



AGENDA

Planning and Economic Development Policy Committee

November 10, 2021

8:30 am

VIRTUAL MEETING

City of Aurora, Colorado

15151 E Alameda Parkway

Public Participation Dialing Instructions

Call in Number: (408) 418-9388

Access Code: 2480 535 4478

Council Member Marsha Berzins, Chair
Council Member Dave Gruber, Vice Chair
Council Member Angela Lawson, Member

Council Goal: Be a great place to locate, expand and operate a business and provide for well-planned growth and development.

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Jeffrey S. Moore, Manager Oil & Gas Division / Ian Best, Assistant City Attorney	
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4.e. Oil and Gas Committee

4.f. Business Advisory Board

4.g. Retail

4.h. Small Business

4.i. Visit Aurora

5. Confirm Next Meeting Date

Tentatively scheduled for December 8, 2021 at 8:30 AM MT

6. Adjournment



Planning and Economic Development

MINUTES

Date: October 13, 2021

Time: 8:30 am

Members Present Councilmember Marsha Berzins, Chair: Councilmember Dave Gruber,
Vice Chair: Councilmember Angela Lawson

Others Present Councilmember Francoise Bergan
Aja Tibbs, Andrea Amonick, Andrea Barnes, Ariana Muca, Becky Hogan, Blake Fulenwider, Bob Gaiser, Brad Pierce, Brandon Cammarata, Bruce Dalton, Cathy DeWolf, Chad Argentar, Chad Giron, Chance Horiuchi, Cindy Colip, Daniel Brotzman, Daniel Krzyzanowski, Daniel Money, Darren Akrie, David Schoonmaker, Debbie, Dennis Lyon, Diana Rael, Gayle Jetchick, Heather Lamboy, Hector, Jacob Cox, Jason Batchelor, Jeffrey Moore, Jose Rodriguez, Karen Hancock, Kelly Bish, Kevin Hougen, Kim Kreimeyer, Liz Fuselier, Mac Callison, Marisa Noble, Mark Witkiewicz, Marvina Redding, Melissa Rogers, Melvin Bush, Michelle Gardner, Morgan Cullen, Rachel Gruber - Denver Airport, Rachid Rabbaa, Robert Oliva, Sarah Wile, Scott Berg, Stephen E Rodriguez, Sunny Banka, Thomas Blevins, Tod Kuntzelman, Trevor Vaughn, Victor Rachael, Yuriy Gorlov

1. Call to Order

2. Approval of September 8, 2021 DRAFT Minutes – Council Member Berzins

2.a September 8, 2021 DRAFT minutes were approved.

3. General Business

3.a Text Amendments to the Unified Development Ordinance--Corrections

Summary of Issue and Discussion:

Brandon Cammarata, Planning Manager - Development Review/Dan Money, Senior Assistance City Attorney

- The Unified Development Ordinance (UDO) was adopted on August 19, 2019, to reorganize and update the previous Zoning Code. Planning staff identified in numerous presentations to Council that “clean-up” ordinances would likely be needed as staff and customers used the new UDO. Previous UDO amends have been approved by Council in 2020 and 2021 These draft amendments were presented to the city’s development Joint Task Force (JTF) on September 2, 2021. Participants generally accepted them, and we have not received any follow-up inquiries on these proposed changes.
 - CM Gruber asked if the public art ordinance is still 1%; were there any changes to the UDO due to the public art ordinance; is there a net effect change to the UDO? Brandon Cammarata responded that the intent is not to change what we have been doing.

- CM Gruber expressed concern in section 2.4.7.1 on the green court. When he and Councilmember Bergan met on this, the primary concern was the green court would set on an East-West line; as a result, in the wintertime, no sun would ever hit the green court. That would turn the court into an ice rink and not necessarily be a green court where kids can play. He asked if anything was included to ensure or require that the sun at least hit the green court in the wintertime? Brandon responded there is not anything that specifically addresses that. CM Gruber would like the concern to be considered so kids have a place where they can play.
- CM Gruber commented that section 2.6.2 looks like they say no matter wherever you are, the airport overlay standard is applied. So even though you're eliminating the two sections, the mandate is still there for the overlays pertaining to Denver Airport, Buckley Air Force Base, and Centennial. He asked if there was a change intent? Brandon responded the short answer is it does not change the authorization for any of those overlay districts.
- CM Gruber asked on Section 3.3.2 Residential Uses and the Group Homes, is the intent here to allow more group homes, or what's the purpose of eliminating the paragraphs on the group homes? Brandon responded it is not intended or expected to change how we deal with these proposals or remove or increase barriers to them. It's to remove a conflict between two sections of code that address similar items.
- CM Gruber commented that they received over 300 comments about group homes when the council was debating this. The constituents were most concerned with college-type group homes where more than four unrelated people live in a home. He asked that in reading this, it appears they are becoming more permissive; however, it's not becoming more permissive because it's included in another part of the UDO or other ordinances, correct? Brandon responded that the deleted portions of this section do not impact permission of the item; it makes sure that when they are recorded or managed, it is consistent with other sections of the code. CM Gruber asked if there are any notification requirements in either the HOA (Homeowners Association) or Metro Districts to let neighbors know a group home is going in their neighborhood? Brandon responded there is not a notice parameter with the UDO for that particular use. CM Gruber commented that it is important to inform the neighbors if a group homeowner allows people with criminal records. CM Berzins commented that she agrees with CM Gruber the neighbors would appreciate some notification. She asked if the senior group homes fall into this area. Brandon responded that he is unsure if this is an FHAA (Federal Housing Amendments Act) protected class and would need to find out. CM Lawson asked for the FHAA protected class to be defined. Dan Money responded that the group homes for the elderly are not specifically protected. They are not a protected class. If the elderly care facility has disabled, then that would have a protected class. Disabilities are one of the seven federal protected classes. Alcoholism, drug addiction and so forth is a disability. FHAA limits the municipal hands to do more notice because you can't treat somebody with a disability differently than somebody without a disability. CM Gruber expressed concern with sexual offenders moving into a neighborhood. He continued although the city cannot say who is moving in, the city needs to encourage neighbors to check the offender registration website. Dan Money responded this is one area the city can still regulate under the definition of family. He continued you cannot have more than one sex offender live together in a residential household unless they are married or related by blood like a parent and kid could live together if both are sex offenders. There is an exception for foster homes with juvenile sex offenders. CM Gruber asked if they (recovering addicts) are a

protected class could you have three sex offenders recovering from drug abuse move into a group home? Dan Money responded that it is something we could try and regulate. CM Lawson asked the planning commission to look at the section and define what they should be doing regarding the FHAA requirement. CM Bergan asked if two sex offenders that are married could be living in the house; what if they have children, are the children protected? Dan Money responded federal law states family structures are protected. He continued that they have to register with the state, so he assumes the state would do checkups and so forth. This language is mostly all about registration. CM Bergan asked if they are striking out the requirement for proving registration on FHAA? Dan Money responded, we have to do that legally, but the State may make them register as a business. Heather Lamboy responded (in chat) that they are still required to get a business license which is a tool to register group homes. CM Bergan commented they should have a policy that at least asks if they are registered. Dan Money responded federal law prohibits treating them differently. They can ask them to voluntarily register, but they can't force them to register. CM Berzins asked that further questions be addressed in the Study Session.

- CM Gruber commented about curbside landscaping for streets with detached sidewalks. He would like to see something added that the homebuilder has a responsibility to do an analysis on flooding of the sidewalk and to encourage chase drains as a solution. He asked if they could add something here to protect against sidewalk freezing? CM Bergan added that she is dealing with this now and has a meeting with public works on Friday. CM Gruber added that this section should include information for the builder to consider chase drains and the homeowner to install a chase drain, each at their own expense and in accordance to the UDO, to prevent curbside landscaping issues. Brandon responded that they coordinate with Public Works.
- CM Bergan asked about an issue with a doggy daycare in Saddle Rock that tax and licensing told them they must move even though it was approved through the city years ago. Now they're saying it's not in the correct zoning. Brandon asked CM Bergan to reach out to him to learn a little more about the circumstance.
- CM Berzins, CM Gruber, and CM Lawson approved this item to move forward to planning and zoning.

3.b Public Works Development Review Update

Summary of Issue and Discussion:

Victor Rachael, Deputy Director of Public Works – Engineering/Daniel Money, Senior Assistant City Attorney

- At the August 11, 2021, PED Committee meeting, the committee requested a follow-up on the Development. Public Works will provide an update on current performance metric measures.
- September 2021 they were averaging 81% on time for civil plan review; five-day window review was up to 92% on time within five days of that deadline. In 2020 they were averaging 24 submittals per week. In 2021 they are averaging 31 submittals per week.
 - CM Gruber expressed one concern he's heard is the senior review from what comes in through the contract support was creating a more intense review. He asked if that has been resolved and under control? Victor Rachael responded they have made improvements with training HR Green and Bohannon Houston to make sure everything is correct before it goes out the door. The reviews of the external staff have improved greatly.

- CM Gruber asked if the city's coordination and process working with Mile High Flood District on the floodplain analysis improved and is being streamlined? Victor responded we have moved an individual into a senior drainage role to put eyes on the first review, identify big ticket items and accelerate the on-time review for master, preliminary or final drainage reports.
- CM Lawson asked if the two companies they've hired, HR Green & Bohannon Houston, to assist and get to the on-time level they are at is going to continue or is this a short-term situation? Victor responded they will be adding to internal city resources, so we continue to perform on time. They do anticipate a potential draw down on work they send to the contractors. It's something they will keep a pulse on as the economy moves forward and as they see development continue to accelerate.
- Mark Witkiewicz asked if real properties is under the same platform with Public Works as far as reviews? Victor responded that both HR Green and Bohannon Houston have real property resources. They plan to add not only engineering staff in 2022 but also Real Property staff to make sure that we're all moving forward together with timelines. That's a great point they have engineering, real property, traffic, PROS, Aurora Water all trying to hit the deadlines. Mark commented that one of the areas that is a struggle is the easement agreements between the city and CDOT or the city and E-470. Those are the areas that are holding them up right now. Mark will be sending a list to Victor tomorrow. Victor responded that E-470 is very agreeable, CDOT can be a struggle but can be elevated as needed.
- CM Berzins commented that she allowed Mark Witkiewicz talk because it's important to hear from the developers as they go through the process.

3.c Aerotropolis Parkway Update

Summary of Issue and Discussion:

Jacob Cox, Mac Callison, Victor Rachael/Dan Money Senior Assistant Attorney

- Councilmember Gruber requested the custom street name of Aerotropolis Parkway to replace portions of the Harvest Road and Powhaton Road alignments as shown in Exhibit A. He further requested staff to convene a meeting with stakeholders to discuss the renaming and plans for the alignment for the northern portions of the roadway. The meeting was on September 20th at which the renaming and an introduction to the alignment process were presented. Staff will provide a very brief update to the Committee for their information.
- The previous initiative to rename Harvest Road, Powhaton to Aerotropolis Parkway, culminated in approval of City Council on Monday. They initiated a kickoff meeting with the development community, explaining one, the naming proposal making sure there were no objections to which there were none. They have reengaged with David Evans and Associates a consultant who helped with the NEATS study (Northeast Area Transportation Study). They are looking at a focus needs analysis for that corridor. They have confirmed scope of work with David Evans & Associates and will be advancing that contract.
 - CM Berzins asked what size street sign is it going to take for Aerotropolis Parkway? Mac Callison responded they can abbreviate Parkway. Now's the time to do that before the signs are fabricated.
 - Becky Hogan commented (in chat) please remember that Jackson Gap Way affects both Porteos and Fine Airport Parking North of 56th. The CEO will be here from Tulsa for the State of the City.

- Blake Fulenwider asked Mac if the four to six weeks are to get David Evans under contract or complete the analysis? Mac responded they would have them under contract, notice to proceed by the end of this week or the first part of next week. The four to six weeks is for the analysis and then move forward with the stakeholder group. Blake asked Mac, Victor, et al. (in chat) if any additional materials were covered/reviewed/discussed as part of the City Council's discussion of the Aerotropolis Parkway not included in the City Council agenda packet? CM Berzins responded that Mac Callison will follow up. CM Gruber responded (in chat) and invited Blake to attend the ARTA meeting where the board is designing and lettering the interchange and construction contracts. CM Gruber shared (in chat) the website <https://aerotropolis.org/>.
- Rachel Gruber (DEN) requested (in chat) to follow up on Blake's question to please share the materials with her.
- CM Berzins asked Mark Witkiewicz if his questions in chat: What road will be named Aerotropolis Parkway, Harvest Mile: How will that tie into the airport: Is there a map: were answered? (in chat) Mark responded yes; Dan pointed him to the City Council agenda package.

4. Miscellaneous Matters for Consideration

4.a Aurora Economic Development Council

- Yuriy Gorlov:

They see a lot of activity and calls from national brokers and companies worldwide that are talking about relocating to Aurora. There is a lot of active development East of E-470. They have a couple of thousand acres activated now. The Port Colorado project is moving forward with 2.2 million square feet of speculative development. They are talking with Adams County and the Spaceport about infrastructure improvements.

4.b Havana Business Improvement District

- Chance Horiuchi:

See the attached HBID update that was shared at today's PED meeting.

4.c Aurora Chamber of Commerce

- No report

4.d Planning Commission

- Dennis Lyon:

Thank you for the UDO update today; it will be beneficial to the Planning Commission. They have a lot on tonight's agenda. They have a new McDonald's going in at Blackhawk & Iliff, near the Boston Market: Raising Canes' Chicken is going next to the Kohl's at Hampden and Tower: Two housing developments going in at Murphy Creek 9.4 acres at Gun Club & Louisiana West of the 13th Fairway at Murphy Creek Golf Course: Buckley Yard housing development 37 acres at Airport Blvd & Alameda Parkway with 304 attached and detached homes along East Tollgate Creek.

4.e Oil and Gas Committee

- Brad Pierce:

CM Berzins thanked Brad for providing the update memo in the packet. Brad thanked the City Council for making the appointment Monday night to fill the vacancy on the committee. They now have 11 full contingent people on the committee. Brad commented that in terms of the UDO, he read about reverse setbacks and added that is when the well

is there first, and then some development or housing comes in closer to an existing well. That will be a continuing issue. Crude oil is around \$80.00 a barrel, which we all feel at the gas pump. CM Berzins commented that she expects broader discussion on the reverse setbacks with the planning commission and council. Jason responded that this is a clean-up measure. It's not adding any new requirements that the City Council has not already put into place.

4.f Business Advisory Board

- Chance commented (in chat) that BAB did not meet in September but will meet on Monday.

4.g Retail

- Bob Oliva:

ICSC changed its name after 50 years to Innovative Commerce Service Communities. There is a shift from pure retail to more of the economic development part of retail. The December event is not expecting high attendance, so they will spend less at the December event and focus on the main ICSC event in May 2022. They have a significant uptick in activity in the arts district. Through coordination with Kevin Haugen, they have connected with someone interested in maybe operating and performing arts events in available space at the mall. The gentleman purchasing LaPlaza closed on the building at Chambers and Colfax. The two-year project may start to move forward now that he is in control of the building. They see the same thing Chance mentioned with sales tax picking up again. Shop local and go to the restaurants, please.

- CM Berzins commented that she and Mayor Coffman toured the performing arts section this weekend. It will require a lot of work and imagination. They don't need another building or development to subsidize. Bob responded that the person operating the events and performing arts may bridge that gap and create a self-sustaining center. CM Gruber commented that ICSC is very important. He and Jim Twombly attended ICSC a couple of years ago, where they negotiated the Costco warehouse now in Porteos and the McDonald's mentioned earlier at Blackhawk and Iliff. It's a good opportunity and having an elected official at the negotiation meetings is very important.

4.h Small Business

- No report

4.i Visit Aurora

- Bruce Dalton:

Last week, they attended the Colorado Hotel and Lodging Association, where Governor Polis spoke about a \$10 Million meeting and incentive grant fund. They are working to capture some of that money for our Aurora hotels and events. Last month hotels in Aurora were at 60%, with group business at about 35% of that 60%. The workforce is still an issue. After conversations with the Community College of Aurora (CCA) and hotels, they put together a workforce plan through CCA. He met with Tim Wolfe, the new director of the Colorado Tourism office, who is also working on filling that \$10 Million. They will have their Visit Aurora annual meeting on Thursday, November 18, from 9 to 11 at the Hyatt Regency Aurora.

- CM Gruber commented that an important conference is coming to Colorado called the GEOINT symposium (Geospatial intelligence). It's one of the largest annual intelligence community conferences in the nation. Bruce is leading the effort with the people on Buckley Air Force Base and the conference coordinator. It's important to this group because the people who attend this conference are leaders in the space

business and the space sensor business. He asked for the developers, and Yuri to work with Bruce to get the word out as to why Aurora is a great location. Bruce responded they are planning their meeting in April of 2022 at the Gaylord. They just finished their conference in St. Louis. Now is a perfect time to gather and rally the troops to become more focused on their annual meeting in April. If any developer or AEDC wants to reach out to me, we can coordinate the efforts to work with their CEO and their debt planners to roll out the red carpet for this group. The numbers are down slightly, but it will be a couple of thousand attendees.

5. Confirm Next Meeting Date

November 10, 2021 at 8:30 AM Teleconferencing meeting.

6. Adjournment

Marsha Berzins, Chair



CITY OF AURORA

Council Agenda Commentary

Item Title: Oil & Gas Division Update
Item Initiator: Jeffrey S. Moore, Manager Oil & Gas Division
Staff Source/Legal Source: Jeffrey S. Moore, Manager Oil & Gas Division / Ian Best, Assistant City Attorney
Outside Speaker: None
Council Goal: 2012: 6.4--Provide appropriate stewardship of natural resources to ensure long-term sustainability for the city

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: N/A

ITEM DETAILS:

- Agenda long title
 - Waiver of reconsideration requested, and if so, why
 - Sponsor name
 - Staff source name and title / Legal source name and title
 - Outside speaker name and organization
 - Estimated Presentation/discussion time
-
- Agenda long title: An update on the Oil & Gas Division and metrics from 2021
 - Waiver of reconsideration requested, and if so, why: N/A
 - Sponsor name: Jeffrey S. Moore
 - Staff source name and title / Legal source name and title: Jeffrey S. Moore, Manager Oil & Gas Division. / Ian Best, Assistant City Attorney
 - Outside speaker name and organization: N/A
 - Estimated Presentation/discussion time: 15/10 minutes

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input checked="" type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached | <input type="checkbox"/> Minutes Not Available |

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

N/A

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

The PED Committee has requested an annual update from the Oil & Gas Division. This presentation is designed to fulfill that commitment. Topics to be discussed will be: names and status of current Operators within the City, number of drilled wells, number of plugged wells, number of plugged wells successfully located, the passage of the Oil & Gas Manual, current work on an updated web page and map-based interface, number of inspections and results, number of permits issued this year, and status of permits under review. We will also provide a brief update on rulemaking at the state level (Colorado Oil & Gas Conservation Commission.)

QUESTIONS FOR COUNCIL

Do the Committee Members have questions about the information presented?

Do the Committee Members believe the amount of information presented is appropriate, or should other topics be included in the future?

LEGAL COMMENTS

The City Manager shall be responsible to the council for the proper administration of all affairs of the City placed in the City Manager's charge and, to that end, shall have the power and duty to make written or verbal reports concerning the affairs of the city under such supervision. City Charter §7-4(e). (Best).

PUBLIC FINANCIAL IMPACT

- YES NO

If yes, explain:

PRIVATE FISCAL IMPACT

- Not Applicable Significant Nominal

If Significant or Nominal, explain: