

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

July 13, 2011

1. MEETING CALLED TO ORDER

The meeting was called to order at 6:00 p.m., with Chairman Dodds presiding.

COMMISSIONERS PRESENT: Bradley Dodds, Dexter Harding, Michigan Hill, Keith Singer, William Wiggins and Gladys Witt

COMMISSIONERS ABSENT: Brent Jones

STAFF PRESENT: Jim Sayre, Michael Hyman, Elizabeth Tart-Schoenfelder, Kim Kreimeyer, Stephen Rodriguez, Michael Smyth, Rick Hunter and Susan Chapel

2. PLEDGE OF ALLEGIANCE

Commissioner Hill led all present in the Pledge of Allegiance.

3. ADOPTION OF THE MINUTES

Commissioner Hill made the following change to the June 22, 2011 Planning Commission Meeting minutes:

Page 75 – *Construct* a new bridge on Montview Boulevard over Westerly Creek...

A motion was made by Commissioner Harding, and seconded by Commissioner Witt

MOVE TO APPROVE THE JUNE 22, 2011 PLANNING COMMISSION MEETING MINUTES, AS AMENDED.

MOTION PASSED UNANIMOUSLY.

4. ADOPTION OF THE AGENDA

A motion was made by Chairman Dodds, and seconded by Commissioner Harding.

MOVE TO ADOPT THE DRAFT AGENDA AS THE PERMANENT AGENDA. AGENDA ITEMS 5a - 5h WILL BE HEARD AT THIS MEETING AND AGENDA ITEMS 5i – 5m HAVE EITHER BEEN WITHDRAWN, ARE INACTIVE OR BEING CONTINUED TO A LATER DATE.

MOTION PASSED UNANIMOUSLY.

5. GENERAL BUSINESS

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AGENDA ITEM 5a,b,c

Hearing and consideration of the application Murphy Creek Self Storage – Vested Site Plan with Waiver and Two Conditional Uses

APPLICANT: Kiowa Holding Group LLC
LOCATION: SE Corner of Mississippi Ave and Gun Club Road
CASE MANAGER: Elizabeth “Libby” Tart-Shoenfelder
CASE NUMBERS: 2011-6012-00; 2011-6012-01, 2011-6012-02

Planning Staff Case Manager, Elizabeth “Libby” Tart-Schoenfelder, gave a presentation of the item.

The applicant, Alan Westfall, with Kiowa Holding Group, Inc., proposes a site plan with one waiver and two conditional uses for a RV storage facility, self storage facility, and fueling station with a convenience store on 17.8 acres in a Murphy Creek Commercial Planned Development zone. The proposed RV and self storage facilities are located on the northeast corner of State Highway 30 and the Gun Club Road Collector. The fueling facility and convenience store are located on the southeast corner of State Highway 30 and the Gun Club Road Collector.

The RV and self storage facilities are combined with an access off of Zante Street. The gas station and convenience store are located to the south of Zante Street. All facilities meet the design standards of the Murphy Creek General Development Plan and utilize stone and stucco for masonry along with a standing seam metal roof in a hunter green to mimic the golf course architecture.

The RV storage facility contains 227 parking spaces for RV storage along with a sales/leasing office with customer parking. A screen wall with a canopy overhang wraps around the RV storage project along State Highway 30 and the north side of the acreage. A screen wall is also wrapping round the eastern elevation of the site to the RV storage facility office. The self storage doors are internal to the site and are not visible from public streets. The fueling facility meets both the Murphy Creek General Development Plan standards and the City of Aurora fueling station design standards.

The two neighborhood referral cards sent out were returned. Thunderbird Estates and Murphy Creek Master Homeowners Association indicated their support for the project. Thunderbird Estates also stated “this would seem to be a good use of this property.”

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One neighborhood meeting was held on May 4, 2011. Over 80 property owners in Murphy Creek and the surrounding area attended the meeting. By and large, the Murphy Creek residents oppose the application. They have concerns about environmental issues such as the Landfill and Superfund sites, expansive soils, and flooding/drainage concerns on this property. Others voiced their opposition to the storage uses and would prefer retail neighborhood uses, rather than RV and self storage.

Neighborhood Issues. The neighborhood issues are:

Environmental Issues. During the Neighborhood meeting, some residents expressed concerns about expansive soils, the site being located near the Lowry Landfill, and drainage issues. The applicant has completed a Phase I Environment Assessment of the property. The Assessment indicated that there are no known environmental issues at this time. The City has recently improved the drainage along Murphy Creek and there should not be further concerns about the site being flooded.

Use Issues. The neighbors also objected to the self storage and RV storage uses. They would prefer to see retail uses such as small grocery stores, coffee shops, sit-down restaurants, and similar uses.

Like the self storage at Saddle Rock, this commercially zoned parcel of land has access issues. The Colorado Department of Transportation will not allow an access point off of State Highway 30. Also, the access to the site is limited in that left turns in and out of the site are prohibited. The restriction on access makes the development for retail and other commercial uses highly unlikely.

Visibility of the Use. The Murphy Creek neighbors also are concerned about the visibility of the project from their homes. The applicant has submitted a cross-section that illustrates the relationship of the site to the nearest homes. The nearest homes are approximately 2,500 feet away from the site. Between the homes and site are parcels that are zoned for multi-family and additional commercial uses. Murphy Creek and a golf link also act as buffers. The site is located four feet below the elevation of the nearest homes.

Waiver Request. The applicant is requesting a waiver for greater than 5% outside storage in the Murphy Creek General development Plan for RV storage. Staff supports the waiver request.

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Architecture. Initially, the applicant did not propose the upgraded screen wall/carport along State Highway 30 for the RV storage lot. Planning suggested the RV storage mimic a design more in line with the self storage to the south of the RV lot to conceal RVs from all streets. The applicant provided the feature in the second submission and has also added more visual interest with the elevations for both the self storage and RV storage offices.

The proposed conditional uses and site plan do not conflict with the 2009 City of Aurora Comprehensive Plan and are in compliance with the City of Aurora Municipal Code.

Michael Sheldon, 5290 DTC Parkway, Suite 160, Greenwood Village, CO, representing the applicant, gave a presentation of the item.

Diana Rael, Norris Design, 1101 Bannock Street, Denver, CO, representing the applicant, gave a presentation of the item.

Commissioner Hill asked that the standard bike racks be installed. The applicant agreed to do so. Commissioner Hill also asked about the multi-family and small commercial that is adjacent to the site and if it was just conceptual. Ms. Rael answered that there is nothing concrete at this time. Commissioner Hill asked about the intensity of the lighting from the fueling station and how that might affect the residential neighbors. Ms. Rael answered that downcast, dark-sky lighting will be used at that facility. Commissioner Hill asked about the lighting on the monument sign. Ms. Rael stated that internal lighting will be used for the tenant sign for the fueling facility and subtle uplighting for the self storage facility.

Commissioner Witt asked what the reason was that the Colorado Department of Transportation gave for not allowing a curb cut. Ms. Rael answered that only so many access points can be allowed along State Highway 30. A number of years ago, due to the limitation of access points the Mississippi connection was eliminated and that allowed for the Gun Club Road Collector to be established. The limits for access to State Highway 30 have been reached and therefore a curb cut is not allowed.

Commissioner Witt asked about the possibility of solar panels to be used in the future for the storage facility. Ms. Rael replied there is the potential for canopies to cover some of the RVs stored at the facility in the future and having solar panels installed on them. Commissioner Witt stated that solar panels reflect a lot of light and she asked if Buckley Air Force Base had been consulted on the possible installation of the panels. Ms. Rael stated that they do create glare and it would be an issue for the pilots and they would not move forward with such an installation without consulting with the Air Force base.

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Commissioner Witt asked about the surface finish for the RV lot and the entrance to the facility. Ms. Rael replied the intent is to have a decorative paving at the entrance of the facility and asphalt for the remaining portions. Commissioner Witt asked about runoff of rainwater. Ms. Rael responded it would empty into the detention pond located on the east portion of the property. Commissioner Witt asked about the automotive fluids that might leak from the RVs. Ms. Rael said they would be washed into the detention pond and would be held there for a 48-hour period to allow the sediments to settle to the bottom of the pond then the remaining water would be released into the Murphy Creek corridor.

Commissioner Witt asked if the convenience store would open 24 hours. Ms. Rael replied that it would. Commissioner Witt asked if the outside lights would be dimmed. Ms. Rael stated they would be dimmed at midnight.

Commissioner Witt stated she was not comfortable with the detention pond and the automotive fluids being emptied into Murphy Creek and asked if there was any way for that to be circumvented.

Jeff French, Peak Civil Consultants, 200 W. Hampden Avenue, Suite 200, Englewood, representing the applicant, responded the detention pond is also a water quality pond and provides treatment for both sediment and other types of pollutants before the water goes into Murphy Creek. He added it is not possible to route the water to another place before it goes into Murphy Creek stating it has to go back into its tributary. Commissioner Witt asked why some method could not be designed using layering of sand or charcoal to filter and clean the water before it goes into the creek. Mr. French explained the detention pond design is a concrete box and holds the water before the outlet and sediment settles out before the water builds up enough to reach the outlet. They are required to write out a maintenance program, which outlines how the pond is cleaned out so that contaminants do not get washed out into the stream in the event of a big storm. Commissioner Witt asked how much rainfall it is based on. Mr. French replied it is based on a minor storm; which is what will bring the most contaminated water into the pond, larger storms dilute the pollutants more and results in cleaner water going into the pond and then into the creek.

Chairman Dodds asked Ms. Rael about the open space between the storage facilities. Ms. Rael explained the design of the area and also stated each facility is secured separately so that if one is using the self storage they would not have access to any of the RV storage area. Chairman Dodds asked Ms. Rael to speak about the six-foot fence.

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She stated it is an open metal decorative fence, with a dark finish so it disappears against the background. She also explained this fence is only used along the open parts of Gun Club Road. The area is also heavily landscaped along Gun Club Road the grade is steep there so the landscaping will be placed along the side of the road. Chairman Dodds asked about the rest of the fencing. Ms. Rael stated it will be a solid masonry wall that continues up just short of the entry with landscaping and ornamentals around the entry area. Chairman Dodds asked what is seen looking through the decorative fencing. Ms. Rael explained there is also landscaping there to visually screen the vehicles. She further explained the fencing both open and masonry and the articulation of it. Chairman Dodds asked how much it was articulated. Ms. Rael responded eight to twelve inches. Chairman Dodds asked if increasing the articulation to 24 to 36 inches would inhibit the storage area on the inside.

Alan Westfall, Kiowas Holding Group, 7964 Keltly Trail, Franktown, CO, representing the applicant, responded the articulation could be increased. Chairman Dodds stated it is a big wall and articulation of eight to twelve inches will not be seen. Mr. Westfall replied they tried to bring interest to the wall with masonry columns but would be agreeable to changing it.

Commissioner Hill asked Ms. Rael if there were any aerials to show how close the facility will be to the runways at Buckley Air Force Base and wanted to know how much noise from the base the site would absorb. Ms. Rael responded the runways were probably about two miles away. Commissioner Witt asked if BAFB had looked at the proposal. Ms. Tart-Schoenfelder replied BAFB and the National Guard did receive a referral on the project and neither had any comments.

Bonnie Rader, 71 Algonquian Street, Aurora, CO, spoke in opposition of the project.

Commissioner Hill asked Ms. Rader how long she has been a resident in Thunderbird Estates. Ms. Rader replied she has lived there since 1974. Commissioner Hill asked if not having a grocery store or other amenities has been a problem. Ms. Rader replied it has never been a problem and most residents moved there to have horses and other animals, wide open spaces, and the quiete. Commissioner Hill asked if she were aware of any surveys that may have been taken to ascertain the need for such a facility. Ms. Radier responded she was not aware of any.

Mike Delcupp, 24053 E. Oregon Place, Aurora, CO, spoke in opposition of the project.

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Commissioner Hill asked Mr. Delcupp how long he has been a resident of Murphy Creek. Mr. Delcupp responded he has lived there four years. Commissioner Hill asked if he was aware if any surveys were done to ascertain the need or desire for the convenience store. Mr. Delcupp responded not to his knowledge.

James Schaffer, 24692 E. Arkansas Place, Aurora, CO, spoke in opposition of the project.

Commissioner Hill asked if Mr. Schaffer was aware of any surveys taken for the need of a convenience store. Mr. Schaffer replied he is not aware of any such survey.

Lionel Foster, 24671 E. Arkansas Place, Aurora, CO, spoke in opposition of the project.

Commissioner Witt asked Mr. Foster if had looked at Section 402 of the Aurora Municipal Code regarding conditional use criteria or Section 405 for site plan criteria which the Commission uses to evaluate the approval of projects. Mr. Foster stated he had not. Commissioner Witt stated the Commission can only use the criteria in the code when considering approval of a project and that the needs and desires of the neighborhood may not be taken into consideration.

Fred Mould, 980 S. Gun Club Road, Aurora, CO, representing Gun Club Estates Homeowners Association, spoke in opposition of the project.

Commissioner Hill asked Mr. Mould how long he has resided in the area. Mr. Mould responded since 1997 and his view, if the proposed project is built, will be the RV storage facility.

Cris Alexander, 24769 E. Florida Avenue, Aurora, CO, spoke in favor of the project.

Commissioner Hill asked if there were any covenants in Murphy Creek regarding the duration a RV can park on the street. Mr. Alexander responded there are covenants but they do not pertain to the streets; that would be the City's jurisdiction, there is a 72-hour limit for parking a RV in a residential driveway.

Scotti Heizer, 1030 S. Gun Club Road, Aurora, CO, spoke in opposition of the project.

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Commissioner Witt asked if Gun Club Estates is within the City. Ms. Heizer stated it is Unincorporated Arapahoe County, but she pays taxes to Aurora on her home, she also owns another home in Aurora, and pays taxes to the City for the three businesses she operates. Commissioner Witt if she would show on the map where her house was located in relation to the proposed project. Ms. Heizer did so.

Mr. Sheldon stated, in rebuttal, the property is zoned commercial and the proposed use is an appropriate one. The project is supported by staff; the neighbors will not be able to look down into the project as purported because of the grade, and he believes all criteria have been met.

Chairman Dodds asked about the environmental concerns regarding well water, ground water, oil floats, etc. Ms. Rael responded a Phase I Environmental Study was submitted and showed the site is environmentally clean. The concern with the Lowry Superfund Site is an issue for Denver Waste Management to address. In regard to future contamination from the fueling station, Mr. Sheldon added, there are stringent state and federal requirements that must be fulfilled and there is no choice but to meet them. He also clarified there will not be 450 RV parking slots but 227.

Chairman Dodds asked about the concerns regarding methamphetamine being produced in the self storage units. Mr. Westfall responded the units are specifically dead storage and that is all that is allowed. There will be on-site management and security cameras monitoring the site as well. He also stated they would not be undertaking the building of this project unless they believed that there was a demand for it. Chairman Dodds asked if there was any electrical power in the units. Mr. Westfall responded there are light bulb fixtures in the units 10' x 15' and larger. He also addressed the traffic concerns brought up by the neighbors stating this use is one of the lowest traffic impacts a neighborhood could have.

Chairman Dodds asked Ms. Rael about the concerns the neighbors had regarding the facilities fencing and how it fits in with the surroundings. Ms. Rael stated they had open fencing when the project began but staff asked for the masonry wall. Jim Sayre, Manager of Zoning and Development Review, stated the reason staff asked for the masonry was to keep this facility consistent with other storage facilities in the City.

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Commission Action:

Agenda Item 5a – Conditional Use Approval for a RV and Self Storage Facility (Ward II Peterson)

A motion was made by Commissioner Harding and seconded by Commissioner Singer.

MOVE TO APPROVE, WITH ONE CONDITION, THE CONDITIONAL USE FOR A RV AND SELF STORAGE FACILITY IN A PLANNED DEVELOPMENT – COMMERCIAL ZONE, BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 402, FOR THE FOLLOWING REASONS:

1. THE RV STORAGE FACILITY IS INCORPORATING EXTENSIVE LANDSCAPE FEATURES TO MITIGATE ANY ADVERSE IMPACTS FROM THEIR USE;
2. THE FACILITY IS ADDING A SCREEN WALL/PARAPET TO CONCEAL THE RV USES FROM ALL STREET VIEWS;
3. THE SELF STORAGE FACILITY IS ABLE TO MITIGATE ANY ADVERSE ENVIRONMENTAL IMPACTS AND HAS ADEQUATE INFRASTRUCTURE PLANS INCORPORATED INTO THEIR OVERALL DEVELOPMENT; AND
4. THE SELF STORAGE IS MEETING THE DESIGN STANDARDS OF THE MURPHY CREEK GENERAL DEVELOPMENT PLAN.

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.

MOTION PASSED WITH A VOTE OF 5 TO 1 WITH COMMISSIONER WITT VOTING AGAINST.

Agenda Item 5b – Conditional Use Approval for a Fueling Facility (Ward II Peterson)

A motion was made Commissioner Harding and seconded by Commissioner Singer.

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MOVE TO APPROVE, WITH ONE CONDITION, THE CONDITIONAL USE FOR A FUELING FACILITY IN A PLANNED DEVELOPMENT – COMMERCIAL ZONE BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 402, FOR THE FOLLOWING REASONS:

1. THE FUELING STATION AND CONVENIENCE STORE IS PROPOSING ADEQUATE INFRASTRUCTURE PLANS FOR THEIR USE; AND
2. THE FACILITY MEETS THE DESIGN STANDARDS FOR THE MURPHY CREEK GENERAL DEVELOPMENT PLAN AND THE CITY OF AURORA CODE FOR FUELING FACILITIES.

APPROVAL TO BE SUBJECT TO THE FOLLOWING CONDITION:

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

Commissioner Hill stated he will not support this particular use because he is not convinced the environmental concerns have been mitigated, also the night lighting of these facilities can be an eyesore even at 2,500 feet away and a gas station and convenience store in this location is not compatible with the surrounding area.

MOTION PASSED WITH A VOTE OF 4 TO 2 WITH HILL AND WITT VOTING AGAINST.

Agenda Item 5c – Site Plan with Waiver (Ward II Peterson)

A motion was made Commissioner Harding and seconded by Commissioner Singer.

MOVE TO APPROVE, WITH TWO CONDITIONS, THE SITE PLAN WITH WAIVERS, BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 405, FOR THE FOLLOWING REASONS:

1. THE SITE PLAN WITH WAIVER FOR THE ENTIRE 17.8 ACRES IS IN CONFORMANCE WITH ALL LANDSCAPE CRITERIA;
2. THE APPLICANT IS CONTROLLING FOR EXTERNAL NEGATIVE EFFECTS ON NEARBY USES; AND
3. THE APPLICATION IS IN CONFORMANCE WITH STREET STANDARDS FOR THE GUN CLUB ROAD COLLECTOR.

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APPROVAL TO BE SUBJECT TO THE FOLLOWING CONDITIONS:

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

Commissioner Hill stated he will not support the project because they are not controlling the external negative effects and it is therefore not compatible with the surrounding area.

MOTION PASSED WITH A VOTE OF 4 TO 2 WITH HILL AND WITT VOTING AGAINST.

Chairman Dodds called for a five minutes recess.

The meeting was reconvened at 8:00 p.m.

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AGENDA ITEM 5d

Hearing and consideration of the application Jack-In-The Box at Granada Park – Site Plan with Vesting

APPLICANT: Jack-In-The-Box
LOCATION: NE Corner of Mississippi Ave and Chambers Rd
(15399 E Mississippi Avenue)
CASE MANGER: Kim Kreimeyer
CASE NUMBER: 2011-6011-00

Planning Staff Case Manager, Kim Kreimeyer, gave a presentation of the item.

The applicant, Jack-In-The-Box, proposes to develop a fast-food restaurant within the Granada Park Shopping Center. The site is located approximately 200 feet east of the northeast corner of Mississippi Avenue and Chambers Road. The proposed development would be within the parking lot of the shopping center along the Mississippi frontage adjacent to the Walgreens. The site plan request is to allow the construction of a 2,588-square-foot building with a 24 hour drive-through. The 24 hour operation does not require a conditional use because it is more than 300 feet from a residential zone.

Planning Commission approved a site plan for a fast food restaurant with a drive-through on January 12, 2005 for this site. The site plan expired in 2010. The proposed design has a similar layout as the previous restaurant. In order to maintain access and circulation to and through the site, a private reciprocal easement with the shopping center is required.

Five of twenty-one neighborhood referral cards were returned. Three neighborhoods supported the application, one had no position, and one had concerns over traffic congestion on Mississippi Avenue and Chambers Road. In response to neighborhood comments, the applicant has made contact with the neighborhood representative and addressed their concerns.

Landscaping/Screening. Landscape improvements include upgrades to the internal landscape islands and along the pedestrian walkway. The location of the trash enclosure was reoriented and the screen wall was extended from 6 feet to 8 feet to minimize the visual impact from Mississippi Avenue.

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Parking. With the Jack-In-The-Box construction, the Granada Park shopping center will exceed the number of parking stalls required. The Jack-In-The-Box, as a stand-alone pad site, meets city parking requirements. There is also an existing cross parking agreement for the shopping center which will remain.

Pedestrian and Vehicular Circulation. The proposed site is currently surface parking. In order to gain access and circulation to and through the site, the applicant positioned the development to align with the existing internal circulation patterns of the shopping center and included additional walkways that would match up with those already located through the parking lot. As previously mentioned, improvements to the north/south pedestrian walkway, in the existing center, and the inclusion of an ADA accessible ramp are proposed as part of the site plan.

Building Design. The building architecture has a distinct bottom, middle and top and is consistent within the shopping center. The primary material is brick which matches adjacent developments.

Chairman Dodds asked staff to speak about the screen wall/utility screen wall on the north side of the building. Ms. Kreimeyer did so.

Commissioner Hill asked about the vehicular circulation between the site and the gas station/convenience store located to the east. Ms. Kreimeyer explained the circulation route and the accesses available to the site. Commissioner Hill asked about access from the Walgreens. Ms. Kreimeyer explained that route also. Commissioner Hill asked if traffic trying to get from the Walgreens to the gas station would have problems doing so. Ms. Kreimeyer replied that the city has requirements regarding stacking in drive-throughs and that this site meets or exceeds those requirements. She also explained the options drivers would have moving from one retail establishment to another.

Peggy Friesen, Galloway and Company, 5300 DTC Parkway, Greenwood Village, CO, representing the applicant, gave a presentation of the item.

Chairman Dodds noted the landscape plan which calls for Heavy Metal Switch Grass and asked if it will be mowed. Ms. Friesen replied it will not be mowed because it is an ornamental grass. Chairman Dodds stated there is a 2 to 1 slope on the west side of the site and asked if the switch grass would be planted there. Ms. Friesen replied that there is a retaining wall there and above that there will be ornamental grasses.

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Commissioner Hill noted that the previous proposal was for two restaurants that never came to fruition. He asked what would make this proposal successful. Ms. Freisen replied the previous proposal never completed the entitlement process. Commissioner Hill asked what assurances could be given this would be a viable business for the long term stating older Jack-In-The-Box restaurants have folded in the Denver area. Ms. Freisen replied that Jack-In-The-Box corporate has revised their business plan and are now reintroducing their product into the market. In their revisions they have introduced exceptionally high standards for fast food restaurants and, in fact, have the highest standards of any fast food restaurant. They also conduct extensive market studies to see where they will succeed before proposing new sites.

Commissioner Hill asked staff to include the proper bicycle racks in the technical corrections. Ms. Kreimeyer stated the racks shown on the plan are consistent with those throughout the city.

Commissioner Harding asked about the number of parking stalls. Ms. Friesen explained the number of parking stalls meets the requirements of the city and there is a double row of parking on the east side of the building.

Chairman Dodds asked about the drive-through lane and if a vehicle could exit the lane before reaching the drive-through window. Ms. Freisen responded once a vehicle enters the drive-through lane they must continue through as there is no exit. She further explained this site follows the typical corporate prototype. Chairman Dodds asked what percentage of customers were walk-ins. Ms. Friesen replied she did not have that number. Chairman Dodds asked how customers would access the front door of the building. Ms. Friesen replied the front door can be accessed from the south side which faces Mississippi and there is a pedestrian access on the east side.

Commissioner Hill asked about the distance from the bus stop to the site. Ms. Kreimeyer stated there is a bus stop on Mississippi but no calculations as to the distance to the proposed restaurant. She also stated pedestrians would have access to the site via the handicap accessible ramp. Commissioner Hill stated he had concerns regarding the path pedestrians may take through the landscaping and the potential damage that could be done. Ms. Friesen noted on the southwest corner of the building there is a retaining wall and an eight feet drop and it would be unlikely anyone would use that as a route to get access to the site. The retaining wall will also have a rail and pedestrians will be forced to use the accessible ramp.

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Chairman Dodds asked to see the cross-section of that area. Ms. Freisen showed the Commission and explained each cross-section. Chairman Dodds asked to see the cross-section between the eight-foot retaining wall and the building stating his concern that it would be a canyon. Ms. Freisen pointed to the site detail sheet and cited the heights and distances of the cross-section.

Commission Action:

Agenda Item 5d – Site Plan with Vesting (Ward III Berzins)

A motion was made Commissioner Witt and seconded by Commissioner Harding.

MOVE TO APPROVE, WITH ONE CONDITION, THE SITE PLAN BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF SECTION 146-405(F), FOR THE FOLLOWING REASONS:

1. THE PROPOSAL IS CONSISTENT WITH THE 2009 COMPREHENSIVE PLAN.
2. THE URBAN DESIGN AND LANDSCAPING COMPLIES WITH THE REQUIREMENTS OF THE ZONING CODE; AND
3. THE PROPOSED USE IS COMPATIBLE WITH THE SURROUNDING USES.

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.

MOTION PASSED UNANIMOUSLY.

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AGENDA ITEM 5e

Hearing and consideration of the application Puerto Vallarta No 3 –
Conditional Use

APPLICANT: Jalisco LLC
LOCATION: SE Corner of Montview and Clinton
CASE MANGER: Stephen Rodriguez
CASE NUMBER: 1996-6004-03

Planning Staff Case Manager, Stephen Rodriguez, gave a presentation of the item.

The applicant, Jalisco LLC, is requesting approval of a conditional use for after-hours for the Puerto Vallarta No 3 Restaurant. The request will allow the restaurant to extend their hours on Friday through Sunday evenings from midnight until 2 a.m. The subject property is located at the southeast corner of Montview Boulevard and Clinton Street, and is zoned B-1, Retail Business District.

The applicant has applied for an addendum to their liquor license in order to serve alcohol until 2 a.m. on Friday through Sunday evenings.

One of four neighborhood referral cards was returned. The Northwest Aurora Neighborhood Organization is opposed to the proposal. Their primary concerns are neighborhood revitalization and neighborhood compatibility. Their response letters were included in the back up. An abutting property owner located to the rear of the property sent a letter of support the extended hours.

Neighborhood Concerns and Compatibility. Staff performed an analysis of after-hours uses that have gone before the Planning Commission in recent years. The result of the analysis is that projects directly abutting residential development with no established buffer between the uses were not supported by staff. Those with tangible distance, a street buffer, or an open space buffer between uses were supported by staff. The current proposal lacks any of the aforementioned buffers.

Staff, the applicant and members of the registered HOA's within a one-mile radius of the subject property met on June 8, 2011 to discuss the after-hours proposal. Items discussed were parking, noise, music, and the restaurant use and menu. The applicant discussed the parking situation during those times, clarified the peak times of use, addressed security and

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a past liquor violation, and various other miscellaneous issues. The reponse letter from the Northwest Aurora Neighborhood Organization discussing some of these matters was included in the backup.

Parking. Due to the lack of required on-site parking, staff has concerns about spillage of parking on to Clinton Street and the surrounding neighborhood. The site requires 22 regular parking spaces and one accessible parking space. The parking lot has recently been restriped and the property now provides for 18 regular spaces and one accessible space, leaving the site deficient by four parking spaces. Recently, the applicant's representative expressed to staff that the applicant has a verbal agreement for additional patron parking with the El Bronco Bar across Clinton Street. Staff has not seen a shared parking agreement, and has not determined if it is feasible given the El Bronco Bar's parking requirements.

Adam Stapen, 455 Sherman Street, Suite 300, Denver, CO, representing the applicant, gave a presentation of the item. He asked if he could submit petitions that were circulated but were not included in the backup materials given to the Commission. He also asked to be able to submit the parking agreement which was obtained between the applicant and the El Bronco Bar.

Chairman Dodds stated to produce material that could not be verified was not permissible. He further explained the applicant could ask for a continuance so more information and materials could be entered into the record and validated before the next scheduled hearing.

Mr. Stapen asked for a moment to consult with the applicant, permission was granted.

Mr. Stapen stated the applicant would like a continuance.

Commission Action:

Agenda Item 5e – Conditional Use (Ward I Miller)

A motion was made by Commissioner Hill and seconded by Commissioner Witt to continue the item until the August 10, 2011 meeting.

MOTION PASSED UNANIMOUSLY.

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AGENDA ITEM 5f

Hearing and consideration of the application 1850 Altura Boulevard -
Rezone

APPLICANT: Matthew Sanchez
LOCATION: SE Corner of Altura Blvd and 18th Place
(1850 Altura Blvd)
CASE MANGER: Stephen Rodriguez
CASE NUMBER: 2011-2001-00

Planning Staff Case Manager, Stephen Rodriguez, gave a presentation of the item.

The applicant, Matthew Sanchez, requests approval of a rezoning for the subject property from R-A, Residential Agricultural District to R-1, Low Density Single Family Residential District. The 0.43 acre site is located at the corner of Altura Boulevard and East 18th Place, and directly abuts R-1 zoned property to the south and east. A resubdivision plat is in process to divide the existing lot into two lots, creating a new lot fronting on Fairplay Street. The lot is to be used for future single family detached development.

Currently, the site has an existing single family residence and one out building on the west portion of the subject property fronting on Altura Blvd. The re-plat will create the ability for an additional single family dwelling to be built on the lot which will front on Fairplay Street.

Three of nine neighborhood referral cards were returned. The Chambers Heights Neighborhood Association and Morris Heights Improvement Association take no position on the matter and the Laredo/Highline Neighborhood Association supports the project.

In March of 2003, the applicant submitted a zoning inquiry to the Planning Department. Staff issued a "neutral" on a rezoning to R-1, which would allow two single family detached dwellings on the site.

Neighborhood Compatibility. The parcel is adjacent to other areas zoned R-1 with single family detached housing. The addition of a single detached dwelling fits within the context of the area, and is compatible with the existing residential development that abuts the subject property.

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Zoning Compliance. The proposed zone change is in compliance with the recommendations of the staff zoning inquiry and the development will comply with the minimum site area requirement of 6,000 square feet as proposed.

Tony Evans, 356 West 9th Street, Loveland, CO, representing the applicant, gave a presentation of the item.

Commissioner Witt asked about if there were plans to take down two existing buildings on the property that were in poor condition.

Mr. Evans explained one building was a single-family residence and the other a detached garage both are to be remodeled and will remain on the property.

Commission Action:

Agenda Item 5f – Rezone (Ward II Peterson)

A motion was made Commissioner Singer and seconded by Commissioner Witt.

MOVE TO APPROVE THE REZONING REQUEST BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 146-401(C), FOR THE FOLLOWING REASON:

1. THE REZONE IS COMPATIBLE WITH SURROUNDING DEVELOPMENT.

MOTION PASSED UNANIMOUSLY.

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AGENDA ITEM 5g,h

Hearing and consideration of the application Knight Transportation –
Conditional Use and Site Plan

APPLICANT: Knight Transportation
LOCATION: SE Corner of Jasper and E 32nd Avenue
CASE MANGER: Stephen Rodriguez
CASE NUMBERS: 2011-6013-01, 2011-6013-00

Planning Staff Case Manager, Stephen Rodriguez, gave a presentation of the item.

The applicant, Knight Transportation, is requesting approval of a conditional use and site plan, to permit the development of a motor freight terminal. The development consists of an 18,000-square-foot truck maintenance building and office with associated employee and truck parking. The 9.86 acre site is located on the southeast corner of East 32nd Avenue and Kalispell Street, directly east of the North Satellite Facility and is zoned M-1, Light Industrial.

The proposal provides for vehicular access from E. 32nd Avenue via a city owned tract and jointly provides access to city property. This tract is part of a city initiated land swap/conveyance, of which the conveyance has been approved. Screening of the truck bays on the east and west sides of the building from the East 32nd right-of-way will occur through a combination of grade change, building orientation, fencing, and landscape screening.

One of five neighborhood referral cards was returned. The Norfolk Glen Neighborhood Association supports the proposal. Three abutting property owners located adjacent to Gateway Park sent correspondence regarding the proposal. Mr. David Graebel of Graebel World Headquarters expressed concern regarding the building materials, architecture, and location proposed for the site. Mr. Thomas Cook and Mr. Gary Pickens of United Properties Southwest; expressed significant concern regarding traffic impacts, aesthetics, and parking surface material. The Gateway Park Development Review Committee sent advisory comments. The applicant has modified the plan to address the concerns, and to the satisfaction of staff, resolved the pertinent issues raised by the abutting property owners.

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Building Architecture. The initial submission included a metal panel truck maintenance building with EFIS stucco office portion, deficient in quality of design, and lacking in compatibility with surrounding development. Staff and the applicant worked together to address the building materials and compatibility with existing development. At staff's request, the applicant modified the primary building material to tilt up concrete panels, a significant upgrade from a metal panel building. The elevations include reveals, an aluminium storefront system on the west and north elevations, and a standing seam metal roof.

Land Swap/Conveyance. At the pre-application meeting with staff, Real Property staff approached the applicant about a land swap/conveyance which if approved, would provide a benefit to the City and the applicant. Tract A as shown will be dedicated to the City by the applicant/owner, and provide additional land for the North Satellite Facility. The tract will include the access road to the Knight Transportation project. The applicant/owner will swap the Tract A land for additional land owned by the city on the rear portion of the development. Both are reflected on the site plan and the subdivision plat. The land swap/conveyance has been completed, and will officially be approved in association with the plat.

Neighborhood Concerns. Three abutting property owners abutting Gateway Park, expressed concerns regarding aesthetics, traffic and screening. The applicant addressed the comments, upgrading the primary building material, submitting an approved traffic report, and providing adequate screening.

Site Design. In the pre-application phase staff suggested changing the location of the truck parking from the west side of the subject property to the east side, due to the concerns expressed by the Animal Shelter (part of the North Satellite Facility) to the west. The concerns related to truck noise and other potential negative impacts associated with the motor freight facility could produce. The applicant changed the location of the truck parking to the east portion of the development, addressing the concerns of the Animal Shelter, and mitigating the potential impacts.

The applicant provided the required fencing, screening, and buffers on the north, east and south sides of the project. Tract A along the west side of the development provides a buffer to the city's North Satellite Facility.

Chairman Dodds asked if other lightpoles in the area were 36 feet in height. Mr. Rodriguez responded he did not know and deferred to the applicant.

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Steve Smith, Ware Malcomb, 6251 Greenwood Plaza Blvd, Suite 100, Greenwood Village, CO, representing the applicant, stated he believed the lightpoles were the same as in the surrounding area.

Rick Hunter, Public Works Department, stated arterial street lights are 29 feet in height and local streets have poles 20 feet in height. He also stated that 36 feet would be tall but he did not know what the heights of the poles are in the area. He recommended the applicant checks what they are in the area and keeps consistent with abutting property. Chairman Dodds asked staff to include this in the technical corrections. Staff agreed to do so.

Chairman Dodds asked if a materials board was submitted. Mr. Smith presented a materials board. Chairman Dodds asked if the tilt up panels were concrete. Mr. Smith stated they are concrete and they will be painted a tan color and a second color may be added to the base to add variation.

Commissioner Hill asked about the pipelines that run through this property and if they will be paved over. Mr. Smith responded the pipelines are abandoned and no longer functioning.

Commissioner Witt asked what Knight Transportation did.

Steven Grover, 5601 West Buckeye Road, Phoenix, AZ, representing the applicant, explained Knight Transportation is a full truckload carrier, meaning they pick up goods at a location and deliver them to another for distribution or retail, for example they may go to a Kellogg's Cereal manufacturing plant, pick up a load of cereal and deliver it to a Wal-Mart distribution center, pick up a load at that distribution center and take it to a Wal-Mart store for retail. Knight Transportation has approximately 3,700 tractors and about 9,000 trailers. The type of facility being proposed is typically used for maintenance and inspections of the tractors and trailers to ensure public safety. The office facility is used to dispatch and coordinate shipments, and coordinate maintenance schedules. Commissioner Witt asked where the maintenance functions are performed. Mr. Grover responded in maintenance building. Commissioner Witt asked about fluids disposal. Mr. Grover responded that all fluids are disposed of properly and according to the required regulations.

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Commission Action:

Agenda Item 5g – Conditional Use (Ward II Peterson)

A motion was made Commissioner Witt and seconded by Commissioner Harding.

MOVE TO APPROVE WITH A CONDITION THE CONDITIONAL USE BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 146-402, FOR THE FOLLOWING REASONS:

1. THE PROPOSAL WILL NOT CHANGE THE PREDOMINATE CHARACTER OF THE AREA; AND
2. ARCHITECTURAL AND LANDSCAPE FEATURES HAVE BEEN INCORPORATED TO MITIGATE ADVERSE IMPACTS.

APPROVAL TO BE SUBJECT TO THE FOLLOWING CONDITION:

1. TRUCKS WILL COMPLY WITH THE NOISE ORDINANCE IN REGARD TO ENGINE IDLING.

Chairman Dodds asked staff why there was a condition regarding engine idling, due to the lack of residences in the area. Mr. Rodriguez responded the condition was added because of the animal shelter located to the west and the concern the noise would agitate the animals housed there.

MOTION PASSED UNANIMOUSLY.

Agenda Item 5H – Site Plan (Ward II Peterson)

A motion was made Commissioner Witt and seconded by Commissioner Harding.

MOVE TO APPROVE WITH A CONDITION THE SITE PLAN BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 146-405, FOR THE FOLLOWING REASONS:

1. THE PROPOSAL IS IN CONFORMANCE WITH LANDSCAPE CRITERIA;
2. DEMONSTRATES EFFICIENCY OF DESIGN; AND
3. PROVIDES QUALITY BUILDING ARCHITECTURE AND MATERIALS.

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.

MOTION PASSED UNANIMOUSLY.

6. PUBLIC INVITED TO BE HEARD.

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None.

7. MISCELLANEOUS ITEMS OF BUSINESS.

None.

8. REPORT BY THE DIRECTOR OF PLANNING.

None.

9. REPORTY BY THE CITY ATTORNEY.

None.

10. ADJOURNMENT.

Chairman Dodds adjourned the meeting at 9:15 p.m. until Wednesday, August 10, 2011.