

ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
December 17, 2024
6:30 P.M.

SUBJECT: GDP23-003 EASTGATE GENERAL DEVELOPMENT PLAN

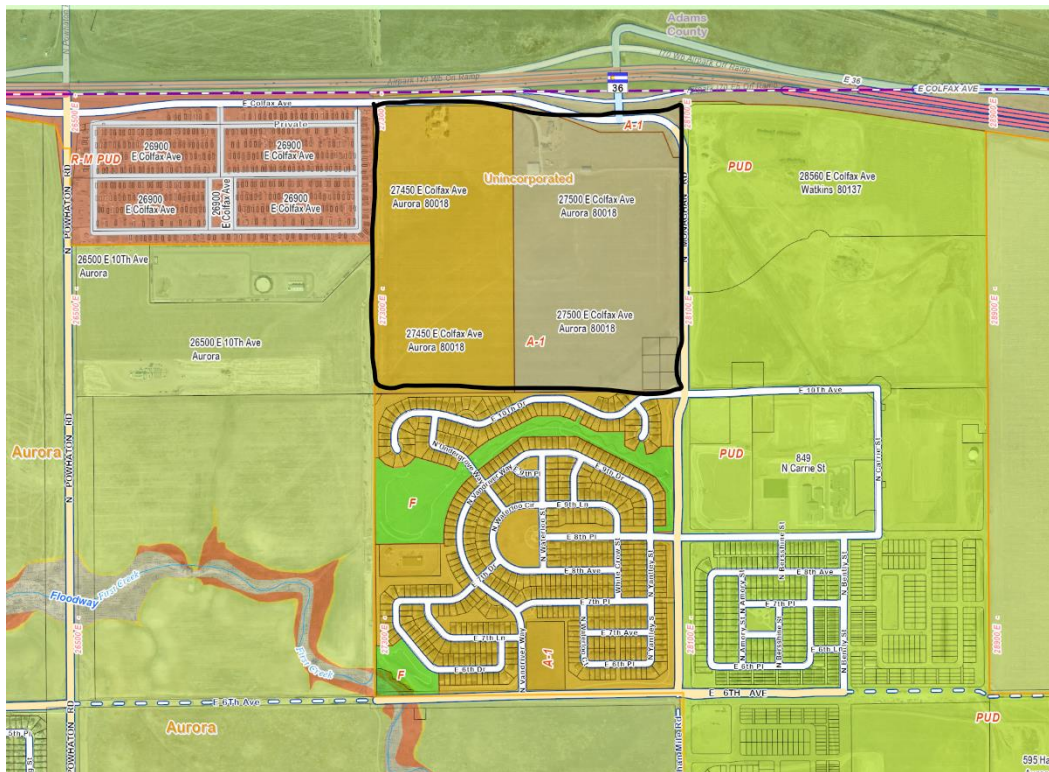
KAT HAMMER, SENIOR PLANNER

PURPOSE AND REQUEST

The property owner, Property 292, LLC (John Wakeman and Sharon Dowhan) in conjunction with Plan West Inc., is requesting approval of a General Development Plan (GDP), known as Eastgate, located at the southwest corner of Interstate 70 and N. Monaghan Road, at 27500 and 27450 E. Colfax Avenue. The GDP proposes zoning for approximately 405,000 square-feet of commercial, retail, and light industrial property and approximately 1,000 single-family attached and multi-family residential uses. As the name implies, the GDP establishes broad zoning parameters like allowed uses, maximum and minimum limits for dimensional controls like building height and setbacks, allowed density, and possible design guidelines or standards. If this GDP is approved, the Planning Commission must approve a subsequent Specific Development Plan (SDP), Preliminary Plat, and a detailed Administrative Site Plan (ASP), and Final Plat must be reviewed and approved before construction can proceed. See the attached GDP plan exhibit.

BACKGROUND

The approximately 144-acre site is located at the southwest corner of Interstate 70 and N. Monaghan Road.



Location & Zoning (site outlined in black)

ADJACENT SUBDIVISIONS, ZONING, AND LAND USE:

	Zoning	Land Use	Subdivision
North	N/A	Interstate 70	N/A
East	Sky Ranch PUD	Agricultural	N/A
South	Sky Ranch PUD	Single-Family Residential	Sky Ranch Filing No. 1
West	R-M PUD and City of Aurora	Mobile Home Park, Aurora pumping station and vacant land	Aetna Estates, Aurora Pumping Station No. 3 Sub 1 st Filing and unplatted.

The western parcel is approximately 69 acres and is currently zoned Mixed-Use, MU, (case number Z79-024), which permits one single-family dwelling unit on five acres and agricultural uses on the remaining acreage. The eastern parcel is approximately 75 acres and is zoned Agricultural, A-1. County staff is concurrently reviewing the associated Special District application (Case No. SD24-002), and 1041 (Regulations Governing Areas and Activities of State Interest) application for extension of domestic water and sewage treatment systems (Case No. ASI24-001). Approval of this application will be contingent upon approval of SD24-002 and ASI24-001.

NEIGHBORHOOD OUTREACH AND PUBLIC COMMENT

The applicant held a neighborhood meeting on Wednesday, April 13, 2023, at 6:00 P.M. at the Cross Creek Clubhouse in Aurora, CO. The applicant presented the proposal to six attendees. The attendees asked questions regarding traffic flow/improvements and retail uses. Attachment 3 provides a summary of the neighborhood meeting. Staff has not received any comments from the public regarding this application.

ANALYSIS OF THE GENERAL DEVELOPMENT PLAN APPLICATION

Staff review of this application included a comparison of the proposal to: 1) applicable policies and goals outlined in the Comprehensive Plan; 2) review of pertinent Land Development Code regulations; and 3) analysis of referral comments.

1. The Comprehensive Plan

The Comprehensive Plan designates this area as Employment and within the Urban Area.

Primary allowable land uses in the Employment Center category include research and development offices, general offices, warehousing and light industrial uses, and major educational facilities. Allowable secondary uses in the Employment Center category include uses that complement the primary uses, such as restaurants, hotels, convenience shopping, childcare, and residential uses if part of an overall Planned Unit Development. The proposed development associated with this Special District application includes 405,000 square-feet of commercial, retail, and light industrial uses and approximately 1,000 single-family attached and multi-family residential units, within a Planned Unit Development.

The Urban Area is predominantly within or adjacent to areas of existing urban-level development in the western portion of the County. This is the place of the most intense urban activity and where annexations will likely occur. The undeveloped portion of the Urban Area is a priority growth area consistent with the Denver Regional Council of Governments (DRCOG) Metro Vision outcome to create an Efficient and Predictable Development Pattern.

Land within the Urban Area is already zoned for urban development; however, some vacant land remains and some rezonings should be anticipated. In the Urban Area, new urban residential development, mixed with accompanying commercial and services uses, will be directed to areas contiguous to existing development. New development in these areas will be well-designed and offer multi-modal connections to surrounding areas to increase mobility and create walkable neighborhoods.

This proposal aligns with the following policies and goals of the Comprehensive Plan.

GOAL PSF 1 Ensure an Adequate Water Supply in Terms of Quantity and Quality for Existing and Future Development

The existing two farmhouses receive water from a water well and septic tank treatment of wastewater. The development is proposed to receive water and wastewater from the City of Aurora as described in the associated application for extension of domestic water and sewage treatment systems application, Case No. ASI24-001. The Contingent Willingness to Serve letter (attachment 6) indicates a Water and Sewer Service Agreement between Property 292, LLC is being negotiated between City staff and Property 292, LLC, and must be approved by the Aurora City Council. The Contingent Willingness to Serve letter indicates all water and wastewater infrastructure necessary to serve the development shall be built to the standards and requirements of the City of Aurora and will be conveyed to the City upon completion and acceptance. The Contingent Willingness to Serve letter also indicates limitations of master-planned water use for this area. The agreement is expected to be presented to Aurora City Council in January for consideration. Staff has included a condition of approval requiring proof of approval from the Aurora City Council be sent to the County from City staff.

Policy PFS 4.3 Require Adequate Wastewater Treatment

As mentioned above, the City of Aurora is expected to serve the development and ensure adequate wastewater treatment.

Policy PFS 2.1 Require Adequate Water Availability for Proposed Development

The City of Aurora provided a letter indicating a preliminary willingness by Aurora Water to provide water and sanitary sewer for the proposed development. The Contingent Willingness to Serve letter indicates service is contingent upon the conveyance of the unadjudicated groundwater rights that underlie the property from the property owner to the City and property rights (easements and/or dedications) to allow for efficient operation/expansion of Aurora's water and sanitary sewer systems.

GOAL PFS 7 Ensure Existing and New Developments have Adequate Police and Fire Protection

The Arapahoe County Sheriff had no comments on this application. Sable Altura Fire District provided a referral response indicating the district fully commits and expects to continue to serve this area and development for the long term.

2. Land Development Code Review

Section 5-3.3.F of the Land Development Code allows a GDP to be approved if the proposal meets all of the following criteria:

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

The proposed GDP is consistent with Comprehensive Plan goals and policies, as stated in the previous section of this report.

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

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 development is proposed to be served by Aurora Water for water and wastewater. Colorado Department of Transportation had several initial comments regarding the proposal but provided a letter and email indicating all comments have been addressed, see attachment 5. Per CDOT requirements, the applicant will be required to submit a Transportation Demand Management Plan for review and approval with the Specific Development Plan. The development will create traffic at the I-70 and Monaghan/Airpark Rds. interchange and will be required to pay its pro-rata share of necessary interchange improvements determined through the 1601 process, and a condition of approval has been added to memorialize this.

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

The proposed development is compatible with the surrounding land uses, residential to the west and south of the property and the east is currently agricultural and is included in the Sky Ranch General Development Plan and within the Urban Area and is expected to develop as the need for development occurs. The site plan provides requirements for open space dedication and locations and takes into consideration existing drainageways and floodplains, providing access without disturbing flows. Proposed land uses are intended to be complementary to surrounding properties, and assets to the region. Density is intended to transition from lower intensities near the south and west boundaries to higher intensities at the proposed intersection of E. 12th Ave. and E. Colfax Ave. Retail land uses are proposed along Monaghan Rd., and light industrial land uses are oriented near I-70.

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, parks, and libraries.

As mentioned in the previous section of this report, provision for police and fire can be provided. Aurora Public Schools provided staff with an email stating the school district has capacity to serve the proposed 1,000 residential units. Aurora Public Schools provided a referral response indicating cash-in-lieu of land dedication will be requested at the time of subdivision. The school district is requesting the value of the cash-in-lieu be based on the Appraisal Method of determining fair market value outlined in the Arapahoe County Land Development Code (LDC). The site layout provides requirements for open space dedication and locations and additional open space requirements may be met through cash-in-lieu of land dedication. Arapahoe County Library District did not provide any comment during the referral period.

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 includes a diversity of land uses, such as employment, housing, leisure time, and retail centers in close proximity to one another. The proposed plan includes opportunities for growth, job creation, and providing diverse housing options that would support those jobs.

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

Public health and safety are adequately protected from traffic noise, water pollution, and flooding. County staff agrees with the applicant's traffic study, which concluded that the nearby road networks could accommodate the existing traffic. Arapahoe County Road and Bridge did not have any concerns with the proposal and, following its review of the GDP, CDOT indicated its concerns had been addressed and had no further comments. Per CDOT requirements, the applicant will be required to submit a Transportation Demand Management Plan for review and approval with the Specific Development Plan. The development will create traffic at the I-70 and Monaghan/Airpark Rds. interchange and will be required to pay its pro-rata share of necessary I-70 interchange improvements determined through the 1601 process, and a condition of approval has been added to memorialize this.

The applicant acknowledges the floodplain, and the site layout provides access without disturbing flows. Arapahoe County Public Health Department did not provide any comments. Denver International Airport indicated the property is located within the 55 DNL (Day-Night Average Sound Level) and subject to overflights but did not have an objection to the proposed development.

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.

The GDP illustrates the location of the internal circulation and points of access. Access to the development will be from Colfax Avenue and Monaghan Road. A new west-east collector street (12th Avenue) will run across the property, providing internal connectivity. Per CDOT requirements, the applicant will be required to submit a Transportation Demand Management Plan for review and approval with the Specific Development Plan, and sidewalk and pedestrian circulation will be reviewed at this time as well. The development will create traffic at the I-70 and Monaghan/Airpark Rds. interchange and will be required to pay its pro-rata share of necessary I-70 interchange improvements determined through the 1601 process, and a condition of approval has been added to memorialize this.

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

The site plan takes in consideration existing drainage ways and floodplains and provides access without disturbing flows. Colorado Geological Survey did not provide any comments; additional requests for referral comments will be sent with the SDP and ASP, if this application is approved.

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.

The GDP provides areas and locations for open space and recreational activities. The specifics of the dedicated open spaces and landscaping will be reviewed at the time of SDP if this application is approved.

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.

See response above.

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

The proposed General Development Plan generally complies with the Land Development Code 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*

The proposed PUD creates the opportunity for a ‘village-type’ neighborhood, with a mix of uses that are not currently supported by the existing zone district. The neighborhood would create opportunities for diverse housing types located in convenient proximity to retail development. Parks, open space, and infrastructure can be designed thoughtfully and efficiently across the PUD.

- 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 is consistent with the purpose of a PUD and appears to generally satisfy the Arapahoe County Zoning Regulations and procedures as stated in Section 5-3 of the LDC. The proposed PUD would allow more specific development standards and prevent monotonous urban landscapes by allowing a mix of housing types and retail services in a cohesive plan. The GDP may allow for development standards that create alternative and new, high-quality residential neighborhoods to support a commercial corridor.

- 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*

Any modifications to the standards shall be for the intent of supporting the layout of the site, increasing amenities, or protecting unique site features. There are no modifications to the LDC standards indicated at this time. The applicant will be required to comply with landscaping, lighting, signage and other designs standards of the LDC unless modifications are outlined and approved in the subsequent SDP application.

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

The proposal meets the applicable standards of the LDC, unless specified in the general notes and design. Further review of the proposal and applicable standards of the LDC will be reviewed at the time of SDP and ASP if this application is approved.

In addition to the above criteria, a GDP must also meet the following criteria:

- a. *The proposed land uses, development densities/intensities, and building heights will not create significant adverse impacts on surrounding properties; and,*

Proposed land uses are intended to be complementary to surrounding properties, and assets to the region. Density is intended to transition from lower intensities near the south and west boundaries to higher intensities at the proposed intersection of E. 12th Ave. and E. Colfax Ave. Retail land uses are proposed along Monaghan Rd., and light industrial land uses are oriented near I-70.

- b. *It demonstrates an efficient use of land that facilitates a more economical arrangement of buildings, vehicular and pedestrian circulation systems, and utilities; and,*

This proposed GDP demonstrates a strategic circulation system by connecting E. 12th Avenue from the adjacent JAMASO site to Monaghan Rd., and bringing E. Colfax Avenue

into 12th Ave. This framework creates a retail corridor along Monaghan Rd to serve the neighborhood and the region. A variety of housing types create a transition from the existing adjacent residential properties towards these retail uses. The PUD allows for shared parks and green space and potential trail connections between planning areas.

- c. *It provides efficient street and trail connectivity to existing adjacent development that generally conforms with the Comprehensive Plan; and*

The extension of E. 12th Avenue through the property creates a much-needed regional connection across First Creek. Neighbors in the Sky Ranch development will be able to travel west without needing to get on the interstate. The widening of Monaghan Rd and partial contribution to the interchange improvements will create a more efficient regional connection. Trails are anticipated to be included throughout the development as the site plan progresses. There is an existing trail to the south of the site in Sky Ranch Filing 1, analysis of connection to this existing trail will occur during the SDP application.

- d. *It provides or expands access to existing open space and preserves and protects natural features; and*

This GDP provides requirements for open space dedications and locations. It also acknowledges the existing floodplain and the drainage located at the intersection of Monaghan Rd. and 10th Ave.

- e. *It includes efficient general layouts for major water, sewer, and storm drainage areas.*

Planning Areas 4 and 5 take into consideration existing drainageways and floodplains, providing access without disturbing flows.

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. Staff is recommending a condition of approval indicating approval from Aurora Water's willingness to serve the site for water and wastewater treatment.

STAFF FINDINGS

Staff has reviewed the plans, supporting documentation, and referral comments 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. Staff finds that the proposed GDP23-003, Eastgate General Development Plan, generally conforms to the Arapahoe County Comprehensive Plan.
2. The proposed GDP23-003, Eastgate General Development Plan, meets the Arapahoe County Zoning Regulations and procedures, including Section 5-3.3, Planned Unit Development.

STAFF RECOMMENDATION

Considering the findings and other information provided herein, Staff recommends approval of Case No. GDP23-003, Eastgate General Development Plan, subject to the following conditions of approval:

1. Prior to signature of the final copy of these plans, the applicant must address Public Works and Development Staff comments and concerns.
2. Prior to the signature of the final copy of these plans, the applicant must provide proof that Aurora Water can adequately serve the site with water and wastewater treatment.
3. The applicant must submit a Transportation Demand Management Plan for review and approval with the Specific Development Plan.
4. The applicant agrees to contribute a pro-rata share of the cost of necessary improvements to the I-70 and Monaghan/Airpark Rds. interchange as are determined through the 1601 Process.
5. Approval of this GDP is contingent upon approval of the associated Special District application, SD24-002, and 1041 (Regulations Governing Areas and Activities of State Interest) application for extension of domestic water and sewage treatment systems, ASI24-001.

ALTERNATIVES

The Planning Commission has alternatives that include the following:

1. Recommend approval of the General Development Plan.
2. Continue to a date certain for more information.
3. Recommend denial of the General Development Plan.

CONCURRENCE

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

PLANNING COMMISSION DRAFT MOTIONS
GDP23-003, Eastgate General Development Plan

Recommend Conditional Approval

In the case of GDP23-003, Eastgate General Development Plan, 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 recommend approval of this application based on the findings in the staff report, subject to the following conditions:

1. Prior to signature of the final copy of these plans the applicant must address Public Works and Development Staff comments and concerns.
2. Prior to the signature of the final copy of these plans, the applicant must provide proof that Aurora Water can adequately serve the site with water and wastewater treatment.
3. The applicant must submit a Transportation Demand Management Plan for review and approval with the Specific Development Plan.
4. The applicant agrees to contribute a pro-rata share of the cost of necessary improvements to the I-70 and Monaghan/Airpark Rds. interchange as are determined through the 1601 Process.
5. Approval of this GDP is contingent upon approval of the associated Special District application, SD24-002, and 1041 (Regulations Governing Areas and Activities of State Interest) application for extension of domestic water and sewage treatment systems, ASI24-001.

Staff provides the following Draft Motions listed below as general guidance in preparing an alternative motion if the Planning Commission reaches a different determination:

Denial

In the case of GDP23-003, Eastgate General Development Plan, 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 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 GDP23-003, Eastgate General Development Plan, 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

1. Application
2. Engineering Services Division Staff Report
3. Neighborhood Outreach Packet
4. Referral Comments and Applicant's Response

5. CDOT's Referral Email and Comments
6. Contingent Willingness to Serve Letter from Aurora Water
7. Letter of Intent
8. DEN Avigation Easement
9. General Development Plan Set