## Summary of Planning and Zoning Commission Votes
Regular Meeting of the Aurora Colorado Planning Commission  
September 9, 2020

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<th>Agenda Item #</th>
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| 5a.           | **UNIFIED DEVELOPMENT ORDINANCE – UDO AMENDMENT** (All Wards)  
  CITY STAFF: Jeffrey Moore  
  APPLICANT: City of Aurora Oil and Gas Division  
  Development Application: DA-2163-05  
  Case Number: 2018-1006-04  
  General Location: Within the boundaries of the city | **Recommended Approval**  
  For Approval: 7  
  For Denial: 0  
  Abstentions: 0  
  Absent: 0 | **Recommended Approval**  
  For Approval: 7  
  For Denial: 0  
  Abstentions: 0  
  Absent: 0 | **City Council Meeting date TBD** |
| 5b.           | **CELO – INITIAL ZONING** (Ward II)  
  CASE MANAGER: Claire Dalby  
  APPLICANT: CELO Investments LLC  
  Development Application: DA-2229-00  
  Case Number: 2020-2004-00  
  General Location: Approximately ½ mile east of the intersection of Harvest Road and E Jewel I Avenue | **Recommended Approval**  
  For Approval: 7  
  For Denial: 0  
  Abstentions: 0  
  Absent: 0 | **Recommended Approval**  
  For Approval: 7  
  For Denial: 0  
  Abstentions: 0  
  Absent: 0 | **City Council Meeting Date Sept 21, 2020** |
| 5c.           | **PIAZZAS AT AURORA HIGHLANDS SHOPPING CENTER – CONDITIONAL USE** (Ward III)  
  CASE MANAGER: Heather Lamboy  
  APPLICANT: Piazzas LLC  
  Development Application: DA-1238-05  
  Case Number: 1973-6005-19  
  General Location: Southeast Corner of S Buckley Road and E Mexico Avenue | **Approve**  
  For Approval: 7  
  For Denial: 0  
  Abstentions: 0  
  Absent: 0 | **Approved**  
  For Approval: 7  
  For Denial: 0  
  Abstentions: 0  
  Absent: 0 | **Call-up deadline Sept 21, 2020** |

**PLEASE NOTE:** Planning Commission approvals and denials are always listed in terms of the APPLICANT’S original request, regardless of whether the Commission’s motion was phrased as a motion to approve or to deny. For example, Commission members voting FOR a motion to APPROVE denial approval are listed as voting for “denial”.  
**City Council hearing dates listed are preliminary—final dates may be subject to change.**
SUMMARY OF PLANNING COMMISSION ACTIONS

Project Name: UNIFIED DEVELOPMENT ORDINANCE AMENDMENT
Planning Commission Hearing Date: September 9, 2020
City Council Meeting Date: To Be Determined
Ward: All Wards

Project Type: UDO Amendment
DA Number: DA-2163-05
Case Number(s): 2018-1006-04
Location: Within the boundaries of the city
City Staff: Jeffrey Moore

Description:
The city has undertaken a process of updating its regulations regarding oil and gas permitting and operations. Using Best Management Practices (BMPs) from Operator Agreements signed last year, a new document titled, the Oil & Gas Manual (OGM), has been created to include all city regulations related to oil and gas. Existing oil and gas regulations in the UDO will be transferred to the OGM, as applicable, and stricken from the UDO.

The proposed ordinances will establish the following:
1. Officially create the Oil & Gas Division in code and establishes the Oil & Gas Manager with authority over the division.
2. Allows the Oil & Gas Manager to promulgate new regulations by updating the OGM and defines the requirements for updates.
3. Defines what constitutes a violation of the OGM and allows penalties to be enforced.
4. Removed current UDO sections related to oil and gas and refers to the OGM for all future rules.

Testimony Given at the Hearing:
Jeffrey Moore, Oil & Gas Division Manager, gave a presentation of the item including the staff recommendation.

Chairman Lyon asked for clarification of the request being made to the Planning Commission. Mr. Moore responded that the request is to make a recommendation regarding the ordinances that will be moving forward to City Council.

Commissioner Gaiser asked who oversees the Oil and Gas Division. Mr. Moore explained that he is the manager of the division and he reports to Deputy City Manager Jason Batchelor. Commissioner Gaiser stated that he could not find that division on the city website. Mr. Moore explained that there is still work to be done on the website regarding this new division. He gave instruction on how to find information regarding oil and gas on the website.

Commissioner Gaiser asked if the operator agreements that are currently in place will be affected by any updates made by the COGCC regulations. Mr. Moore responded that the operator agreements are stand-alone agreements that are legally binding on the city and the operator as long as the agreements are in effect. If the COGCC makes a regulation that is more stringent than what is in the operator agreement then the new regulation would apply from the passing of the new regulation forward and would only affect new wells being drilled. Commissioner Gaiser asked if the new Oil & Gas Manual would apply to the operator agreements that exist today. Mr. Moore indicated that the manual would not apply to existing wells or well locations that have been authorized under the existing operator agreements. Commissioner Gaiser asked if future operator agreements be changed when the manual is updated. Mr. Moore responded that operators that come into the city with an agreement they would be subject to the regulations set forth in the manual.
Commissioner Hogan stated that since the Planning and Economic Development Policy Committee (PED) did not get a full opportunity to review the UDO Amendments at the meeting that took place early in the day, she had concerns giving a recommendation to the City Council. It was clear that there were differences of opinion regarding this manual. Since PED deferred it perhaps the item should be tabled until after the October PED meeting.

Commissioner Bush asked if the Planning Commission’s recommendation to the City Council impact what may happen at the next PED meeting.

Chair Lyon stated that the questions that came up during the PED meeting were related to the manual and did not relate to the ordinances to change the UDO to allow the Oil & Gas Manual to move forward.

Brandon Cammarata, Planning Manager, stated that the Planning Commission is being asked to make a recommendation regarding the UDO Amendment that would allow the cross over from the UDO to the Oil & Gas Manual. The options are to recommend approval, recommend denial or to table the item.

Mr. Moore stated that there was no discussion regarding the ordinances or the manual at the PED meeting because of time constraints. Comments have been provided by Brad Pierce from the Oil & Gas Advisory Committee. He concurred with Mr. Cammarata and the options of what the Commission could do regarding the item.

Commissioner Bush noted that the Commission is not making a decision on the manual but the ordinances.

Commissioner Bengen stated that the Planning Commission has a narrow request before them. The request is to move the language of the UDO over to the Oil & Gas Manual and to agree to recommend approval to the City Council.

Dan Money, Assistant City Attorney, stated that the Planning and Zoning Commission only has authority over zoning matter and what is contained in the UDO. He explained what the procedure would be if the item were tabled. He noted that the recommendation from Planning Commission would be noted in the backup for a future City Council meeting which would be scheduled after the October PED meeting.

**Agenda Item 5a – Unified Development Ordinance – UDO Amendment**

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

Move to table the item until the Planning and Economic Development Policy Committee has been able to have input regarding the amendments to the unified development ordinance.

**Further Discussion:**
Commissioner Jetchick stated that she would like to hear what Brad Pierce, Chairman of the Oil and Gas Advisory Committee, has to say on the item.

Commissioner Hogan stated that the changes need to be vetted properly and that cannot happen until the Planning and Economic Development Policy Committee has given their input.

Commissioner Bengen commented that the Oil and Gas Advisory Committee can comment on the Oil and Gas Manual and the changes to the UDO and he did not see what the impact would be by waiting. Mr. Money clarified that the question before the Planning Commission is if the Planning Commission agrees to change the UDO.

The motion failed on a vote of 4 to 3 with Bengen, Bush, Gaiser and Lyon voting against tabling the item.
A motion was made Commissioner Bengen and seconded by Commissioner Gaiser.

Move to recommend approval to the City Council of the proposed unified development ordinance amendment because the proposed amendment will establish the following:

1. Officially create the Oil & Gas Division in code and establishes the Oil & Gas Manager with authority over the division.
2. Allows the oil & gas manager to promulgate new regulations by updating the OGM (Oil & Gas Manual) and defines the requirements for updates.
3. Defines what constitutes a violation of the OGM and allows penalties to be enforced.
4. Removed current udo sections related to oil and gas and refers to the OGM for all future rules.

The motion passed on a vote of 4 to 3 with Hogan, Jetchick and Turcios voting against.
Planning Department
City of Aurora, Colorado

SUMMARY OF PLANNING COMMISSION ACTIONS

Project Name: CELO INITIAL ZONING
Planning Commission Hearing Date: September 9, 2020
City Council Meeting Date: September 21, 2020
Ward: II

Project Type: Initial Zoning
DA Number: DA-2229-00
Case Number(s): 2020-2004-00
Location: QS:13X – Approximately ½ mile east of the intersection of Harvest Road and Jewell Avenue
Case Manager: Claire Dalby

Description
CELO Investments LLC is requesting an initial zoning to Medium Density Residential (R-2) for approximately 20 acres of undeveloped land located south of East Jewell Avenue between the South Harvest Road and South Powhaton Road alignments. The parcel is currently occupied by a single-family home and agricultural uses. This initial zoning request is being requested alongside an annexation for the same area and is an enclave surrounded by properties already within city boundaries. All surrounding properties are currently zoned Medium Density Residential (R-2).

This proposed initial zoning and related annexation would result in consistent zoning and jurisdiction in this developing area of Aurora. Consistent zoning and jurisdiction help to clarify expectations for development responsibilities, as well as maintenance of public infrastructure and provision of services.

The proposed zone district (R-2) is compatible with the surrounding zoning and the intent for future housing development is consistent with the goals outlined for the Emerging Neighborhood Placetype in Aurora Places.

Three adjacent property owners and three registered neighborhood organizations were notified of the application. No comments were received throughout the review process and no neighborhood meeting was held.

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

Commissioner Bengen asked staff what would be happening to the house on the site once it was developed and how this will meet the tenant dislocation code criteria. Commissioner Bengen compared a scenario potentially similar to what occurred at Denver Meadows. Ms. Dalby responded that the applicant currently rents the house to a tenant and that the tenant would be expected to leave if housing development did occur in the future.

Dan Money, Assistant City Attorney, stated that the enclave is being annexed by the city and must therefore be zoned which doesn’t necessarily dictate what the property owner can or can’t do regarding a current tenant on the land; the initial zoning itself will not be dislocating anyone.

Brandon Cammarata, Planning Manager, noted that the Planning Commission does have the opportunity to explore the dislocation criteria and have that discussion as well as ask the applicant about their intent.

Commissioner Bengen stated that the Planning Commission can object over criteria potentially not being met and can deny based on that. Mr. Money repeated his earlier point about the zoning needing to be done regardless of the applicant’s future plans for housing development.
Commissioner Gaiser asked who was responsible for the Aurora Property Info maps. Ms. Dalby responded that the GIS Division was responsible. Commissioner Gaiser noted that the website is showing a great deal of incorrect information for his neighborhood and asked if the information could be updated; Ms. Dalby responded she could assist him offline with navigating the maps. Mr. Money cautioned against looking up information during meetings.

Commissioner Hogan asked if there is anyone ensuring that adequate resources and infrastructure will be provided when something is initially zoned. Ms. Dalby explained that it is the responsibility of the developer when plans for development are submitted. Heather Lamboy, Planning Supervisor, indicated that infrastructure concerns are also considered during the annexation process.

Commissioner Hogan asked if the Commission will see the plans that are proposed after the annexation and initial zoning are finalized. Mr. Cammarata responded that they likely would not due to the property’s location in Subarea C if there were no conditional use or adjustment requests. Commissioner Lyon stated that is why Council Member Johnston is making an effort to require additional notification and hearings in Subarea C.

Commissioner Hogan asked about the process of annexation and initial zoning. Ms. Dalby responded that it is a simultaneous decision by City Council and that both will be heard on September 21.

Leighton O’Dell, 7108 S Alton Way, Building C, Centennial, CO clarified that the tenant is renting the property month-to-month and will remain so until development occurs. This will not happen until an adjacent property is developed.

Diana Rael, Norris Design, 1101 Bannock Street, Denver, CO, representing the applicant, explained that the current intent is to annex and zone so that the property is compatible with the surrounding development and that there is no immediate plan to develop.

Commissioner Turcios asked whether the applicant will make a presentation to City Council and whether City Council will know what the Planning Commission’s recommendation was. Ms. Dalby confirmed that there will be a staff presentation and that City Council will know the Planning Commission’s recommendation.

**Planning Commission Results**

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

Move to recommend approval to the City Council for the CELO Initial Zoning to the R-2 Medium Density Residential District in accordance with Section 146-5.4.1.C of the Unified Development Ordinance for the following reasons:

1. The initial zoning and related annexation are needed to integrate the current enclave into the surrounding City of Aurora zoning to result in consistent zoning and jurisdiction in this developing area.
2. The proposed zoning district is supported by Aurora Places as part of the “Emerging Neighborhood” Placetype and helps meet the goals of providing available and attainable housing for the community.
3. The potential size, scale, height, density, and multi-modal traffic impacts of the proposed initial zoning to R-2 are compatible with the current impacts associated with the same surrounding zoning.
4. The initial zoning will be a benefit to the surrounding neighborhoods and will be progress toward meeting general housing goals outlined in the Comprehensive Plan.

**Further Discussion:**

Commissioner Bengen indicated that he was pleased to hear the applicant’s description of the property, their relationship with the tenant and potential future development.

**Action Taken:** Approved

Votes for the Initial Zoning: 7
Votes against the Initial Zoning: 0
Absent: None
Abstaining: None

Filed: K:\$DA\2229-00sps.rtf
Planning Department  
City of Aurora, Colorado  

SUMMARY OF PLANNING COMMISSION ACTIONS  

Project Name: PIAZZAS AT AURORA HIGHLANDS SHOPPING CENTER  
Planning Commission Hearing Date: September 9, 2020  
Deadline for City Council Call Up: September 21, 2020  
Ward: II  
Project Type: Conditional Use  
DA Number: DA-1238-05  
Case Number(s): 1979-6047-30  
Location: QS:12L – Southeast Corner of S Buckley Road and E Mexico Avenue  
Case Manager: Heather Lamboy  

The applicant, Piazza's LLC, is requesting approval of a Conditional Use to allow extended hours in a Mixed Use–Corridor (MU-C) zone district. The extended hours request is to allow the restaurant/bar to remain open to 2 a.m. seven days/week. The subject site is located within an existing 130,000 square-foot shopping center located at 1770 S. Buckley Road, at the intersection of Buckley Road and Mexico Avenue. The proposed development involves interior renovation to an existing tenant space including improvements to the building's commercial kitchen and interior layout. Piazza's is a sports bar that features a wide variety of beers and drinks, and also has pool tables for entertainment purposes.

The subject site is regulated by the Aurora Highlands Shopping Center Site Plan which encompasses the subject building, adjacent buildings to the north and south, and associated parking areas. The applicant’s business proposal is a 6,500 square foot indoor restaurant and sports bar. The space will provide in-house dining as well as take-out service. There will be no amplified music at the restaurant. Several security measures will be in place such as the installation of cameras in and around the building, an alarm system, and security personnel during peak hours of operation. Piazzas LLC proposes to use 26 of the 681 parking spaces provided by the Aurora Highlands Shopping Center which satisfies the parking requirement for a restaurant leaving more than ample remaining spaces for the other businesses onsite. The proposed hours of operation are 11 a.m. to 2 a.m. seven days/week. For many years, this space housed a similar restaurant and bar. For the past 3-4 years the tenant space has been vacant.

Nineteen (19) registered neighborhood organizations and ten (10) adjacent property owners were notified of the Conditional Use application. One comment was received and addressed by the applicant. A neighborhood meeting was not held.

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

The applicant’s representative, Chris Carr, made a presentation on Piazza’s Sports Bar and discussed the operations plan. Chair Lyon asked a question about the minimum number of parking spaces is being met. After explaining the method of calculation for parking in the Code, Ms. Lamboy said that the required amount of parking had been provided. Commissioner Bengen asked whether there was other shared parking in the shopping center and Ms. Lamboy replied yes.

Commissioner Gaiser asked about whether the liquor license had been approved prior to the Planning Commission meeting. The applicant responded that, due to COVID-19, the timing of their project was changed and therefore the liquor license hearing occurred first, where they received approval.

Commissioner Gaiser asked whether the liquor license and the hours of operation were tied to one another. Ms. Lamboy stated that the liquor license is separate; what is being considered is extended hours of operation to 2am. She explained that requests can be made for extended hours of operation where no alcohol is served as well.
Planning Commission Results

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

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. Is consistent with the Comprehensive Plan “Established Neighborhood” Placetype goal to attract, retain, and expand businesses proximate to neighborhoods;
2. Is compliant with all applicable standards, regulations, and plans which affect the property;
3. Is consistent with the size, scale, and intensity of the surrounding area and the shopping center;
4. Capacity exists with existing city infrastructure and public improvements to accommodate the business;
5. Will not result in the dislocation of existing tenants; and,
6. Adequately mitigates adverse external impacts through coordinated waste removal, product delivery, noise impacts, and security measures.

Further Discussion:
No further discussion occurred.

Action Taken: Approved
Votes for the Conditional Use: 7
Votes against the Conditional Use: 0
Absent: None
Abstaining: None

Filed: K:\$DA\1238-05sps.rtf