

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

April 13, 2022

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 Bush presiding.

COMMISSIONERS PRESENT: Sunny Banka, Melvin Bush, Bob Gaiser, Becky Hogan, Gayle Jetchick and Garrett Walls

STAFF PRESENT: Brandon Cammarata, Jeanine Rustad, Dan Money, Heather Lamboy, Aja Tibbs, Sarah Wile, Ariana Muca, Dan Osoba, Liz Fuselier, Erik Gates, Kristin Tanabe, Steven Gomez, Stephanie Beard and Susan Chapel

2. INTENTIONALLY LEFT BLANK

3. ADOPTION OF THE MINUTES

Approval of the minutes from March 9, 2022

Commissioner Walls made the following correction to Page 46 - Chairman Bush adjourned the meeting at 7:01 p.m. until Wednesday, *March 23, 2022*.

A MOTION WAS MADE BY COMMISSIONER WALLS AND SECONDED BY COMMISSIONER BANKA TO APPROVE THE MINUTES FROM MARCH 9, 2022 AS AMENDED.

MOTION PASSED UNANIMOUSLY

Approval of the minutes from March 23, 2022

Commissioner Walls noted that the numbering on some of the agenda items was not correct.

Susan Chapel, Planning Commission Secretary, stated the corrections would be made.

A MOTION WAS MADE BY COMMISSIONER WALLS AND SECONDED BY COMMISSIONER JETCHICK TO APPROVE THE MINUTES FROM MARCH 23, 2022 AS AMENDED.

MOTION PASSED UNANIMOUSLY.

4. ADOPTION OF THE AGENDA.

A MOTION WAS MADE BY CHAIRMAN BUSH AND SECONDED BY COMMISSIONER BANKA.

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 AGENDA ITEMS 5a – j WILL BE HEARD AT THIS MEETING ALL OTHER AGENDA ITEMS HAVE EITHER BEEN WITHDRAWN, ARE INACTIVE OR ARE BEING CONTINUED TO A LATER DATE.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

Hearing and consideration of ALTA Addison Multi-Family – Site Plan with Adjustments

Applicant: Wood Partners
Location: Approximately 1,500 feet north of the intersection of S Addison Court and S Aurora Parkway
DA Number: DA-2288-00
Case Number(s): 2021-4028-00
Case Manager: Aja Tibbs

The applicant, Wood Partners, is requesting approval of a Site Plan to develop a vacant lot located on the east side of E-470, which is approximately 1500 feet north of the intersection of S. Addison Ct. and S. Aurora Pkwy. The proposal is to construct 186 multifamily units within six separate buildings as well as a clubhouse, pool with pool house, garage, carport and surface parking, and outdoor amenity spaces on a 5.6-acre site. The site is located within the Pine Ridge Ranch Planned Development, which designates multifamily residential development as a permitted use. The property is bordered by E-470 right-of-way to the west, the Piney Creek Open Space and Red-Tailed Hawk Park to the north and east of the site, and the Saddle Rock LDS Church to the south.

The site has limited access due to the surrounding E-470 and open space lands and can only be accessed from the south side of the site through S. Addison Ct. Addison Court has been extended into the site to provide street frontage for most of the residential buildings (refer to adjustment request #1 for more details). Parking will be provided through a mixture of 45 tuck-under garage spaces, 124 covered carport spaces, and 55 uncovered surface parking spaces. An additional 30 tandem parking spaces are also planned, but they are not counted towards the minimum off-street parking requirements. Amenities proposed with the project include a clubhouse with pool and pool house, a large landscaped and wetland area to the north of the site, two trail connections to the Piney Creek Open Space Trail to the north and east of the site, and a landscaped buffer area to the west of the site along E-470. Building elevations are modern in design and comply with the building design standards established in the UDO and Pine Ridge Ranch GDP.

This proposal meets all site plan requirements, with four adjustment requests related to site shape and location constraints. The first request is to allow two of the proposed six multifamily buildings to front on the adjacent open space rather than a street, the second is to remove the requirement for a sound wall along the E-470, and the third and fourth adjustments are to allow encroachments into landscaping buffers. Staff is supportive of the adjustment requests.

No comments were received by staff following that application notification to four abutting property owners and fourteen neighborhood groups. Therefore, no neighborhood meeting was held. The application was originally scheduled for a public hearing on March 23, 2022. Shortly before the hearing, multiple written comments were received by staff and presented to the Planning Commission for review. The Planning and Zoning Commission also received several verbal comments at the meeting. Comments in support of the application noted that development would help to clean up the site, and that it was a land use right. However, most of the comments received are in opposition to the development proposal. Concerns raised generally included opposition to development of the site (wanting the area to be preserved/remain vacant), increased traffic on Addison Rd, architectural design compatibility, impacts to wildlife, and the type of housing product proposed. Refer to Exhibit F of the Planning and Zoning Commission Report for a copy of the written comments received by staff up to April 6, 2022. Additional written comments were provided through a blue form prior to the hearing.

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Testimony Given at Hearing:

Aja Tibbs, Case Manager, gave a presentation of the item, including staff recommendation.

Commissioner Hogan asked for procedural clarification regarding questions asked at the previous meeting. Daniel Money, Senior Assistant City Attorney, noted that this is a separate public hearing and asking the same questions would be appropriate.

Commissioner Hogan asked if E-470 supported the sound wall adjustment request, and staff confirmed that they were a referral for the development review process and did not object to the request. Commissioner Hogan also asked how large the adjacent Piney Creek open space was, but that was unknown by staff. Commissioner Hogan clarified the question to ask if it was larger than the subject site, and staff confirmed that it was.

Commissioner Walls requested the Traffic Study for review and Commissioner Bush asked staff to share their conclusions of the Traffic Study. Senior Traffic Engineer, Steven Gomez, replied that the current infrastructure will be able to accommodate the additional traffic, and intersections will operate at a reasonable level.

Commissioner Banka stated that the project is already approved because the site plan is in Subarea C, and that the adjustment requests are only being requested for review by the Planning Commission. Ms. Tibbs confirmed that the adjustments are the reason that the item is being brought before the Planning Commission. Brandon Cammarata, Planning Manager, clarified that the standards require any site plan with adjustments to be brought to the Planning and Zoning Commission for approval.

Commissioner Gaiser commented that traffic studies are standard and not geared toward certain applicants and then asked for staff confirmation. Mr. Gomez confirmed that was correct, and that standards exist so that they are consistent across all studies.

Walter Armer, Wood Partners, 4600 S Syracuse, Suite 210, Denver, CO, representing the applicant, gave a presentation of the item. A neighborhood meeting was privately arranged between the applicant and the HOA's of Highland Villas and Eagle Bend (staff was not present). Construction traffic was a concern of the neighbors and mitigation solutions have been worked on and the applicant is committed to them. Pedestrian safety is important, and the applicant would collaborate with stakeholders and the city to support a speed bump if desired. The applicant committed to continue communicating with the neighbors.

Commissioner Walls asked if the proposal was a long-term investment or going to be sold after construction. Mr. Armer confirmed that the applicant plans to maintain and manage the property.

Commissioner Hogan asked for the estimated price points for the units. Mr. Armer provided a range depending on the unit type. The low is around \$1,000 per month for 1-bedroom and up to \$3,000 per month for the larger 3-bedroom units.

Alysha Koumantakis, 25439 E Fair Drive, Aurora, CO, a citizen, spoke in opposition, stating that she has a business of leading nature walks, families and children have been very disappointed that the surrounding area is going to change. She is concerned that her business will need to be moved. She asked the Planning Commission to please consider the lasting affects this project will have in so many ways.

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Bill Fung, 7577 S Biloxi Way, Aurora, CO, a citizen, spoke in opposition, citing strong concerns of the high-density development and the long term affects.

Bruce Everstine, 7507 S Biloxi Way, Aurora, CO, a citizen, spoke in opposition, stating that Heritage Eagle Bend residents do not want the development. Concerns: traffic and safety, needs more parking and overflow into Addison Court and the Latter-Day Saints facility parking lot.

Commissioner Bush explained that the commission has acknowledged that traffic is an issue and requested that speakers please keep that in mind when commenting.

Steve Caldara, 7613 Yakima Court, Aurora, CO, a citizen, concurred with Mr. Everstine. He also cited that there was a discrepancy in the site size in statements made by staff and Mr. Armer. He noted that there is no housing like this nearby, even though Mr. Armer claimed there is. This causes him to question the integrity of the developer. He further stated that has been no communication with HOAs until much later than applicant said.

Linda Beneda, 7637 S Winnipeg Court, Aurora, CO, a citizen, spoke in opposition, citing that even though the property is zoned for this type of development, the concern is when an area has been built up around a small piece of land is the zoning being reassessed and looking out for communities. Does not fit into the area. The adjustments do not need to be approved.

Linda Bogner, 7499 S Biloxi Way, Aurora, CO, a citizen, spoke in opposition, citing traffic issues on Addison, there is already an abundance of apartments in the area, with over 200 vacancies. The wild habitat destruction is heartbreaking.

Loise Theilmann, 23311 E Dry Creek Circle, Aurora, CO, a citizen, was called upon, but could not unmute and did not speak.

Marina Lehmann, 7581 Yakima Court, Aurora, CO, a citizen, spoke in opposition, citing neighbor's concerns have not been addressed and there will be too much traffic.

Thom Dorr, 23341 E Dry Creek Circle, Aurora, CO, a citizen, spoke in opposition, citing traffic at the Latter-Day Saints facility is a concern for every school day.

Mario Ciaralli, 1800 Wazee St, Suite 450, Denver, CO, stated he did not have any comments at this time.

Maryan Sneed, 23321 E Dry Creek Circle, Aurora, CO, a citizen, spoke in opposition, citing concerns of traffic, cars racing, crime, and the demographic of the development is not compatible with existing development.

Rick Matteson, 22280 E Heritage Parkway, Aurora, CO, a citizen, spoke in opposition, citing traffic concerns.

Roger Farnand, 7497 S Biloxi Way, Aurora, CO, a citizen, citing traffic concerns, and the lack of communication with the surrounding neighborhoods

Yulisa Quintela, 7473 S Biloxi Way, Aurora, CO, a citizen, was called upon but did not speak.

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Sonny Pothis, 7581 S Yakima Court, a citizen, spoke in opposition, his concern was about the Latter-Day Saints church as the emergency route. Additional complaints were about dirt and mud tracking through the site, as well as children crossing Addison to get on school buses.

Mr. Armer responded to the public testimony by noting that he appreciates their concerns, and that they may have expected the open space to stay that way forever. He stated that they are striving to make the development a good contribution to the community. He noted that he did not hear objections to the adjustments being requested.

Commissioner Hogan noted the communities that were sent referrals and asked the applicant to confirm. Walter Armer confirmed that, yes, the required notices were performed and that certificates of mailing and photographs were provided to staff. Commissioner Hogan asked staff if there would be a requirement for a future traffic signal to be shared by this applicant. Mr. Armer replied he was not aware of one, and Mr. Gomez stated that the warrant analysis indicated that the development did not meet the warrants for a signal based on traffic volumes.

Planning Commission Results

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

MOVE TO APPROVE, WITH ONE CONDITION, THE SITE PLAN WITH FOUR ADJUSTMENTS TO; SECTION 146-3.3.H.1 TO ALLOW TWO BUILDINGS TO BE FRONT TO OPEN SPACE INSTEAD OF A STREET; SECTION 146-4.7.9.G. TO ELIMINATE THE REQUIREMENT TO BUILD AN 8' SOUND WALL ALONG E-470; AND SECTIONS 146-4.7.5.4 AND 146-4.7.5.5 TO ALLOW SIDEWALKS AND RETAINING WALLS WITHIN A REQUIRED LANDSCAPE BUFFER; BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF SECTION 146-5.4.3.B.2 OF THE UNIFIED DEVELOPMENT ORDINANCE FOR THE FOLLOWING REASONS:

1. WITH THE EXCEPTION OF THE FOUR REQUESTED ADJUSTMENTS, THE PROPOSAL IS CONSISTENT WITH ALL APPLICABLE STANDARDS, REGULATIONS, AND PLANS WHICH AFFECT THE PROPERTY, INCLUDING THE PINE RIDGE RANCH GENERAL DEVELOPMENT PLAN.
2. THE FOUR ADJUSTMENT REQUESTS SATISFY REVIEW CRITERIA IN UDO SECTION 146-5.4.4.D.
3. THE PROPOSAL IS IDENTIFIED AS PRIMARY LAND USE IN THE COMMERCIAL HUB PLACETYPE IN THE AURORA PLACES PLAN AND FURTHERS THE "HOUSING FOR ALL" PRINCIPLE.
4. EXISTING CITY INFRASTRUCTURE AND PUBLIC IMPROVEMENTS HAVE THE CAPACITY TO SERVE THE DEVELOPMENT, AND IMPROVEMENTS HAVE BEEN MADE TO MITIGATE ANY POTENTIAL NEGATIVE IMPACTS.
5. THE PROPOSAL WILL IMPROVE AND EXPAND EXISTING BICYCLE AND PEDESTRIAN CONNECTIVITY THROUGH THE SITE AND TO THE ADJACENT REGIONAL TRAIL NETWORK.
6. THE PROJECT IS COMPATIBLE WITH SURROUNDING OPEN SPACE AND INSTITUTIONAL USES AND HAS PLANNED MITIGATION MEASURES TO ADDRESS COMPATIBILITY WITH THE ADJACENT E-470 RIGHT-OF-WAY.
7. THE PROPOSAL HAS MINIMAL EXTERNAL IMPACTS ON THE SURROUNDING AREA AND PROVIDES HOUSING OPPORTUNITIES FOR AURORA RESIDENTS ON A PREVIOUSLY UNDEVELOPED AND ISOLATED PIECE OF PROPERTY.

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APPROVAL TO BE SUBJECT TO THE FOLLOWING CONDITION:

1. RESOLUTION OF OUTSTANDING TECHNICAL ISSUES PRIOR TO RECORDATION OF THE SITE PLAN MYLARS AND ISSUANCE OF ANY BUILDING PERMITS.

Further Discussion:

No further discussion was held prior to the vote.

MOTION FAILED ON A TIED VOTE

Following the vote, Daniel Money, Assistant City Attorney, confirmed that a tied vote is a failed motion. In the event of a failed motion, the applicant may choose to have another vote of the Commission at a later date or bring the request before the City Council. Walter Armer requested time to make the decision and said he will notify staff which option they will choose.

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AGENDA ITEM 7j

Hearing and consideration of Transit Hookah – Conditional Use for a Hookah Bar Near Residential

Applicant: Transit Hookah LLC
Location: Approximately 500 feet north of the intersection of E 1st Avenue
and Havana Street
DA Number: DA-2307-00
Case Number(s): 2022-6008-00
Case Manager: Erik Gates

This item was moved up on the agenda due to the applicant needed an interpreter and the interpreter was limited on their time.

Description:

The applicant, Transit Hookah, LLC, is requesting approval of a Conditional Use for a hookah bar at 262 N Havana Street in the MU-C zone district, Subarea A. The use is permitted in this zoning district but requires a conditional use permit because the proposal is within 300 feet of residential uses. The property is located on the east side of Havana Street, between East 4th Way and East 1st Avenue. This proposed use would be located within Suite C of the Gentlemen’s Acres development and proposes no changes or additions to the site.

The proposal is to locate the hookah in a 5,475 square-foot suite. The site is accessed via Havana St and shares a parking lot with the rest of the units within the Gentlemen’s Acres development. The hookah bar intends to stay open until 2:00 am. No alcohol service is proposed as part of this use.

No community comments were received during the review process for this case. The site is approximately 260 feet from the nearest residential development and is separated by an interviewing commercial property; it is likely that impacts of late-night operation will be minimal.

Four (4) adjacent property owners and eight (8) 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:

Erik Gates, Case Manager, gave a presentation of the item, including staff recommendations.

The Planning Commission did not have any questions for staff or the applicant.

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Planning Commission Results

Agenda Item 7j – Conditional Use for a Hookah Bar Near Residential

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

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

1. THE APPLICATION COMPLIES WITH ALL APPLICABLE STANDARDS IN THE UNIFIED DEVELOPMENT ORDINANCE.
2. THE APPLICATION IS CONSISTENT WITH THE COMPREHENSIVE PLAN “CITY CORRIDOR” PLACETYPE AND WILL HELP FURTHER CITY GOALS OF DEVELOPING NEW COMMERCIAL USES WITHIN THIS PLACETYPE THAT WILL SERVE NEARBY NEIGHBORHOODS.
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. THE PROPOSED USE WILL BE BUFFERED FROM THE RESIDENTIAL NEIGHBORHOOD BY INTERVENING COMMERCIAL USES.
5. THERE IS ADEQUATE CAPACITY WITH CITY INFRASTRUCTURE TO SERVE THE PROPOSED DEVELOPMENT; AND
6. ADVERSE IMPACTS TO THE SURROUNDING AREA HAVE BEEN MITIGATED.

APPROVAL TO BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. NO OPERATION AFTER 2:00 AM.
2. THE BUSINESS SHALL NOT PERMIT CONSUMPTION OR POSSESSION OF ALCOHOL AT ANY TIME.
3. THE LOCATION SHALL BE A LOUNGE NATURE AND SHALL NOT BE APPROVED FOR “AFTER HOURS CLUB OR ENTERTAINMENT” AS DEFINED IN 146-6.2 OF THE UDO.

Further Discussion:

Commissioner Walls stated that he would be abstaining from the vote due to a potential conflict of interest.

MOTION PASSED UNANIMOUSLY WITH WALLS ABSTAINING.

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AGENDA ITEM 7b

Hearing and consideration of Jamaso – Zoning Map Amendment

Applicant: Jamaso LLC
DA Number: DA-2243-00
Case Number(s): 2001-2005-01
Location: One-half mile south of Colfax Avenue and Powhaton Road
Case Manager: Aja Tibbs

The applicant, Jamaso, LLC, is requesting approval of a Zoning Map Amendment to rezone the 56.8-acre subject site from Medium Density Residential (R-2) and Mixed-Use Corridor (MU-C) to Mixed-Use Airport (MU-A). The subject property is located within Subarea C on the east side of Powhaton Road; approximately one-half mile south of the intersection of Colfax Avenue and Powhaton Road. The development site is impacted by two non-residential uses; the City of Aurora Prairie Waters Treatment Facility along the northeast side of the site, and an existing Oil and Gas Pad located within the southwest side of the site.

The property is designated as an Emerging Neighborhood Placetype within the Aurora Places Comprehensive Plan. This placetype encourages supporting commercial retail and services that are permitted within the requested MU-A zone district.

The applicant has also submitted the Jamaso Master Plan for planned future development of the property. Per the Unified Development Ordinance (UDO), Master Plans within Subarea C are reviewed and approved by the Planning Director and only reviewed by the Planning and Zoning Commission if an adjustment is requested. The applicant describes the Jamaso project as *“designed to be a modern retail site and storage facility dominated by commercial retail space and indoor/outdoor self-storage facilities. The proposed development is aimed at serving the existing and proposed residential communities in the immediate surrounding areas for convenience related services.”*

Six adjacent property owners and three registered neighborhood organizations were notified of the application. No comments were received by staff regarding the zoning map amendment application. Therefore, no neighborhood meeting was held. Staff has not received additional comments as a result of the Planning and Zoning Commission Public Hearing Notice and sign posting.

Testimony Given at the Hearing

Aja Tibbs, Case Manager, gave a presentation of the item, including staff recommendations.

The Planning Commission did not have any questions for staff or the applicant.

Planning Commission Results

Agenda Item 7b – Zoning Map Amendment

A MOTION WAS MADE BY COMMISSIONER BANKA AND SECONDED BY COMMISSIONER WALLS.

RECOMMEND APPROVAL OF THE ZONING MAP AMENDMENT TO REZONE THE EXISTING R-2 AND MU-C ZONE DISTRICTS TO MU-A TO CITY COUNCIL FOR THE SUBJECT SITE, BECAUSE THE PROPOSAL COMPLIES WITH THE CRITERIA IN SECTION 146-5.4.1.C.1.3 OF THE UNIFIED DEVELOPMENT ORDINANCE FOR THE FOLLOWING REASONS:

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1. IT REMAINS CONSISTENT WITH THE SPIRIT AND INTENT OF THE COMPREHENSIVE PLAN.
2. IT SUPPORTS THE PROPOSED JAMASO MASTER PLAN WHICH MEETS THE MU-A ZONE DISTRICT AND OTHER REGULATION OF THE UNIFIED DEVELOPMENT ORDINANCE.
3. THE ZONING MAP AMENDMENT DOES NOT IMPACT COMPATIBILITY WITH THE SURROUNDING AREAS OR USES; AND, IT WILL NOT CREATE ANY DISLOCATIONS OF TENANTS OR OCCUPANTS OF THE PROPERTY.

Further Discussion:

No further discussion occurred.

MOTION PASSED UNANIMOUSLY.

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AGENDA ITEM 7c

Hearing and consideration of Skydance – Comprehensive Plan Amendment

Applicant: Westside Investment Partners
DA Number: DA-2283-00
Case Number(s): 2021-1003-00
Location: Southeast Corner of Picadilly Road and 60th Avenue
Case Manager: Sarah Wile

The applicant, Westside Investment Partners, is requesting a Comprehensive Plan Amendment to change a 115-acre parcel from the City Corridor placetype to the Emerging Neighborhood placetype. The site is bounded by Picadilly Road to the west, 60th Avenue to the north, Tibet Road to the east, and 57th Avenue to the south. The purpose of this amendment is to ensure that the Aurora Places Placetype Map is consistent with the proposed Master Plan for this area. The property is zoned MU-A (Mixed-Use Airport) District and is within the Skydance Master Plan, which was reviewed concurrently with this Comprehensive Plan Amendment and is scheduled for an administrative decision in the near future. The Master Plan identifies single-family detached, single-family attached, multi-family, and mixed-use within this area, so the Emerging Neighborhood placetype is more compatible with the future uses than the City Corridor placetype designation. The City Corridor placetype designation would remain along the 56th Avenue frontage where commercial and mixed-use development is proposed within the Master Plan.

The subject property is currently adjacent to the Emerging Neighborhood placetype to the west, the Urban District placetype to the north, and the City Corridor placetype to the east and south. This Comprehensive Plan Amendment is proposed by the applicant because the proposed residential uses within the Skydance Master Plan are more consistent with both the vision and the supporting uses within the Emerging Neighborhood placetype than the City Corridor placetype. The primary land uses within the Emerging Neighborhood placetype include single-family detached, single-family attached, and multi-family, which align more closely with the northern portion of the Master Plan. This request is consistent with the approval criteria for Comprehensive Plan Amendments and will allow a balanced mix of residential and commercial uses within this Master Plan. No comments were received from adjacent property owners or other stakeholders regarding this application.

Fifteen adjacent property owners, two registered neighborhood organizations, and outside agencies were notified of the application. No comments were received regarding the Comprehensive Plan Amendment and a neighborhood meeting was not held.

Testimony Given at the Hearing:

Sarah Wile, Case Manager, gave a presentation of the item, including the staff recommendation.

Marcus Pachner, The Pachner Company, 1480 Humboldt St, Denver, CO, representing the applicant, gave a presentation of the item.

Alan Cunningham, PCS Group, 200 Kalamath Street, Denver CO, representing the applicant, gave a presentation of the item.

The Planning Commission did not have any questions for staff or the applicant.

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Planning Commission Results

Agenda Item 7c – Comprehensive Plan Amendment

A MOTION WAS MADE BY COMMISSIONER WALLS AND SECONDED BY COMMISSIONER BANKA.

RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE COMPREHENSIVE PLAN AMENDMENT FROM CITY CORRIDOR TO EMERGING NEIGHBORHOOD BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF SECTION 146-5.4.1.A.3 OF THE UNIFIED DEVELOPMENT ORDINANCE FOR THE FOLLOWING REASONS:

1. IT PROMOTES THE LONG-TERM ECONOMIC HEALTH OF THE CITY BY ENSURING THAT THE PLACETYPE FOR THIS AREA IS CONSISTENT WITH THE MIXED-USE VISION FOR THE SKYDANCE MASTER PLAN; AND
2. IT PROTECTS THE PUBLIC HEALTH AND SAFETY OF THE CITIZENS OF AURORA BY ENSURING THAT FUTURE LAND USES ARE MORE COMPATIBLE WITH SURROUNDING DEVELOPMENT.

Further Discussion:

No further discussion occurred.

MOTION PASSED UNANIMOUSLY.

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AGENDA ITEM 7d

Hearing and consideration of Ambience – Site Plan

Applicant: Yosemite Colfax Square LLC
DA Number: DA-2296-00
Case Number(s): 2021-4031-00
Location: Southeast Corner of Yosemite Street and 14th Avenue
Case Manager: Sarah Wile

The applicant, Yosemite Colfax Square LLC, is requesting approval of a Site Plan for 44 multi-family units within three buildings. The 1.3-acre property is located at the southeast corner of Yosemite Street and 14th Avenue and is currently vacant except for an abandoned building on the northern portion of the site. It is within the Mixed-Use Original Aurora – Residential Mixed-Use (MU-OA-RMU) District and has the Original Aurora placetype designation in the Comprehensive Plan. The site is bordered by a charter school to the north, vacant land and single-family detached homes to the east, vacant land to the south, and multi-family (in Denver) to the west.

Three separate multi-family buildings are proposed on-site. Building 1 contains 14 units, Building 2 contains 16 units, and Building 3 contains 14 units for a total of 44 units. Buildings 1 and 3 are “U” shaped, while Building 2 is “H” shaped. Two access points are proposed off of Yosemite Street to provide access into the site. Parking is proposed in individual garages for each unit on the ground floor of the buildings and are oriented towards the internal drives, so they are not visible from the adjacent street frontages. Seventy-four parking spaces are proposed, including 70 garage spaces and four surface parking spaces. The buildings will be four stories tall and units will include rooftop patios. Two outdoor spaces are also proposed for residents and will feature shade structures, tables, and other site furnishings. All units will have a ground-level entrance facing Yosemite Street, 14th Avenue, 13th Avenue, or the internal sidewalk along the eastern property boundary to enhance the ground floor design and activate the street frontages.

Existing sidewalks will be widened to 14’ along Yosemite Street and 14th Avenue in conformance with the city’s urban street standards, while a 5.5’ detached sidewalk with curbside landscaping will be installed along 13th Avenue as the surrounding context is lower density residential. No adjustments are requested, and the Site Plan is consistent with all approval criteria in the UDO.

Fourteen adjacent property owners and eight registered neighborhood organizations were notified of the application. Four comments were received with the first and second submittals, one from an adjacent property owner and three from registered neighborhood organizations. All of the comments were generally supportive of the development except for the original project name. The applicant was responsive to these requests and changed the name with the second submittal.

Testimony Given at the Hearing:

Sarah Wile, Case Manager, gave a presentation of the item, including the staff recommendation.

Aman Kochhar, Yosemite Colfax Square LLC, 24565 E Park Crescent Place, Aurora, CO, the applicant, gave a presentation of the item.

Paul Brady, Godden/Sudik Architects, 5975 S Quebec Street, Centennial, CO, representing the applicant, gave a presentation of the item.

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Commissioner Banka asked if the units will be for rent or for-sale. Mr. Brady stated that the units are currently planned to be for-sale.

Commissioner Hogan asked what the price of the 1,800 square-foot units would start at. Mr. Kochhar stated that costs are fluctuating a lot due to material and labor increases so it's hard to say, but they will likely start around \$600,000.

Karla Loaiza, 2025 Havana Street, Aurora, CO, a citizen, spoke in opposition to the project. She stated that she was displaced from Denver due to gentrification and feels like that is happening with this project. She said that the development does not look like anything else in the area and she is shocked at the price point. She does not think that luxury apartments are needed, affordable housing is.

Brandy Kramer, Spring Institute, 1373 Grant Street, Denver, CO, spoke in opposition due to traffic concerns and accidents at the intersection of 14th Avenue and Yosemite Street, particularly related to the charter school to the north.

Alex Luna, 726 S Chambers Road, Unit B-204, Aurora, CO, a citizen, spoke in opposition to the project because it is not helpful to the community and it's not affordable.

Brendan Greene, 1305 Wabash Street, Denver, CO, East Colfax Community Collective, spoke in opposition to the project. He stated that the development will change the character of the area and there are no other luxury buildings in the immediate area. The area needs development that will serve the community.

Emily Goodman, 1195 Newport Street, Denver, CO, East Colfax Community Collective, spoke in opposition to the project due to concerns about displacement and the lack of affordability.

Evelyn Hutt, 825 Jasmine Street, Denver, CO, a citizen, spoke in opposition based on concerns with the prices of units, as well as the amount of parking being provided and its contribution to climate change.

Matthew Hebert, 1360 Roslyn Street, Denver, CO, a citizen, spoke in opposition due to concerns that people in the surrounding neighborhood would be pushed out of their homes due to the prices of the units. He stated that market-rate housing will make the problem worse and put citizens at risk.

Matthew Home, 952 Kenton Street, Aurora, CO, a citizen, spoke in opposition because he does not believe the project will be good for the neighborhood and it doesn't preserve the character of Original Aurora.

Paula Arroyo, 3447 Xanthia Street, Denver, CO, a citizen, spoke in opposition with the same concerns of other speakers. He also stated that the streets and parks in the area are not safe.

Corky Scholl, 1620 Uinta Street, Denver, CO, a citizen, stated that affordable housing is needed in this area and he thinks that people may be displaced due to gentrification in the area.

Kelsey Medina, 1171 Beeler Street, Denver, CO, a citizen, spoke in opposition. She stated that she has concerns with the staffing in surrounding schools and how these new residents would impact that. She has traffic concerns on surrounding streets and cannot safely drop off her son at Boston Elementary. She also thinks crime in the area is an issue.

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Mr. Brady, representing the applicant, stated that the development would have been more expensive if it was developed as a townhome community, which is why they chose to develop this type of for-sale building. He noted that the proposed design with doors facing the adjacent streets will help with community safety and he also highlighted the sidewalk improvements proposed with the project. He clarified that the site is vacant, so no people are being displaced and a mix of incomes in a neighborhood makes for a better community through his work with the Urban Land Institute. He also stated that a Traffic Impact Study was done and no concerns were identified by the city due to the low number of units and traffic generation.

Mr. Kochhar, the applicant, agreed with the statements made by Mr. Brady and also clarified that there will not be any Opportunity Zone benefits available to him from this project because that only applies if the units are for-rent, not for-sale.

Jamie Laurie, Project Worthmore, 1666 Elmira Street, Aurora, CO, spoke in opposition to the project due to concerns about displacement of current residents in the area.

Planning Commission Results

Agenda Item 7d – Site Plan

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

COMMISSIONER HOGAN ALSO CORRECTED THE AGENDA NUMBER TO ITEM 7D.

APPROVE, WITH ONE CONDITION, THE SITE PLAN BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF SECTION 146-5.4.3.2.B OF THE UNIFIED DEVELOPMENT ORDINANCE FOR THE FOLLOWING REASONS:

1. IT IS CONSISTENT WITH THE APPLICABLE UDO STANDARDS.
2. IT ENHANCES THE EXISTING CITY INFRASTRUCTURE.
3. IT IMPROVES MULTI-MODAL CONNECTIVITY WITHIN THE DEVELOPMENT AND TO ADJACENT SITES.
4. IT IS COMPATIBLE WITH SURROUNDING LAND USES.
5. IT MITIGATES ANY ADVERSE IMPACTS TO THE SURROUNDING AREA.

APPROVAL TO BE SUBJECT TO THE FOLLOWING CONDITION:

1. RESOLUTION OF OUTSTANDING TECHNICAL ISSUES PRIOR TO RECORDATION OF THE SITE PLAN MYLARS AND ISSUANCE OF ANY BUILDING PERMITS.

Further Discussion:

Commissioner Gaiser stated that he has worked on housing authorities for 15 years and supports affordable housing but clarified that it is not the responsibility of the Planning and Zoning Commission to set policy for affordable housing.

MOTION PASSED UNANIMOUSLY.

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AGENDA ITEM 7e

Hearing and consideration of Walden Apartments – Site Plan with Adjustments

Applicant: Aurora Housing Authority
DA Number: DA-1174-81
Case Number(s): 2022-4001-00
Location: Northeast Corner of Walden Street and E 35th Place
Case Manager: Ariana Muca

The applicant, Aurora Housing Authority, is requesting approval of a Site Plan for the development of Walden 35, a four-story, 100-unit apartment building. The 3.04-acre property is located at the northeast corner of Walden Street and E 35th Place and is currently a vacant parcel in the Gateway Park Master Plan area. The site is within the Mixed-Use Corridor (MU-C) Zone District, which permits multi-family development. The property is bordered by industrial development to the west and commercial development on the other sides. The property is approximately ¾-mile from the 40th Airport Light Rail Station to the west. A direct and continuous trail covers most of this distance.

This project is being developed by the Aurora Housing Authority and all the units will be maintained as affordable rental units. This proposal supports “Housing for All” principle within Aurora Places, the city’s comprehensive plan, and contributes to goals identified in the Aurora Housing Strategy Report to construct affordable housing in order to provide housing opportunities for those below 80% AMI (area median income).

The required twenty percent outdoor amenity space has been provided, including plantings, passive activity zones, play structures, and pedestrian scale furnishings. Direct access to the site will be from both Walden Street and E 35th Place. A total of 110 surface parking spaces will be provided along the north and east sections of the site which exceeds required spaces per the UDO. The site is located within Gateway Park and is subject to the Gateway Park Design Standards. Approval of the Gateway Park Design Review Committee is required prior to the final recordation of the Site Plan.

The proposal meets most site plan standards, with six adjustments relating primarily to landscape buffers along the north and east property lines and for plantings along the street between the back of curb and the sidewalk. Staff is supportive of the adjustment requests.

Three adjacent property owners and nine registered neighborhood organizations were notified of the application and public hearing. A Neighborhood meeting was held on March 1, 2022. Some of the concerns identified at the meeting and written comments include the increase in traffic, limited access to parking, and safety. In addition to the presentation at the neighborhood meeting, the applicant has responded to these many comments in writing as part of the review process.

Staff received three written comments through the project portal.

Testimony Given at the Hearing:

Ariana Muca, Case Manager, gave a presentation of the item, including the staff recommendation.

Jeannine Rustad, Director of Planning and Development Services, stressed the importance of this project, housing for all, and affordable housing.

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Sarah Vogl, Aurora Housing Authority, 2280 S Xanadu Way, Aurora, CO, representing the applicant, spoke of the application and her role in the development. She stated that she appreciated the staff collaboration through the adjustments.

Craig Maraschky, Aurora Housing Authority, 2280 S Xanadu Way, Aurora, CO, representing the applicant, spoke on the site plan presented. During his presentation he gave background of the Aurora Housing Authority and its mission. His presentation also included information on the rates of the units; for a two-bed apartment a range of \$615 to \$1,500. A three-bedroom apartment would range from \$700 to \$1,800 and finally a one bedroom would be \$550. He briefly went over community concerns that were received prior to the meeting in relation to crime and parking.

Planning Commission did not have any questions for staff or the applicant.

Dr. Andre Gillespie, 3464 N Salina Street, Aurora, CO, a citizen, stated he is not against the Housing Authority, but has concerns regarding the placement of the project, noting that there are no schools in the area, no parks or open space and there is no community for the multi-family to be a part of. Dr. Gillespie reviewed safety concerns along the path to the light rail at night. Dr. Gillespie questioned the traffic study as it was done during the pandemic and he considered it to not be accurate.

Mr. Maraschky, rebuttal in response to Dr. Andre Gillespie, was to set up a meeting to create a relationship. Mr. Maraschky ventured to describe how traffic is a concern everywhere in the city and there is no perfect place for affordable housing. He confirmed that the development would work to keep residents safe and concluded by stating the parking meets requirements set by the City of Aurora Unified Development Ordinance.

Commissioner Hogan reiterated from the staff presentation that Gateway Park Review Board would need approval before building permits.

Ms. Vogl, confirmed the application has worked with Mike Serra and the application has been approved.

Planning Commission Results

Agenda Item 7e – Site Plan with Adjustments

A MOTION WAS MADE BY COMMISSIONER HOGAN AND SECONDED BY COMMISSIONER GAISER3

APPROVE, WITH ONE CONDITION, THE SITE PLAN WITH SIX ADJUSTMENTS FOR LANDSCAPE ARCHITECTURE ASSOCIATED WITH LANDSCAPE BUFFERS, CURBSIDE LANDSCAPING AND PARKING LOT LANDSCAPING (146-4.7.5.G, 146-4.7.9.J.2, 146-4.7.E.4, 146-4.7.5.K.3.B, AND 146-4.7.5.C.2.A) BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF SECTION 146-5.4.3.B.2 OF THE UNIFIED DEVELOPMENT ORDINANCE FOR THE FOLLOWING REASONS:

1. WITH THE EXCEPTION OF THE REQUESTED ADJUSTMENTS, THE PROPOSAL IS CONSISTENT WITH ALL APPLICABLE STANDARDS, REGULATIONS, AND PLANS WHICH AFFECT THE PROPERTY;
2. THE ADJUSTMENT REQUESTS SATISFY REVIEW CRITERIA IN UDO SECTION 146-5.4.4.D;
3. THE PROPOSAL MEETS THE INTENT OF CODE STANDARDS, GATEWAY PARK EAST STATION AREA PLAN AND ADOPTED PLANS;

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4. THE PROPOSAL IS IDENTIFIED AS A SUPPORTING LAND USE IN THE COMMERCIAL HUB PLACETYPE IN THE AURORA PLACES PLAN AND FURTHERS THE “HOUSING FOR ALL” PRINCIPLE;
5. EXISTING CITY INFRASTRUCTURE AND PUBLIC IMPROVEMENTS HAVE THE CAPACITY TO SERVE THE DEVELOPMENT, AND IMPROVEMENTS HAVE BEEN MADE TO MITIGATE ANY POTENTIAL NEGATIVE IMPACTS;
6. THE PROPOSAL WILL IMPROVE AND EXPAND EXISTING MULTI-MODAL TRANSPORTATION CONNECTIONS, WHICH INCLUDE TRANSIT AND BICYCLE CONNECTIONS TO REGIONAL TRAILS;
7. THE PROPOSAL MITIGATES ADVERSE EXTERNAL IMPACTS ON THE SURROUNDING AREA BY PROVIDING ADDITIONAL SCREENING.

APPROVAL TO BE SUBJECT TO THE FOLLOWING CONDITION:

1. RESOLUTION OF OUTSTANDING TECHNICAL ISSUES PRIOR TO RECORDATION OF THE SITE PLAN MYLARS AND ISSUANCE OF ANY BUILDING PERMITS.

Further Discussion:

There was no further discussion.

MOTION PASSED UNANIMOUSLY.

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AGENDA ITEM 7f-h

Hearing and consideration of QuikTrip Fueling Station at Lamar Landing – Conditional Uses and Site Plan with Adjustment

Applicant: QuikTrip Corporation
DA Number: DA-2239-01
Case Number(s): 2021-6021-01; 2021-6021-02; 2021-6021-00
Location: Northwest Corner of E 6th Parkway and S Gun Club Road
Case Manager: Dan Osoba

The applicant, QuikTrip Corporation, is requesting approval of a Site Plan for a convenience store and fueling station on 1.66-acres, one Conditional Use for a motor vehicle fueling station, and one Conditional Use for 24-hour operations within 300 feet of a R-2 Medium Density Residential District. The property is located at the northwest corner of the intersection of E 6th Pkwy and S Gun Club Rd within the MU-R Mixed-Use Regional District and Lamar Landing Master Plan. This Master Plan has been administratively approved but not recorded at the time of this hearing. The proposed convenience store and fueling station are located within Planning Area 6 of the Lamar Landing Master Plan, which requires this development to build adjacent dedicated park and open space and regional detention. The Site Plan includes approximately 1.4-acres of dedicated park and open space required in Planning Areas 5 and 8, and the 1.4-acre regional detention in Planning Area 7. The Site Plan includes one adjustment request to waive building perimeter landscape requirements.

The proposed site includes a 5,312 square-foot single-story convenience store and an 8-pump fueling station with canopy. The convenience store is adjacent to a 0.56-acre small urban park (SUP) to the west in Planning Area 5. This SUP includes park benches, outdoor seating areas, bicycle racks, decorative concrete pavers, river rock mulch, and open sod area. There is a concrete paver walk that is proposed through the park, which connects the main drive to one of the entrances to the convenience store. An additional 0.83-acre park is proposed to the south of the fueling station within Planning Area 8. This dedicated open space area includes a plaza at the hard corner of E 6th Pkwy and S Gun Club Rd, a network of gravel paths, park benches, and open sod area. The network of trails will connect to the convenience store and provide pedestrian access to the main drive and sidewalks on E 6th Pkwy and S Gun Club Rd.

The proposed building design of the convenience store includes a four-sided design with parapet height and building material changes, awnings and projected façades over building entrances, and an earth-toned color palette. The proposed fueling canopy includes the same brick material on the columns and general color scheme to match the convenience store. The design of both structures is compliant with both UDO and Lamar Landing Master Plan requirements.

Four (4) adjacent property owners and five (5) registered neighborhood organizations were notified of the application. One comment was received from a neighbor within the Cross Creek neighborhood in support of this application. Therefore, a First Review Neighborhood meeting was not held.

Testimony Given at the Hearing:

Dan Osoba, Case Manager, gave a presentation of the items, including staff recommendations.

Jessica Glavas, QuikTrip Corporation, gave a presentation on the history of QuikTrip and their business practices.

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Shelby Madrid, Kimley-Horn, gave a presentation on the proposed Site Plan layout, building elevations, and building materials.

The Planning Commission did not have any questions for staff or the applicant.

Planning & Zoning Commission Results

Agenda Item 7f – Conditional Use for Motor Vehicle Fueling Station in MU-R District

A motion was made by Commissioner Banka and seconded by Commissioner Walls.

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

1. THE APPLICATION COMPLIES WITH APPLICABLE STANDARDS IN THE UNIFIED DEVELOPMENT ORDINANCE AND THE LAMAR LANDING MASTER PLAN.
2. THE APPLICATION IS CONSISTENT WITH THE COMPREHENSIVE PLAN “COMMERCIAL HUB” PLACETYPE AND WILL HELP FURTHER CITY GOALS OF DEVELOPING NEW COMMERCIAL USES WITHIN THIS PLACETYPE.
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 7g – Conditional Use for 24-Hour Operations within 300-Feet of R-2 Medium Density District

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

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

1. THE APPLICATION COMPLIES WITH APPLICABLE STANDARDS IN THE UNIFIED DEVELOPMENT ORDINANCE AND THE LAMAR LANDING MASTER PLAN.
2. THE APPLICATION IS CONSISTENT WITH THE COMPREHENSIVE PLAN “COMMERCIAL HUB” PLACETYPE AND WILL HELP FURTHER CITY GOALS OF DEVELOPING NEW COMMERCIAL USES WITHIN THIS PLACETYPE.
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.

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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 7h – Site Plan with Adjustment

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

APPROVE, WITH ONE CONDITION, THE SITE PLAN WITH AN ADJUSTMENT TO CODE SECTION 146-4.7.5.J, REGARDING BUILDING PERIMETER LANDSCAPING, FOR A CONVENIENCE STORE AND FUELING STATION BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 146-5.4.3.B.3 OF THE UNIFIED DEVELOPMENT ORDINANCE FOR THE FOLLOWING REASONS:

1. WITH THE EXCEPTION OF THE REQUESTED ADJUSTMENT, THE PROPOSAL IS CONSISTENT WITH ALL APPLICABLE STANDARDS, REGULATIONS, AND PLANS WHICH AFFECT THE PROPERTY, INCLUDING THE LAMAR LANDING MASTER PLAN.
2. THE ADJUSTMENT REQUEST SATISFIES REVIEW CRITERIA IN UDO SECTION 146-5.4.4.D.
3. ADEQUATE INFRASTRUCTURE HAS BEEN PROVIDED AND IMPACTS ARE MITIGATED.
4. THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE SURROUNDING DEVELOPMENT.

APPROVAL TO BE SUBJECT TO THE FOLLOWING CONDITION:

1. RESOLUTION OF ALL OUTSTANDING TECHNICAL ISSUES PRIOR TO RECORDATION OF THE SITE PLAN AND ISSUANCE OF ANY BUILDING PERMITS.

Further Discussion:

No further discussion occurred.

MOTION PASSED UNANIMOUSLY.

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AGENDA ITEM 7i

Hearing and consideration of Sky Bar at Stanley Marketplace – Conditional Use for a Bar in the Original Aurora-General Zone District

Applicant: Sky Barker Maa
DA Number: DA-1966-05
Case Number(s): 2014-6055-07
Location: 25th Avenue and Dayton Street
Case Manager: Liz Fuselier

The applicant, Sky Barker Maa, is requesting approval of a Conditional Use to allow a bar at 1950 Dallas Street, Unit 311 in an existing vacant tenant space at the Stanley Marketplace. No changes to the site are proposed. The subject property is located at the northwest corner of Dallas Street and 25th Avenue and occupies approximately 500 square feet of a multi-tenant building. The property is zoned Original Aurora-General (OA-G) district in Subarea A and is within the Original Aurora Placetype in the Aurora Places Comprehensive Plan. A Conditional Use is required for the proposed Bar located in the OA-G district. The use is defined under “Bar and Tavern” in the Unified Development Ordinance (UDO).

Per the applicant’s operations plan, the proposed business will operate as a cocktail lounge under a Tavern liquor license in Unit 311 at Stanley Marketplace. The specific location is at the southwest corner of the third level. Sky Bar will operate from the hours of 4:00 pm to 11:00 pm every day and will serve alcoholic and non-alcoholic beverages, as well as light food offerings to its customers. The bar itself will be open for service from 4:00 pm to 10:00 pm. Customers will use the shared restrooms elsewhere in Stanley Marketplace. Customers will access and exit the space primarily through the existing elevator to the third floor with existing stairs also available. The peak number of patrons at one time is anticipated to be approximately 40 people. The applicant will have a security guard present to check identification for entry, and ensure the safety of patrons, inside and outside of the lounge.

The required referrals were made to seven (7) registered HOA’s, seven (7) abutting property owners and the Park Creek Metro District. One neighborhood organization, the Northwest Aurora Neighborhood Organization, made a comment in support of the conditional use. A neighborhood meeting was not held.

Testimony Given at the Hearing:

Liz Fuselier, Case Manager, gave a presentation of the item, including staff recommendation.

Commissioner Hogan asked if the proposed hours are consistent with other establishments in the marketplace.

Ms. Fuselier answered yes.

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Planning Commission Results

Agenda Item 7i – Conditional Use for a Bar in the Original Aurora-General Zone District

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

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

1. IS CONSISTENT WITH ALL APPLICABLE STANDARDS, REGULATIONS, AND PLANS INCLUDING THE COMPREHENSIVE PLAN.
2. THE SIZE, SCALE, HEIGHT, DENSITY, MULTI-MODAL TRAFFIC IMPACTS, AND HOURS OF OPERATION OF THE PROPOSED USE ARE COMPATIBLE WITH EXISTING AND PLANNED USES IN THE SURROUNDING AREA;
3. WILL NOT CHANGE THE PREDOMINANT CHARACTER OF THE AREA.
4. THE CITY'S INFRASTRUCTURE HAS ADEQUATE CAPACITY TO SERVE THE DEVELOPMENT.
5. WILL NOT CREATE SIGNIFICANT DISPLACEMENT OF TENANTS OR OCCUPANTS OF THE PROPERTY.
6. THE APPLICATION MITIGATES ANY ADVERSE IMPACTS ON THE SURROUNDING AREA TO THE DEGREE PRACTICABLE.

Further Discussion:

No further discussion occurred.

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AGENDA ITEM 7j

Hearing and consideration of Noor Restaurant and Event Center – Conditional Use for After-hours Operation

Applicant: Noor Restaurant and Event Center
DA Number: DA-1637-02
Case Number(s): 1983-6037-11
Location: 600 feet west of Potomac Street on Mississippi Avenue
Case Manager: Erik Gates

The applicant, Noor Restaurant and Event Center Inc, is requesting approval of a Conditional Use for a restaurant operating after midnight located within 300 feet of a R-1 zone district. The property is located at 13250 E Mississippi Avenue on the south side of Mississippi Avenue, between South Uvalda Street and South Potomac Street, within the MU-C zone district, Subarea A.

The proposed restaurant is located on a 1.86-acre site within an existing 8,053-square-foot building. The site is accessed via Mississippi Ave. The conditional use request is only for after-hours service and no changes to the site or building, other than updated signage are proposed. Alcohol service is proposed as accessory to the primary restaurant use.

An Operations Plan has been submitted as part of this application. Security will be provided during private events that are scheduled between 5:00 pm and 2:00 am. A commitment is made to follow all noise ordinances to mitigate any potential impacts on the adjoining neighborhood

Four (4) 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:

Erik Gates, Case Manager, gave a presentation of the item, including staff recommendation.

Commissioner Walls asked if the if the Conditional Use was being requested for operations between midnight and 2:00 a.m. Mr. Gates answered affirmatively.

Planning Commission Results

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

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

7. THE APPLICATION COMPLIES WITH ALL APPLICABLE STANDARDS IN THE UNIFIED DEVELOPMENT ORDINANCE;
8. THE APPLICATION IS CONSISTENT WITH THE COMPREHENSIVE PLAN CITY CORRIDOR PLACETYPE AND WILL HELP FURTHER CITY GOALS OF MAINTAINING RESTAURANT USES WITHIN THIS PLACETYPE THAT WILL SERVE NEARBY NEIGHBORHOODS;
9. 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;

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10. THERE IS ADEQUATE CAPACITY WITH CITY INFRASTRUCTURE TO SERVE THE PROPOSED DEVELOPMENT; AND,
11. AN OPERATIONS PLAN HAS BEEN SUBMITTED WHICH WILL ASSURE THAT ADVERSE IMPACTS TO THE SURROUNDING AREA WILL BE MITIGATED.

Further Discussion:

No further discussion occurred.

MOTION PASSED UNANIMOUSLY.

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6. PUBLIC INVITED TO BE HEARD ON NON-AGENDA ITEMS

None.

7. COMMISSIONER COMMENTS/MISCELLANEOUS ITEMS OF BUSINESS

Chair Bush thanked everyone for staying so late to complete the agenda.

Commissioner Gaiser stated he has a concern regarding HOA notification. His HOA has not been notified about a project that is very near his neighborhood and noted that the HOA information is not correct in the city system.

Jeannine Rustad, Director of Planning and Development Services Department, stated she will be looking into how the city communicates with neighborhood organizations.

Brandon Cammarata, Manager of Planned, stated that the Housing and Community Services Department is responsible for the upkeep of the HOA database.

Commissioner Walls asked when the director is engaging with the public and communities is there any education that takes place regarding the role of the Planning Commission and the importance of participating early in the process.

Ms. Rustad responded that engagement with the community is early, and outreach is an ongoing struggle. She noted that is the norm that community members do not act unless it affects them directly. She indicated that scripts will be worked on to communicate the role of the Planning Commission and acknowledged that public education is needed.

8. REPORT/UPDATE BY THE PLANNING MANAGER

Mr. Cammarata reported that City Council is making progress on making the last needed appointment to the Planning Commission.

Ms. Rustad stated that interviews will be taking place on Monday, April 18th of the top four candidates and an appointment will be made on Monday, April 25th.

A general discussion ensued.

9. REPORT BY THE CITY ATTORNEY

Dan Money, Assistant City Attorney, discussed the options that the applicant of ALTA Addison has and what will happen at the next meeting depending on their decision.

He also stated that it is the responsibility of neighborhood groups and HOAs to keep their information updated with the city. The process could probably be made easier, but the city can only use the information that they have on file.

Chairman Bush adjourned the meeting at 12:01 a.m. until Wednesday, April 27, 2022.

Minutes Approved


Melvin Bush, Interim Chairman