

Summary of Planning and Zoning Commission Votes
 Regular Meeting of the Aurora Colorado Planning Commission
 April 28, 2021

Agenda Item #	Item Description	Plg Dept Recom	Plg Comm Action*	Est. City Council Schedule**
5a.	<p>UNIFIED DEVELOPMENT ORDINANCE – TEST CHANGE TO ALLOW MARIJUANA HOSPITALITY BUSINESSES WITHIN THE CITY BOUNDARIES (All Wards) CASE MANAGER: Kim Kreimeyer APPLICANT: City of Aurora MED Development Application: DA-2163-04 Case Number: 2018-1006-06 General Location: Within the boundaries of the City</p>	Recommend approval	<p>Recommended approval For Approval: 7 For Denial: 0 Abstentions: 0 Absent: 0</p>	City Council Meeting Date June 14, 2021
5b.	<p>FITZSIMONS VILLAGE OFFICE BUILDING – SITE PLAN W/ADJUSTMENT (Ward I) CASE MANAGER: Stephen Rodriguez APPLICANT: Corporex Colorado Development Application: DA-1279-49 Case Number: 2020-6034-00 General Location: Approximately 1,094 feet west of the intersection of N Fitzsimons Parkway and E Colfax Avenue Condition: 1. Resolution of outstanding technical issues prior to recordation of the Site Plan and issuance of any building permits.</p>	Approve w/a condition	<p>Approved w/a condition For Approval: 7 For Denial: 0 Abstentions: 0 Absent: 0</p>	Call-up Deadline May 24, 2021

Agenda Item #	Item Description	Plg Dept Recom	Plg Comm Action*	Est. City Council Schedule**
5c.	<p>FITZSIMONS VILLAGE MIXED-USE (EAST) – SITE PLAN W/ADJUSTMENT (Ward I) CASE MANAGER: Stephen Rodriguez APPLICANT: Wynne Yaster Real Estate Development Application: DA-1279-51 Case Number: 2007-6067-03 General Location: Southwest Corner of E 14h Avenue and N Uvalda Street Conditions:</p> <ol style="list-style-type: none"> 1 Resolution of outstanding technical issues prior to recordation of the Site Plan and issuance of any building permits. 2. The Fitzsimons Village Metropolitan District (Metro District) will prepare for approval SWMP construction plans to include a drainage letter, for the reroute of the 30-inch pipe. Construction plans for the RMS Fitzsimons Mixed Use East Apartments will not be approved until such time as the Metro District has rerouted the 30-inch pipe and drainage are in accordance with the approved Master Drainage and approved SWMP construction plans. 3. The Fitzsimons Village Metropolitan District will obtain approval of site plan documents, Preliminary Drainage, Final Civil Plans, Final Drainage and Inspection and Maintenance Report. The documents shall include the Water Quality device located south of the RMS Fitzsimons Apartments at E 14th Place. A certificate of occupancy (nor temporary certificate of occupancy) will not be provided to the RMS Fitzsimons Apartments until such time that the water quality devices are installed (as applicable), a pond certificate for all water quality devices (including the device to be installed by the District located at the south end of the apartments on 14th Place is approved by the City, and covered under an approved and recorded I&M Plan.” 	Approve w/ conditions	<p>Approved w/ conditions For Approval: 7 For Denial: 0 Abstentions: 0 Absent: 0</p>	<p>Call-up Deadline May 24, 2021</p>

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 ACHIEVE 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: UNIFIED DEVELOPMENT ORDINANCE - TEXT CHANGE

Planning Commission Hearing Date: April 28, 2021

City Council Meeting Date: June 14, 2021

Ward: All Wards

Project Type: Unified Development Ordinance Text Amendment

DA Number: DA-2163-04

Case Number(s): 2018-1006-06

Location: Within the Boundaries of the City

Case Manager: Kim Kreimeyer

Description:

In 2019, the state legislation passed House Bill 19-1230, allowing for marijuana hospitality; hospitality is essentially marijuana consumption. Marijuana Hospitality has two different options: “bring your own” and “hospitality and sales.” The bring your own option can have a fixed location, a mobile premise, or both. The hospitality and sales option is similar to a bar, where you purchase and consume the product at a fixed location. Local jurisdictions must opt in to allow these two new businesses types.

State requirements for these businesses are similar to other marijuana businesses. The businesses are required to have a state and local marijuana license, meet state security measure, and product sold at a hospitality and sale business is required to be tracked through the state tracking system. Product brought into the bring your own hospitality is not tracked by the state. Both types of hospitality businesses are also allowed within other businesses such as coffee shops, restaurants without liquor licenses, yoga studios, etc. No liquor or tobacco sales or consumption are allowed in either of the hospitality businesses. Both options require consumption to stop when emergency personnel are required to enter the business and both options allow outdoor consumption.

The Amendment 64 Ad Hoc Committee reviewed this item over the past year, discussing licensing and zoning. The Ad Hoc Committee was created in 2012, to consider marijuana legislation and regulations and includes City Councilmembers Gardener, Johnston, Berzins and Coombs along with industry and staff representatives. The Committee considered regulating marijuana hospitalities like bars and, after some discussion, the Committee recommended no conditional use and no buffer from residential uses. The Committee’s recommendation was to have the hospitality licensing ordinance include notification to abutting property owners prior to establishment of the business, measures to address noise and lighting, limited operating hours, and prohibition of outdoor consumption. The licensing ordinance also includes an odor mitigation plan, security requirements, a supplemental marijuana business license, and regular Marijuana Enforcement Division inspections.

The Committee’s recommendation is to allow the “bring your own” option to the existing retail marijuana stores only and to allow the hospitality and sales option to new businesses and locations. The Committee also is recommending mobile consumption, but this is dealt with through licensing not zoning. At the committee meeting on March 11, 2021, the Committee recommended forwarding the proposed ordinances to Planning Commission and on to Study Session. The licensing and Unified Development Ordinance (UDO) components will be presented to Council together. The hospitality licensing ordinance is attached for your convenience.

Aurora Marijuana Enforcement Division (AMED) staff recommends permitting both types of marijuana hospitality businesses as a single use in the UDO, allowing the use in the same mixed use and special purpose zone districts as marijuana stores and bars, and applying the “marijuana establishments” use specific standards. The limitations relating to “bring your own” are handled through licensing. The Committee also recommended no buffers with residential uses or zones. AMED staff also recommends limiting the hours of operation 8am to 10pm in the UDO. The requirements are explained in detail in the proposed ordinance.

Testimony Given at the Hearing:

Kim Kreimeyer, Case Manager, gave a presentation of the item, including the staff recommendation.

Commissioner Turcios asked if this item will be going before the City Council. Commissioner Lyon responded, that this is a recommendation to City Council for the final approval. Dan Money, Senior Assistant City Attorney, confirmed that the only vote before Planning Commission is the recommendation to City Council for the UDO text change.

There was no public comment.

Planning Commission Results

Agenda Item 5a – Unified Development Ordinance Text Amendment

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

Further Discussion:

No further discussion occurred.

Action Taken: Approved

Votes for the UDO Text Amendment: 7

Votes against the UDO Text Amendment: 0

Absent: None

Abstaining: None

Planning Department
City of Aurora, Colorado

SUMMARY OF PLANNING COMMISSION ACTIONS

Project Name: FITZSIMONS VILLAGE OFFICE BUILDING

Planning Commission Hearing Date: April 28, 2021
Deadline for City Council Call Up: May 24, 2021
Ward: Ward I

Project Type: Site Plan with Adjustment
DA Number: DA-1279-49
Case Number(s): 2020-6034-00
Location: QS:O5F – Southwest corner of Colfax Avenue and Xanadu Street
Case Manager: Stephen Rodriguez

Description:

The applicant, Corporex Colorado, is requesting approval of a Site Plan with an Adjustment for Fitzsimons Village Office Building, an 8-story office building and 7-story parking structure on 2.3 acres. The project is located south and west of the intersection of E Colfax Avenue and Xanadu Street and is bounded by E 14th Avenue to the south. The subject property is zoned Mixed-Use Fitzsimons Boundary (MU-FB) zoning district and is part of Sub-Area 4 within the Fitzsimons Village Master Plan. An adjustment is requested, to exceed the maximum building height allowance for the parking structure adjacent to residential zoning located south of the proposal.

The proposed site plan complies with the intent of the Fitzsimons Village Master Plan and the MU-FB zoning district regulations. The approximately 231,000 square-foot 8-story office building fronting Colfax, will include 20,000 square feet of retail, restaurant, training and conference space on the ground floor and a 660 space (11 accessible) 7-story parking structure located directly south of the office building. Eight (8) short term visitor surface parking spaces (4 accessible) will be located between the office building and parking structure. The parking garage will be owned by the Metro District, will be open to the public, and constructed during the same phase as the office building.

Urban hardscape with tree openings and decorative paving is provided adjacent to all sides of the site and the project, consistent with all aspects of the Master Plan and city code. Pedestrian lighting will be provided, and the primary pedestrian entrance is oriented toward E Colfax Avenue with an additional entrance on the south elevation adjacent to the internal surface parking area. An accessible route to all building entrances will be provided and the primary vehicular access to the office building and parking garage will be via a private drive from E 14th Avenue within the master planned development. Required public access, utility, and fire lane easements are provided for the site.

The material selections for this site are complimentary to the existing development in the area to create a cohesive aesthetic look for master planned areas along Colfax. The exterior finishes are placed proportionally to the total façade area to conform to the MU-FB district architectural standards, incorporating large format panels, glass, stucco, stone veneer and wood-look accent materials. The materials were selected with the objectives of quality and durability appropriate to an urban context and meet the requirements of the Unified Development Ordinance (UDO) and the guidelines in the Fitzsimons Village Master Plan.

Nine (9) neighborhood referrals were sent to registered Homeowner Associations and six (6) abutting property owners. No comments were received regarding the project; therefore, a neighborhood meeting was not held.

Testimony Given at the Hearing:

Stephen Rodriguez, Case Manager, gave a presentation of the item, including the staff recommendation.

Commissioner Bush asked about how surrounding property owners were notified of the public hearing. Mr. Rodriguez responded that abutting property owners and registered neighborhood groups within a mile were notified per the legal requirements in the UDO.

Karen McShea, Corporex Colorado, 188 Inverness Drive West, Englewood, CO, the applicant gave a presentation on the item. Commissioner Hogan asked about parking garage utilization. Ms. McShea responded that the garage can also be used for public parking in addition to serving the office building and ground floor retail. Commissioner Hogan asked if any city money/funding was involved in the project. Ms. McShea responded that no city funding or assistance was involved with the project.

Commissioner Bush asked if any "green" infrastructure would be incorporated into the project. Ms. McShea responded that although the project is in the early phases of design, green or "LEED" elements will be considered.

Chairman Lyon asked if the pay parking garage option will have an impact on parking on adjacent streets. Ms. McShea responded that on-street parking will always occur, and that structured parking will have a positive impact on pedestrian activation for the site, resulting in a walkable place fitting within the urban fabric of the neighborhood. Chairman Lyon asked about the timing for construction of the development. Ms. McShea responded that their wish is that construction of the development commences soon.

There was no public comment.

Planning Commission Results

Agenda Item 5b: Site Plan with Adjustment

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

Approve, with a condition, the Site Plan with an Adjustment to Section 146-4.8.5.D., because the proposal complies with the requirements of Code Section 146-5.4.3.B.2.c.i, of the Unified Development Ordinance for the following reasons:

1. The proposal complies with the standards of the UDO and other adopted regulations.
2. The proposal improves or expands multi-modal connections.
3. The proposal will have little impact on existing city infrastructure, while providing public improvements to surrounding streets.
4. The proposal establishes a high quality of urban design and architecture, meets Master Plan standards, and is compatible with adjacent development.
5. The proposal mitigates adverse impacts on the surrounding area to the degree practicable.

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 a Condition

Votes for the Site Plan: 7

Votes against the Site Plan: None

Absent: None

Abstaining: None

Planning Department
City of Aurora, Colorado

SUMMARY OF PLANNING COMMISSION ACTIONS

Project Plan Name: FITZSIMONS VILLAGE MULTI-FAMILY (EAST)

Planning Commission Hearing Date: April 28, 2021

Deadline for City Council Call Up: May 24, 2021

Ward: I

Project Type: Site Plan with Adjustment
DA Number: DA-1279-51
Case Number(s): 2007-6067-03
Location: 05F – Northeast Corner of E 14th Place and N Uvalda Street
Case Manager: Stephen Rodriguez

Description:

The applicant, Wynne-Yasmer Real Estate, is requesting approval of a Site Plan with an Adjustment for Fitzsimons Village East-Mixed-Use, a 7-story, 370-unit, mixed-use building and wrapped 6-story parking structure on 2.59 acres. The project is located north and east of the intersection of Uvalda Street and E 14th Place and is bounded by E 14th Avenue to the north. The subject property is zoned Mixed-Use Fitzsimons Boundary (MU-FB) zoning district and is part of Sub-Area 4 within the Fitzsimons Village Master Plan. An adjustment is requested, to exceed the maximum building length of 150 feet in Subarea A.

The proposed Site Plan complies with the intent of the Fitzsimons Village Master Plan and the MU-FB zoning district regulations. The proposed 7-story mixed-use building fronting on Uvalda Street and the future central green planned for the development, will include ground floor retail, and at grade residential amenity space. An internal courtyard will serve residents and is proposed along with a rooftop deck with amenities. The building is designed to strengthen the central boulevard connection to the Anschutz Medical Campus across E Colfax Avenue. The 6-story wrapped parking structure includes 417 parking spaces and 50 surface parking spaces are provided along the central boulevard (Uvalda Street) adjacent to the site.

Primary pedestrian access is oriented along the west elevation adjacent to Uvalda Street with a secondary entrance located on the north elevation along E 14th Avenue. Pedestrian lighting will be provided along with 16-foot urban hardscape with tree openings adjacent to all sides of the site. Pedestrian amenities such as bike racks and benches will be incorporated and an accessible route to all building entrances. Primary vehicular access to the building and parking garage will be from Uvalda Street and E 14th Place within the development. Required public access, utility, and fire lane easements are incorporated into the site. The project is consistent with all required aspects of the Master Plan and city code.

Building materials for the project are intended to be complimentary to the existing development in the area to create a cohesive look for existing development within the Fitzsimons Village master planned development. High quality materials, scaling elements, and a strong ground level pedestrian experience is envisioned and will be developed in conjunction with code and master plan requirements. The materials were selected with the objectives of quality, durability, and timelessness, while retaining a residential character.

Seven (7) neighborhood referrals were sent to registered Homeowner Associations and six (6) abutting property owners. A comment was received from the Northwest Aurora Neighborhood Organization (NANO) regarding the project: *We are okay with this project. Like that it has adequate parking. Like the interior courtyard as a nice amenity and the private patios at ground level.* The applicant conducted a **virtual** neighborhood meeting on March 9, 2021 inviting surrounding neighbors. General project-related questions were asked to the applicant and no agreements resulted from the discussion between neighbors and the applicant.

Testimony Given at the Hearing:

Stephen Rodriguez, Case Manager, gave a presentation of the item, including the staff recommendation.

Brian Ratner, RMS Corporations, 1553 Platte Street, Suite 303, Denver, CO, representing the applicant, gave a presentation of the item.

Ben Kallechey, Davis Partnership, 2901 Blake Street, Suite 100, Denver, CO, representing the applicant, gave a presentation of the item.

Commissioner Turcios asked how the garage will impact the surrounding neighborhood. Mr. Rodriguez responded that while traffic will occur through the neighborhood, the parking spaces provided in the garage will have a positive impact on the surrounding neighborhood regarding the availability of on-street parking.

Commissioner Banka asked if the proposed use was mainly office. Mr. Rodriguez responded that multi-family was the primary use proposed along with ground floor retail.

Commissioner Lyon asked about the on-street parking and if it existed or not. Mr. Rodriguez responded that angled parking exists along the central green area and that angled parking exists adjacent to the north side of the project.

Commissioner Lyon asked Engineering staff to discuss drainage for the site. Kristin Tanabe, Engineer, deferred to the applicant's consultant. Kevin Roth, Roth Lang Engineering Group, 7853 E Arapahoe Court, Suite 2500, Centennial, CO, representing the applicant, proceeded to give his analysis of the drainage and what is required to be accomplished prior to any certificates of occupancy being issued.

Commissioner Gaiser asked the applicant if a future renter could walk from one end of an internal hallway to the other end in a continuous fashion. Mr. Kallechey responded that the longest continuous length a future renter would walk down a hallway was approximately 230 feet and that the corridor has been designed to be interrupted and not continuous. Commissioner Gaiser asked that the applicant consider other lobby entrances be added. Mr. Ratner responded that a secondary entrance will be located on the north side of the building and that they will examine the request; however, it would be difficult to accomplish.

Commissioner Hogan asked what the proposed rent prices are for the apartments. Mr. Ratner responded that the general estimated rent will be \$2.00-2.50 per square-foot, Commissioner Hogan commented that at that rate they will be between \$2,000 to \$2,500 per month. Mr. Ratner responded that there will be some units that will rent between \$1,500 to \$2,000\$ per month also.

There was no public comment.

Planning Commission Results

Agenda Item 5c: Site Plan with Adjustment

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

Approve, with conditions, the Site Plan with an Adjustment to Section 146-4.8.5 (D), because the proposal complies with the requirements of Code Section 146-5.4.3.B.2.c.i, of the Unified Development Ordinance for the following reasons:

1. The proposal complies with the standards of the UDO and other adopted regulations.
2. The proposal will have little impact on existing city infrastructure, while providing public improvements to surrounding streets.
3. The proposal improves or expands multi-modal connections.
4. The proposal complies with all Master Plan standards.
5. The proposal mitigates adverse impacts on the surrounding area to the degree practicable.

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 Fitzsimons Village Metropolitan District (Metro District) will prepare for approval SWMP construction plans to include a drainage letter, for the reroute of the 30-inch pipe. Construction plans for the RMS Fitzsimons Mixed Use East Apartments will not be approved until such time as the Metro District has rerouted the 30-inch pipe and drainage are in accordance with the approved Master Drainage and approved SWMP construction plans.
3. The Fitzsimons Village Metropolitan District will obtain approval of site plan documents, Preliminary Drainage, Final Civil Plans, Final Drainage and Inspection and Maintenance Report. The documents shall include the Water Quality device located south of the RMS Fitzsimons Apartments at E 14th Place. A certificate of occupancy (nor temporary certificate of occupancy) will not be provided to the RMS Fitzsimons Apartments until such time that the water quality devices are installed (as applicable), a pond certificate for all water quality devices (including the device to be installed by the District located at the south end of the apartments on 14th Place is approved by the City, and covered under an approved and recorded I&M Plan.”

Further Discussion:

There was no further discussion

Action Taken: Approved with Conditions

Votes for the Site Plan: 7

Votes against the Site Plan: 0

Absent: None

Abstaining: None

Filed: K:\\$DA\1279-51sps.rtf