

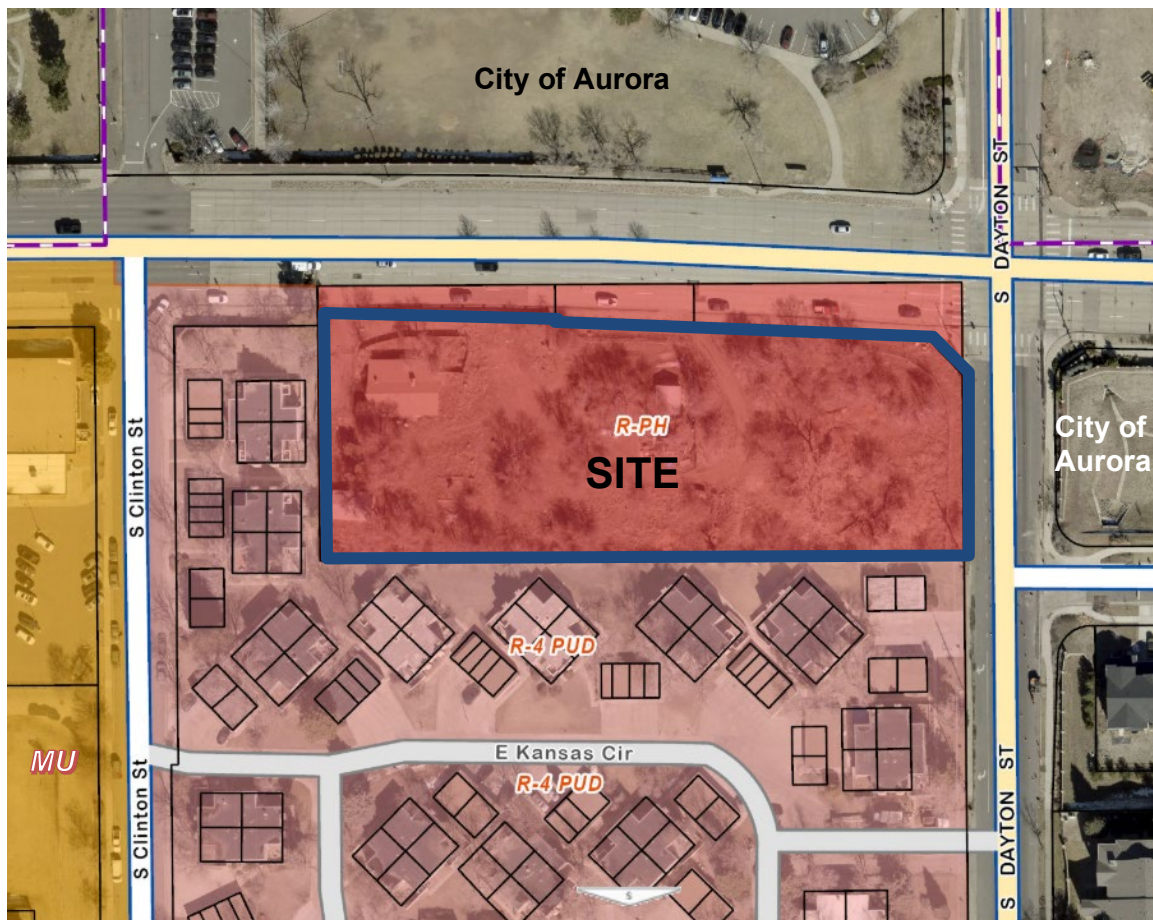
**ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
AUGUST 19, 2025
6:30 P.M.**

**SUBJECT: SDPZ23-001 – DAYTON POINT/SPECIFIC DEVELOPMENT PLAN
WITH ZONING**

MOLLY ORKILD-LARSON, PRINCIPAL PLANNER

LOCATION:

The subject property is located at 9500 E. Mississippi Avenue. This property is in Commissioner District No. 4 and zoned R-PH, Residential PUD – High Density.



Vicinity and Zoning Map

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES

North:	Challenge School, K-8 th grade, City of Aurora
South:	Condominiums, zoned R-4 PUD
Southeast	Apartments, City of Aurora

East: Detention Pond, Crossing Metropolitan District, Single-family residential, City of Aurora
West: Condominiums, zoned R-4 PUD

PROPOSAL AND REQUEST

The applicant and property owner, Alpert Multifamily Development LLC, seeks approval of a Specific Development Plan which includes the rezoning of a 1.974-acre parcel from R-PH to Planned Unit Development (PUD) to build a three-story 37-unit townhome development.

BACKGROUND

The subject property has two existing residences, a garage, and many volunteer trees.

In April 2015, the Board of County Commissioners approved a Preliminary Development Plan (Z14-007) to rezone the property from R-A to R-PH to allow single-family attached or multi-family residential with a maximum of 25 units. A Final Development Plan was never submitted for this proposal. The Board of County Commissioners approved a final plat (P14-019) of the subject property in April 2015, and the plat was recorded on June 3, 2015.

This application is being processed through the two-step Planned Unit Development review process since it meets the eligibility criteria regarding project location, property size, land use, density, and height.

ANALYSIS OF A REZONING APPLICATION

A staff review of this application included a comparison of the proposal to 1) applicable policies and goals outlined in the Comprehensive Plan; 2) a review of pertinent zoning regulations; and 3) an analysis of referral comments.

1. The Comprehensive Plan

Comprehensive Plan (Comp Plan): The subject parcel is located within the Four-Square Mile Sub-Area Plan, which identifies this site as Multi-Family (MF). The primary uses in this designation are multi-family residential structures, including apartments, cooperatives, and condominium dwelling units with shared or designated on-site parking, open space, and recreation facilities for residents. Secondary uses include neighborhood commercial centers, parks and recreation facilities, schools, both public and private, and places of worship. Development density is from 13 to 25 dwelling units per gross acre. The project's proposed density is 18.74 du/ac, which aligns with the MF designation.

The application complies with the Comp Plan as follows:

Policy GM 1.1 – Direct Growth to the Urban Area.

The proposed development is within the Urban Area.

Policy GM 1.2 – Encourage Infill Development and Redevelopment

The proposed application is in the Urban Area and has access to existing public facilities.

Goal PFS 1 – Ensure an Adequate Water Supply in Terms of Quantity and Quality for Existing and Future Development.

The Cherry Creek Valley Water and Sanitation District states that this project is within their service area and can serve the property if the fees are paid.

Policy PFS 4.3 - Require Adequate Wastewater Treatment

The Cherry Creek Valley Water and Sanitation District states that this project is within their service area and can serve the property if the fees are paid.

Goal PFS 6 – Ensure the Adequacy of Electric, Natural Gas, Telephone, Cable, and Internet Utilities in Existing and New Development.

The proposed development is in an Urban Area and has access to all the utilities mentioned above.

Goal PFS 7 – Ensure Existing and New Development Have Adequate Police and Fire Protection.

The proposed development is served by the South Metro Fire Rescue District and the Arapahoe County Sheriff. The fire district conditionally approves this application, provided three conditions are met. These conditions can be met at the time of the Administrative Site Plan. The Sheriff had no comments on the project.

2. Land Development Code Review

Chapter 5-3.3, PUD of the LDC, provides approval criteria for all PUD applications. In addition to those criteria, a PUD rezoning (GDP or SDP) must also meet all the applicable criteria in Sections 5-3.3.F.1 and 5-3.3.F.3.

5-3.3.F.1

a. *It generally conforms to the Arapahoe County Comprehensive Plan; and*

As described in the previous section, the proposed development generally conforms to the Arapahoe County Comprehensive Plan and Four-Square Mile Sub-Area Plan.

b. *It complies with the standards for conventional rezoning pursuant to Section 5-3.2.A; and*

5-3.2.B.1 Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.

The Cherry Creek Valley Water and Sanitation District has stated that this project is within their district and will be served after paying their fees.

The site is accessed from E. Mississippi Avenue, and E. Dayton Street will serve as an emergency point of access. The surrounding streets can support development on this site.

A bus stop is located across E. Mississippi Avenue from the proposed development.

5-3.2.B.2 Assure compatibility between the proposed development, surrounding land uses, and the natural environment.

This application is similar to the existing developments in the area, which consist of multi-family residential. These developments are situated to the south and west of the site.

5-3.2.B.3 Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.

The South Metro Fire Rescue Fire Protection District, Cherry Creek School District, and Arapahoe County Sheriff will serve the proposal.

The Highline Canal is .25 miles to the north of the proposed development. The canal connects to the Expo Recreation Center and Park.

The school district is requesting a cash-in-lieu fee of \$54,520.99, which the applicant is willing to pay. The cash-in-lieu fee is required at the time of platting the property and is addressed during final plat review. As stated above, this property has been platted, but no cash-in-lieu was collected before signing the plat (P14-019), and the plat's resolution (Resolution No. 150297) didn't set a condition to collect this fee. Therefore, the cash-in-lieu shall be collected before signing the Specific Development Plan. This has been made a condition of approval.

5-3.2.B.4 Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure time, and retail centers, are in close proximity to one another.

The proposed development is located near supporting activities such as retail centers, employment, and recreation (High Line Canal).

5-3.2.B.5 Ensure that public health and safety are adequately protected against natural and man-made hazards, which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.

No man-made or natural hazards were evident through this review. The Colorado Geological Survey had no objections to this application. The applicant also hired a consultant to conduct an environmental site study for the property. No natural or hazardous environmental impacts were found.

5-3.2.B.6 Provide for accessibility within the proposed development and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking, and thoroughfare connections are all factors to be examined when determining the accessibility of a site.

Vehicles can access the proposed development from E. Mississippi Avenue. S. Dayton Street will serve as an emergency point of access. Sidewalks within the development connect to a sidewalk system connecting to these streets.

5-3.2. B.7 Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types, and other relevant topographical elements.

No significant physiographic features currently exist on the subject property.

5-3.2.B.8 Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.

This development has a 35% open space requirement. The applicant is proposing 37% open space. This development is proposing similar building heights to those that are in the area.

5-3.2. B.9 Enhance the useable open spaces in Arapahoe County and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.

The proposal includes a 35% minimum open space requirement; the applicant is proposing 37% open space. The development is to contain an outdoor seating/gathering area for the enjoyment of its residents.

5-3.2. B.10 Ensure the application complies with the requirements of this Resolution and the Arapahoe County Comprehensive Plan.

The application complies with the LDC and the Arapahoe County Comprehensive Plan.

- c. It represents an improvement in quality over the strict application of the otherwise applicable zone district or development standards in this LDC, including but not limited to open space and access; environmental protection; vegetative preservation; efficiency in transportation systems and connectivity; alternative transportation options; improvements in utilities and services; or innovative housing or employment centers; and*

This application proposes redeveloping an infill property, which typically has more constraints. The proposal increases the diversity of housing in the area by adding townhomes. The existing area is a mixture of single-family detached, condominiums, and apartments. This application also promotes pedestrian connections, access to employment, and retail services, and can be adequately served by utilities and other services. The proposed development is across the street from an RTD bus stop, allowing easy access to mass transit.

Open space and a trail (Highline Canal) are within .25 miles north of the development.

- d. It is consistent with the purpose of the Planned Unit Development District as stated in Section 5-3.3.A of this LDC; and*

The proposal results in the establishment of new PUD zoning that is generally consistent with the surrounding development and appears to satisfy the Arapahoe County Zoning Regulations and procedures as stated in Section 5-3.3.A of the LDC.

- e. Any modifications to the standards and requirements of this LDC are warranted by the layout and design of the site, amenities incorporated into the development plan, or by the need to protect or avoid unique site features; and*

The proposed modifications to the standards and requirements for the dimensional standards (height, setbacks) of the LDC are warranted to provide a mixture of residential uses in the area. The proposed development also provides a landscaped amenity for its residents with a gathering area with seating.

- f. The proposed plan meets the applicable standards of this LDC unless varied by the PUD.*

The proposed plan meets applicable standards.

5-3.3.F.3

In addition to meeting the approval criteria for all PUD applications (5-3.3. F.1), an SDP in the three-step process must also comply with the development standards and requirements of the approved GDP for the site (5-3.3. F.3).

The proposed SDP meets PUD development standards by meeting the landscape requirement and promoting connectivity and compatibility.

3. Referral Comments

Comments received during the referral process are summarized in the chart attached to this report. Any late responses will be conveyed verbally at the public hearing.

PUBLIC COMMENT & NEIGHBORHOOD OUTREACH

No public comment was received on this application.

Two meetings with the public occurred: one with the surrounding neighbors and the Four-Square Mile Neighborhood Group, in November 2022 and January 2023, respectively. The comments received at these meetings are as follows:

Neighborhood Meeting

- Who maintains E. Mississippi Avenue?
Response – E. Mississippi Avenue is currently maintained by the City of Aurora.
- Concerns regarding the parking of the development.
Response – The applicant shall meet the County's parking requirements, and if possible, will add more spaces above the required number of parking spaces on-site.
- Does the proposed wall match Century Communities' wall?
Response - The wall will match the wall of the Willow Point development, just west of the proposed development along E. Mississippi Avenue.
- What is the width of the streets within the development?
Response – The development's streets will be 30' in width.
- Are the townhome elevations comparable to Meritage development?
Response – The proposed townhomes will have similar elements to the Meritage development.
- What are the traffic movements of this development?
Response - Due to site constraints, the development's traffic will be right in, right out on E. Mississippi Avenue. S. Dayton Street access will be used for emergency access.
- Want a privacy fence.
Response – There will be a six-foot privacy fence along the west and south perimeter of the development.
- Concerned about the height of the proposed townhomes.
Response – The height of the proposed townhomes will be the same as the townhomes built on Mississippi and Xenia, and fit the character of the neighborhood.
- S. Dayton Street is missing a sidewalk along this development.
Response – A sidewalk along Dayton is proposed.

- Timing of the development.
Response – These projects can take several years within Arapahoe County, and to be patient.

Four Square Mile Neighborhood Group

- Concerned about crime in the area and suggested ample lighting.
Response – In response to this comment, coach lights were added to each unit, front and back, on the outside of the townhomes.
- This property has water rights.
Response – The applicant will explore this. Staff comment: No evidence has been provided indicating that there is a well on the property.
- Like the concrete wall that Century Homes built on Quebec Street.
Response – The walls of this development could be similar.
- Like Meritage Homes' elevations.
Response - We can mimic, but it will be different to an extent.

STAFF FINDINGS

Staff has conducted a site visit, reviewed the plans, supporting documentation, referral comments, and external agency input in response to this application. Based upon a review of applicable policies and goals in the Comprehensive Plan, review of the development regulations, and analysis of referral comments, our findings include:

1. The proposed SDPZ23-001, Dayton Point Specific Development Plan with Zoning, generally conforms to the Arapahoe County Comprehensive Plan and Four-Square Mile Sub-Area Plan.
2. The proposed SDPZ23-001, Dayton Point Specific Development Plan with Zoning, meets the Arapahoe County Zoning Regulations and procedures, including those stated in Sections 5-3.3.F.1 and 5-3.3.F.3 of the Land Development Code.
3. The proposed SDPZ23-001, Dayton Point Specific Development Plan with Zoning, complies with the General Submittal Requirements contained in Section 2-2.2 enumerated in the Arapahoe County Development Application Manual.

STAFF RECOMMENDATION

Considering the findings and other information provided herein, the staff recommends approval of Case No. SDPZ23-001, Dayton Point Specific Development Plan with Zoning, with conditions of approval:

1. Before the signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.
2. Before the signature of the Specific Development Plan with Zoning, the applicant shall pay the total cash-in-lieu fee of \$70,800.99. This cash-in-lieu fee shall be distributed as follows: Cherry Creek School District: \$54,520.99; Public Parks: \$15,628.80; and Other Public Purposes: \$651.20.

CONCURRENCE

The Public Works and Development Planning and Engineering Services Divisions have reviewed the application, and the Arapahoe County Public Works and Development Department is recommending approval of this case.

PLANNING COMMISSION DRAFT MOTIONS

Conditional Recommendation to Approve

In the case of SDPZ23-001, Dayton Point Specific Development Plan with Zoning, I have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and the public comment as presented at the hearing, and hereby move to recommend approval of this application based on the findings in the staff report, subject to the following conditions:

1. Before the signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.
2. Before the signature of the Specific Development Plan with Zoning, the applicant shall pay the total cash-in-lieu fee of \$70,800.99. This cash-in-lieu fee shall be distributed as follows: Cherry Creek School District: \$54,520.99; Public Parks: \$15,628.80; and Other Public Purposes: \$651.20.

Recommendation to Deny

In the case of SDPZ23-001, Dayton Point Specific Development Plan with Zoning, I have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and the public comment as presented at the hearing, and hereby move to recommend denial of this application based on the following findings:

1. *State new findings in support of denial as part of the motion.*

Continue to Date Certain:

In the case of SDPZ23-001, Dayton Point Specific Development Plan with Zoning, I move to continue the hearing to [*date certain*], 6:30 p.m., to obtain additional information and to further consider the information presented.

Attachments:

Engineering Staff Report

Referral Comments/Applicant's Responses

Specific Development Plan