

ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
November 19, 2024
6:30 P.M.

SUBJECT: LDC24-008 COMMERCIAL USE OF PUBLIC WAYS

JASON REYNOLDS, PLANNING DIVISION MANAGER

PURPOSE AND REQUEST

This county-initiated project proposes amending the Land Development Code (LDC) to prohibit commercial uses in public ways. The proposed changes provide an enforcement mechanism to address on-street parking issues and commercial use of the right of way in Arapahoe County. Staff seeks a recommendation of approval.

BACKGROUND

Several areas of Arapahoe County are experiencing problems related to the commercial use of public right of way: car repair activities, storage of unregistered vehicles, storage of oversized commercial vehicles and trailers, storage of materials related to commercial activities, and auto sales.

On October 22, 2024, the Board of County Commissioners approved Ordinance 2024-02, which addresses many of the parking issues. The adopted ordinance prohibits auto repair in the right of way, prohibits oversized commercial vehicles from residential areas, allows additional staff to issue parking citations, prohibits parking in bicycle lanes, provides rules for towing vehicles, and increases parking fines from \$22 to \$150. The parking ordinance becomes effective on January 1, 2025.

The ordinance allows issuing citations to vehicle owners but in some cases that may not be a deterrent. In some industrial areas, particularly on S Valentia Street north of E Iliff Ave, auto repair and sales businesses appear to be unloading, storing, and repairing inventory, including wrecked vehicles, on the public streets. While the individual vehicles can be ticketed and/or towed, the ordinance does not address the business itself.

DISCUSSION AND PROPOSED CHANGES

The proposed Land Development Code change supplements the parking ordinance by prohibiting the commercial use of right of way. The proposed amendment would:

- Prohibit businesses from storing equipment, commercial vehicles, and materials in the public right of way
- Prohibit off-loading of materials and vehicles in the public right of way unless authorized in advance by the county or by signage (loading zones)
- Allow businesses to use public right of way while rendering services or making deliveries
- Allow residents to park work trucks/commercial vehicles on public right of way, provided that the vehicle is not oversized
- Allow agricultural use of public ways

If a business is using the right of way for commercial purposes, such as storage of their wrecked vehicles (see image below), the proposed change would allow the county to prosecute the matter as a zoning violation in addition to any parking citations or removal of individual vehicles. Overall, the goal is to keep the public right of way available for residents, customers, and visitors rather than allowing it to serve as overflow materials/auto sales/repair storage.



The proposed amendment includes exceptions that allow incidental use of the public ways. Some residents need to take work-branded trucks home. Commercial vehicles are often present in residential areas to make deliveries/collections or to support construction activities. The code would continue to allow those uses. Some uses of the right of way, like placing dumpsters/roll-offs/pods in the street, are prohibited by existing code.

PUBLIC AND REFERRAL COMMENTS

These regulations were reviewed by the County Attorney's office and Public Works and Development. They supplement an already-adopted parking ordinance, which becomes effective on January 1, 2025.

STAFF FINDINGS

The proposed changes would allow an additional enforcement mechanism to address parking challenges in Arapahoe County.

STAFF RECOMMENDATION

Considering the findings and other information provided herein, Staff recommends approval of Case No. LDC24-008, commercial use of public ways regulations, subject to the following stipulation:

1. Staff, with the approval of the County Attorney, may correct typographical errors and make such revisions to the Code amendment as are necessary to incorporate the approved amendment into the Land Development Code for publication.

ATTACHMENTS

1. Proposed LDC Amendment
2. Parking Ordinance (2024-02)

MOTIONS

Recommend Approval:

I move to recommend approval of Case No. LDC24-008, commercial use of public ways regulations, subject to the following stipulation:

1. Staff, with the approval of the County Attorney, may correct typographical errors and make such revisions to the Code amendment as are necessary to incorporate the approved amendment into the Land Development Code for publication.

Recommend Denial:

I move to recommend denial of Case No. LDC24-008, commercial use of public ways regulations.