanded noticing becomes burdensome.

APPROVED
September 9, 2020 PED Minutes

CM Bergan asked about HBA's concerns, and MPT Johnston responded that the item could be brought back to the Joint Task Force.

Vinessa Irvin gave an update on the letter received from HBA on September 8, 2020 and stated that it would be discussed at the next Joint Task Force meeting in November.

MPT Johnston stated that she would like to discuss the letter previous to the next Joint Task Force meeting with input from additional groups.

Vinessa Irvin stated that other developers have not provided input but would reach out to the community for input.

CM Bergan asked why an item would need to go to Planning Commission and Council if developers comply.

MPT Johnston added that changes were made to the proposed amendment since the previous PED meeting to limit the process to master plan and expressed concern that it was still too onerous for the HBA.

CM Bergan asked about the traffic review process.

Vinessa Irvin stated that the traffic review was a part of the review and approval process. The rezone portion was necessary because of infrastructure identified for certain areas of the city. Ms. Irvin acknowledged Mark Witkiewicz question about avoiding the additional time and gave a brief response. George Adams provided additional information on the issue.

CM Gruber provided input on the proposed changes and questioned the the need for change.

MPT Johnston gave an overview of the reasoning behind the changes and asked Karen Hancock about the requirements for notifying military installations.

Karen Hancock gave a brief overview of the state-mandated notification to military installations within two miles for amendments to the comprehensive plan and rezone applications. Aurora applies the notification to projects proximate to Buckley AFB.

CM Gruber responded, stating that the landing pattern of airplanes was a major reason for the notification requirements.

CM Bergan stated that the two-mile requirement would add complications to moving the development process forward in denser areas of the city.

CM Berzins provided input on the issue, stating that the residents are not typically involved in the complex aspects of the development process and stated that if developers can work with staff, the resulting change will be beneficial. CM Berzins agreed that two miles were too much area to include in any notification.

CM Bergan asked the staff if there was any way to quantify the additional time or cost of this process.

George Adams responded that it was possible and would provide some information for the Study Session. Specifically, comparison of any differences in process time of an administrative approval compared to public hearing approval as well as any differences in fees.

MPT Johnston provided a final summary of the need for this change, giving specific examples within her Ward.

APPROVED
September 9, 2020 PED Minutes

CM Hiltz stated that if input would be allowed from the development community, residents and non-profits should be included.

Mark Witkiewicz asked what the standard process is stated in the UDO and the proposed deviation, asking for more clarity. Mark suggested a side by side comparison of which processes currently go to public hearing compared to those proposed to go to public hearing.

Vinessa Irvin responded that the requested information could be included in the next meeting of the Joint Task Force, potentially in a special meeting in September.

CM Bergan asked that Mr. John Cheney's question in the chat be addressed at the study session which is if Section 3 of the proposed ordinance applies to Master Plan Amendments or just new Master Plans.

Council members discussed various options for next steps. MPT Johnston indicated should she would like to bring the item forward to Study Session in the future.

Presentation and Discussion regarding Lowry Landfill Superfund Site

Summary of Issue and Discussion:

Karen Hancock introduced the EPA speakers and mentioned that EPA's presentation was also provided at the August 2020 Lowry Landfill Superfund Site Community Advisory Group meeting.

Dr. David Berry gave a presentation on the 1,4-Dioxane Risk Summary for the Lowry Landfill Superfund Site. Topics discussed during the presentation were risk assessment, contaminated groundwater potentially moving into the Murphy Creek area, sampling locations, exposure routes, chemical intake calculations, and carcinogen risks for the North Boundary Plume. (Presentation to be included as part of meeting minutes).

CM Bergan thanked Dr. Berry for the presentation and asked if the EPA would only issue a condemnation notice if an unsafe environment existed, using Tallyn's Reach as an example.

Dr. Berry stated that the risk is limited to well water, which is not allowed in Aurora. Any well water would not be considered potable.

CM Bergan asked if the EPA did not condemn property, the city could not condemn it.

Dan Money confirmed that the city could not condemn property without the EPA doing the same, considering it a "taking."

MPT Johnston stated that she felt that the information was presented in an irresponsible way, stating that studies are still being conducted and that her concerns extend beyond surface-level sampling. MPT Johnston stated that the assessment is inconsistent with the Record of Decision and asked that it be made clear that the main takeaway is that the EPA and Colorado Department of Public Health and Environment are still studying the issue.

CM Bergan asked for clarification on the level of study.

MPT Johnston responded that the EPA and CDPHE have still not declared the area safe.

Linda Kiefer began to respond to MPT Johnston's question but experienced technical issues.

APPROVED
September 9, 2020 PED Minutes

CM Gruber thanked Dr. Berry for the presentation and asked about EPA Certifications and notices.

Dr. Berry responded that for the plume, the EPA would not condemn land based on contaminated groundwater as the city has jurisdiction. The county properties are on private wells that are 600 feet deep.

CM Gruber asked about risk and stated that the area in question seems to be in the “green” area and is not at risk. CM Gruber asked if it was labeled as “yellow” or “red” would it be involved in the Superfund site.

Dr. Berry stated that there is an ongoing investigation. Contaminated groundwater is being pumped and treated before leaving the site, reducing concentrations over time. This investigation is a long-term process.

CM Gruber asked for confirmation that all the areas studied are within the acceptable risk parameters. Dr. Berry confirmed and stated that the presentation and report were reviewed by CDPHE. CM Gruber asked for confirmation that the area was not declared unsafe. Dr. Berry confirmed that status.

Karen Hancock asked that Linda Kiefer provide her comments in writing to the committee since Ms. Kiefer was not able to fully participate in the meeting because of technology issues. (See attached Letter dated October 1, 2020 from Linda Kiefer with EPA).

MPT Johnston stated that a more comprehensive analysis is needed and reiterated that the EPA is still investigating the issue. MPT Johnston asked that the issue be brought in front of the City Council with the opportunity for additional speakers.

CM Bergan stated that the EPA presentation would be moved to Study Session for information only.

UDO Oil and Gas Amendments – Jeffrey Moore

Discussion postponed to next meeting.

Miscellaneous Matters

AEDC

Yuriy Gorlov gave an update on various projects underway. Employment numbers are down, travel is increasing.

Havana Business District

Chance Horiuchi gave an overview on openings and closings in the district and provided the following written update.

- 14 closures with 6 closed due to the State of Colorado Industry Specific Health Orders or By Choice
- 8 permanent: Imone Korean Restaurant – Closed Permanently, La Pily #2 – Closed Permanently – NOW Hungry Wolf BBQ, Windsor Dental Care – Closed Permanently – Did Not Renew Lease, Powerhouse Nutrition and Fitness – Closed Permanently due to Covid-19
- Uncle Joe’s Hong Kong Style Bistro – Leased & was under construction during Covid-19 & no longer opening, R. Stafford Superstore – Closed on 4/30/2020, purchased by Salon Services and the current lease space was too large so relocated, Queen of Angels Catholic Gift & Book Shoppe – Closed prior to Covid-19 & relocated, & El Jaripeo Sports Bar —Closed Permanently

APPROVED
September 9, 2020 PED Minutes

- NEW BUSINESSES: Hungy Wolf BBQ - Aug 7, 2020, former Thai Basil building near Havana & Yale + GEICO INSURANCE office coming to the Gardens On Havana
- 100 + restaurants and all of the Havana Motor Mile (20+ auto dealers + 100 auto services) are re-open, with majority of the 100 are all offering dine-in services at 50% capacity, take-out, & delivery.
- We shared the Covid-19 Testing Site info + Round II of the Housing Assistance Program on Monday, 8/10/2020
- Many businesses are concerned about the Winter months and surviving another possible shut down
- Construction On-Going - Argenta, Stinker Stores and the Kum & Go are moving forward and in progress
- Safeway gas update/remodel complete
- Multi-Modal Study Collaboration continues, hosted the 1st stakeholder outreach in July, site plan updates on hold during study process
- Plus, we have had many inquires from other businesses wanted to relocate and open in Aurora On Havana Street. We have been connecting new leads to Frank and Robert, retail specialists and Aurora. Many are looking for small sq footage, drive-thrus, walk-up's and outdoor expansion spaces.
- The small businesses in Aurora are grateful to the city staff, leadership and council for the AER and looking forward to hear an update from AER program. A few have reached out to share that they have heard from city staff regarding the AER program.
- HMM Workforce program: 7 Pickens Tech students rec'd their tools and tool boxes and are working at a HMM dealership
- BID is in constant communication with stakeholders and hosting direct phone calls, check in's & biz visits as needed
- Working on the 2021 Op Plan and Budget, negotiating 2021 contracts & challenges with not receiving the AV report from the county until 10/13, but budget is due 9/15 to BID attorney, 9/30 to City, requested to extend our submission to the city on budget due to the state's extension on the AV assessments, waiting to hear back from city on process for extension request
- cancelled BID events, contacted vendors, updated comm., in 2021 plan to not host community events due to Covid and significant decrease in the event budget
- Rec'd Sales Tax report for Q2: 2020 as of 7/2020

AUTO: \$2,910,678

FOOD: \$1,797,152

TOTAL: \$11,538,268

In a comparison of 2019 and 2020 second quarter Total Sales Tax we were at \$94,782 in 2019 and \$91,982 in 2020.

3.0% down from Q2's 2019's total sales tax.

Bill Levine with the city also shared that when comparing 2019 and 2020's YTD, as of the end of July 2020, our Total Sales Tax collected was at \$103,375, 6.7% down compared to the \$110,474 total sales tax collected as of July 2019.

- discontinuing the news racks program along the corridor as request of the city
- Working with Visit Aurora on a marketing/advertising campaign for the BID with the proposed community funds

Aurora Chamber of Commerce Update – No update provided.

Oil & Gas Advisory Committee Update

APPROVED
September 9, 2020 PED Minutes

CM Hiltz asked if there would be a presentation on the Oil and Gas Manual before the Council votes on the issue.

Jeffrey Moore stated that there would be information provided.

Jason Batchelor stated that there would be a break on this issue between the study session and regular session.

CM Bergan asked Jeffrey Moore if the report should come back to PED rather than study session so that comments could be provided.

Jeffrey Moore stated that he was open to any process.

Brad Pierce stated that he would like the opportunity to provide comment when the issue is brought forth next.

CM Hiltz stated that she would like this issue to return to PED. CM Bergan and CM Murillo agreed.

Planning Commission Update

Dennis Lyon has no report for this PED meeting and will provide an update at the next PED meeting.

Business Advisory Board of Aurora

Garett Walls stated that comments would be provided in written testimony. Two monthly meetings regarding the minimum wage increase was held with 67 business owners present. Comments will be submitted in advance of Study Session. The BAB Voted 8-1 not to support the proposal and the Havana Business District voted unanimously not to support the proposal.

CM Hiltz thanked Garett for moderating the meetings.

Retail Development:

Robert Oliva provided an update on various projects in the city.

AURA

Marcia McGilley gave an update on programs and Andrea Amonick provided some information on loans, stating that \$955,000 has been issued thus far.

Approved. _____

Francoise Bergan, PED Committee Chair

Next meeting date: October 14, 2020 at 8:30 a.m. Teleconference meeting.