Minutes of the Regular Meeting of the Planning and Zoning Commission
City of Aurora, Colorado

January 13, 2021

THIS MEETING WAS A VIRTUAL MEETING DUE TO CONCERNS SURROUNDING THE COVID-19 (CORONAVIRUS) OUTBREAK.

1. MEETING CALLED TO ORDER

The meeting was called to order at 6:10 p.m. with Chairman Lyon presiding.

COMMISSIONERS PRESENT:	Dennis Lyon, Bob Bengen, Melvin Bush, Bob Gaiser, Becky Hogan, Gayle Jetchick and Esther Turcios
STAFF PRESENT:	Brandon Cammarata, Dan Money, Claire Dalby, Heather Lamboy, Kristen Tanabe, Brianna Medema and Susan Chapel

2. INTENTIONALLY LEFT BLANK

3. ADOPTION OF THE MINUTES

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

MOVE TO APPROVE THE DECEMBER 9, 2020 MINUTES AS SUBMITTED.

MOTION PASSED UNANIMOUSLY.

4. ADOPTION OF THE AGENDA.

A motion was made by Chairman Lyon and seconded by Commissioner Hogan.

MOVE TO APPROVE THE DRAFT AGENDA AS THE PERMANENT AGENDA. AGENDA ITEMS 5a – 5c WILL BE HEARD AT THIS MEETING ALL OTHER AGENDA ITEMS HAVE EITHER BEEN WITHDRAWN, ARE INACTIVE OR ARE BEING CONTINUED TO A LATER DATE.

MOTION PASSED UNANIMOUSLY.

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AGENDA ITEM 5a and b:

Hearing and consideration Ziggi's Coffee – Conditional Use and Site Plan

Applicant:	Ziggi's Coffee
Location:	Southeast Corner of Buckley Road and Exposition Drive
DA Number:	DA-2247-00
Case Numbers:	2020-6046-01; 2020-6046-00
Case Manager:	Claire Dalby

The applicant, JP Tollgate LLC, proposes a Site Plan for a coffee shop with a walk-up window and a Conditional Use for an associated drive-through lane. An adjustment is being requested for landscape buffering on the northern portion of the site. The site is an approximately 1.07-acre parcel, zoned Mixed-Use Corridor (MU-C) in Subarea B, and is included in the Bristol Village General Development Plan area. A Conditional Use Approval is required for accessory drive-through facilities in the MU-C District. The vacant site is located in the southeast corner of South Buckley Road and East Exposition Drive and will be accessed from both Buckley Road and Exposition Drive via an internal private drive.

The site will include a 624 square-foot single-story building with two drive-through lanes merging into one as well as a walk-up window and an outdoor patio area for customers. The applicant has indicated that the hours of operation will be 6 AM to 8 PM seven days per week. The walk-up window on Exposition Drive will facilitate pedestrian accessibility and safety from the cars accessing the drive-through on the opposite side of the building. There will be no order area or customer seating inside the building. Pedestrians will also be able to circulate to the development to the south via a southern sidewalk connection and crosswalk across the internal drive. The contemporary building design will include a stone veneer base, stucco veneer walls, galvanized corrugated metal panels and trim, and a pre-finished metal parapet cap, all in earth tones.

Staff is supportive of an adjustment request to deviate from the required 20' wide street frontage landscape buffer along Exposition Dr. to encourage outdoor seating and patron walkability on the site.

Five (5) adjacent property owners and fourteen (14) registered neighborhood organizations were notified of the application. No neighborhood comments were received and therefore no neighborhood meeting was held.

Testimony Given at the Hearing:
Claire Dalby, Case Manager, gave a presentation of the items, including the staff recommendations.

Commissioner Jetchick asked where the bike racks are located. Ms. Dalby answered that they're located within the patio area.

Commissioner Gaiser asked whether the site gives vehicular access to the adjacent parking lot for the multifamily development. Ms. Dalby confirmed that it does not.

Commissioner Turcios asked if the decreased buffer width and larger patio was planned due to COVID-19. Ms. Dalby answered that while it might have been in mind, the design was planned for the general future and not solely for COVID needs.

Planning Commission Results

Agenda Item 5a – Conditional Use

A MOTION WAS MADE BY COMMISSIONER BUSH AND SECONDED BY COMMISSIONER BENGEN.

MOVE TO APPROVE THE CONDITIONAL USE BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 146-5.4.3.A.3 OF UNIFIED DEVELOPMENT ORDINANCE, FOR THE FOLLOWING REASONS:

1. THE APPLICATION COMPLIES WITH APPLICABLE STANDARDS IN THE UDO AND THE BRISTOL VILLAGE GDP.
2. THE APPLICATION IS CONSISTENT WITH THE COMPREHENSIVE PLAN "STRONG ECONOMY" GOAL TO CREATE NEW AND UNIQUE RETAIL AREAS THAT MATCH CHANGING TRENDS.
3. THE SIZE, SCALE, HEIGHT, DENSITY, TRAFFIC IMPACTS AND HOURS OF OPERATION ARE COMPATIBLE WITH EXISTING USES IN THE AREA AND WILL NOT CHANGE THE PREDOMINANT CHARACTER OF THE AREA.
4. THERE IS ADEQUATE CAPACITY WITH CITY INFRASTRUCTURE TO SERVE THE PROPOSED DEVELOPMENT.
5. ADVERSE IMPACTS TO THE SURROUNDING AREA HAVE BEEN MITIGATED.

Further Discussion:
No further discussion occurred.

MOTION PASSED UNANIMOUSLY.

Agenda Item 5b – Site Plan with Adjustment

A MOTION WAS MADE BY COMMISSIONER JETCHICK AND SECONDED BY COMMISSIONER GAISER.

APPROVE, WITH ONE CONDITION, THE SITE PLAN WITH ADJUSTMENT TO SECTION 146-4.7.5.D OF THE UNIFIED DEVELOPMENT ORDINANCE, WHICH REQUIRES A 20' STREET FRONTAGE LANDSCAPING BUFFER, BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 146-5.4.3.B.3 OF THE UNIFIED DEVELOPMENT ORDINANCES FOR THE FOLLOWING REASONS:

1. THE PROPOSAL COMPLIES WITH THE STANDARDS OF THE UDO, THE BRISTOL VILLAGE GDP, AND OTHER ADOPTED CITY REGULATIONS.
2. ADEQUATE INFRASTRUCTURE HAS BEEN PROVIDED AND IMPACTS ARE MITIGATED.
3. THE PROPOSED BUILDING IS COMPATIBLE WITH THE SURROUNDING DEVELOPMENT.

APPROVAL TO BE SUBJECT TO THE FOLLOWING CONDITION:

1. RESOLUTION OF OUTSTANDING TECHNICAL ISSUES PRIOR TO RECORDATION AND ISSUANCE OF ANY BUILDING PERMITS.

Further Discussion:
No further discussion occurred.

MOTION PASSED UNANIMOUSLY.

AGENDA ITEM 5c:

Hearing and consideration of Murphy Creek Planning Areas 16 and 20 – Site Plan with Adjustments

Applicant:	Meritage Homes
Location:	North and South of E Jewell Avenue adjacent to the Murphy Creek Golf Course in the vicinity of Flatrock Trail/Jewell Avenue intersection
DA Number:	DA-1250-48
Case Numbers:	2020-4020-00
Case Manager:	Heather Lamboy

The applicant, Meritage Homes, proposes to construct 73 single-family detached homes on 8.29 acres located north and south of E Jewell Ave in the vicinity of the E Jewell Avenue and S Flatrock Trail intersection within the Murphy Creek development. On the 8.29-acre parcel north of E Jewell Avenue, 32 dwelling units are planned, and on the 11.16 parcel south of E Jewell Avenue, 40 dwelling units are planned. The Murphy Creek General Development Plan (GDP) identifies this tract of land as Planning Areas 16 and 20 and is entitled for Single-Family Detached medium size lots up to a density of 4 dwelling units per acre. The proposed density is 3.7 dwelling units per acre, and the development is subject to the Murphy Creek residential design standards.

The minimum lot size for Murphy Creek "medium" lots is 6,000 square feet with a minimum frontage of 55 feet for front-loaded garages. The applicant is requesting adjustments to this standard for 20 of the 73 lots (27%) due to the constraints of the oddly-shaped parcels. The maximum height permitted is 35 feet; all proposed homes will be at least two-stories, some with walkout basements, all of which will comply within the maximum height standard. The floor area of each unit exceeds the Murphy Creek GDP minimum of 1,200 square feet – with all models being at least 1,200 square feet.

The Murphy Creek GDP requires that the architectural design of the homes comply with the Single-Family Detached Design Standards. Signage and fencing elements will comply with the Murphy Creek Branding standards.

A park amenity is located at the southwest corner of the development. Sidewalks connect the neighborhood to Jewell Ave and other areas in the Murphy Creek neighborhood, and to the east to the existing Harvest Mile power line trail.

Testimony Given at the Hearing:
Heather Lamboy, Case Manager, gave a presentation of the item, including the staff recommendation.

Commissioner Bengen clarified the proposed conditions of approval. He asked about the role of the property owner, which is the declarant of the CCRs (Covenants, Conditions, and Restrictions for Murphy Creek) in the approval of the home designs. Ms. Lamboy explained that the CCRs give the property owner authority for the review. The applicant had planned on presenting to the recently-formed Murphy Creek Architectural Review Committee for a courtesy review of the proposed elevations.

Commissioner Gaiser asked whether the roads would be public, and they will be. Commissioner Gaiser also asked about the right-of-way width and whether on-street parking would be permitted. Ms. Lamboy responded that on-street parking would be permitted except in areas where the street curves. Commissioner Gaiser observed that the townhome development to the west of the site is having a problem with guest parking and asked whether guest parking would be provided. Ms. Lamboy responded that there would be two parking spaces in the garage, and two driveway parking spaces for

each dwelling unit, which would cover the guest parking requirement for single-family detached dwelling units. She added that on-street parking could also be utilized for guest parking.

Chair Lyon asked where the passive recreation areas would be located, and in response Ms. Lamboy reviewed the location of the recreation areas on the site plan.

In further discussion, Kristin Tanabe, engineer with the Public Works Department, confirmed that the right-of-way would be 60 feet wide. Commissioner Gaiser asked Ms. Tanabe whether there is enough room for a large truck to pass another with cars parked on the street. Ms. Tanabe replied no.

Karen Henry, Henry Design Group, 1501 Wazee Street, Suite 1-C, Denver, CO gave a presentation of the item.

Tom Gissen, Meritage Homes, 8400 E Crescent Parkway, Suite 200, Greenwood Village, CO presented the proposed architectural design of the homes.

Commissioner Gaiser asked whether trees will be installed along the streets, Ms. Henry replied yes. Commissioner Gaiser asked about the types of fencing proposed, which Ms. Henry in response described. Commissioner Gaiser asked whether there would be water in the detention ponds.

Todd Lyon, Proof Civil, 600 Grant Street, Suite 210, Denver, CO, the applicant's engineering consultant, responded that there would be water in the ponds during a rain event, and the water would only remain for a total of 40 hours afterward.

Commissioner Gaiser asked whether there would be any connections to the trail within Murphy Creek. Ms. Henry responded that there is no connection and it is not the responsibility of Meritage Homes to build it.

Commissioner Hogan asked what the price range might be for the homes. Mr. Gissen responded that the price points have not yet been determined.

Commissioner Bengen asked about whether the elevations were representative of what would be constructed. Mr. Gissen responded that they would be similar but would be determined according to the lot sizes, and as they are refined, some changes may be made to the elevations. He stated that they would comply with the Murphy Creek Design Standards.

Chair Lyon asked what the relationship with this development would be and the Murphy Creek HOA and Metro District 3. Ms. Henry responded that the development would have their own HOA in addition to belonging to the Master Association. She noted that the tract on the north side of Jewell will be in Metro District 3, and on the south side of Jewell in Metro District 4.

Commissioner Hogan asked whether this was part of the Airport Influence District and Ms. Lamboy responded yes, and that an avigation easement has already been filed for the property.

Maggie Rash, 1555 De Gaulle Way, Aurora, CO, a community member, reviewed the Metro Districts and the associated responsibilities for each. She commented that she wanted to be sure that the site plan reflected both districts. Ms. Rash asked whether 3-car garages were being considered, and Mr. Gissen replied that likely not, given the limited number of circumstances that 3-car garages are permitted in the GDP.

Margaret Sobey, 1403 S Addison Court, Aurora, CO, a community member, stated that she appreciates that the applicant is being cognizant and respectful of the GDP. She stated that, in her opinion, that the reduced lot sizes were not objectionable. Ms. Sobey expressed concern regarding the short time to review the plans after the latest documents were uploaded on December 31, 2020. She further stated that the applicant's response to the second review comments was not included. She stated that the Master HOA did not receive the notice of public hearing. Ms. Henry responded that she had shared the list of addresses to which she sent notice, and that it was certified by the post office that the notice was mailed. Ms. Sobey observed that the townhome association to the west was not notified, and Ms. Lamboy noted that unless the association was registered with the city or if it is an abutting property owner, notice would not be sent.

Ms. Sobey discussed the proposals for access to the site and Brianna Medema, Traffic Engineering, addressed Ms. Sobey's concerns. Commissioner Gaiser asked when the four lanes of Jewell would be constructed past this development, and Ms. Medema responded that it would be concurrent with the development to the east. Ms. Henry added that Jewell is currently under design.

Chair Lyon wanted to clarify whether the total was 72 or 73 lots, Mr. Lyon, Proof Civil, responded that it would be 73 lots.

Planning Commission Results

Agenda Item 5c – Major Site Plan with Adjustments

A MOTION WAS MADE BY COMMISSIONER BENGEN AND SECONDED BY COMMISSIONER HOGAN.

MOVE TO APPROVE, WITH A CONDITION, THE SITE PLAN WITH TWO ADJUSTMENTS TO THE MURPHY CREEK GENERAL DEVELOPMENT PLAN STANDARDS FOR MINIMUM LOT SIZE AND WIDTH, BECAUSE IT COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 146-5.4.3.B.2.C OF THE UNIFIED DEVELOPMENT ORDINANCE FOR THE FOLLOWING REASONS:

1. THE PROPOSAL IS IDENTIFIED AS A PRIMARY LAND USE IN THE EMERGING NEIGHBORHOODS PLACETYPE IN THE AURORA PLACES PLAN AND FURTHERS THE "HOUSING FOR ALL" PRINCIPLE.
2. THERE IS CAPACITY WITH THE EXISTING CITY INFRASTRUCTURE TO ACCOMMODATE THE DEVELOPMENT AND IMPROVEMENTS, SUCH AS SIDEWALK CONNECTIONS, WILL IMPROVE CITY INFRASTRUCTURE AND PUBLIC IMPROVEMENTS.
3. THE PROPOSAL IS COMPATIBLE WITH THE SURROUNDING USES AND COMPLIES WITH THE MURPHY CREEK GENERAL DEVELOPMENT PLAN STANDARDS.
4. ADVERSE IMPACTS HAVE BEEN MITIGATED.

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:
Commissioner Jetchick commented that the HOA notification process has been an on-going issue and suggested it for a future study session. Chair Lyon agreed.

MOTION PASSED UNANIMOUSLY.

6. PUBLIC INVITED TO BE HEARD

Maggie Rash, 1555 De Gaulle Way, Aurora, CO, commented regarding agreements with the Metro District and plans being approved.

Margaret Sobey, 1403 S Addison Court, Aurora, CO, clarified at statement that she made during the Murphy Creek item. She also commented that it seems that decisions made are in favor of developers and not residents of communities. Chair Lyon stated that the Planning and Zoning Commission is not influenced by developers or City Council. The Commissioners are finders of fact and make decisions based on code to the best of their ability. When items are denied reasons are given for the denial. Commission Gaiser commented that he believed that Ms. Sobey was referring to administrative decisions.

Kristin Tanabe, Public Works, clarified the drainage for the Murphy Creek item.

7. MISCELLANEOUS ITEMS OF BUSINESS

Commissioner Hogan noted that study sessions have been cancelled when there is not a lack of topics to be discussed. Commissioner Bush stated that coordination with speaker's availability is sometimes problematic causing rescheduling and not enough time to coordinate another speaker.

Election of Officers:

A MOTION WAS MADE BY COMMISSIONER BUSH AND SECONDED BY COMMISSIONER JETCHICK TO RE-ELECT CHAIRMAN LYON AS CHAIRMAN.

MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY CHAIR LYON AND SECONDED BY COMMISSION TURCIOS TO RE-ELECT COMMISSIONER BUSH AS VICE-CHAIRMAN.

MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY COMMISSION HOGAN AND SECONDED BY CHAIR LYON TO RE-ELECT COMMISSIONER JETCHICK AS SECOND VICE-CHAIRMAN.

MOTION PASSED UNANIMOUSLY.

8. REPORT/UPDATE BY THE PLANNING MANAGER

Brandon Cammarata, Planning Manager, noted that a list of study session topics is being formulated for 2021. He explained where to find the list of potential topics for the next several months. Some sessions will be training sessions regarding traffic and drainage reviews. He welcomed the Commissioners to submit topics of interest.

He reported that appointments are being worked on and will have more information regarding them at the next meeting.

Mr. Cammarata explained to the Commission that Ms. Dalby is moving and thanked her for her contributions, he noted that she will continue as a contract employee. He also reported that more staff are being added to the Planning Division. The department will be focusing on Accela, the new data base being implemented within the city, for the next six months.

Commissioner Jetchick asked whom will replace Vinessa Irvin as Manager of Development Assistance. Mr. Cammarata responded that Jacob Cox has taken over that position. He also added that Tod Kuntzelman has taken on a new role as Development Process Improvement Manager.

9. REPORT BY THE CITY ATTORNEY

Dan Money, Assistant City Attorney, discussed the notification process.

Chairman Lyon adjourned the meeting at 8:09 p.m. until Wednesday, January 27, 2021.

Minutes Approved

Dennis Lyon, Chairman