

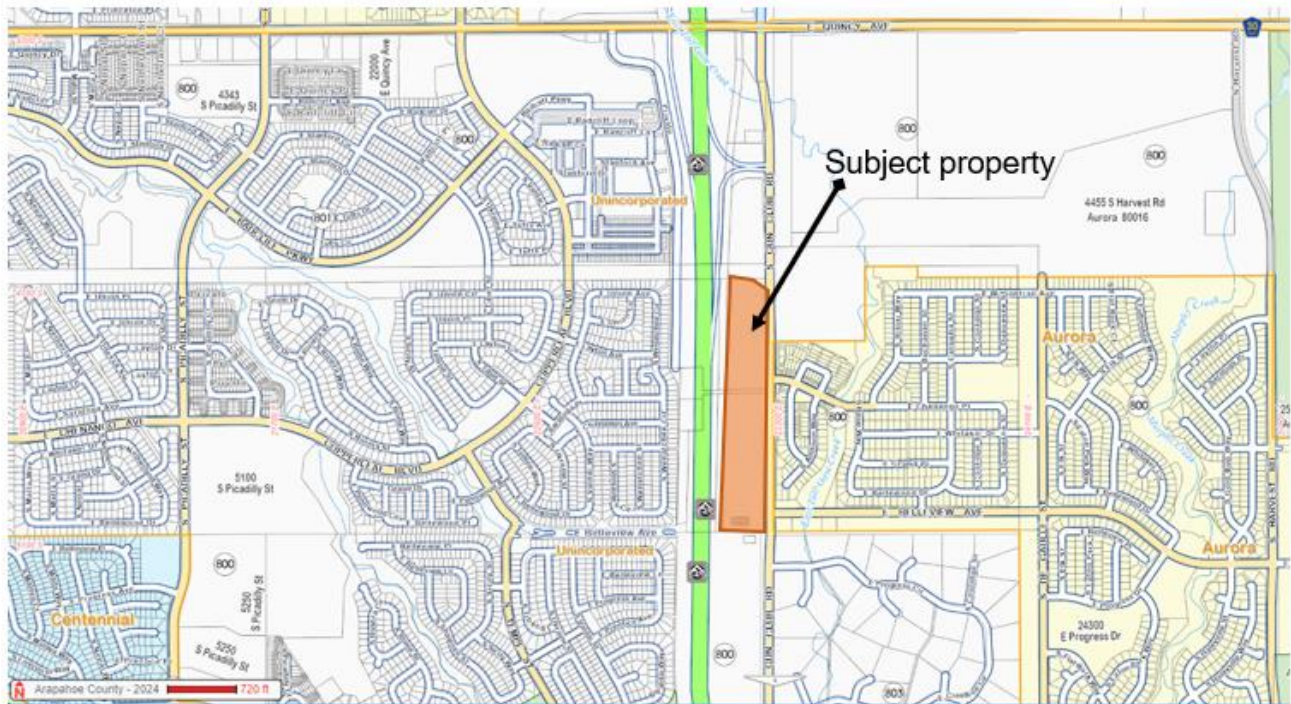
**CASE #LR22-008: CONSIDERATION OF A COMPREHENSIVE PLAN AMENDMENT VICINITY OF S. GUN CLUB ROAD AND E. BELLEVUE AVENUE**

Planning Case Manager: Gretchen Ricehill, Planner/Project Specialist  
Loretta Daniel, Long Range Program Planning Manager  
Jason Reynolds, Planning Division Manager

December 3, 2024

**PROPOSAL:**

Norris Design, on behalf of the owner of three vacant parcels located on the west side of S. Gun Club Road in the vicinity of E. Bellevue Avenue (AIN nos. 2073-21-4-00-008, 2073-21-4-00-020, and 2017-21-4-00-032) proposes a revision to the 2018 Arapahoe County Comprehensive Plan, to change the land use designation of the parcels from “Urban Residential / Single Family Detached and Attached” to “Multi-Family”.



Together the three parcels comprise 37.5 acres (source: Arapahoe County Assessor records).

As shown below, the Comprehensive Plan’s Urban Area Land Use Plan map designates the subject properties as appropriate for “Urban Residential, Single Family Detached and Attached” land uses which include detached residential (1-8 dwelling units per acre), duplexes, triplexes, fourplexes, townhomes, and multiplex units (8-16 dwelling units per acre). Supporting uses include neighborhood commercial centers, parks and recreation facilities, places of worship, and schools.



Current land uses surrounding this property include:

- North: Vacant property
- East: Single-Family, attached and detached residential (Tollgate Crossing, City of Aurora); utility substation (in unincorporated Arapahoe County)
- South: Vacant/open space, and Single-Family, detached (Dove Hill and Copperleaf); E-470 right-of-way
- West: E-470 right-of-way, and Single-Family, attached and detached (Copperleaf)

**STAFF RECOMMENDATION:**

Staff recommends **approval** of Case Number LR22-008 based on the findings outlined in this report.

**I. BACKGROUND INFORMATION**

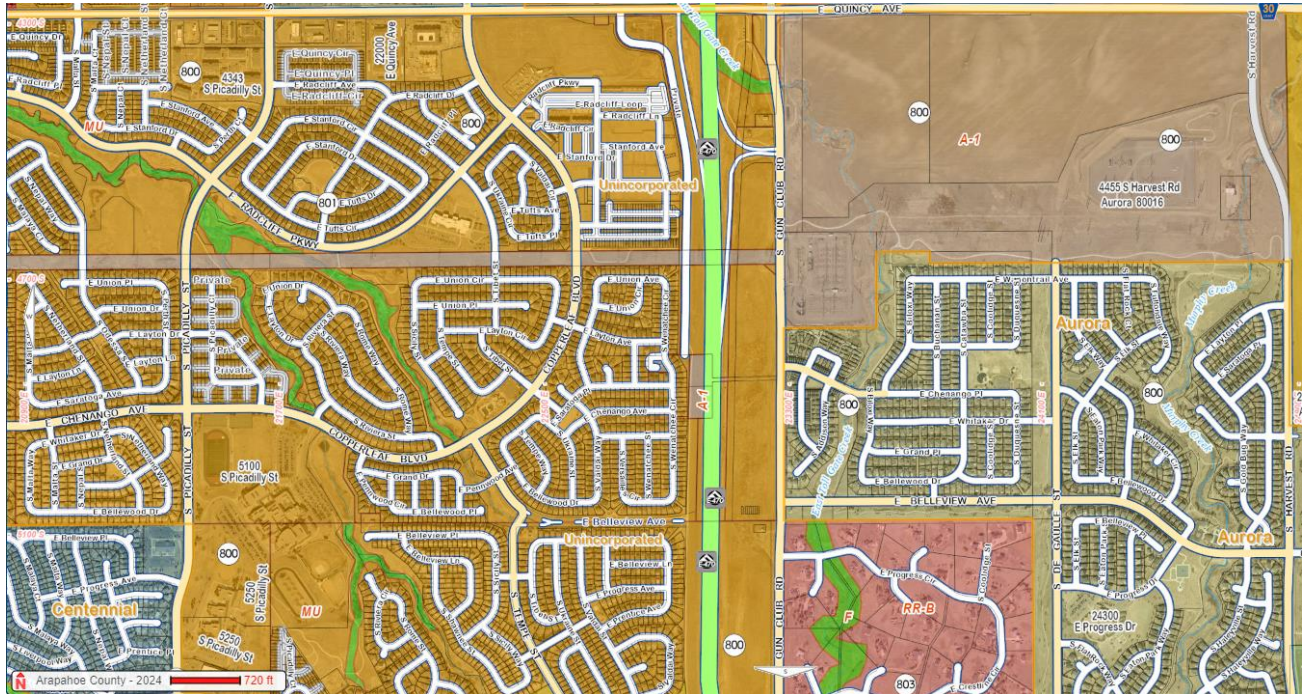
The Planning Commission adopted the Arapahoe County Comprehensive Plan in 2018. Containing a series of aspirational goals, policies, and strategies, the plan is used by elected and appointed officials, private developers and others to guide the county’s growth and development decisions.

Included in the plan are land use maps that separate parcels into several categories of residential, commercial, industrial, and mixed uses, among others. Corresponding definitions detail the types of uses and densities allowed in each of the categories.

Working together with the Comprehensive Plan is the County’s Land Development Code (LDC) which provides the legal framework to implement land use goals, policies, and strategies. The LDC divides the county into zoning districts, and it is those zoning districts which define the specific uses

permitted on a property as well as the dimensional and design standards (setback, building height, lot coverage, etc.) dictating how a property can be developed.

The subject properties are currently zoned MU, Mixed Use and are part of the Copperleaf Planned Unit Development (PUD). Any development of these properties will be subject to the further review and approval of an amendment of the PUD zoning (or new PUD zoning application) and site-specific development plan.



Immediately west, north, and south of the subject properties are parcels also zoned MU, Mixed Use. To the northeast are generally undeveloped parcels zoned A-1, agricultural; and to the southeast are parcels zoned RR-B, rural residential.

Changing the land use category of the subject properties will not change their underlying zoning designation or approve any development plan. Those actions will require separate applications and public hearings before the Planning Commission and the Board of County Commissioners.

### Request

The applicant requested that the Arapahoe County Planning Commission consider modifying the land use map to change the land use designation of the three subject parcels from “Urban Residential / Single Family Detached and Attached” to “Multi-Family” to accommodate a multi-family residential community.

The Comprehensive Plan defines “Multi-Family” as apartments and condominiums, as well as a range of housing types including townhomes, multiplexes, fourplexes, triplexes, and duplexes. Supporting secondary uses include neighborhood commercial, parks, and open spaces.

The Plan characterizes the multi-family residential communities as having a gross density of 13 or more dwelling units per acre, with shared parking facilities, and convenient connections to work, commercial centers and leisure-time areas. Often these multi-family residential communities provide a transition between non-residential areas and lower-density residential uses.

By comparison, the current land use designation, “Urban Residential / Single Family Detached and Attached” would allow for a variety of residential types, including multiplex units up to a gross density of 16 dwelling units per acre. However, this land use is characterized as being similar in scale to single family dwellings and compatible with the neighborhoods in which they are located. Because the proposed development of these properties is for a multi-story apartment complex with shared parking, staff found the “Multi-Family” land use classification better characterized the intended use.

While the applicant is considering a multi-story apartment complex at this location, this proposed land use change to the Comprehensive Plan would allow other projects as well. Those projects would need to conform to the use-types, densities, and characteristics of the “Multi-Family” land use definition, noted above.

As previously indicated, before the property can be developed, the property owner would need to request a zoning change to amend the current Copperleaf PUD or to seek approval of a new PUD plan, which would have to be brought before the Planning Commission for its recommendation and before the Board of County Commissioners for its approval. The action on this Comprehensive Plan amendment application will not change the zoning on the subject property without these additional approvals through the public hearing process.

## **II. DISCUSSION**

Staff reviewed this application for compliance with the Comprehensive Plan and development patterns and activity within the area. Additionally, staff considered comments from referral agencies and individuals providing comment by the time this report was published. A summary of the analysis and comments received follows:

### ***1. Comprehensive Plan:***

Comprehensive Plan Amendments follow procedures outlined in Appendix A. The amendment process sets forth six criteria by which the Planning Commission evaluates such requests. The applicant’s narrative which is attached to this report provides a detailed response to how the proposed project addresses each of the criteria. Following is staff’s analysis.

#### ***A. Consistency with the vision, guiding principles, intent, goals, and policies of the Comprehensive Plan.***

The applicant’s narrative highlighted several goals and policies in the Comprehensive Plan supporting the proposed multi-family land use. These include those ensuring a compact development form (GM 1) and directing growth to the urban area (GM 1.1). The proposed Comprehensive Plan amendment lays the groundwork for a

project that would develop a vacant parcel within the urban area where infrastructure is readily available.

The proposed project also achieves goals and policies in the Neighborhood Livability (NL) and Transportation and Mobility (TM) sections of the plan. Specifically, the project proposes gross density of more than 13 dwelling units per acre, achieving policy NL 1.3 which encourages higher density development in new neighborhoods within the urban area; and policy NL 4.1 which promotes a diversity of housing types. The proposed multi-story apartment complex adds the desired density and diversity as it will be located immediately west of an existing Aurora neighborhood which consists of detached and attached single family homes, and northwest of an existing large lot (2.1 acre, minimum) residential development in unincorporated Arapahoe County.

Further, the proposed project meets Transportation and Mobility goal and policy TM 1 and 1.2, which promotes an efficient and balanced transportation system and establishes long-term road maintenance and transportation system improvement priorities. For the past year or so, the project team has been working with County engineers to extend Belleview Avenue from Gun Club Road west through the subject properties. Belleview would then be improved to pass over E-470 and connect with S. Tempe Street in the Copperleaf neighborhood. This extension not only conforms to Comprehensive Plan goals and policies it also achieves a goal of the County's 2040 Transportation Master Plan.

Staff acknowledges that a multi-family development will increase traffic on Gun Club Road. However, according to project engineers, the proposed residential development represents an approximate 70% reduction in traffic compared to the commercial development which would be allowed under current zoning. More information about traffic, mitigation measures, and roadway improvements will be provided and discussed as part of the rezoning and/or development review application(s).

**B. *Compatibility with surrounding land uses and zoning.***

The subject properties are in proximity to a variety of uses such as residential, commercial, industrial, and open space. As previously discussed, east, southeast, and west of the subject properties are existing single family attached and detached residential uses. North and northeast are properties designated for "Employment" and "Regional Commercial" uses, currently zoned A-1, Agricultural. Lowry Trust Properties are located south of E. Quincy, east of Gun Club Road.

The Copperleaf Planned Unit Development is located directly west, across E-470 from the subject properties. This development allows for a wide range of uses including multi-family, attached and detached single family, commercial, and industrial. The nearest existing multi-family units in the Copperleaf neighborhood are just over one mile away, near the intersection of E. Quincy Avenue and S. Picadilly Street. In Aurora, there are condominiums located about 0.8 miles to the south of the subject property.

C. ***Compatibility with existing, natural, and environmental conditions of the proposed amendment and preservation of important natural features, riparian corridors, wildlife habitat and movement corridors, and historic resources.***

The proposal would improve a roughly 400 foot wide strip of previously undeveloped land located between E-470 and S. Gun Club Road. There are no natural features or riparian corridors associated with the properties. To staff's knowledge the development also would not affect any known historic resources. Recent aerial photographs show there may be prairie dog communities on these properties. If this is the case, as part of the rezoning and/or development application, the owner will need work with both County and Colorado Parks and Wildlife staff to mitigate the proposed development's impact on these prairie dog communities.

D. ***Adequate water supply, water and sewer treatment facilities, transportation networks, access, fire protection, school facilities, and parks and trails for the development.***

Water and sanitation facilities: The subject property will receive treated water from East Cherry Creek Valley Water and Sanitation District (ECCV), and as noted in the project narrative, sanitary sewer treatment will be provided by the City of Aurora per prior agreement with ECCV. The water and sanitation district reviewed the application and commented that water and sewer service is available to the property, subject to its review and approval of site and construction plans.

Transportation networks and access: The property is located on the west side of S. Gun Club Road north of E. Belleview Avenue. Gun Club is an improved two-lane arterial with dedicated turn lanes and a detached sidewalk on the east side, adjacent to the existing Tollgate neighborhood (Aurora jurisdiction). North of the neighborhood, the roadway does not have curb, gutter, or sidewalks. Further improvements to Gun Club Road will be determined by Arapahoe County's Engineering Services and Transportation divisions at the time the owner submits a rezoning and/or development application for the proposed project.

It is important to note that the E-470 Authority expressed its concern regarding a residential development adjacent to its right-of-way due to potential noise complaints from residents. Staff notes that residential development has been and continues to be developed along the E-470 corridor. The subject property sits about 15 feet or more above E-470, similar to the existing housing development on the west side of the highway. Impacts and mitigation measures related to noise from the interstate should be addressed at the time the owner submits a rezoning and/or development application for the proposed project.

Fire protection: The property is served by the South Metro Fire Protection District, which reviewed a conditionally approved the proposed car wash use, subject to further review of detailed plans.

School facilities: The property is within the Cherry Creek School District. The district did not provide comment about this proposed amendment to the County's

Comprehensive Plan. It will be afforded the opportunity to comment about the actual development as part of that application review.

Parks and trails: the proposed use is about 0.3 to 0.75 miles from two parks within the Tollgate neighborhood (City of Aurora) and 2.5 miles (straight distance) to the Aurora reservoir and marina. Located 500 to 600 feet east of the proposed development from Belleview and Chenango is access to an improved path running along East Tollgate Creek. Pedestrians would be required to cross S. Gun Club Road, a major arterial with a posted speed limit of 45 miles per hour.

Further review of access to parks and trails as well as recreational facilities in proximity to the proposed development will be required when the owner submits an application for rezoning and/or development plan.

**E. *How existing and planned capabilities of the affected special districts can adequately handle the service demand.***

No concerns have been raised by the affected special districts. The districts will have the opportunity to review the details of site development at the time the owner submits a rezoning and/or development application.

**F. *How social, economic, or land-use conditions of the County have changed or are in the process of changing in such a manner to support the proposed amendment to the Comprehensive Plan.***

As indicated in the Background section of this report, the subject parcels on the west side of S. Gun Club Road, in the vicinity of E. Belleview Avenue are currently designated as appropriate for “Urban Residential / Single Family Detached and Attached”-type land uses, a designation which principally accommodates a variety of residential uses including detached single family homes, duplexes, triplexes, fourplexes, and multiplexes at densities which range from one to up to 16 dwelling units per acre. This land use category also accommodates a handful of supporting uses such neighborhood commercial centers, parks and recreation facilities, places of worship, and schools.

Since the Comprehensive Plan was adopted in 2018, the region’s population grew from 2.7 million to 2.9 million people. Research has shown that in the Denver metropolitan area the supply of housing has not kept pace with population growth, and that housing cost has increased faster than wages. A recent report from the Denver Regional Council of Governments (DRCOG) finds there is a current need for more than 52,000 housing units in the Denver metropolitan area alone, just to catch up with the demand. The report found that available current housing does not support the diverse range of housing needs across all income levels and household types. The greatest need is for those earning 60 percent or less of area median income, however the report also finds there is also a need for households earning above 80 percent of area median income.

Changing the current land use category from single family to multi-family will allow for greater density thereby helping to improve housing supply and diversity of housing types in this area.

## 2. Referrals:

Staff sent out referral letters to key partner agencies, homeowner associations, and property owners within one-quarter mile of the subject properties, requesting review and comments about the proposed project. Referral letters included review and comment on both the proposed Comprehensive Plan Amendment and the proposed Planned Unit Development and General Development Plan. Staff received no comments from homeowner association representatives; nine “no comments” related to the Comprehensive Plan Amendment, and eight comments from partner reviewing agencies, most of which were related to the proposed PUD and General Development Plan application(s). All comments are summarized below:

Aurora Planning Department	This area is identified in Aurora Places, the City of Aurora’s Comprehensive Plan as Established Neighborhood, which can support multifamily development. The expectation is for coordination on the design and construction of Gun Club Road.
Arapahoe County Open Spaces Department	Expressed concern about the lack of sidewalks and trail connections in the vicinity of the proposed development; concerns about traffic on Gun Club Road and pedestrian crossings; the relative isolation of the proposed development from parks and trails; and details about Open Space dedications/fees in lieu related to the Copperleaf Preliminary Development Plan.
Colorado Geological Survey	The Geological Survey provided geological information about the site and had no objection to the proposed Comprehensive Plan Amendment and general development plan. The Geological Survey requested the opportunity to review and comment on the wall system design and analysis prior to construction.
E-470 Authority	As the development borders E-470, the E-470 Authority expressed concern regarding development of housing adjacent to the interstate due to noise complaints from future residents. The Authority is not responsible for noise mitigation.
East Cherry Creek Valley Water and Sanitation District	The district requested the ability to review site and construction plans of water and sanitary infrastructure.
Mile High Flood District	Provided comments about the potential impacts to the Quincy Avenue Regional Detention Facility. No comments were received related to the proposed Comprehensive Plan Amendment application.
Southeast Metro Stormwater Authority	Provided detailed comments related to the proposed development’s Draft Phase I Drainage Report. No comments were received related to the proposed Comprehensive Plan Amendment application.



Public Service of Colorado / Xcel Energy – right-of-way and permits	Comments provided information about the company’s right to maintain and utilize its current and future facilities on or through the property and its requirement that the owner complete an application for any new natural gas or electric service. Xcel provided draft text to be added to the preliminary and final plats. No comments were received related to the proposed Comprehensive Plan Amendment application.
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At the time of drafting this report, staff has received four comments from area residents opposing or expressing concern regarding the proposed Comprehensive Plan Amendment application (see attached). Comments received after publication of this report will be provided to the Planning Commission during the public hearing.

### III. STAFF FINDINGS

Staff has reviewed the proposal and supporting documentation and referral comments as detailed in this report. Based on the review of applicable goals and policies as stated in the Comprehensive Plan, Staff finds:

1. This proposed amendment complies with several goals and policies of the 2018 Arapahoe County Comprehensive Plan.
2. Amending the Comprehensive Plan Urban Area Land Use Plan map is consistent and compatible with the surrounding area.
3. The Arapahoe County Planning Commission has the authority to amend provisions of the 2018 Arapahoe County Comprehensive Plan proposed by this revision.

### IV. STAFF RECOMMENDATION

Based on the three findings described above, Staff recommends **approval** of this Amendment request. The Planning Commission is the deciding authority for Comprehensive Plan Amendments.

### V. DRAFT MOTIONS

**Motion for Approval:** *This motion is consistent with the staff recommendation.*

In the case of LR22-008, consideration of an application to amend the 2018 Arapahoe County Comprehensive Plan in the vicinity of S. Gun Club Road and E. Belleview Avenue, I have reviewed the staff report, including all exhibits and attachments and have listened to the applicant’s presentation and any public comment as presented at the hearing and hereby move to approve this application based on the findings in the staff report **with the following condition:**

1. An attachment to this report illustrates the changes to be made to the 2018 Arapahoe County Comprehensive Plan Urban Area Land Use Plan map if the Planning Commission approves the request. Staff, in conjunction with the County Attorney’s Office, is hereby authorized to update the map.

**Motion for Denial:** *This motion is not consistent with the staff recommendation.*

In the case of LR22-008, consideration of an application to amend the 2018 Arapahoe County Comprehensive Plan in the vicinity of S. Gun Club Road and E. Belleview Avenue, I have reviewed the staff report, including all exhibits and attachments and have listened to the applicant's presentation and any public comment as presented at the hearing and hereby move to deny this application based on the following findings:

1. ***(State new or amended findings to support a motion for approval)***

**Motion to Continue:**

In the case of LR22-008, consideration of an application to amend the 2018 Arapahoe County Comprehensive Plan in the vicinity of S. Gun Club Road and E. Belleview Avenue, I move to **continue** the public hearing for action on this item to **[Date, 2025]**, date certain, 6:30 p.m., at this same location, **[to obtain additional information] [to further consider information presented during the public hearing]**.

Attachments:

- Application
- Illustration showing the proposed amendment to the Urban Area Land Use Plan map.
- Referral comments (only the referral agencies that responded with specific comments have been included with this staff report)
- Public comments. Note: any public comments received after the staff report is sent to the Planning Commission will be provided to the Planning Commission during the hearing and will also be included as part of the public hearing record.
- Link to the 2018 Arapahoe County Comprehensive Plan (LINK)
- Draft Resolution