



# NOTICE OF COUNCIL MEETING

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## TELECONFERENCE/ELECTRONIC PARTICIPATION PROCEDURES

*Members of the Aurora City Council will participate in the September 27, 2021 Regular Meeting by teleconference due to concerns surrounding the COVID-19 (coronavirus) outbreak. To keep the members of our community, employees and leaders safe, there will be no public presence at the meeting. Members of the public and media will be able to participate remotely through the options listed below:*

### **View or listen live**

Live streamed at [www.auroraTV.org](http://www.auroraTV.org)

Cable Channels 8 and 880 in Aurora

Call: 855.695.3475

### **Provide comment during Public Invited to Be Heard, or to speak on a specific agenda item on the regular agenda**

- Call the live public comment line at 855.695.3475 and once connected press \*3 to reach the operator.
- The operator will ask which item the caller would like to speak on and place you in the queue for that item.
- The public comment call-in line will open at 6:00 p.m. the day of the Council Meeting.

### **Public Comment Call-In Deadlines**

- Public Invited to Be Heard is at 6:30 p.m. Callers wishing to speak during the Public Invited to be Heard portion of the agenda must call in and be in the queue by 6:30 p.m.
- Comment on specific agenda items and public hearings must call in after 6:00pm and before the City Clerk reads the title of the item they wish to speak on. Once the Clerk reads the title, no additional calls for that item will be accepted.

### **Translation/Accessibility**

The City will provide closed captioning services on Cable Channels 8 and 880. If you need any other accommodation, please contact the Office of the City Clerk. If you are in need of an interpreter, please contact the Office of International and Immigrant Affairs at 303-739-7521 by Monday, September 27, 2021 at 9:00 a.m. (Si necesita un intérprete, comuníquese con la oficina de asuntos internacionales e inmigrantes en 303-739-7521 por el viernes anterior a la reunión del lunes.)



City of Aurora, Colorado  
MONDAY, SEPTEMBER 27, 2021

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**EXECUTIVE SESSION OF THE AURORA CITY COUNCIL**

(Closed to the Public)

TELECONFERENCE

5:45 p.m.

**REGULAR MEETING OF THE AURORA CITY COUNCIL**

(Open to the Public)

TELECONFERENCE

6:30 p.m.



## AGENDA

### Regular Meeting of the Aurora City Council

Monday, September 27, 2021

6:30 p.m.

VIRTUAL MEETING

City of Aurora, Colorado

15151 E Alameda Parkway

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Pages

1. CALL TO ORDER
2. ROLL CALL
3. INVOCATION/MOMENT OF SILENCE
4. PLEDGE OF ALLEGIANCE
5. EXECUTIVE SESSION UPDATE
6. APPROVAL OF MINUTES
  - 6.a. July 26, 2021 Meeting Minutes
7. PROCLAMATIONS OR CEREMONIES
8. PUBLIC INVITED TO BE HEARD  
(non-agenda related issues only)
9. ADOPTION OF THE AGENDA
10. CONSENT CALENDAR

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*This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar*

- 10.a. **Consideration to AWARD A SINGLE SOURCE DESIGN BUILD CONTRACT to CGRS Inc. Fort Collins, Colorado in the amount of \$89,000.00 for the Shop Creek Lift Station Underground Fuel Tank Removal.** 53
- Andrea Long, Sr. Project Manager, Aurora Water / Brian Rulla – Assistant City Attorney
- 10.b. **Consideration to AWARD A SINGLE SOURCE CONTRACT to Water Technology Group, Kansas City, KS, in the amount of \$73,947.00 for Flyght Pumps at Porteos Lift Station and Cherry Creek Lift Station.** 57
- Mike Mills, Manager of Water Maintenance and Operations/Ian Best, Asst. City Attorney
- 10.c. **Consideration to AWARD A COMPETITIVELY BID CONTRACT to Mittera Group, Denver, CO, in the amount of \$74,761.00 for printing services for the News Aurora newsletter insert. (B-4620)** 62
- Greg Baker, Manager of Water Public Relations/Ian Best, Assistant City Attorney
- 10.d. **Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Catalyst Public Affairs, Greenwood Village, CO in the amount of \$199,000.00 for professional consulting services to conduct resident engagement and education on City capital and infrastructure needs.** 65
- Kim Stuart, Director of Communications/Ian Best, Assistant City Attorney
- 10.e. **Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Atkins Global, Denver, CO in the amount of \$925,795.00 for professional consulting services for Program Management on City capital and infrastructure needs. (R-2104)** 68
- Cindy Colip, Director of Public Works/Ian Best, Assistant City Attorney

11. RESOLUTIONS

**11.a. Drainage and Flood Control Improvements for Sand Creek - Baranmor Ditch at Zion and Billings Street**

81

**R2021-101** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL’S SUPPORT OF THE FIRST AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA COLORADO ACTING BY AND THROUGH ITS UTILITY ENTERPRISE AND THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, d/b/a MILE HIGH FLOOD DISTRICT, REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR SAND CREEK – BARANMOR DITCH AT ZION AND BILLINGS STREET

Swirvine Nyirenda, Manager of Planning Services, Aurora Water / Ian Best, Assistant City Attorney

**12. PUBLIC HEARING WITH RELATED ORDINANCE**

**13. PUBLIC HEARING WITHOUT RELATED ORDINANCE**

**14. INTRODUCTION OF ORDINANCES**

**15. FINALIZING OF ORDINANCES**

**15.a. Amending Chapter 6 of the City Code - Marijuana Hospitality Businesses**

110

**2021-31** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 6 OF THE CITY CODE TO UPDATE DEFINITIONS AND LICENSING AND TO ALLOW MARIJUANA HOSPITALITY BUSINESSES AND RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESSES WITHIN THE CITY

Robin Peterson, Manager Marijuana Enforcement/Dan Money, Senior Assistant City Attorney

- 15.b. Amending the Unified Development Ordinance (UDO) to Address Zoning Classifications of Marijuana Hospitality Businesses** 123
- 2021-34 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE (UDO) IN ORDER TO ADDRESS ZONING CLASSIFICATIONS OF MARIJUANA HOSPITALITY BUSINESSES AND TO UPDATE THE DEFINITIONS ACCORDINGLY
- Robin J Peterson, Manager Marijuana Enforcement/Dan Money, Senior Assistant City Attorney
- 15.c. Amending The Campaign Finance Ordinance** 134
- 2021-35 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 54-2 AND SECTIONS 54-101, 54-103, 54-104.5 AND 54-110 OF THE CITY CODE RELATED TO THE FINANCING OF ELECTORAL CAMPAIGNS
- Sponsor: Council Member Marcano
- Staff: Dan Brotzman, City Attorney / Rachel Allen, Client Group Manager, City Attorney's Office
- Outside Speaker: Mark Grueskin / Recht Kornfeld, PC
- 15.d. Gateway Park Comprehensive Plan Map Amendment** 159
- 2021-37 FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE 2018 COMPREHENSIVE PLAN TO CHANGE THE PLACETYPE MAP FROM INDUSTRIAL HUB TO COMMERCIAL HUB FOR THE AREA BOUNDED BY EAST 40th AVENUE TO THE NORTH, INTERSTATE 70 TO THE SOUTH, EAST 40th CIRCLE TO THE WEST, AND APPROXIMATELY 1,000 FEET BEYOND SALIDA STREET TO THE EAST (GATEWAY PARK COMPREHENSIVE PLAN AMENDMENT COMMERCIAL HUB)
- Deborah Bickmire, Planner SR Planning & Development Service / Daniel Money, Senior Assistant City Attorney

**15.e. Flats at Gateway Park Rezone**

360

**2021-38** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING TWO SEPARATE PARCELS OF LAND MEASURING 17.763 ACRES MORE OR LESS AT THE NORTHEAST CORNER OF SOUTH AIRPORT BOULEVARD AND EAST ALAMEDA PARKWAY FROM INDUSTRIAL DISTRICT (I-2) TO MIXED-USE TRANSITORIENTED DEVELOPMENT DISTRICT (MU-TOD) AND AMENDING THE ZONING MAP ACCORDINGLY (FLATS AT GATEWAY PARK)

Deborah Bickmire, Planner SR Planning & Development Service / Daniel Money, Senior Assistant City Attorney

**15.f. Sun Empire Comprehensive Plan Amendment**

470

**2021-39** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE 2018 COMPREHENSIVE PLAN TO CHANGE THE PLACETYPE MAP FROM EMERGING NEIGHBORHOOD AND COMMERCIAL HUB TO INDUSTRIAL HUB FOR THE AREA BOUNDED BY EAST 56TH AVENUE TO THE NORTH, THE FUTURE HARVEST ROAD TO THE WEST, THE FUTURE POWHATON ROAD TO THE EAST, AND THE FUTURE 48TH AVENUE TO THE SOUTH (SUN EMPIRE COMPREHENSIVE PLAN AMENDMENT INDUSTRIAL HUB)

Todd Hager, Planner II / Daniel Money, Senior Assistant City Attorney

**16. PLANNING MATTERS**

**17. ANNEXATIONS**

**18. RECONSIDERATIONS AND CALL UPS**

**19. GENERAL BUSINESS**

**20. REPORTS**

**20.a. Report by the Mayor**

**20.b. Reports by the Council**

**21. PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

22. ADJOURNMENT



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## MINUTES

### Regular Meeting of the Aurora City Council

Monday, July 26, 2021

1. **RECONVENE REGULAR MEETING OF JULY 26, 2021 AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council at 6:30 p.m.

2. **ROLL CALL** - Kadee Rodriguez, City Clerk

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

Call-in instructions were provided for the public in both Spanish and English.

3. **INVOCATION/MOMENT OF SILENCE**

Mayor Coffman called for a moment of silence for all those who have lost their lives to COVID and those who are struggling to recover.

4. **PLEDGE OF ALLEGIANCE** (all standing)

5. **EXECUTIVE SESSION UPDATE**

Mayor Coffman stated negotiations were discussed in the Executive Session.

6. **APPROVAL OF MINUTES**

6.a. April 26, 2021 Minutes

Motion by Bergan, second by Marcano, to approve the minutes of the April 26, 2021 City Council meeting, as presented.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

6.b. May 10, 2021 Minutes

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Motion by Marcano, second by Coombs, to approve the minutes of the May 10, 2021 City Council meeting, as presented.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

7. **PROCLAMATIONS OR CEREMONIES**

None

8. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

Council heard public call-in testimony.

9. **ADOPTION OF THE AGENDA**

Mayor Coffman requested on behalf of staff that item 21 be moved ahead of item 19a.

Kadee Rodriguez, City Clerk, explained the purpose behind the request.

Motion by Bergan, second by Coombs, to adopt the agenda as amended.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

10. **CONSENT CALENDAR**

*This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar*

- 10.a. Consideration to AWARD A COMPETITIVELY BID CONTRACT with Blackeagle Energy Services, Berthoud, Colorado in the amount of \$447,962.84 for the Repair of 12-inch Waterline - Piney Creek Crossing at Saddle Rock GC - E Plymouth Cir Project, Project No. 5811A

Dean Bedford, Principal Engineer / Brian Rulla, Assistant City Attorney

◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

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- 10.b. Consideration to AWARD A SOLE SOURCE CONTRACT to Intrado Life & Safety Solutions Corp., Longmont, Colorado in the amount of \$68,127.18 to upgrade the City's 911 answering system in the main and backup communication centers.

Scott Newman, Chief Information Officer / Ian Best, Assistant City Attorney

Motion by Gruber, second by Berzins, to approve items 10a – 10b.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

- 10.c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Lumin8 Transportation Technologies in the amount of \$384,420.00 for the 2021 Traffic Calming Device Installation Services Project; Project No. 21038

Christopher Stephan, Project Manager / Brian Rulla, Assistant City Attorney

Motion by Bergan, second by Coffman, to approve item 10c.

Christopher Stephan, Project Manager, provided a brief summary of the item.

Mayor Pro Tem Bergan stated her support of the item and asked why \$384k rather than the maximum was requested. She expressed her hope that Ward VI was included in the proposal. Mr. Stephen stated there were two items on the agenda that related to traffic calming, noting the speed cushions were \$285k and the \$384k, which was a little more than the typical \$500k, was requested in order to impact as many Council wards as possible.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

- 10.d. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with HDR Engineering, Denver, Colorado in the amount of \$36,600.00 for the Preliminary Engineering of Rampart Delivery System Capacity Expansion Project, Project No. R-1850.

Swirvine Nyirenda, Water Planning Services Manager / Ian Best, Assistant City Attorney

- 10.e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Brannan Sand and Gravel Company in the amount of \$285,033.58 for the 2021 Speed Cushion Installation Services Project; Project No. 21039/5842A

Christopher Stephan, Project Manager / Brian Rulla, Assistant City Attorney

- 10.f. Consideration to AWARD A SOLE SOURCE CONTRACT to Hach Company, Loveland,

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Colorado in the not-to-exceed amount of \$220,000.00 for the purchase of water quality monitoring equipment and supplies for the Water Department as required through June 30, 2022.

Steve Sciba, Deputy Director of Operations / Ian Best, Assistant City Attorney

- 10.g. Consideration to AWARD A SOLE SOURCE CONTRACT to the Crime and Justice Institute (CJI), Boston, MA in the amount of \$61,689.00 to draft all new use of force policies for the Aurora Police Department (APD).

Jason Batchelor Deputy City Manager / Megan Platt, Asst. City Attorney, Ian Best Asst. City Attorney

- 10.h. Consideration to AWARD A SINGLE SOURCE CONTRACT to Canyon Systems, Inc., Golden, Colorado in the amount of \$63,953.00 for the purchase of Gorman-Rupp pump parts.

Mike Mills, Manager of Water Ops and Maint. / Ian Best, Assistant City Attorney

- 10.i. Consideration to AWARD A COMPETITIVELY BID CONTRACT to T-P Enterprises, Inc., Denver, Colorado in the not-to-exceed amount of \$132,500.00 for land management services for the Prairie Waters North Campus and Pump Station Facilities. (B-4508)

Steve Sciba, Deputy Director of Operations / Ian Best, Assistant City Attorney

- 10.j. Consideration to AWARD A SINGLE SOURCE CONTRACT to H&E Equipment Services, Henderson, Colorado in the amount of \$1,363,440.00 for the purchase of two (2) 2021 Emergency One Cyclone fire engines/pumpers.

Ron Forrest, Fleet Manager / Ian Best, Assistant City Attorney

Motion by Gruber, second by Berzins, to approve items 10d- 10j.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

Mayor Coffman called for a brief recess to allow staff to provide public call-in instructions.

*(The meeting resumed)*

11. **RESOLUTIONS**

- 11.a. Intergovernmental Agreement with CCWCD for Well Augmentation

◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

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R2021-71 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT AND THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, FOR PETITION FOR CLASS D IRRIGATION WATER ALLOTMENT CONTRACT

Alexandra Davis, Deputy Director of Water Resources, Aurora Water / Stephanie Neitzel, Assistant City Attorney

Marshall Brown, Director, Aurora Water, provided a brief summary of the item.

Motion by Gruber, second by Marcano, to approve item 11a.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

11.b. Six Month Funding Agreement Between The City Of Aurora, Colorado, And Aurora/Arapahoe Battered Women’s Shelter, Inc. DBA Gateway Battered Women’s Services

R2021-72 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL’S SUPPORT FOR FUNDING GATEWAY DOMESTIC VIOLENCE SERVICES DBA AURORA/ARAPAHOE BATTERED WOMEN’S SHELTER, INC. WITH LAW ENFORCEMENT NEXUS PROGRAM FUNDS FOR A SIX-MONTH CONTRACT PERIOD BETWEEN JULY 1, 2021 TO DECEMBER 31, 2021

Lana Dalton, LCSW- Homelessness Programs Manager / Tim Joyce, Assistant City Attorney

Lana Dalton, LCSW- Homelessness Programs Manager, provided a brief summary of the item.

Motion by Marcano, second by Bergan, to approve item 11b.

Mayor Pro Tem Bergan stated her understanding the amount requested was less this year due to reduced surcharge revenue and asked what the typical requested amount was in previous years. Ms. Dalton stated \$110k. Mayor Pro Tem Bergan asked how many Aurora women were served by the Battered Women’s Shelter. Ms. Dalton agreed to provide Council with that information. Mayor Pro Tem Bergan expressed concerns related to the reduction of funds that helped Aurora women. She stated further discussion on the need for more funds might be warranted in the future.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

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Mayor Coffman called for a brief recess to allow staff to provide public call-in instructions.

*(The meeting resumed)*

12. **PUBLIC HEARING WITH RELATED ORDINANCE**

None

13. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

None

14. **INTRODUCTION OF ORDINANCES**

None

15. **FINALIZING OF ORDINANCES**

15.a. ADDING ARTICLE XII OF THE CITY CODE PERTAINING TO VEHICULAR PUBLIC NUISANCES

2021-23 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING ARTICLE XII OF THE CITY CODE PERTAINING TO VEHICULAR PUBLIC NUISANCES

Sponsor: Mayor Pro Tem Bergen

Mike Hanifin, Police Lieutenant / George Koumantakis, Criminal Prosecution Manager

Mayor Pro Tem Bergen provided a brief summary of the item.

Motion by Bergen, second by Gruber, to approve item 15a.

Voting Aye: Bergen, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

15.b. E-470 Remnant Parcels Annexation

2021-25 FOR AN ORDINANCE ANNEXING A CERTAIN MUNICIPALLY OWNED PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12,

◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

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TOWNSHIP 4 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF ARAPAHOE, STATE OF COLORADO (E-470 Remnant Parcel Annexation)  
12.67 ACRES

Laura Rickhoff, Development Project Manager / Brian Rulla, Assistant City Attorney

Laura Rickhoff, Development Project Manager, provided a brief summary of the item.

Motion by Bergan, second by Lawson, to approve item 15b.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

15.c. Triple Creek Confluence Open Space Annexation

2021-26 FOR AN ORDINANCE ANNEXING A CERTAIN MUNICIPALLY OWNED  
PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 11  
AND IN THE WEST HALF OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 66 WEST  
OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF  
COLORADO (Triple Creek Confluence Open Space Annexation) 128.97 ACRES

Laura Rickhoff, Development Project Manager / Brian Rulla, Assistant City Attorney

Laura Rickhoff, Development Project Manager, provided a brief summary of the item.

Motion by Gruber, second by Marcano, to approve item 15c.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Lawson, Marcano, Murillo

16. **PLANNING MATTERS**

None

17. **ANNEXATIONS**

None

18. **RECONSIDERATIONS AND CALL UPS**

None

19. **GENERAL BUSINESS**

◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

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19.a. Ward II Council Member Vacancy Appointment

City Council will consider appointing one candidate to the Ward II Council Member vacancy.

Motion by Gruber, second by Bergan, to appoint Steven Sundberg to the Ward II Council vacancy.

Mayor Pro Tem Bergan addressed emails a few of the council members received accusing them of being racist for their vote. She confirmed that was not indicative of anything she would ever do because she did not base her decisions on the color of anyone's skin.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Marcano, second by Coombs, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Hiltz, second by Lawson, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Hiltz, second by Murillo, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

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Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Mayor Pro Tem Bergan pointed out it appeared Council would be doing the same as they did at the last meeting in terms of continued tie votes.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Hiltz, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Hiltz, second by Coombs, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

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Motion by Lawson, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Murillo, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Murillo, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Marcano, second by Coombs, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Council Member Berzins noted this was the third night Council has been at a stalemate in this regard.

Motion by Berzins, second by Gruber, to table item 19a until after the November election.

Council Member Marcano agreed with the spirit of the proposal but not with Council setting the precedent that the Charter did not matter. He stated the motion meant Council would

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intentionally violate the Charter or that a Ward could go without a Ward Council Member. He stated he would not support the motion.

Mayor Pro Tem Bergan stated the Charter stated Council would be in violation if they did not appoint someone by a majority and they could not do so with a tie vote. She pointed out it was as though someone would be forced to give up their principles to make a majority therefore if Council came to a tie vote by voting their beliefs and principles then it made sense to let the voters decide in November.

Council Member Coombs asked the City Attorney to clarify whether or not Council would be in violation of the Charter if they did not make the appointment.

Daniel Brotzman, City Attorney, answered affirmatively.

Mayor Pro Tem Bergan pointed out Council Rules stated a tie vote failed.

Mr. Brotzman stated that applied to legislative matters.

Mayor Pro Tem Bergan noted the Charter did not address a tie vote.

Mr. Brotzman concurred.

Council Member Coombs did not think Council should decide the rules did not apply to them because there were those who wanted to replace a person with a different political persuasion therefore, she would not support the motion.

Council Member Gruber emphasized the 'shall' statement in the Charter required a majority and without a majority, the 'shall' could not be met therefore the rule in the Charter could not be executed if Council did not have a majority. He stated it was not a question of ignoring the rule but rather addressing the fact that Council voted and they could not reach a majority. He noted the voting could continue all night but the result would be the same. He noted there was a certain amount of theater involved and he did not believe it was helpful to the people of Aurora.

Council Member Lawson addressed Mr. Brotzman and stated her understanding Council would violate the Charter if they do not appoint and in doing so, would face both civil and criminal penalties.

Mr. Brotzman concurred, noting Council would be in violation of the Charter and the corresponding ordinance which carried the general penalty for the City of Aurora.

Mayor Pro Tem Bergan reiterated Council was only in violation if they were unable to appoint with a majority and since they could not and there was nothing in the Charter that

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addressed how to deal with a tie vote then it stood to reason they were not in violation. She stated her understanding a suit could not be successful given those grounds even if someone brought one. She asked how a person could be forced to change their vote. Mr. Brotzman agreed any lawsuits would not be successful but noted there was a risk of them being brought by continuing this to the election or past July 29, 2021 which was the 45-day deadline. He agreed the language was unclear and as a result was being brought to the Ad Hoc Rule Committee to modify the language and then onto the vote of the people to actually change the Charter.

Council Member Hiltz was not interested in violating the Charter. She stated she met with both candidates and they have different perspectives and qualifications and she appreciated both of them for applying for the vacancy. She felt Dr. Ross was the better choice for this position. She stated it was Council's job to appoint someone and she felt quite comfortable with where she was with that decision.

Council Member Berzins disagreed. She believed Mr. Sundberg was the best candidate because he was a businessman who created jobs and who has lived in Ward II for years. She raised the topic of the American Civil Liberties Union's (ACLU) lawsuit and the idea that all it would take was a lawsuit to upend the Charter. She agreed with Mayor Pro Tem Bergan regarding there not being a violation if there was not a majority.

Council Member Lawson stated she was not interested in violating the Charter and asked Mr. Brotzman what happened when Council violated the Charter. Mr. Brotzman stated the City Manager has indicated he would not take action against Council and the chances of a civil lawsuit being done by the November election was next to impossible and there were no other penalties. Council Member Lawson stated her understanding Council would face those penalties at 12:01 a.m. on July 30, 2021 if they did not meet the Charter requirements.

Mr. Brotzman concurred.

Council Member Marcano addressed those supporting Mr. Sundberg and asked if they were okay if he appointed someone that was far left of them should they ever be forced to leave Council unexpectedly. Council Member Gruber stated Council Member Marcano would appoint a Socialist to fill his vacancy as fast as he could. Council Member Marcano pointed out he has stated on the record that he did not believe Council should have this power but that as long as they did, they should honor the will of the voters and appoint someone who shared the values of the person vacating the seat. He stated that was his pledge to Council and noted his expectation they would do the same.

Council Member Gruber pointed out the seat was voted on two elections ago and the Ward has changed significantly since that time which was evidenced by Council Member Gardner's win of all but two of the precincts. He stated this was 2021 and post-COVID, noting crime was a huge issue in Aurora among other things. He stated therefore projecting back to 2017 was not the best way to frame the discussion. He stated the best way to frame the discussion was for Council to do what they thought the people of Ward II wanted and he felt

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they wanted someone who was tough on crime, more conservative and a job creator. He stated he did not have a problem with Dr. Ross. He agreed he was a good paid consultant for the City. He noted Mr. Sundberg volunteered for many City organizations therefore he believed Mr. Sundberg was the better choice.

Council Member Coombs stated calling out Dr. Ross as only of service as a paid consultant in contrast to Mr. Sundberg when he volunteers extensively was patently false. She found it fascinating that there has been a long tradition of Council deferring to the Ward council member's recommendation because they would all want the same done for them in the instance of a vacancy and to see it changed now because it better suited certain council members' positions in the circumstance was disappointing.

Mayor Pro Tem Bergan pointed out Council typically deferred to a council member's opinion on a development issue because Council wanted to respect their opinion on developments and not a vacancy. She stated her support of Mr. Sundberg because he was a small business owner who was running for office. She noted he was invested in the community and Ward II. She stated he was a good man with good values who understood many of the issues happening in the City and Ward II. She addressed Council Member Marcano and referenced his previous derogatory remark about Mr. Sundberg voting for former President Donald Trump in the last election and asked him how he obtained that information as it was a secret ballot. Council Member Marcano stated he did not know how Mr. Sundberg voted but he did see how he donated. Mayor Pro Tem Bergan stated then it could be assumed that since Council Member Marcano donated to Bernie Sanders that he voted for Mr. Sanders.

Council Member Marcano agreed he did and stated he was proud of his vote. He pointed out no one won more than 30 percent of the vote in the At-Large races so he had a hard time basing any ideological shift off that.

Mayor Pro Tem Bergan stated Council Member Gardner won Ward II as an At-Large member.

Council Member Gardner concurred noting he received more votes than former Council Member Johnston.

Council Member Berzins pointed out Council has spent three nights cutting each other down and bickering back and forth. She asked how that was helping the City or respecting the voters. She stated Council could continue voting until the sun came up but the vote would not change. She urged her colleagues to postpone the item to allow the voters to decide. She stated Council's behavior was unprofessional and irresponsible and she felt the citizens could do better in choosing who they wanted.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

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Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Council Member Gruber asked Mr. Brotzman what would happen if five council members simply left the meeting because the theater would continue all night and nothing would change. Mr. Brotzman stated the quorum would be lost and the meeting would end.

Council Member Hiltz stated Council need not abdicate their responsibility after such extensive discussions about being duly elected with different margins.

Council Member Gruber stated based on the emails Council was receiving, it appeared the City was disgusted with the theater. He suggested ending the meeting might be the shortest way to resolve the issue because the result would be the same.

Council Member Hiltz stated she met with both candidates and she felt confident in the principles she stood upon in her decision. She stated if others did not then that was fine but it was Council's job to see this through. She stated if six people wanted to violate the Charter then they were welcome to do so but she would not be one of them.

Motion by Marcano, second by Murillo, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Lawson, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Mayor Coffman stated he would like to see some discussion.

Council Member Hiltz stated this was the third night and most of Council has stated what they needed to state.

Council Member Coombs stated Dr. Ross has stood up on issues currently relevant to the City. She stated he has been of service to the City in bridging the gap between the police department and the community and having conversations with leaders of the City that reflected the needs and concerns of community members who were struggling, grieving and concerned. She stated that showed leadership and he did not do those things to push an agenda but rather to build unity. She noted that was something she heard all the time that

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people wanted in the City. She felt Dr. Ross has been very respectful to everyone on Council and she could see him building bridges that were desperately needed. She pleaded with her colleagues to consider supporting Dr. Ross.

Mayor Pro Tem Bergan wondered if her colleagues would refrain from bringing forward any resolutions or ordinances from now until November because there was something to why either party wanted to appoint a particular person.

Council Member Marcano pointed out appointing Dr. Ross would not cause Council to be any different than it was when former Council Member Johnston was present.

Mayor Pro Tem Bergan stated it was her gut feeling that there was a hidden agenda because there were things that could come forward that businesses and residents were not in favor of.

Council Member Coombs pointed out there was a very not hidden agenda of passing a camping ban with Mr. Sundberg.

Mayor Pro Tem Bergan stated her comment was facetious and not a real ask.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Council Member Berzins stated she was receiving emails stating Council appeared childish and unprofessional which she found embarrassing.

Council Member Marcano concurred, noting it was embarrassing to use a vacancy to flip the majority on Council.

Council Member Lawson stated her support for Dr. Ross and agreed both candidates had good ideas. She stated she did not find what was going on funny because it halted City business and voters and residents should be disgusted with Council. She did not know what the answer was but again, she was looking at what was the best interest of those in the City. She stated whatever happened would not move City business forward and she found that shameful. She agreed with Council Member Berzins that Council appeared unprofessional and that was unfortunate. She stated she did not want to violate the Charter and she pointed out not all of Council would be on Council after the election therefore it left those who were to deal with the consequences of a civil suit or whatever happened as a result of the violation.

Council Member Gruber asked Mr. Brotzman if there would be grounds for a lawsuit after the election. Mr. Brotzman answered no. Council Member Gruber stated his understanding

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there would not be any repercussions to those not seeking reelection or those who remained on Council.

Mr. Brotzman concurred, noting the only jeopardy was from July 29, 2021 through the November election.

Council Member Coombs stated her understanding no action could be brought after the election if Council did not fill the vacancy but not all action would be resolved if something was brought closer to the election. She asked if those no longer on Council would be subject to penalty related to choices they made on Council after they were gone. Mr. Brotzman reiterated the period of concern ran from July 29, 2021 through the election. Council Member Coombs asked if those no longer on Council would have any consequence when the resolution occurred. Mr. Brotzman answered no.

Mayor Pro Tem Bergan stated Council would continue to do City business because ten council members would remain.

Council Member Lawson stated she was referring to more important upcoming legislation that would stop because they were a divided Council. She stated her understanding Council could face a civil action from anyone in the community between now and the election and those who were not on Council after that time would not have repercussions.

Mr. Brotzman stated Council would not have personal exposure for that whether they remained on Council or not.

Council Member Gardner expressed appreciation to Council Member Lawson for her comments. He agreed the whole process has been a comedy of errors and while he initially believed everyone was voting for who they felt was best to fill the vacancy, he was beginning to believe it was all theater. He addressed the public and stated he did not blame them for being embarrassed and ashamed of Council. He stated the Council had a problem acting like adults because when they had a difference of opinion, they branched off into other things. He felt what they were doing was really wrong to the residents of Aurora. He stated he met with both candidates and felt both were qualified. He felt Mr. Sundberg most closely aligned with the values he believed in and that was why he was voting for him. He stated the process should be sent to the voters because if this was the people's seat then they should decide. He stated the Charter did not appear to anticipate a tie vote scenario.

Motion by Gardner, second by Bergan, to postpone item 19a until after the November election.

Council Member Marcano agreed the voters should have the say and Council should not have the power of appointment. He noted the Charter was drafted in 1961 and the City and Council were very different then. He stated he did not want to violate the Charter and noted his interest in bringing forth a Charter amendment to move to special elections but until then, he felt violating the Charter set a dangerous precedent.

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Council Member Murillo asked for clarification on the motion. Mr. Brotzman stated it accomplished the goal by either tabling the item until the November election or setting the appointment until there was no vacancy after the November election.

Council Member Berzins addressed Mr. Brotzman, pointing out his explanation that no one would be in violation after the election because it was a done deal helped a lot, as opposed to the violation and civil charges language that he explained previously.

Council Member Hiltz stated she took issue with a Council-appointed City Attorney telling Council they would not have to worry about consequences after a measure was brought forward to shield them from responsibility. She pointed out at the end of the day, Council violating the Charter made the statement to the people of Aurora that the Charter did not mean anything and she was not interested in doing that. She stated former Council Member Johnston did not receive the same respect and deference while she was on Council from those on Council who were giving it to her now. She felt a lot of the conversation was unnecessary as it was okay that they had different reasons for choosing different people.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Mayor Coffman stated he expected a motion when he asked for a motion if Council wanted to continue the process.

Motion by Hiltz, second by Coombs, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

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Motion by Marcano, second by Hiltz, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Council Member Coombs stated her support of Dr. Ross for the reasons previously stated.

Council Member Marcano asked Mr. Brotzman if something could be passed this year to be scheduled for 2022. Mr. Brotzman answered affirmatively.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Mayor Pro Tem Bergan asked if it was too late to hold a special election.

Kadee Rodriguez, City Clerk, answered affirmatively.

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Hiltz, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

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Mayor Coffman called for a brief recess of Council.

*(The meeting resumed)*

Motion by Hiltz, second by Coombs, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Hiltz, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Hiltz, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Hiltz, second by Coombs, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Mayor Pro Tem Bergan stated Council has gone so many rounds and she expressed her wish they would let the voters decide in November.

Council Member Marcano agreed but noted the Charter mattered and choosing to do so did not sit well with him.

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Mayor Pro Tem Bergan stated she did not want to violate the Charter either and restated her belief that it did not address this situation. She stated her understanding Council would not be in violation because there was not a remedy for a tie vote in the Charter.

Council Member Marcano deferred to the City Attorney who has continued to advise Council that was not the case. He reiterated nothing would fundamentally change on Council for the next few months until November if Council chose to do what it has traditionally done and appoint someone with the values of the person who left the vacancy.

Mayor Coffman asked Council Member Marcano what he was referring to historically. Council Member Marcano referenced the appointments of Bob LeGare and Johnny Watson since he has been on Council.

Council Member Berzins wondered if all it took was for the ACLU to file a lawsuit against the Charter for it to change. She felt it was hypocritical because she knew there were several council members who would agree with that and yet they stated one way was wrong and another was right. She stated she has been through many appointments during her time on Council and she did not agree that was necessarily the case that it was what was done historically because Council had to go by the people who applied and some had the same values and some did not.

Council Member Coombs stated Council's Charter has not changed based on an ACLU lawsuit and noted the lawsuit was whether a provision was unconstitutional rather than something that was hard on Council. She pointed out those were two different standards.

Mayor Pro Tem Bergan reiterated her understanding that Council was not in violation because the Charter required an appointment by majority and Council did not have one.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Council Member Lawson asked Mr. Brotzman to speak to his legal interpretation of majority. Mr. Brotzman did so, noting the majority of Council was six so six affirmative votes were required to appoint the position. Council Member Lawson stated the majority was set in the Charter provision but the number six was set by Council in the Council Rules. Mr. Brotzman referenced Article 3, Section 19 of Council's Charter.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

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Motion by Marcano, second by Coombs, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Council Member Gruber discussed the two conflicting clauses in the Charter and expressed his understanding the Charter stated Council shall appoint and anything less than six votes was in violation. He reiterated this was theater and there was not a solution.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Murillo, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Hiltz, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Hiltz, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Gardner, second by Gruber, to postpone item 19a until after the November election.

Council Member Gardner stated his belief that Council probably was not in violation of the Charter because the Charter did not anticipate a tie vote and no mechanism was provided to break a tie vote and the Charter could not force anyone to vote a certain way.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

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Motion by Bergan, second by Berzins, to postpone item 19a once Council reached 50 rounds of voting at this meeting.

Mayor Coffman asked where Council was currently. Ms. Rodriguez stated 40.

Council Member Berzins stated this was a very serious matter and any laughter demonstrated the dysfunction that was going on.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Mayor Pro Tem Bergan stated Council has gone 40 rounds in this meeting and 80 from previous meetings and asked when this would end.

Mayor Coffman stated his understanding there was no such thing as a sudden question for a vacancy in the appointment process.

Mr. Brotzman concurred, noting a majority of six votes was required for Council to choose a candidate, lay it over to another date or adjourn the meeting.

Motion by Hiltz, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council

Council Member Lawson asked if the Council meeting continued to another time if it moved past midnight into another day. Mr. Brotzman confirmed it would be the continuation of the current Council meeting.

Mayor Pro Tem Bergan pointed out it would then be a different day and asked if public notice of a new meeting would be required. Mr. Brotzman restated it was the continuation of the current meeting.

Council Member Gruber apologized to the City employees who had to be available for the meeting and expressed his hope they would be allowed to come in late to work the next morning.

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Council Member Murillo stated her understanding the practice currently in place was that City employees who had to remain late for a Council meeting had a flex day the next day.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Hiltz, second by Murillo, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Mayor Coffman called for a brief recess of Council.

*(The meeting resumed)*

Motion by Hiltz, second by Coombs, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Hiltz, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Council Member Hiltz stated she would continue to nominate Dr. Ross as she actively supported him and believed he was the best person for the position however given the silence of the majority of Council, she stated there was an opportunity to request a delay. She noted only a few council members were actively participating and reminded the remainder of Council that the option to delay remained.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

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Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Lawson, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Council Member Lawson stated her understanding that the meeting would continue as a second meeting should it go past midnight and asked if that were so if a special meeting were held on July 29. Mr. Brotzman answered affirmatively, noting the violation would occur at 12:01 a.m. of a properly noticed special meeting but the continued meeting would cure it. Council Member Lawson asked the length of the cure timeframe. Mr. Brotzman stated anywhere between 12:01 a.m. on July 30 until the election. Council Member Lawson asked if Council was penalized until a cure was realized. Mr. Brotzman stated the risk during that time period should be reviewed.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Murillo, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Council Member Coombs reminded everyone that Dr. Ross was a thoughtful, qualified and engaged candidate who could be appointed and everyone could go home.

Mayor Coffman pointed out there were two thoughtful candidates.

Mayor Pro Tem Bergan agreed Mr. Sundberg fit that description as well.

Council Member Hiltz agreed there were two qualified candidates and noted only one candidate was being enthusiastically nominated.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Mayor Coffman called for a brief recess of Council.

*(The meeting resumed)*

Motion by Hiltz, second by Murillo, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

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Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Marcano, second by Lawson, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Council Member Coombs reminded everyone that changing the balance of power that the people of the City voted for, whether that was in 2017 or 2019, was at stake. She stated this was being done through the nonsupport of Dr. Ross who would essentially maintain the status quo of what people voted for over the course of the last four years.

Council Member Gruber countered Council Member Coombs' comments by stating that choosing no one would move neither agenda forward, and pointed out what was important to the City would most likely be voted on unanimously as it has many times before. He stated the things that were important to those on the right or the left would wait until the people of Aurora selected someone else as delaying the item would make the Council more centered throughout the rest of the election cycle.

Council Member Marcano addressed Council Member Gruber and stated the issue with doing so was that the City has voted over the last several cycles for a center-left Council with center-left priorities. He pointed out someone stepping down did not mean it was an opportunity to change the balance of values on the Council, noting doing so was extremely autocratic. He stated Council should replace the person who stepped down with someone whose values aligned to what voters voted for in 2017.

Council Member Gruber pointed out many on Council were wearing pins and Council Member Marcano's was the red rose of the socialist party which pointed to his goals of implementing more socialist ideals within the City. He did not believe the City supported that as was seen in the last election. He stated it was important for people to know what was really going on.

Council Member Marcano clarified the Democratic Socialist of America (DSA) was similar to a club rather than a political party. He stated he was a registered Democrat and that was his party. He stated he shared a lot of values with his constituency and that was why he was sitting on Council. He suggested Council Member Gruber was attempting to rile up the right by using buzz scare words like socialism. He pointed out a lot of people think housing should be a right; that a job should pay enough for a person to live; and that housing and services should be provided to the unhoused. He stated his wish that Council Member Gruber would wear a pin identifying his values so people could know what values they were voting for. He stated the reason Council was in this position was because the races were nonpartisan and that was a farce. He stated he would like to introduce a Charter amendment to make Council races partisan because people deserved to know what values they were voting for and those values should be on the ballot. He stated he was tired of pretending this was nonpartisan when it was and he felt that was what was frustrating people the most. He discussed the low voter turnout in Aurora and the need to change to

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racers being on even numbered years. He stated he was committed to transparency and to making a better representative democracy.

Council Member Gardner stated the voters voted for somebody for four years in 2017. He noted the fact remained, Council had a vacancy sooner than the four years, so the voters did not pick someone with the hope that they would be replaced sooner than four years by whomever happened to be on Council at the time. He stated trying to do so now was a waste of time. He stated he missed former Council Member Johnston's maturity during these discussions as he was not seeing much maturity from Council. He stated he voted several times to send the item to the voters in November and he would like to see his colleagues agree.

Mayor Pro Tem Bergan concurred with Council Member Gardner's comments regarding Council's inability to read the minds of voters. She stated Council remained at an impasse and should therefore let the voters decide.

Council Member Coombs stated to her knowledge, Dr. Ross did not identify with either Democratic Socialism or socialism therefore she did not think it was genuine to make that association on his behalf. She pointed out leaving the seat vacant was not only a violation of the Charter but leaving it vacant would result in the next three or four months of Council being in deadlock because some on Council would prefer to create deadlock, chaos and delay.

Council Member Gardner expressed his disappointment that some on Council viewed a five-to-five split as a deadlock because there were many items that Council voted on unanimously. He stated a five-to-five vote was an opportunity for Council to demonstrate maturity and show Aurora voters they have the ability to get things done in the residents best interest.

Council Member Coombs suggested time could be used to examine who has extended that courtesy when policy was brought forward in that regard.

Council Member Marcano pointed out Ward II deserved representation. He stated filling the vacancy with Dr. Ross brought Council back to preserving the values the voters voted for in 2017.

Council Member Gruber apologized to Dr. Ross for his reference to his being a socialist as it was unintended. He explained he was referring to those on Council who supported Dr. Ross as being socialist and not that Dr. Ross was a socialist.

Council Member Marcano clarified the term was Democratic Socialists. He pointed out those on Council who were advocating for Dr. Ross were doing so because he represented the values of those who voted in 2017. He addressed Council Member Gruber and stated regardless of the assumption otherwise, he would not attempt to replace him with a socialist should he ever have to leave Council. He noted he could be doing that at this time but

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rather was not, as he was supporting the person whose values most aligned with the vacancy.

Council Member Lawson addressed Council Member Gruber and stated she was not a Democratic Socialist so he could not include everyone supporting Dr. Ross into that affiliation. She stated she chose Dr. Ross because he addressed many of the questions posed by Council and offered a lot of solutions that she agreed with. She discussed her issues with violating the Council Charter.

Council Member Gruber apologized to Council Member Lawson for any inference that she was a socialist. He clarified his attempt was to state that the socialists on Council were supporting Dr. Ross not that all those supporting Dr. Ross were socialists.

Council Member Lawson expressed appreciation to Council Member Gruber for the clarification.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Mayor Coffman called for a recess of Council.

Council Member Coombs asked why Council was taking a thirty-minute break. Mayor Coffman stated Council was taking a break since they were not having a viable discussion and the vote would be the same.

*(The meeting resumed)*

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Gardner, second by Bergan, to table item 19a until after the November election.

Council Member Gardner stated the Charter did not anticipate a stalemate and therefore he did not believe tabling the item would violate the Charter.

Council Member Coombs disagreed because the City Attorney repeatedly stated Council would be in violation of the Charter.

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Council Member Marcano pointed out some of his colleagues would rather violate the Charter than fill the vacancy.

Mayor Pro Tem Bergan stated Council was getting emails asking them to please allow the voters to decide in November.

Council Member Gardner reiterated the Charter did not anticipate a tie vote so while Council should appoint someone, the Charter could not force anyone to change their vote. He noted it has been demonstrated that some parts of the Charter might be up for interpretation therefore he did not believe the question of violating the Charter was settled in this instance.

Council Member Marcano agreed with Council Member Gardner's comments. He pointed out there was a difference between someone trying to adjudicate the constitutionality of the existing Charter provision versus one that did not have any kind of constitutional challenge or question. He stated it was the responsibility of Council to abide by the Charter requirement. He reiterated the worse-case scenario was that Council would return to the previous status quo prior to the vacancy when they were functioning just fine.

Council Member Gardner disagreed. He reiterated the Charter did not anticipate a tie vote which after almost 100 rounds of voting, it appeared it would remain a tie vote so it was in the best interest of the City, the City Council and City staff to allow voters to decide who would fill the vacancy in Ward II in November.

Council Member Coombs suggested not having continuous lengthy breaks would probably be the most respectful thing Council could do for staff.

Mayor Coffman asked Council Member Coombs if doing so would allow Council to finish sooner. Council Member Coombs answered affirmatively, noting in theory. Mayor Coffman stated he did not think that would hold true.

Mayor Pro Tem Bergan pointed out City staff probably had to work the next morning and it was disrespectful to them because Council was not changing their vote.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

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Motion by Lawson, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Hiltz, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Mayor Pro Tem Bergan asked if WebEx had a time limit. Ms. Rodriguez answered no.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Marcano, second by Coombs, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Mayor Coffman called for a recess of Council.

Council Member Coombs asked Mr. Brotzman if she could move to appeal the Mayor's decision.

Motion by Coombs, second by Marcano, to appeal Mayor Coffman's decision to recess.

Council Member Coombs stated the continued breaks were a waste of time.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Council Member Hiltz asked if the Mayor voted on the motion. Mr. Brotzman answered affirmatively.

Mayor Coffman called for a recess of Council.

*(The meeting resumed)*

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Mayor Pro Tem Bergan referenced the Charter and stated her understanding the intent of the requirement was for Council to appoint someone to a vacancy within 45 days because it would not be good to appoint someone within less than that time of an election. She asked Mr. Brotzman to speak to that understanding. Mr. Brotzman did so, noting the Charter intended to provide Council with a time limit to make the appointment by majority. Mayor Pro Tem Bergan pointed out the intent of the Charter was to provide a timeframe and not that they would be in violation if there was not a majority appointment within 45 days. She asked if Council would be in violation of the Charter if they appointed someone after the 45 days. Mr. Brotzman stated doing so would cure the violation. Mayor Pro Tem Bergan reiterated the Charter called for a majority and Council could not reach a majority because they remained at a tie and the Charter did not allow for any further reasoning or explanation for how to address a tie. She restated it was put in place to prevent Council from not extending an appointment too close to election time but since they have then they should allow the voters to decide.

Mr. Brotzman stated he did not disagree with the theory and noted taking the length a special election would take into account should be considered when rewriting proposals for changing the Charter which would demonstrate a much longer timeframe. He further discussed the lengthy nature of the special election process.

Council Member Coombs pointed out the Charter called out the requirement that Council must be within a certain timeframe from the election when a vacancy occurred to prevent it from being too close to an election. She stated she did not think there was any justification in not appointing because of the closeness of the time of the election as the timeframe was clearly laid out.

Mayor Pro Tem Bergan pointed out Council remained tied and being so close to that deadline made this a different circumstance.

Council Member Hiltz pointed out Council was at the deadline because they delayed the item twice rather than going for an extended meeting time at the first round.

Council Member Berzins stated her calculations showed Council has voted on the item 103 times over three nights.

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Mayor Coffman called for a recess of Council.

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*(The meeting resumed)*

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Mayor Coffman called for a recess of Council.

*(The meeting resumed)*

Motion by Coombs, second by Marcano, to require a majority of Council to approve all further recesses of Council.

Council Member Coombs pointed out City staff had to continue to work when Council took a recess which she felt demonstrated further disrespect to staff beyond Council having a late meeting.

Council Member Gardner concurred, noting that was why Council should delay the vote to allow the voters to decide in November.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Gardner, second by Bergan, to postpone the appointment until after the November election.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Bergan, second by Gruber, to appoint Steve Sundberg to fill the Ward II Council vacancy.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Coombs, second by Lawson, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

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Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Berzins, second by Gruber, to appoint Steve Sundberg to fill the Ward II Council vacancy.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Gruber, second by Bergan, to appoint Steve Sundberg to fill the Ward II Council vacancy.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Gardner, second by Gruber, to adjourn the meeting.

Mayor Coffman asked Mr. Brotzman if a second was required. Mr. Brotzman answered affirmatively.

Mayor Pro Tem Bergan stated it was prudent to adjourn the meeting out of respect for those council members and City staff who had to work in the morning.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Bergan, second by Berzins, to appoint Steve Sundberg to fill the Ward II Council vacancy.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo



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Motion by Berzins, second by Gruber, to appoint Steve Sundberg to fill the Ward II Council vacancy.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Gruber, second by Bergan, to appoint Steve Sundberg to fill the Ward II Council vacancy.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Gardner, second by Gruber, to postpone the appointment until after the November election.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Bergan, second by Gruber, to appoint Steve Sundberg to fill the Ward II Council vacancy.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Bergan, second by Gardner, to postpone the appointment until after the November election.

Mayor Pro Tem Bergan stated the continued tie vote was beyond ridiculous therefore the vote should be left to the voters.

Council Member Berzins discussed the process council members went through to become a council member and pointed out whoever was appointed would not be sworn in for quite some time and there were only five or six Council meetings until the election. She

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wondered what Council was doing when they understood the lengthiness of the process. She asked why Council would want to put either candidate through that at this late date.

Council Member Coombs clarified swearing-in ceremonies took place at the beginning of Council meetings and noted whoever was appointed would be sworn in at the next meeting because this was a vacancy and therefore not a normal process. She stated this would be an abbreviated timeframe and both candidates were aware of the timeframe.

Council Member Berzins clarified that was not what she was saying and asked Council Member Coombs to not twist her words. She pointed out swearing in was not always the same. She reiterated there was a long process in place to be sworn in as a council member.

Council Member Hiltz concurred, noting the majority of Council voted to delay the item twice and that was why they were currently up against a deadline.

Mayor Pro Tem Bergan agreed the orientation process and onboarding was a monthlong process and pointed out Council was up against the deadline because they could not decide. She noted the purpose behind the motion was due to Council currently having 100+ tie votes, which obviously was not going to change because no one should have to change their vote.

Council Member Hiltz asked if future motions to delay could be made clear because that was not what Council was doing. She stated the motion to delay was actually a motion to not make an appointment and to violate the Charter.

Mayor Coffman stated he would not edit someone's motion.

Council Member Hiltz clarified that was not her intent, noting she meant the statement to relate to future motions.

Mayor Pro Tem Bergan noted she made the motion based on advice from the City Attorney in terms of tabling or postponing the appointment.

Council Member Hiltz pointed out that made more sense at the last meeting when Council still had another meeting to go and now there was not a future meeting to make an appointment.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Gardner, second by Bergan, to get an outside third-party legal opinion as to whether or not a tie vote was a violation of the Charter.

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Mayor Coffman asked Mr. Brotzman if a vote was required in this instance or could he simply proceed with that direction. Mr. Brotzman stated staff could proceed with that direction but noted it would be handy to know Council's will.

Council Member Berzins agreed the tie vote issue appeared to be a sticking point for several on Council therefore she felt it was a good idea to have another opinion.

Mayor Pro Tem Bergan concurred. She reiterated she did not think the tie vote was a violation and it was important to get an outside opinion on that issue.

Council Member Gardner noted several council members have stated they wanted the item to go to the voters but did not want to do so if it meant violating the Charter therefore the question of a tie vote equating to a violation should be settled.

Council Member Lawson addressed Council Member Gardner and asked if he was asking for clarification for the question but not stopping the voting process. Council Member Gardner stated answering that question could provide clarity to the situation and it was his opinion that Council would not continue voting until that opinion was rendered. Council Member Lawson asked if a special meeting would be held once the opinion was rendered. Council Member Gardner stated he was uncertain as to the mechanism in this instance but noted answering the question might resolve the issue.

Council Member Coombs stated her understanding the motion was to garner a legal opinion and then a special meeting would be scheduled to make the decision.

Council Member Gardner stated Council would determine their course of action once the opinion was rendered.

Mayor Coffman stated his understanding Council Member Gardner was seeking an outside opinion.

Council Member Gardner concurred, noting Council has used outside counsel for several issues in the City. He felt if those on Council who stated the tie vote and subsequent violation of the Charter was the sticking point and that they would otherwise be amenable to waiting until November were sincere then the outside opinion should resolve the issue.

Council Member Coombs stated her understanding that a meeting and vote would still be required once Council got the opinion and decided to leave the seat vacant.

Mr. Brotzman concurred, noting a public meeting and vote would be required.

Council Member Coombs stated a meeting would have to be scheduled.

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Mr. Brotzman concurred, noting another option would be to continue the current meeting to July 29, 2021 once the opinion was rendered.

Mayor Coffman stated his understanding the current meeting would be recessed rather than adjourned.

Mr. Brotzman concurred, noting the meeting would be continued to a date and time certain.

Council Member Berzins stated Council voted on the item 124 times.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Marcano

Voting Nay: Hiltz, Lawson, Murillo

Motion by Gruber, second by Bergan, to continue the meeting to July 29, 2021 at 6:30 p.m.

Council Member Hiltz stated she did not support moving the item because she felt it was a tactic to run out the clock and force Council to violate the Charter.

Council Member Gruber stated the point was whether the tie vote would force Council to violate the Charter because it was a question of interpretation.

Council Member Coombs stated the other issue was that information could have been provided prior to this meeting and instead it was making Council have another meeting rather than choosing to appoint someone.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Mayor Pro Tem Bergan stated there were seven votes in favor of getting an outside opinion but the vote to continue the meeting failed when an outside opinion could obviously not be provided at this late hour. She stated she did not understand why Council would not want to continue the meeting.

Mayor Coffman stated the motion to engage outside counsel passed but the motion to reconvene did not which would have allowed Council to review the opinion.

Mayor Pro Tem Bergan stated it was absurd because the opinion could help Council to reach a consensus.

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Council Member Marcano noted Council Member Hiltz's point that it would be running out the clock if the outside opinion concurred with the City Attorney's opinion therefore, he believed Council should settle the issue now.

Mayor Pro Tem Bergan stated the issue could not be settled now because no one was changing their mind. She noted however having an opinion on the Charter violation might change someone's mind.

Council Member Coombs asked if anyone was willing to change their vote to avoid violating the Charter should the third-party opinion agree the tie vote was a violation.

Council Member Gardner stated he voted for two different options; delaying the appointment and in favor of Mr. Sundberg and he would be willing to vote for either of those again.

Council Member Coombs asked if anyone was willing to change their candidate vote in order to avoid violating the Charter because violating the Charter would be a part of the outside opinion and it was also the option to delay called out by Council Member Gardner.

Motion by Coombs, second by Hiltz, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Gardner, second by Berzins, to continue the meeting to July 29, 2021 at 6:30 p.m. to allow a third party to give an opinion on whether or not Council violated the Charter if the majority of Council failed to make an appointment.

Council Member Lawson asked Mr. Brotzman if Council would receive the opinion without continuing the meeting. Mr. Brotzman answered affirmatively. Council Member Lawson asked the timeframe for the opinion to be rendered. Mr. Brotzman stated he would ask for it to be rendered as soon as possible.

Mayor Coffman stated his understanding that Council could cure the situation even if the opinion was delivered on July 30, 2021.

Mr. Brotzman concurred.

Mayor Coffman stated Council could vote to appoint someone to the position or it could be determined that there was not a violation of Charter and asked if the motion to continue could be amended to call for a special meeting. Mr. Brotzman answered affirmatively.

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Mayor Coffman asked Council Member Gardner if he was willing to revise his motion in case the legal opinion was not ready on July 29.

Council Member Gardner withdrew his motion to allow someone to make an alternative motion.

Mayor Coffman asked Mr. Brotzman to speak to the motion options if the opinion was not ready by July 29. Mr. Brotzman did so, noting there was the option to continue to a date certain or to adjourn the meeting and call a special meeting when the opinion was done. Mayor Coffman stated he would call the special meeting.

Motion by Bergan to not get an opinion from a third party.

Mayor Coffman asked Mr. Brotzman if that was a subtle question that has already been decided. Mr. Brotzman answered affirmatively. Mayor Coffman asked if a motion could be made to repeal it. Mr. Brotzman answered affirmatively.

Mayor Pro Tem Bergan withdrew her motion.

Mayor Coffman stated his understanding of the Mayor Pro Tem's motion was that a special meeting could be called without a motion to continue.

Mr. Brotzman stated his preference that Council get the third-party opinion prior to any violation of Council on July 29.

Council Member Coombs stated her understanding Council would still convene the meeting and adjourn and then set a special meeting if they did not have an opinion by July 29.

Mr. Brotzman stated Council could continue the meeting to a more specific time when the outside counsel could provide the opinion. He pointed out his efforts would be towards pushing the outside counsel to render their opinion prior to July 29.

Council Member Lawson stated her understanding that not having the opinion by July 29 would cause Council to be in violation and a special meeting would have to be called.

Mr. Brotzman stated the current meeting would be continued on and on as one continuous meeting.

Council Member Lawson stated her understanding Council would not be in violation of the Charter if they continued to continue the meeting.

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Mr. Brotzman opined that Council would be in violation of the Charter after July 29 without an appointment within the 45 days. He stated if that did not happen then Council would be looking to make a decision to cure the violation.

Mayor Pro Tem Bergan asked the consequence for violating the Charter. Mr. Brotzman stated there was a risk of someone filing a motion to force Council to vote. Mayor Pro Tem Bergan stated no one could force Council to change their vote. She pointed out Mr. Brotzman has stated Council would not face criminal or civil penalty.

Mr. Brotzman concurred.

Council Member Lawson addressed Mr. Brotzman and noted his opinion that Council would not face civil penalties was a broad perspective because the risk remained.

Mr. Brotzman concurred. He further discussed the difference between Council having a tie vote in a legislative issue versus an appointment circumstance.

Motion by Bergan to adjourn the meeting.

Motion failed for lack of a second.

Voting Aye: Mayor Coffman, Berzins, Gardner, Gruber

Voting Nay: Bergan, Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Hiltz, second by Coombs, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Bergan, second by Gardner, to adjourn the meeting.

Council Member Gruber pointed out the Council was embarrassing the City and noted this would be covered by all of the newspapers in the region and the entire state would be laughing at Aurora because they continued these shenanigans. He pointed out no one was going to change their vote therefore they could not reach a solution which meant the Council could not get things done. He stated he was ashamed that was how the Council would be perceived by the entire state of Colorado. He recommended Council adjourn now and find out the additional information.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

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Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Bergan, second by Berzins, to appoint Steve Sundberg to fill the Ward II Council vacancy.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Hiltz, second by Lawson, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Hiltz, second by Coombs, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Bergan, second by Gruber, to adjourn the meeting.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

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Motion by Bergan, second by Gardner, to postpone the appointment until after the election.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Lawson, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Hiltz, second by Murillo, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Motion by Bergan, second by Gruber, to let the voters decide in November.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Council Member Coombs asked Mr. Brotzman the timeframe for the legal opinion. Mr. Brotzman stated staff would reach out tomorrow to determine when the opinion would be returned. Council Member Coombs asked if there was any idea of what time tomorrow. Mr. Brotzman noted the lateness of the hour and stated he was reaching out to people now.

Council Member Berzins stated she did not see the problem with allowing the voters to decide.

Motion by Berzins, second by Bergan, to postpone the appointment and allow the voters to decide in November.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Gardner, second by Gruber, to postpone the appointment and allow the voters to decide in November.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

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Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Gruber, second by Gardner, to postpone the appointment and allow the voters to decide in November.

Council Member Hiltz stated she did not understand the motion because the voters would decide in November regardless of what Council did and the question before Council was the appointment and those were two separate issues. She pointed out continuing to make the motion to send it to the voters was misleading.

Council Member Coombs concurred, noting the voters in November would not be deciding between the two candidates in front of Council at this time. She stated those in favor of the motion were essentially stating their hope the voters would choose Mr. Sundberg for the next four-year term. She stated otherwise a vacancy would leave thousands of people in Ward II without Ward representation rather than appointing one which Council could do.

Council Member Gardner pointed out staff has been forwarding Ward II resident issues to him since former Council Member Johnston left and he has been helping with those situations as he was sure others on Council were as well. He noted it was disingenuous to state those in Ward II did not have representation when they had four At-Large Council Members as well as the Mayor representing them.

Mayor Pro Tem Bergan pointed out the voters would have three candidates to choose from in November and not just Mr. Sundberg.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Bergan, second by Gruber, to postpone the appointment and allow the voters to decide in November.

Council Member Coombs asked Mr. Brotzman if Council could abstain on a motion that was nonsense. She noted the motion was invalid because the public could not vote on the issue. Mr. Brotzman answered no, noting the Charter required Council to vote unless there was a financial conflict.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Coombs, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy which would last from his swearing-in until the swearing-in of the duly elected council member for Ward II in November.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

- ◆ ***The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.***

DRAFT

Council Member Marcano asked Mr. Brotzman if he would know about the opinion later today. Mr. Brotzman answered affirmatively.

Motion by Marcano, second by Coombs, to continue the meeting to Tuesday, July 27, 2021 at 4:00 p.m.

Mayor Coffman asked Council Member Marcano his reasoning behind the motion. Council Member Marcano stated it was when the City Attorney would hear back about the opinion. Mayor Coffman asked Mr. Brotzman if that was so. Mr. Brotzman clarified that was when he would hear back from the attorneys he reached out to as to when and if they would have the opinion back by July 29.

Council Member Marcano stated he misunderstood the scenario and withdrew the motion.

Motion by Hiltz, second by Marcano, to appoint Dr. Ryan Ross to fill the Ward II Council vacancy.

Voting Aye: Coombs, Hiltz, Lawson, Marcano, Murillo

Voting Nay: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Mayor Coffman called for a recess of Council.

*(The meeting resumed)*

Motion by Bergan, second by Berzins, to postpone the appointment and allow the voters to decide in November.

Council Member Coombs reiterated the voters in November would decide on the actual seat. She stated this was a nonsense motion on something that was not possible.

Council Member Bergan stated the motion was to let the voters decide by not forcing this ridiculous tie vote to continue in perpetuity.

Council Member Hiltz reiterated the issues were two separate things. She stated Council should not be telling the voters that the decision on an appointment was taking away their ability to vote in November. She stated she did not want Council to misrepresent to the voters that they did not have the ability to vote for the Ward II representative in November based on what happened today.

Mayor Pro Tem Bergan clarified the motion gave voters the opportunity because Council was at an impasse. She contended they were allowing the voters to decide by postponing the appointment.

- ◆ ***The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.***

DRAFT

Council Member Hiltz stated the voters would get to decide regardless and the motion was actually voting to violate the Charter.

Mayor Pro Tem Bergan stated that was not her motion.

Council Member Hiltz stated 'letting the voters decide' sounded good but they did not participate in the vacancy and representing something was being taken away from them was disingenuous. She stated it should be made very clear so that voters understood they would have the opportunity to vote for their Ward II representative in November. She discussed the importance of having a Ward representative, noting Mayor Pro Tem Bergan was a perfect example of that because she knew her Ward best and was a great advocate for those living there.

Mayor Pro Tem Bergan agreed that was a very good point and that was why she felt voting for Mr. Sundberg would provide great representation for Ward II because he was very invested in his community.

Council Member Hiltz agreed she would like Council to continue to discuss their candidates and what they liked about them rather than telling the voters their vote did not matter or that Council was taking away their vote. She stated Council was getting away from the issue which was Ward representation.

Mayor Pro Tem Bergan stated she could change the motion to continue item 19a to allow voters the opportunity to select their new Ward council member.

Council Member Coombs stated the voters had the opportunity to choose their Ward council member in November regardless of what Council decided today because Council was not voting on whether they get to vote or not in November. She reminded Council the item before them was to appoint one of two candidates to fill the Ward II vacancy until the new person was sworn-in in December. She stated the motion suggested Council was giving special permission for the election to occur when it already was going to occur and that was a problem.

Voting Aye: Mayor Coffman, Bergan, Berzins, Gardner, Gruber

Voting Nay: Coombs, Hiltz, Lawson, Marcano, Murillo

Motion by Gruber, second by Bergan, to not make an appointment of either Mr. Sundberg or Dr. Ross and let the voters decide in November.

Council Member Coombs reiterated there should be an accurate way to frame the motion because the voters would decide in November no matter what. She pointed out appointing someone did not deprive the voters of their right to vote in November.

Council Member Gruber disagreed and asked for a vote on his motion.

- ◆ ***The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.***

## DRAFT

Council Member Marcano addressed Council Member Gruber and reminded him he was entitled to his own opinion but not his own facts. He reiterated Council has been told repeatedly that doing this would violate the Charter and while he appreciated the spirit of the motion, the rules mattered. He stated he would not take those in favor of the motion seriously as law-and-order people if they continued to move in the direction of violating the rules when it suited.

Council Member Gruber clarified Council has asked staff repeatedly to get another opinion on the impact of needing six votes when there was a tie but then could not get a majority vote to continue the meeting until that information could be provided. He stated his motion stood.

Council Member Hiltz pointed out mocking someone for how they spoke was disrespectful and she found it disappointing for someone who claimed to have honor and integrity to do so. She addressed Council Member Gruber, stating he was better than that and asked him to do better.

Council Member Gruber reminded everyone he grew up in Florida and the terms he used in his previous comment were used there as well.

Council Member Hiltz addressed Council Member Gruber and stated that might be so but the way in which he spoke just now was pointed and specific. She stated it was intended to have an effect and was not typically how he represented himself in conversation.

Council Member Gruber acknowledged the terms were not typically used in professional language and agreed he was exaggerating the point made by another council member.

Council Member Hiltz asked that he not do that.

Council Member Berzins stated she has been discriminated against since she moved out of the south because she used the term all the time. She stated discrimination happened every day and she lived it.

Council Member Hiltz stated she was sorry Council Member Berzins felt she had to accept discrimination. She stated Council Member Gruber did not do that to her but she would call him out if he did.

Council Member Berzins stated she did not accept it. She noted the Aurora Sentinel discriminating against her and asked Council Member Hiltz if she would call them out. Council Member Hiltz answered affirmatively.

Council Member Gardner stated this was absurd at this point.

### *SUBSTITUTE MOTION*

Motion by Gardner, second by Berzins, to continue the meeting to Thursday, July 29, 2021 at 6:30 p.m.

- ◆ ***The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.***

DRAFT

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Murillo

Voting Nay: Hiltz, Lawson, Marcano

The meeting was continued at 3:19 a.m. to Thursday, July 29, 2021 at 6:30 p.m.

20. **REPORTS**

20.a. Report by the Mayor

No report

20.b. Reports by the Council

No report

21. **PUBLIC INVITED TO BE HEARD**

(non-agenda related issues only)

None

22. **ADJOURNMENT**

Mayor Coffman called a recess of the regular meeting of City Council at 3:19 a.m. until 6:30 p.m. on July 29, 2021.

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MIKE COFFMAN, MAYOR

ATTEST:

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KADEE RODRIGUEZ, CITY CLERK

◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*



# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** Consideration to AWARD A SINGLE SOURCE DESIGN BUILD CONTRACT to CGRS Inc. Fort Collins, Colorado in the amount of \$89,000.00 for the Shop Creek Lift Station Underground Fuel Tank Removal.

**Item Initiator:** Catherine Schumacher, Project Engineer, Aurora Water

**Staff Source/Legal Source:** Andrea Long, Sr. Project Manager, Aurora Water / Brian Rulla – Assit. City Attorney

**Outside Speaker:** N/A

**Council Goal:** 2012: 3.0--Ensure excellent infrastructure that is well maintained and operated.

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** 9/27/2021

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item as proposed at Study Session
- Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration

Why is a waiver needed? [Click or tap here to enter text.](#)

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
- Does Not Recommend Approval
- Forwarded Without Recommendation
- Recommendation Report Attached
- Minutes Attached
- Minutes Not Available

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**HISTORY** (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

None.

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**ITEM SUMMARY** (Brief description of item, discussion, key points, recommendations, etc.)

**Background**

The State of Colorado Division of Oil and Public Safety (OPS) regulates entities who own underground fuel storage tanks. The Shop Creek Lift Station (SCLS) has a back-up generator which provides back-up power to the SCLS in the event of a power outage. The generator is fueled by a 950-gal underground fuel storage tank (UST) and is subject to OPS oversight. Attached is a map showing the location of the Shop Creek Lift Station and UST.

Due to regulatory changes at OPS, maintaining and permitting the UST has become onerous and requires expensive third-party assistance. To save time and money over the life of the facility and to reduce environmental risk, Aurora Water staff would like to replace the underground fuel tank with a new 250-gal above-ground fuel storage tank (AST). Operations has confirmed the generator onsite can safely operate with the smaller 250-gal AST.

**Bidder Pre-Qualification**

Contractors were prequalified during the Smoky Hill Pump Station UST Removal Project under Statement of Qualifications SOQ-19-5644A. The SOQ asked for detailed responses describing each firm's qualifications and the ability to meet the City's contracting requirements. The responses were evaluated based on the following criteria:

- Experience of the firm
- OPS certifications
- ICC U-5 Installation Retrofitting Certifications
- ICC U-2 Decommissioning Contractor's Certifications
- Technical competence of the Project Manager
- Technical competence of Superintendent
- Organization and completeness of SOQ

CGRS Inc. was the only specialty contractor that met the State's qualifications and the City' ICC U-5 and ICC U-2 certification requirements and were invited to bid on the Shop Creek Lift Station Underground Fuel Tank Removal Project. Therefore, the contracting mechanism recommended for this Project is a single source design-build contract. In addition, the City saves money by not hiring a separate engineering firm to perform the design permitting on the project as CGRS is qualified to do both.

**Item Scope**

The scope of work generally includes the following:

- Design of the 950-gal UST and associated piping removal and closure in-place
- Prepare notifications, permits, and documentation for the closure in-place of the 950-gal UST per OPS and City of Aurora requirements
- Removal of the residual fuel product in the UST
- Set-up a temporary fuel tank to serve the generator while the removal and installation is in progress
- Collect soil samples around the UST for contamination analysis per the OPS requirements
- Design and install a 250-gal new AST and associated piping



**Proposed Award**

The design-build proposal was submitted by CGRS Inc. on August 27, 2021 for \$89,000.00. City staff has reviewed and verified CGRS’s proposal for the project and the proposed price is within the budget for this project; therefore, CGRS’s proposal is considered to be fair and reasonable.

**Recommendation**

Based on the above, staff recommends awarding a SINGLE SOURCE contract to CGRS Inc., Fort Collins Colorado in the amount of \$89,000.00, for the Shop Creek Lift Station Underground Fuel Tank Removal.

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**QUESTIONS FOR COUNCIL**

Does City Council approved the award of a SINGLE SOURCE Contract to CGRS Inc., Fort Collins, Colorado in the amount of \$89,000.00 to provide design and construction services for the Shop Creek Lift Station Underground Fuel Tank Removal?

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**LEGAL COMMENTS**

Purchase orders or contracts in any amount may be awarded without benefit of formal competitive bidding when only one specific source is known to exist for the required supplies or services (sole source), and the Purchasing Manager approves the use of negotiation prior to award (City Code § 2-674(10)). (Rulla)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** Funding for this contract will be from the Wastewater Fund operating budget in the amount of \$89,000.00.

**ORG:** 52065 (Pumping Station-Sewer)

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A

Figure 1 – Shop Creek Lift Station Buried Fuel Tank Removal Site Location





# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** Consideration to AWARD A SINGLE SOURCE CONTRACT to Water Technology Group, Kansas City, KS, in the amount of \$73,947.00 for Flyght Pumps at Porteos Lift Station and Cherry Creek Lift Station.

**Item Initiator:** Angie Young, Procurement Agent, Finance

**Staff Source/Legal Source:** Mike Mills, Manager of Water Maintenance and Operations/Ian Best, Asst. City Attorney

**Outside Speaker:** N/A

**Council Goal:** 2012: 3.0--Ensure excellent infrastructure that is well maintained and operated.

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** 9/27/2021

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item as proposed at Study Session  Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration

Why is a waiver needed?[Click or tap here to enter text.](#)

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval  Does Not Recommend Approval
- Forwarded Without Recommendation  Recommendation Report Attached
- Minutes Attached  Minutes Not Available

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**HISTORY** (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

Two previous awards to Water Technology Group were reported to City Council for Flyght pumps at Cherry Creek Lift Station, one on the weekly report dated February 16, 2021, and the other on the weekly report dated September 17, 2018.

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**ITEM SUMMARY** (Brief description of item, discussion, key points, recommendations, etc.)

Aurora Water has need for a new Flyght pump at the Porteos Lift Station and a replacement Flyght pump at the Cherry Creek Lift Station. The Porteos Lift Station was built with two wetwells and designed to house four potential pumps, but only two pumps were supplied by the contractor. The developer's plan was that the pumps may be removed from one wetwell and installed in the other wetwell when cleaning is required or the need arises, however in emergency situations this is not a viable option due to the time required to transfer the pumps. The transfer time could cause a sanitary sewage overflow creating a health and safety issue and potential fines to the City. Installation of a third pump will allow coverage for both wetwells during the necessary transfer time.

The Cherry Creek Lift Station has experienced problems with clogging and debris as a result of using closed face impeller pumps. A pump with an open face impeller is needed to increase reliability of the station and minimize labor costs and safety associated with the daily cleaning of the pump. Three of the four pumps and motors at the station have been replaced with open face Flyght products and have performed well. This purchase will replace the fourth and final pump and motor with a Flyght system, the same proven design and function as those previously installed. This style of pump can replace the existing pump with minimal changes to the current piping.

Aurora Water has standardized on the Flyght products for all wastewater submersible pumps due to their reliability. Water Technology Group is the authorized distributor for Flyght products in the Denver metro area. The cost for the pump at the Porteos Lift Station is \$37,195.00 and the pump cost for Cherry Creek Lift Station is \$35,752.00. The estimated shipping cost for the pumps is \$1,000.00, so the total cost for the two pumps with estimated shipping is \$73,947.00. Staff has verified with Water Technology Group that the pricing provided for these two pumps is the same as would be charged to other water districts and municipalities in the Denver area and is considered to be fair and reasonable.

Council approval is required for single source awards of \$50,000.00 or more.

Based on the above, staff recommends the award of a single source contract to Water Technology Group in the amount of \$73,947.00 for two new Flyght pumps at Porteos Lift Station and Cherry Creek Lift Stations.

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**QUESTIONS FOR COUNCIL**

Does City Council approve the award of a single source contract to Water Technology Group in the amount of \$73,947.00 for two new Flyght pumps at Porteos Lift Station and Cherry Creek Lift Station?

---

**LEGAL COMMENTS**

Purchase orders or contracts in any amount may be awarded without benefit of formal competitive bidding when only one specific source is known to exist for the required supplies or services (sole source), and the Purchasing Manager approves the use of negotiation prior to award (City Code § 2-674(10)). Purchase orders and contracts worth \$50,000 or more not awarded pursuant to formal competitive bidding require City Council approval (City Code § 2-672(a)(3)(b)). (Best)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** Funding for this contract will be from the Wastewater Fund operating budget in the amount of \$73,947.00.

**ORG:** 52065 (Pumping Station – Sewer)

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:**

COMPANY	DESCRIPTION OF AWARD	AWARD AMOUNT	BID NUMBER
<p><b>WATER TECHNOLOGY GROUP</b></p> <p><b>GOLDEN, CO</b></p> <p>Dept: Water/Pumping &amp; Treatment</p>	<p>Award a single source contract to purchase a Flygt Pump with motor for the Cherry Creek Lift Station. This will replace a pump scheduled for rebuild, but numerous recent problems with the unit show it has reached end of life.</p> <p>Two of the three other pumps at this station are Flygt products, and the new pump can be installed with minimal new piping. Water Technology Group is the authorized Flygt dealer in the Denver metro area.</p> <p>The vendor has proposed \$30,974 for the unit and \$11,450 for labor and installation parts. The last new unit was installed in 2018, and the price has increased 17%. Since this is the same pricing offered to other water agencies, staff considers the vendor's proposal to be fair and reasonable.</p> <p><i>Purchases where it is important to maintain compatibility with existing furnishings or equipment are authorized to be awarded through non-competitive negotiations. 2-674-7</i></p>	<p>\$42,424.00</p>	<p>N/A</p>

**AWARDS \$25,000.00 - \$49,999.99 subject to call-up:**

COMPANY	DESCRIPTION OF AWARD	AWARD AMOUNT	BID NUMBER
<p><b>COGENT INC. DBA WATER TECHNOLOGY GROUP</b></p> <p><b>GOLDEN, CO</b></p> <p>Dept: Water</p>	<p>Award a single source contract for the purchase of one (1) Flygt Submersible 3171 hard-iron impeller pump for the Cherry Creek Lift Station. Normally, an open-faced impeller technology is not needed; however, due to an increased flow of rags and other debris into the station from other waste collection systems, this second Flygt pump is required. The initial pump has demonstrated the ability to allow rags and other debris to flow through and not clog the pumps as frequently, thus decreasing maintenance costs and increasing the expected life of the impeller. Standardization of the pumps at the Cherry Creek Lift Station creates efficiencies for staff in the daily operation and routine maintenance of the equipment.</p> <p>Staff has confirmed that Cogent is the sole distributor for Flygt pumps in the state of Colorado and that their pricing is the same they would charge any other municipality in the state for the same product and installation services. Therefore, the pricing is considered to be fair and reasonable.</p> <p><i>Purchases where it is important to maintain compatibility with existing furnishing or equipment and authorized to be awarded through non-competitive negotiations. 2-674-7</i></p>	<p>\$36,081.00</p>	<p>NA</p>
<p><b>KORF CONTINENTAL</b></p> <p><b>JULESBURG, CO</b></p> <p>Dept: General Mgmt/Fleet</p>	<p>Award a competitively bid contract for the purchase of one (1) 2018 Ford F250 4x4 with Boss 8'2" V-Plow for use by Parks Operations and Maintenance.</p> <p><i>When Aurora piggy-backs off another government agency's competitive bid it is treated the same as if it were our own bid. 2-679</i></p>	<p>\$36,590.00</p>	<p>State of Colorado Price Agreement  #2018000000071</p>



# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** Consideration to AWARD A COMPETITIVELY BID CONTRACT to Mittera Group, Denver, CO, in the amount of \$74,761.00 for printing services for the News Aurora newsletter insert. (B-4620)

**Item Initiator:** Angie Young, Procurement Agent, Finance

**Staff Source/Legal Source:** Greg Baker, Manager of Water Public Relations/Ian Best, Assistant City Attorney

**Outside Speaker:** N/A

**Council Goal:** 2012: 4.2--Communicate Aurora's vision, quality of life, economic development successes, and business climate

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** 9/27/2021

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item as proposed at Study Session
- Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration

Why is a waiver needed? [Click or tap here to enter text.](#)

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
- Does Not Recommend Approval
- Forwarded Without Recommendation
- Recommendation Report Attached
- Minutes Attached
- Minutes Not Available



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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

None.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

Aurora Water has need for printing services for the News Aurora newsletter insert. News Aurora is a monthly printed newsletter that is distributed by mail in the Aurora Water bill. The newsletter is utilized by City Management for highlighting city initiatives, by City Council to announce ward and town hall meetings, and by city departments for events and educational opportunities. News Aurora is often cited in community surveys as one of the most widely read city publications.

A two-step Invitation for Bid (IFB) was issued in order to select a contractor. The first phase of the bid was a pre-qualification process where firms were to be pre-qualified based on established criteria. In the second phase, bids from the pre-qualified firms were to be opened with the intent to award to the lowest bidder.

A total of four (4) firms submitted technical responses with sealed bids. The technical proposals were evaluated based on the following criteria.

- Qualifications and experience
- Previous experience with similar projects
- Ability to meet schedule
- Client references
- Sample publications

After evaluating the technical responses, the evaluation team determined only one firm, Mittera Group, to be pre-qualified to continue to the second phase. The bid for Mittera Group was then opened, and the pricing was evaluated. Although only one bid was received, the bid was openly solicited with the expectation of competition. Therefore, pricing is considered to be fair and reasonable.

Council approval is required for awards \$50,000.00 or more when less than three bids are received.

Based on the above, staff recommends the award of a competitively bid contract to Mittera Group in the amount of \$74,761.00 for printing services for the News Aurora newsletter insert.

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**QUESTIONS FOR COUNCIL**

Does City Council approve the award of a competitively bid contract to Mittera Group in the amount of \$74,761.00?

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**LEGAL COMMENTS**

Awards worth \$50,000 or more require City Council approval if formal competitive bidding has not produced at least three responsive bids (City Code § 2-672(a)(3)(b)). (Best)

---

**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** Funding for this contract in the amount of \$74,761.00 will be paid from the Water Fund operating budget and from the General Fund Communications operating budget:

**Org 52019:** (Public Information)/64331 (Printing - Outside) and  
**Org 19001:** (Communications)/64331 (Printing - Outside)

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:**



# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Catalyst Public Affairs, Greenwood Village, CO in the amount of \$199,000.00 for professional consulting services to conduct resident engagement and education on City capital and infrastructure needs.

**Item Initiator:** Michelle Ratcliff, Senior Procurement Agent

**Staff Source/Legal Source:** Kim Stuart, Director of Communications/Ian Best, Assistant City Attorney

**Outside Speaker:** None

**Council Goal:** 2012: 4.3--Be responsive to citizen's concerns and questions to create a shared sense of community

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** 9/27/2021

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item as proposed at Study Session
- Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration

Why is a waiver needed? Staff requests a waiver of reconsideration due to the urgency of gathering the needed information to prepare for Aurora's capital needs that come with a growing population and aging infrastructure.

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
- Does Not Recommend Approval
- Forwarded Without Recommendation
- Recommendation Report Attached
- Minutes Attached
- Minutes Not Available

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

None.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

The Aurora Communications, Finance, Public Works and Housing & Community Services Departments request approval for professional consulting services to conduct a resident engagement and education effort to better inform the community of the capital and infrastructure needs in the city and understand their priorities related to those needs. The amount of \$199,000.00 has been budgeted for the 2021 – 2022 contract year. Staff requests a waiver of reconsideration due to the urgency of gathering the needed information to prepare for Aurora’s capital needs that come with a growing population and aging infrastructure.

The City’s tasks for this program include the following:

- Execute strategic public communications and engagement planning and implementation of campaign and all of its components, including site monitoring and management
- Research, write and produce all campaign content and materials, including messaging, grassroots communications, and online digital and social media communications
- Manage and execute direct media relations
- Oversee coalition development and management
- Seek community feedback regarding ways to fund capital and infrastructure projects
- Develop a community-based education and engagement campaign committee(s)
- Guide regular communication with Boards and Commissions and identify and communicate regularly with other community and business leaders and influencers
- Facilitate, publicize, document in writing and report on community meetings
- Conduct public policy research, public opinion and polling efforts
- Coordinate with Project Management contractor on distilling technical project information for use in education and community engagement
- Conduct research and data analysis
- Identify and target underserved populations and implement strategies to reach those populations, including but not limited to providing content in multiple languages and receiving input in key languages

In order to select a qualified consultant, the City issued Request for Proposals (RFP) #R-2103 on June 8, 2021. The RFP asked for detailed proposals describing each firm’s qualifications, approach to providing the services, and price. The vendor responses were evaluated on the following five criteria:

- Relevant experience and references
- Community engagement
- Deliverables
- Project fee
- Project schedule

Proposals were received from three firms on the closing date of June 29, 2021: Catalyst Public Affairs, Taloma Partners, and The Welchert Co. As a result of the evaluation, Catalyst and Taloma were selected for the short list and advanced to the second phase of the solicitation process. During the second phase, the two firms were interviewed by the evaluation committee.

The two firms along with their proposed total price are as follows:

Catalyst Public Affairs	\$199,000.00
Taloma Partners	\$106,500.00

After the interviews, the committee selected Catalyst Public Affairs as the top ranked firm. Catalyst's broad approach to implementing community engagement and education resulted in the highest rating by the evaluation team.

Based on the above information, staff recommends proceeding with the award of an openly solicited contract to Catalyst Public Affairs in the amount of \$199,000.00 to provide professional consulting services to conduct citizen engagement on City capital and infrastructure needs.

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### **QUESTIONS FOR COUNCIL**

Does City Council approve the openly solicited award to Catalyst Public Affairs in the amount of \$199,000 for professional consulting services for citizen engagement?

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### **LEGAL COMMENTS**

MOTION TO APPROVE SHOULD INCLUDE A WAIVER OF RECONSIDERATION.

Awards of purchase orders or contracts worth \$50,000 or more require City Council approval if the lowest responsive bidder is not selected (City Code § 2-672(a)(3)(b)). (Best)

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### **PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** The cost of this is in the 2021 projection in Non-Departmental General Fund. A supplemental will most likely be necessary.

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### **PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A



# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Atkins Global, Denver, CO in the amount of \$925,795.00 for professional consulting services for Program Management on City capital and infrastructure needs. (R-2104)

**Item Initiator:** Michelle Ratcliff, Senior Procurement Agent

**Staff Source/Legal Source:** Cindy Colip, Director of Public Works/Ian Best, Assistant City Attorney

**Outside Speaker:** None

**Council Goal:** 2012: 5.2--Plan for the development and redevelopment of strategic areas, station areas and urban centers

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** 9/27/2021

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### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item as proposed at Study Session
- Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration

Why is a waiver needed? Staff requests a waiver of reconsideration due to the urgency of organizing and updating the needed information to potentially prepare for a future election.

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
- Does Not Recommend Approval
- Forwarded Without Recommendation
- Recommendation Report Attached
- Minutes Attached
- Minutes Not Available

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

None.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

The Aurora Communications, Finance, Public Works and Housing & Community Services Departments request approval for professional consulting services to provide Program Management Services for city capital and infrastructure needs that may lead to a future election. The current proposal is for core services focused on updating project costs and recommending and refining program/project criteria. Staff requests a waiver of reconsideration due to the urgency of organizing and updating the needed information to potentially prepare for a future election.

The consultant will be responsible for reviewing a list of the capital infrastructure master plan projects, preparing/updating cost estimates of the agreed upon list, establishing project selection criteria to introduce to the public, modifying criteria per the public's input, applying criteria to projects for ranking and prioritizing, and providing project data and information to the community engagement team.

In order to select a qualified consultant, the City issued Request for Proposals (RFP) #R-2104 on June 9, 2021. The RFP asked for detailed proposals describing each firm's qualifications, approach to providing the services, and price. The firms' responses were evaluated based on the following five criteria:

- Statement of Qualifications
- Program understanding, approach, similar project experience and references
- Team availability
- Project schedule
- Project fee

Proposals were received from three firms on the closing date of June 30, 2021: Atkins Global, Southern Cross, and Stolfus & Associates. As a result of the evaluation, Atkins was selected for the short list and advanced to the second phase of the solicitation process. During the second phase, the firm was interviewed by the evaluation committee.

After the interview, the committee selected Atkins Global as the top ranked firm. Atkins Global's strong ability to provide key personnel and adequate support staff, as well as excellent project understanding and approach, resulted in a high rating by the evaluation team.

Based on the above information, staff recommends proceeding with the award of an openly solicited contract to Atkins Global in the amount of \$925,795.00 to provide professional consulting services for cost estimating and associated refinements for city capital and infrastructure needs that may lead to a future election. The overall proposed price includes approximately \$612,795.00 for core services with approximately \$313,000.00 for special assigned services that will only be authorized based on staff's approval.

While Atkins undertakes its program management responsibilities, specifically capital project cost estimating, any decisions regarding a future bond election will require consideration of the following:

- The potential influx of federal infrastructure dollars that will impact the city's resources and capital planning.
- Additional funds allocated to the city as a result of state legislation, particularly SB21-260 Sustainability of the Transportation System.
- The volatility of current market/economic conditions related to COVID-19, where supply chain challenges and contractor availability creates difficulties in predicting capital costs with any level of certainty.

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**QUESTIONS FOR COUNCIL**

Does City Council approve the openly solicited contract to Atkins Global in the amount of \$925,795.00 for professional consulting services for Program Management?

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**LEGAL COMMENTS**

MOTION TO APPROVE SHOULD INCLUDE A WAIVER OF RECONSIDERATION.

Contracts for services shall be awarded to the most advantageous proposal as specified by project in the request for proposal. Each request for proposal shall define the method of evaluation to be used to select the most advantageous proposal. The factors to be considered in determining the most advantageous proposal shall include, but not be limited to, the following:

- a) Technical ability;
- b) Previous experience and performance;
- c) Qualifications of personnel;
- d) Ability to meet schedule; and
- e) Price.

(City Code Section 2-671)(Best)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** The cost of this is in the 2021 projection in Non-Departmental General Fund. A supplemental will most likely be necessary.

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A





## **DREAM BIG**

**A COMMUNITY ENGAGEMENT AND PROGRAM MANAGEMENT EFFORT TO ADDRESS THE CITY'S GROWING CAPITAL NEEDS & AGING INFRASTRUCTURE**

**Kim Stuart**

*Director of Communications & Marketing*

**Terri Velasquez**

*Director of Finance*

**Jessica Prosser**

*Director of Housing & Community Services*

**Cindy Colip**

*Director of Public Works*

# DREAM BIG



- June: Request for Proposals and Competitive Bid
  - Project Management and Community Engagement and Education
- July: Staff reviews, interviews with top firms and selection
  - Selection process team Finance, Communications, Public Works, Housing & Community Development and Planning
  - Many thanks to their efforts and time
- Awards for Council's consideration:
  - Community Engagement and Program Management with the goal to potentially prepare for a future election

# COMMUNITY ENGAGEMENT OVERVIEW



## Catalyst Public Affairs

- Selected because of broad approach to strategic communications, community engagement, education, reaching diverse audiences and public opinion research
- Committed team of 4 professionals in various communications disciplines
- Experience with community issues ranging from taxes and transportation to education and energy. Example of projects:
  - CDOT–I-25 PEL –Planning & Environmental Linkages Stakeholder
    - Collaborative process that resulted in a stakeholder-supported roadmap for implementing projects to improve safety, travel reliability, and mobility. Moved to construction
  - West Metro Fire
    - Successful community engagement leading to passage of property assessment

# COMMUNITY ENGAGEMENT OVERVIEW



With oversight from city staff, Catalyst will:

- Execute strategic and inclusive public communications and engagement campaign
- Research, write and produce all campaign content and materials
- Manage media relations
- Develop and manage community-based campaign committee(s)
- Guide ongoing communication with key stakeholders and community influencers
- Seek community feedback regarding ways to fund projects from capital plan
- Facilitate, publicize and document community meeting outcomes
- Conduct research and public opinion polling, including data analysis
- Coordinate technical project information with Program Management contractor

# PROGRAM MANAGEMENT OVERVIEW



## Atkins Global

- Ability to provide key personnel
- Support capabilities to act as extension of staff
- Excellent project understanding and approach
- Similar project experience including:
  - Elevate Denver Bond Program Management - \$937M
  - Cobb County, GA Capital Program Manager since 2006 - \$100M per year
  - Renew Atlanta Bond Program - \$550M
  - Rebuilding for an Inclusive and Sustainable Economy (RISE) Denver - \$400M

# PROGRAM MANAGEMENT OVERVIEW



- Tasks are focused on initial phases of Program Management to include:
  - Review of a refined capital infrastructure master plan
  - Validating/updating cost estimates
  - Create and perform project prioritization/ranking method (criteria to be developed in coordination with the City)
  - Right-of-way/Land acquisition preliminary evaluation to include in cost estimating
  - Provide technical support in maintaining program cost accounting. Develop, maintain, and analyze budgets, analyze variances, and forecast total program costs

# PROGRAM MANAGEMENT OVERVIEW



- Tasks continued:
  - Perform, review and/or evaluate various preliminary cost estimates related to construction, operations, and maintenance of the Program to ensure that they conform to established guidelines and accurately reflect all project-related costs
  - Analyze and prepare projected cash flow requirements for the Program
  - Perform risk and vulnerability assessment
  - Provide administrative support to the City including, but not limited to, documentation of meetings, report writing, preparation of presentations, and preparation of correspondence
  - Provide communications technical and non-technical information specific to projects in support of the Community Engagement Plan
  - Support and provide project details for an interactive engagement and project website.

# PROGRAM MANAGEMENT OVERVIEW



- Other items of note
  - The fee includes “Special Assigned Services as approved by the city”
  - These items are only allowable if approved by staff due to project needs. They are included in the overall budget but will be approved on an as needed basis. Some example tasks include:
    - Evaluate potential funding sources/options, and provide financing alternatives
    - Identify and analyze potential funding opportunities in coordination with the city. As requested, assist in preparing grant application and other funding proposals.
    - Public/Private Partnership (P3) advisory services including high level evaluation of projects for P3 opportunities



# Approval of Contracts



## Requesting Approval of Two Contracts

- Catalyst - \$199,000
- Atkins – Total Fee \$925,795
  - \$612,795 Core Services;
  - \$313,000 – Special Assigned Services – as authorized by staff
- Kickoff Following Council Approval
- Check-ins with Council throughout both engagements
- Contracts include termination clauses

# Questions?





# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** Amendment to IGA between the City of Aurora & the Urban Drainage and Flood Control District, d/b/a Mile High Flood District (MHFD) regarding construction of Drainage and Flood Control Improvements for Sand Creek – Baranmor Ditch at Zion St. & Billings St.

**Item Initiator:** Sarah “Sam” Miller, Stormwater Engineer, Aurora Water

**Staff Source/Legal Source:** Swirvine Nyirenda, Manager of Planning Services, Aurora Water / Ian Best, Asst City Attorney

**Outside Speaker:** N/A

**Council Goal:** 2012: 3.0--Ensure excellent infrastructure that is well maintained and operated.

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item as proposed at Study Session  Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration

Why is a waiver needed? [Click or tap here to enter text.](#)

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Water Policy

**Policy Committee Date:** 9/7/2021

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval  Does Not Recommend Approval
- Forwarded Without Recommendation  Recommendation Report Attached
- Minutes Attached  Minutes Not Available

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

On May 9, 2019, the Water Policy Committee supported moving an Intergovernmental Agreement regarding final design, right-of-way acquisition, and construction of drainage and flood control improvements for Sand Creek – Baranmor Ditch at Zion Street and Billings Street forward to Regular Council meeting.

On June 24, 2019, City Council approved the Intergovernmental Agreement regarding final design, right-of-way acquisition, and construction of drainage and flood control improvements for Sand Creek – Baranmor Ditch at Zion Street and Billings Street.

On September 7, 2021, the Water Policy Committee Supported the First Amendment to the Intergovernmental Agreement regarding construction of Drainage and Flood Control Improvements for Sand Creek – Baranmor Ditch at Zion Street and Billings Street and forwarded to Regular Session.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

**Long Title**

Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, Approving an amendment to an Intergovernmental Agreement between the City of Aurora, Colorado and the Urban Drainage and Flood Control District, d/b/a Mile High Flood District (MHFD) regarding construction of Drainage and Flood Control Improvements for Sand Creek – Baranmor Ditch at Zion Street and Billings Street

**Background**

Olsson Associates Inc. completed an Outfall Systems Plan (OSP) for the Baranmor Ditch Watershed in 2009. This Plan identified the need for multiple improvements along the most upstream section of the ditch along East 32<sup>nd</sup> Avenue between Zion and Billings Street.

In 2019, Mile High Flood District (MHFD) partnered with the City and Olsson Associates Inc. to update this study due to changes in modeling hydrology and new development in the area. Through Olsson’s modeling update, only the culvert under Zion street was determined to be undersized. By increasing the capacity of this culvert with three larger elliptical pipes, potential flooding from residential properties along this street will decrease. (please refer to attached map).

**Scope**

The scope of work includes the replacement of the existing corrugated metal pipe (CMP) culvert under Zion Street with three elliptical pipes and realignment of the low flow channel upstream and downstream of the culvert.

The project construction will be managed by the MHFD and Aurora Water will fund their portion from an existing CMP replacement program.

**Cost**

This amendment is to pay MHFD project construction funds. The City has dedicated \$500,000 from the CMP construction budget as well as the unused design funds.

This will be funding by ORG 52437.

---

**QUESTIONS FOR COMMITTEE**

Does the City Council of the City of Aurora approve the First Amendment to and Intergovernmental Agreement between the City of Aurora and the Urban Drainage Flood Control District, d/b/a Mile High Flood District (MHFD) regarding construction of Drainage and Flood Control improvements for Sand Creek – Baranmor Ditch at Zion Street and Billings Street?

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**LEGAL COMMENTS**

The Council may, by resolution, to enter into contracts or agreements with other governmental units, including special districts, for the joint use of buildings, equipment or facilities or for furnishing or receiving commodities or services. (Charter §10-12).

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** Funding for Aurora’s portion of this Intergovernmental Agreement will be from the Capital Improvement Program, Wastewater Fund in the amount of \$500,000.00.

ORG: 52437 (Baranmor Ditch Imp - SD).

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A

RESOLUTION NO. R2021- \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL’S SUPPORT OF THE FIRST AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA COLORADO ACTING BY AND THROUGH ITS UTILITY ENTERPRISE AND THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, d/b/a MILE HIGH FLOOD DISTRICT, REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR SAND CREEK – BARANMOR DITCH AT ZION AND BILLINGS STREET

WHEREAS, the City of Aurora, acting by and through its Utility Enterprise (“Aurora”) and the Urban Drainage and Flood Control District d/b/a Mile High Flood District (“District”) have agreed to fund the design and construction of drainage and flood control improvements for Sand Creek – Baranmor Ditch at Zion and Billings Streets; and

WHEREAS, the project costs funded through this Amendment to the Intergovernmental Agreement include final design services, delineation, description and acquisition of required easements and rights of way, and construction of improvements for Sand Creek – Baranmor Ditch at Zion and Billings Streets (“Project Costs”); and

WHEREAS, Aurora’s additional contribution to the Project Costs through the Amendment to the Intergovernmental Agreement shall be \$500,000; and

WHEREAS, the work performed pursuant to this Intergovernmental Agreement is necessary for the health, safety, and welfare of the people of the Aurora; and

WHEREAS, the City is authorized, pursuant to Article XIV of the Colorado Constitution and Section 29-1-203 of the Colorado Revised Statutes, to cooperate and contract with any political subdivision of the State of Colorado, to provide any function, service, or facility lawfully authorized to each of the contracting or cooperating units of government; and

WHEREAS, Section 10-12 of the City Charter authorizes the City by resolution to enter into contracts or agreements with other governmental units, including special districts, for the joint use of buildings, equipment or facilities or for furnishing or receiving commodities and services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. The Intergovernmental Agreement between Aurora and the District regarding the design and construction of drainage and flood control improvements for Sand Creek – Baranmor Ditch at Zion and Billings Streets is hereby approved.

Section 2. The Mayor and City Clerk are hereby authorized to execute the attached agreement in substantially the form presented at this meeting with such technical additions, deletions, and variations as may be deemed necessary or appropriate by the City Attorney.

Section 3. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

RESOLVED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

*CMcK*

*Ian J Best*

\_\_\_\_\_  
IAN BEST, Assistant City Attorney

FIRST AMENDMENT TO  
AGREEMENT REGARDING  
FINAL DESIGN, RIGHT-OF-WAY ACQUISITION, AND CONSTRUCTION  
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR  
SAND CREEK – BARANMOR DITCH AT ZION STREET AND BILLINGS STREET  
CITY OF AURORA

Agreement No. 19-02.13A  
Project No. 107306

THIS FIRST AMENDMENT TO AGREEMENT (hereinafter called "FIRSTAMENDMENT"), by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT (hereinafter called "DISTRICT") and CITY OF AURORA acting by and through its Utility Enterprise (hereinafter called "CITY") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Final Design, Right-of-Way Acquisition and Construction of Drainage and Flood Control Improvements for Sand Creek – Baranmor Ditch at Zions Street and Billings Street, City of Aurora" (Agreement No. 19-02.13A) dated July 16, 2019, (hereinafter called "AGREEMENT"); and

WHEREAS, PARTIES now desire to proceed with construction of drainage and flood control improvements for Sand Creek – Baranmor Ditch at Zions Street and Billings Street (hereinafter called "PROJECT"); and

WHEREAS, PARTIES desire to increase the level of funding by \$500,000; and

WHEREAS, the City Council of CITY have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. Paragraph 4. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:

4. PROJECT COSTS AND ALLOCATION OF COSTS

A. PARTIES agree that for the purposes of this AGREEMENT, PROJECT costs shall consist of and be limited to the following:

1. Final design services;
2. Delineation, description and acquisition of required rights-of-way/ easements;
3. Construction of improvements;
4. Contingencies mutually agreeable to PARTIES.

B. It is understood that PROJECT costs as defined above are not to exceed \$700,000 without amendment to this AGREEMENT.

PROJECT costs for the various elements of the effort are estimated as follows:

<u>ITEM</u>	<u>AS AMENDED</u>	<u>ORIGINAL</u>
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1. Final Design	\$ 200,000	\$ 200,000
2. Right-of-way	\$ -0-	\$ -0-
3. Construction	\$ 500,000	\$ -0-
4. Contingency	\$ -0-	\$ -0-
Grand Total	\$ 700,000	\$ 200,000

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this AGREEMENT provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest.

- C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

	<u>Percentage Share</u>	<u>Previously Contributed</u>	<u>Additional Contribution</u>	<u>Maximum Contribution</u>
DISTRICT	14%	\$100,000	\$-0-	\$100,000
CITY	86%	\$100,000	\$500,000	\$600,000
TOTAL	100.00%	\$200,000	\$500,000	\$700,000

2. Paragraph 5. MANAGEMENT OF FINANCES is deleted and replaced as follows:

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's one-half share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior DISTRICT approval.

Payment of each PARTY's full share (CITY - \$600,000; DISTRICT - \$100,000) shall be made to DISTRICT subsequent to execution of this AGREEMENT and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to CITY of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares; or at CITY request, CITY share of remaining monies shall be transferred to another special fund held by DISTRICT.



Witness my hand and official seal. \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

(SEAL)

AGREEMENT REGARDING  
FINAL DESIGN, RIGHT-OF-WAY ACQUISITION, AND CONSTRUCTION  
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR  
SAND CREEK – BARANMOR DITCH AT ZION STREET AND BILLINGS STREET  
CITY OF AURORA

Agreement No. 19-02.13  
Project No. 107306

THIS AGREEMENT, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (hereinafter called "DISTRICT") and CITY OF AURORA, acting by and through its Utility Enterprise (hereinafter called "CITY") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, DISTRICT, in a policy statement previously adopted (Resolution No. 14, Series of 1970 and Resolution No. 11, Series of 1973) expressed an intent to assist public bodies which have heretofore enacted floodplain regulation measures; and

WHEREAS, PARTIES participated in a joint planning study titled "Baranmor Ditch Watershed Outfall Systems Plan" by Olsson Associates, dated April 2010 (hereinafter called "PLAN"); and

WHEREAS, PARTIES now desire to proceed with the design, right-of-way acquisition and construction of drainage and flood control improvements for Sand Creek – Baranmor Ditch at Zion Street and Billings Street (hereinafter called "PROJECT"); and

WHEREAS, DISTRICT has adopted at a public hearing a Five-Year Capital Improvement Program (Resolution No. 67, Series of 2018) for drainage and flood control facilities in which PROJECT was included in the 2019 calendar year; and

WHEREAS, DISTRICT has heretofore adopted a Special Revenue Fund Budget for calendar year 2019 subsequent to public hearing (Resolution No. 64, Series of 2018) which includes funds for PROJECT; and

WHEREAS, DISTRICT's Board of Directors has authorized DISTRICT financial participation for PROJECT (Resolution No. 22, Series of 2019); and

WHEREAS, the City Council of CITY and the Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. SCOPE OF THIS AGREEMENT

This Agreement defines the responsibilities and financial commitments of PARTIES with respect to PROJECT.

2. SCOPE OF PROJECT

A. Final Design. PROJECT shall include the final design of improvements in accordance with the recommendations defined in PLAN. Specifically, the final design of facilities shall extend from approximately Sand Creek - Baranmor Ditch at Zion Street and Billings Street, as shown on Exhibit A.

- B. Right-of-Way Delineation and Acquisition. Right-of-way for the improvements as set forth in the final design and an estimate of costs for acquisition shall be determined. Maps, parcel descriptions, and parcel plats shall also be prepared.
- C. Construction. PROJECT shall include construction by DISTRICT of the drainage and flood control improvements as set forth in the final design and vegetation establishment.

3. PUBLIC NECESSITY

PARTIES agree that the work performed pursuant to this Agreement is necessary for the health, safety, comfort, convenience, and welfare of all the people of the State, and is of particular benefit to the inhabitants of PARTIES and to their property therein.

4. PROJECT COSTS AND ALLOCATION OF COSTS

- A. PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of and be limited to the following:
  - 1. Final design services;
  - 2. Delineation, description and acquisition of required rights-of-way/easements;
  - 3. Construction of improvements;
  - 4. Contingencies mutually agreeable to PARTIES.
- B. It is understood that PROJECT costs as defined above are not to exceed \$200,000 without amendment to this Agreement.

PROJECT costs for the various elements of the effort are estimated as follows:

<u>ITEM</u>	<u>AMOUNT</u>
1. Final Design	\$ 200,000
2. Right-of-way	\$ -0-
3. Construction	\$ -0-
4. Contingency	\$ -0-
Grand Total	\$ 200,000

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest, if applicable.

- C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

	<u>Percentage Share</u>	<u>Maximum Contribution</u>
DISTRICT	50.00%	\$100,000
CITY	50.00%	100,000
TOTAL	100.00%	\$200,000

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's one-half share may come from its own revenue sources or from funds received from state, federal, or other sources of funding without limitation and without prior DISTRICT approval.

Payment of each party's full share (CITY - \$100,000; DISTRICT - \$100,000) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to CITY of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares; or, at CITY request, CITY share of remaining monies shall be transferred to another special fund held by DISTRICT.

6. FINAL DESIGN

The contracting officers for PARTIES, as defined under Paragraph 13 of this Agreement, shall select an engineer mutually agreeable to both PARTIES. DISTRICT shall contract with selected engineer and shall supervise and coordinate the final design including right-of-way delineation subject to approval of the contracting officer for CITY. Payment for final design services shall be made by DISTRICT as the work progresses from the PROJECT fund established as set forth above.

Final design services shall consist of, but not be limited to, the following:

- A. Preparation of a work plan schedule identifying the timing of major elements in the design;
- B. Delineation of required right-of-way/easements;
- C. Preparation of detailed construction plans and specifications;
- D. Preparation of an estimate of probable construction costs of the work covered by the plans and specifications;
- E. Preparation of an appropriate construction schedule.

DISTRICT shall provide any written work product by the engineer to CITY.

7. RIGHT-OF-WAY

CITY, with DISTRICT assistance, shall be responsible for acquiring, subject to approval of DISTRICT, such land or interests in land needed to implement construction of the drainage and flood control improvements as defined herein. The cost to be shared by PARTIES for right-of-way acquisition may include relocation costs of existing occupants. Appraisal costs and costs associated with condemnation (including outside legal costs) will also be considered a PROJECT

cost. Right-of-way acquisition by negotiation and / or the exercise of eminent domain shall be in full compliance with the laws of the State of Colorado. In addition, the right-of-way acquired shall be in the name of CITY and the conveyancing document shall be promptly recorded in the records of the Clerk and Recorder of CITY. DISTRICT shall serve as the paying agency.

- A. Coordination of Right-of-Way Acquisition. Cost sharing by PARTIES will be based on supporting documentation such as formal appraisals, reasonable relocation cost settlements, legal description of the property, and other information deemed appropriate to the acquisition. Furthermore, cost sharing will be only for the properties, or portions thereof, approved by PARTIES to be needed for the drainage and flood control portions of PROJECT. Request for such approval shall include appraisals of property, legal description of the property, and other information deemed appropriate to the acquisition by PARTIES to this Agreement. CITY shall purchase the right-of-way only after receiving prior approval of DISTRICT, and such purchases shall be made with PROJECT funds.
- B. Payment for Right-of-Way Acquisition. Following purchase or receipt of executed memorandum of agreement between CITY and property owner for the needed right-of-way that commits the property owner to sell property to CITY at a price certain and on a date certain, CITY shall so advise DISTRICT and request payment as provided above. DISTRICT shall make payment within 30 days of receipt of request accompanied by the information set forth above.
- C. Ownership of Property and Limitation of Use. CITY shall own the property either in fee or non-revocable easement and shall be responsible for same. It is specifically understood that the right-of-way is being used for drainage and flood control purposes. The properties upon which PROJECT is constructed shall not be used for any purpose that will diminish or preclude its use for drainage and flood control purposes. CITY may not dispose of or change the use of the properties without approval of DISTRICT. If, in the future, CITY disposes of any portion of or all of the properties acquired upon which PROJECT is constructed pursuant to this Agreement; changes the use of any portion or all of the properties upon which PROJECT is constructed pursuant to this Agreement; or modifies any of the improvements located on any portion of the properties upon which PROJECT is constructed pursuant to this Agreement; and CITY has not obtained the written approval of DISTRICT prior to such action, CITY shall take any and all action necessary to reverse said unauthorized activity and return the properties and improvements thereon, acquired and constructed pursuant to this Agreement, to the ownership and condition they were in immediately prior to the unauthorized activity at CITY's sole expense. In the event CITY breaches the terms and provisions of this Paragraph 7.C and does not voluntarily cure as set forth above, DISTRICT shall have the right to pursue a claim against CITY for specific performance of this portion of the Agreement.

DISTRICT may, subsequent to the recording by CITY of any document transferring title or another interest to property acquired pursuant to this Agreement to CITY, record a memorandum of this Agreement (Exhibit B), specifically a verbatim transcript of Paragraph 7.C. Ownership of Property and Limitation of Use except for this sub-paragraph which shall not be contained in the memorandum. The memorandum shall reference by legal description the property being acquired by CITY and shall be recorded in the records of the Clerk and Recorder of Adams County immediately following the recording of the document transferring title or another interest to CITY. CITY authorizes the recording of that memorandum and acknowledges that the same is meant to encumber the property with its restrictions.

8. MANAGEMENT OF CONSTRUCTION

A. Costs. Construction costs shall consist of those costs as incurred by the most qualified contractor(s) including detour costs, licenses and permits, utility relocations, and construction related engineering services as defined in Paragraph 4 of this Agreement.

B. Construction Management and Payment

1. DISTRICT, with the concurrence of CITY, shall administer and coordinate the construction-related work as provided herein.
2. DISTRICT, with concurrence of CITY, shall select and award construction contract(s).
3. DISTRICT shall require the contractor to provide adequate liability insurance that includes CITY. The contractor shall be required to indemnify CITY. Copies of the insurance coverage shall be provided to CITY.
4. DISTRICT, with assistance of CITY, shall coordinate field surveying; staking; inspection; testing; acquisition of right-of-way; and engineering as required to construct PROJECT. DISTRICT, with assistance of CITY, shall assure that construction is performed in accordance with the construction contract documents including approved plans and specifications and shall accurately record the quantities and costs relative thereto. Copies of all inspection reports shall be furnished to CITY on a weekly basis. DISTRICT shall retain an engineer to perform all or a part of these duties.
5. DISTRICT, with concurrence of CITY, shall contract with and provide the services of the design engineer for basic engineering construction services to include addendum preparation; survey control points; explanatory sketches; revisions of contract plans; shop drawing review; as-built plans; weekly inspection of work; and final inspection.
6. PARTIES shall have access to the site during construction at all times to observe the progress of work and conformance to construction contract documents including plans and specifications.



7. DISTRICT shall review and approve contractor billings. DISTRICT shall remit payment to contractor based on billings.
8. DISTRICT, with concurrence of CITY, shall prepare and issue all written change or work orders to the contract documents.
9. PARTIES shall jointly conduct a final inspection and accept or reject the completed PROJECT in accordance with the contract documents.
10. DISTRICT shall provide CITY a set of reproducible "as-built" plans.

C. Construction Change Orders. In the event that it becomes necessary and advisable to change the scope or detail of the work to be performed under the contract(s), such changes shall be rejected or approved in writing by the contracting officers. No change orders shall be approved that increase the costs beyond the funds available in the PROJECT fund, including interest earned on those funds, unless and until the additional funds needed to pay for the added costs are committed by all PARTIES.

9. MAINTENANCE

PARTIES agree that CITY shall own and be responsible for maintenance of the completed and accepted PROJECT. PARTIES further agree that DISTRICT, at CITY's request, shall assist CITY with the maintenance of all facilities constructed or modified by virtue of this Agreement to the extent possible depending on availability of DISTRICT funds. Such maintenance assistance shall be limited to drainage and flood control features of PROJECT. Maintenance assistance may include activities such as keeping flow areas free and clear of debris and silt, keeping culverts free of debris and sediment, repairing drainage and flood control structures such as drop structures and energy dissipaters, and clean-up measures after periods of heavy runoff. The specific nature of the maintenance assistance shall be set forth in a memorandum of understanding from DISTRICT to CITY, upon acceptance of DISTRICT's annual Maintenance Work Program.

DISTRICT shall have right-of-access to right-of-way and storm drainage improvements at all times for observation of flood control facility conditions and for maintenance when funds are available.

10. FLOODPLAIN REGULATION

CITY agrees to regulate and control the floodplain of Sand Creek within CITY in the manner prescribed by the National Flood Insurance Program and prescribed regulations thereto as a minimum.

PARTIES understand and agree, however, that CITY cannot obligate itself by contract to exercise its police powers. If CITY fails to regulate the floodplain of Sand Creek within CITY in the manner prescribed by the National Flood Insurance Program and prescribed regulations thereto as a minimum, DISTRICT may exercise its power to do so and CITY shall cooperate fully.

11. TERM OF AGREEMENT

Despite the date that this Agreement is signed by PARTIES, the term of this Agreement shall commence upon the earlier of the date of final execution by all PARTIES or December 31 of the year that it is tendered to CITY for execution and shall terminate three (3) years after the final

payment is made to the construction contractor and the final accounting of funds on deposit at DISTRICT is provided to all PARTIES pursuant to Paragraph 5 herein, except for Paragraph 10. FLOODPLAIN REGULATION, Paragraph 7.C. Ownership of Property and Limitation of Use, and Paragraph 9. MAINTENANCE, which shall run in perpetuity.

12. LIABILITY

Each party hereto shall be responsible for any suits, demands, costs or actions at law resulting from its own acts or omissions and may insure against such possibilities as appropriate.

13. CONTRACTING OFFICERS

- A. The contracting officer for CITY shall be the Director of Utilities, 15151 East Alameda Avenue, Aurora, Colorado 80012.
- B. The contracting officer for DISTRICT shall be the Executive Director, 2480 West 26th Avenue, Suite 156B, Denver, Colorado 80211.
- C. The contracting officers for PARTIES each agree to designate and assign a PROJECT representative to act on the behalf of said PARTIES in all matters related to PROJECT undertaken pursuant to this Agreement. Each representative shall coordinate all PROJECT-related issues between PARTIES, shall attend all progress meetings, and shall be responsible for providing all available PROJECT-related file information to the engineer upon request by DISTRICT or CITY. Said representatives shall have the authority for all approvals, authorizations, notices or concurrences required under this Agreement. However, in regard to any amendments or addenda to this Agreement, said representative shall be responsible to promptly obtain the approval of the proper authority.

14. RESPONSIBILITIES OF PARTIES

DISTRICT shall be responsible for coordinating with CITY the information developed by the various consultants hired by DISTRICT and for obtaining all concurrences from CITY needed to complete PROJECT in a timely manner. CITY agrees to review all concept plans, preliminary design plans, and final plans and specifications; and to provide comments within 21 calendar days after the drafts have been provided by DISTRICT to CITY.

15. AMENDMENTS

This Agreement contains all of the terms agreed upon by and among PARTIES. Any amendments to this Agreement shall be in writing and executed by PARTIES hereto to be valid and binding.

16. SEVERABILITY

If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable clause or provision shall not affect the validity of the Agreement as a whole and all other clauses or provisions shall be given full force and effect.

17. APPLICABLE LAWS

This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Jurisdiction for any and all legal actions regarding this Agreement shall be in the State of Colorado and venue for the same shall lie in the CITY where PROJECT is located.

18. ASSIGNABILITY

No party to this Agreement shall assign or transfer any of its rights or obligations hereunder without the prior written consent of the nonassigning party or parties to this Agreement.

19. BINDING EFFECT

The provisions of this Agreement shall bind and shall inure to the benefit of PARTIES hereto and to their respective successors and permitted assigns.

20. ENFORCEABILITY

PARTIES hereto agree and acknowledge that this Agreement may be enforced in law or in equity, by decree of specific performance or damages, or such other legal or equitable relief as may be available subject to the provisions of the laws of the State of Colorado.

21. TERMINATION OF AGREEMENT

This Agreement may be terminated upon thirty (30) days' written notice by any party to this Agreement, but only if there are no contingent, outstanding contracts. If there are contingent, outstanding contracts, this Agreement may only be terminated upon the cancellation of all contingent, outstanding contracts. All costs associated with the cancellation of the contingent contracts shall be shared between PARTIES in the same ratio(s) as were their contributions.

22. PUBLIC RELATIONS

It shall be at CITY's sole discretion to initiate and to carry out any public relations program to inform the residents in PROJECT area as to the purpose of PROJECT and what impact it may have on them. Technical information shall be presented to the public by the selected engineer. In any event DISTRICT shall have no responsibility for a public relations program, but shall assist CITY as needed and appropriate.

23. NO DISCRIMINATION IN EMPLOYMENT

In connection with the performance of work under this Agreement, PARTIES agree not to refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified because of race, color, ancestry, creed, religion, national origin, gender, age, military status, sexual orientation, marital status, or physical or mental disability and further agree to insert the foregoing provision in all subcontracts hereunder.

24. APPROPRIATIONS

Notwithstanding any other term, condition, or provision herein, each and every obligation of CITY and/or DISTRICT stated in this Agreement is subject to the requirement of a prior appropriation of funds therefore by the appropriate governing body of CITY and/or DISTRICT.

25. NO THIRD PARTY BENEFICIARIES

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to PARTIES, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of PARTIES that any person or party other than any one of PARTIES receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

26. ILLEGAL ALIENS

PARTIES agree that any public contract for services executed as a result of this intergovernmental agreement shall prohibit the employment of illegal aliens in compliance with §8-17.5-101 C.R.S. *et seq.* The following language shall be included in any contract for public services:

- A. At the time of execution of this Agreement, CONTRACTOR does not knowingly employ or contract with an illegal alien who will perform work under this Agreement.
- B. CONTRACTOR shall participate in the E-Verify Program, as defined in § 8 17.5-101(3.7), C.R.S., to confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement.
- C. CONTRACTOR shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.
- D. CONTRACTOR shall not enter into a contractor with a subconsultant or subcontractor that fails to certify to CONTRACTOR that it shall not knowingly employ or contact with an illegal alien to perform work under this Agreement.
- E. CONTRACTOR shall confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement through participation in the E-Verify Program.
- F. CONTRACTOR is prohibited from using the E-Verify Program procedures to undertake pre-employment screening of job applicants while performing its obligation under this Agreement, and that otherwise requires CONTRACTOR to comply with any and all federal requirements related to use of the E-Verify Program including, by way of example, all program requirements related to employee notification and preservation of employee rights.
- G. If CONTRACTOR obtains actual knowledge that a subconsultant or subcontractor performing work under this Agreement knowingly employs or contract with an illegal alien, it will notify such subconsultant or subcontractor and PARTIES within three (3) days. CONTRACTOR shall also then terminate such subconsultant or subcontractor if within three (3) days after such notice the subconsultant or subcontractor does not stop employing or contracting with the illegal alien, unless during such three (3) day period the subconsultant or subcontractor provides information to establish that the subconsultant or subcontractor has not knowingly employed or contracted with an illegal alien.

- H. CONTRACTOR shall comply with any reasonable request made in the course of an investigation by the Colorado Department of Labor and Employment under authority of § 8-17.5-102(5), C.R.S.
- I. CONTRACTOR shall, within twenty days after hiring an employee who is newly hired for employment to perform work under this Agreement, affirms that it has examined the legal work status of such employees, retained file copies of the documents required by 8 U.S.C. Section 1324a, and not altered or falsified the identification documents for such employees. CONTRACTOR shall provide a written, notarized copy of the affirmation to PARTIES.

27. GOVERNMENTAL IMMUNITIES

PARTIES hereto intend that nothing herein shall be deemed or construed as a waiver by any party of any rights, limitations, or protections afforded to them under the Colorado Governmental Immunity Act (§ 24-10-101, *et seq.*, C.R.S.) as now or hereafter amended or otherwise available at law or equity.

28. INTENT OF AGREEMENT

Except as otherwise stated herein, this Agreement is intended to describe the rights and responsibilities of and between PARTIES and is not intended to and shall not be deemed to confer rights upon any person or entities not named as PARTIES, nor to limit in any way the powers and responsibilities of the CITY, the DISTRICT or any other entity not a party hereto.

29. EXECUTION IN COUNTERPARTS – ELECTRONIC SIGNATURES

This Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement, may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. PARTIES approve the use of electronic signatures for execution of this Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement. Only the following two forms of electronic signatures shall be permitted to bind PARTIES to this Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement.

- A. Electronic or facsimile delivery of a fully executed copy of a signature page; or
- B. The image of the signature of an authorized signer inserted onto PDF format documents.

Documents requiring notarization may also be notarized by electronic signature, as provided above. All use of electronic signatures shall be governed by the Uniform Electronic Transactions Act, CRS §§ 24-71.3-101 to -121.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year written below.

URBAN DRAINAGE AND  
FLOOD CONTROL DISTRICT

DS  
Kz

\_\_\_\_\_  
Checked By

DocuSigned by:  
*Ken MacKenzie*  
By \_\_\_\_\_  
3982FD223529485...  
Name Ken A. MacKenzie  
Title Executive Director  
Date 16 July 2019

CITY OF AURORA, COLORADO,  
ACTING BY AND THROUGH ITS  
UTILITY ENTERPRISE

*Bob LeGare*  
Bob LeGare, Mayor

7-11-19  
Date

ATTEST:

*Stephen J. Ruger*  
Stephen J. Ruger, City Clerk

7/11/19  
Date

APPROVED AS TO FORM FOR AURORA:

*Stephanie Neitzel*  
Stephanie Neitzel, Assistant City Attorney

7/22/19  
Date

19036380  
ACS #

STATE OF COLORADO )  
) ss  
CITY OF ARAPAHOE )

The foregoing instrument was acknowledged before me this 11 day of July, 2019, by Bob LeGare, Mayor, acting on behalf of the Utility Enterprise of the City of Aurora, Colorado.

Witness my hand and official seal *Barbara L. Shafer*  
Notary Public

My commission expires: 9/17/2019

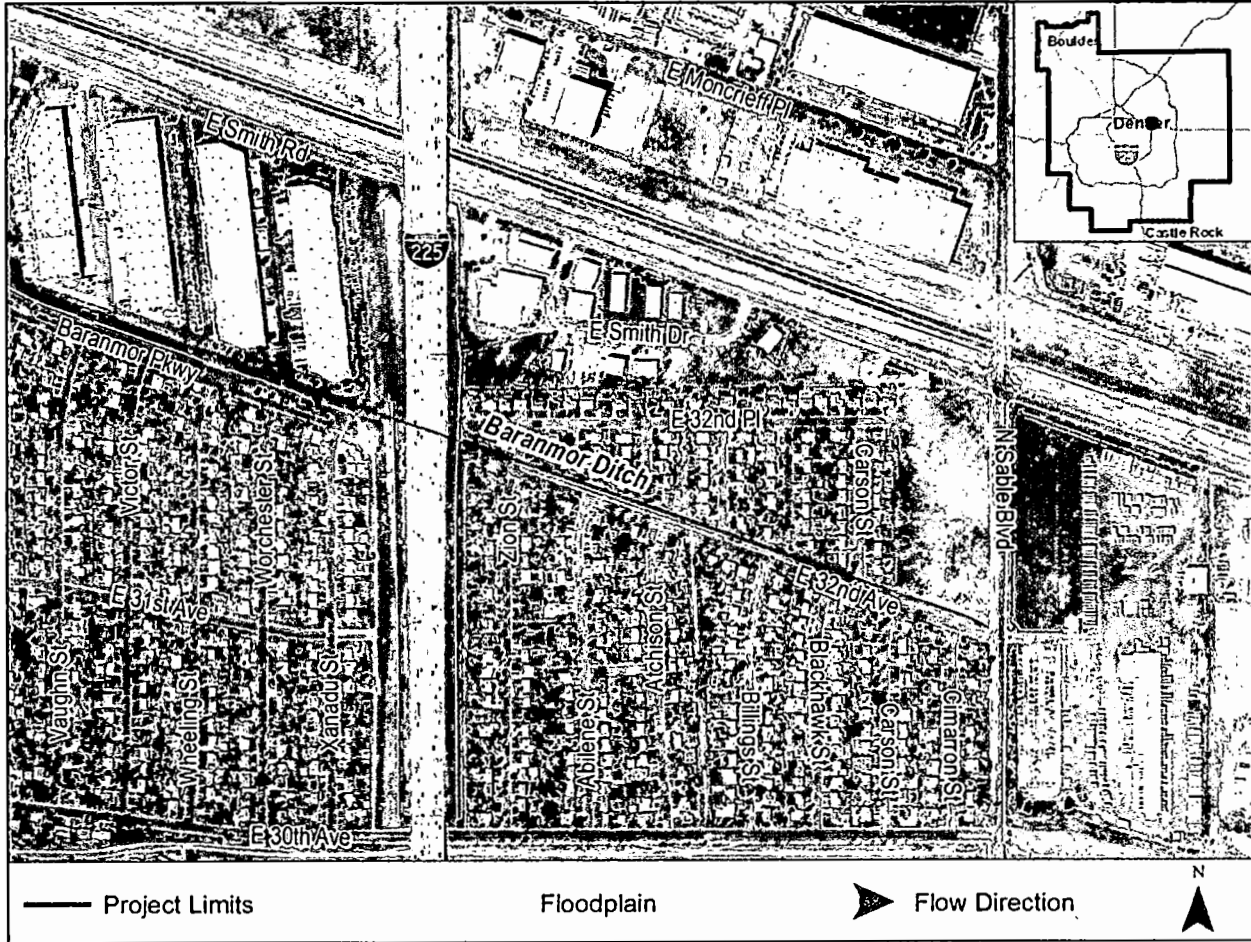
(SEAL) **BARBARA L. SHAFER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20034031125  
MY COMMISSION EXPIRES 09/17/2019**

AGREEMENT REGARDING  
FINAL DESIGN, RIGHT-OF-WAY ACQUISITION, AND CONSTRUCTION  
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR  
SAND CREEK – BARANMOR DITCH AT ZION STREET AND BILLINGS STREET  
CITY OF AURORA

Agreement No. 19-02.13

Project No. 107306

Exhibit A





**SAMPLE**

**AGREEMENT REGARDING  
FINAL DESIGN, RIGHT-OF-WAY ACQUISITION, AND CONSTRUCTION  
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR  
SAND CREEK – BARANMOR DITCH AT ZION STREET AND BILLINGS STREET  
CITY OF AURORA**

Agreement No. 19-02.13  
Project No. 107306

**Exhibit B**

**MEMORANDUM**

This MEMORANDUM is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, a quasi-governmental entity, whose address is 2480 West 26th Avenue, Suite 156-B, Denver, Colorado 80211 (hereinafter called "DISTRICT") and \_\_\_\_\_, a governmental entity, whose address is \_\_\_\_\_ (hereinafter called "CITY") and collectively known as "PARTIES";

WHEREAS, PARTIES entered into "Agreement Regarding Final Design, Right-of-Way Acquisition and Construction of Drainage and Flood Control Improvements for \_\_\_\_\_," Agreement No. \_\_\_\_\_ on or about \_\_\_\_\_, 20\_\_, (hereinafter called "AGREEMENT"); and

WHEREAS, AGREEMENT is unrecorded, however PARTIES have agreed in AGREEMENT to record this MEMORANDUM in the records of the Clerk and Recorder of \_\_\_\_\_, State of Colorado, in order to put all who inquire on notice of AGREEMENT and in particular Paragraph 7.C of AGREEMENT; and

WHEREAS, in AGREEMENT, PARTIES agreed to participate equally (up to a maximum of \$\_\_\_\_\_ each) in the cost of the construction of drainage and flood control improvements for \_\_\_\_\_ within CITY boundaries which include \_\_\_\_\_ (hereinafter called "PROJECT"); and

WHEREAS, construction of PROJECT may require the acquisition by CITY of real property; and

WHEREAS, AGREEMENT further provides that CITY will own all real property required to construct the improvements and that CITY ownership of that real property shall be subject to the terms and conditions of AGREEMENT and in particular Paragraph 7.C of AGREEMENT; and

WHEREAS, Paragraph 7.C of AGREEMENT provides in appropriate part as follows:

"7.C. Ownership of Property and Limitation of Use. CITY shall own the property either in fee or non-revocable easement and shall be responsible for same. It is specifically understood that

the right-of-way is being used for drainage and flood control purposes. The properties upon which PROJECT is constructed shall not be used for any purpose that will diminish or preclude its use for drainage and flood control purposes. CITY may not dispose of or change the use of the properties without approval of DISTRICT. If, in the future, CITY disposes of any portion of or all of the properties acquired upon which PROJECT is constructed pursuant to this Agreement, changes the use of any portion or all of the properties upon which PROJECT is constructed pursuant to this Agreement, or modifies any of the improvements located on any portion of the properties upon which PROJECT is constructed pursuant to this Agreement, and CITY has not obtained the written approval of DISTRICT, prior to such action, CITY shall take any and all action necessary to reverse said unauthorized activity and return the properties and improvements thereon, acquired and constructed pursuant to this Agreement, to the ownership and condition they were in immediately prior to the unauthorized activity at CITY's sole expense. In the event CITY breaches the terms and provisions of this Paragraph 7.C and does not voluntarily cure as set forth above, DISTRICT shall have the right to pursue a claim against CITY for specific performance of this portion of the Agreement."; and

WHEREAS, CITY has just acquired the real property described in Exhibit Z attached hereto and incorporated herein by reference, as if set forth verbatim herein, pursuant to the terms and conditions of AGREEMENT for the construction of PROJECT; and

WHEREAS, PARTIES intend that the terms and provisions of AGREEMENT, including but not limited to Paragraph 7.C of AGREEMENT set forth verbatim above, shall apply to and control the real property described in Exhibit Z.

IT HAS BEEN AGREED previously in AGREEMENT by and between PARTIES that the terms and provisions of AGREEMENT, including but not limited to Paragraph 7.C of AGREEMENT set forth verbatim above shall apply to and control the real property described in Exhibit Z, now owned by CITY and that this MEMORANDUM be placed of record for the purposes of encumbering the real property described in Exhibit Z with the limitations and restrictions set forth in this MEMORANDUM.

This MEMORANDUM is not a complete summary of AGREEMENT. Provisions in this MEMORANDUM shall not be used in interpreting AGREEMENT's provision. In the event of conflict between this MEMORANDUM and the unrecorded AGREEMENT, the unrecorded AGREEMENT shall control.

the utility sales revenue increase. Ahead of delivery point construction, Axis may purchase water from an outside location, so long as the amount of water used within the City is purchased from the City.

Council Member Berzins asked, did Conoco take over the Anadarko agreement? M. Brown replied, Anadarko bought their way out of the last year of their agreement so the obligation of delivery ended, and has been replaced with a new obligation. It's a different separate agreement, and we did compare the volumes when the agreement was brought before Council. Council Member Johnston stated, she has concerns that she brought up with Conoco; one is having it as a five year term and I would like the term to be shorter. There were some similarities what were used with the Conoco agreement but this is also post Senate Bill 181 Local Control and we can charge more fees, and I know we are charging more and it's non-potable water, but with our environmental impact, if this is going to happen and needs to happen because of our ordinance of using our water I would like the City to get more of a financial benefit from it.

Council Member Johnston stated, she does not recommend forwarding to Study Session; Council Member Berzins recommends forwarding to Study Session.

Outcome: The Axis Exploration Water Delivery Agreement will be forwarded to Study Session for consideration.

Follow-Up Action: The Axis Exploration Water Delivery Agreement will be forwarded to Study Session for consideration.

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#### **4. SAND CREEK – BARANMOR DITCH AT ZION STREET AND BILLINGS STREET INTERGOVERNMENTAL AGREEMENT (IGA)**

Summary of Issue and Discussion: S. Young stated, this proposed project includes two up-sized culvert crossings at Zion and Billings. There are two alternatives – an additional thirty-six inch (36”) Reinforced Concrete Pipe (RCP) or full culvert replace with RCP. The anticipated cost for the improvements is approximately \$2M. This agreement allows Urban Drainage and Flood Control District and the City to contribute \$100,000 each for a total cost of \$200,000 to further evaluate flooding risks and ensure that construction of the improvements is necessary.

Outcome: The Committee supported the Sand Creek – Baranmor Ditch at Zion Street and Billings Street IGA, and forwarded to Study Session for consideration.

Follow-Up Action: The Committee supports the Sand Creek – Baranmor Ditch at Zion Street and Billings Street IGA, and will forward to Study Session for consideration.

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#### **5. 22<sup>ND</sup> AVENUE OUTFALL TO WESTERLY CREEK INTERGOVERNMENTAL AGREEMENT (IGA) AMENDMENT**

Summary of Issue and Discussion: S. Young stated, this amendment will provide flood mitigation near Westerly Creek in northwest Aurora. Flooding is known to occur on Dallas St. between E. 22<sup>nd</sup> and 23<sup>rd</sup> Avenue near the Stanley Marketplace. This project will mitigate the flooding by collecting excess street flows and conveying them directly to Westerly Creek via an

Council Member Watson expressed appreciation to staff for their efforts in installing signs notifying the public that the project was on its way.

Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- ◆ e. **R2019-42**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, for the Intergovernmental Agreement between the City of Aurora, Arapahoe County and the South Aurora Regional Improvement Authority (SARIA) Regarding Gun Club Road Improvements. STAFF SOURCE: Matthew Kozakowski, Acting Transportation Project Delivery Manager, Public Works

Motion by Berzins, second by Roth, to approve item 10e.

Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

- ◆ f. **R2019-43**  
Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise, and the Urban Drainage and Flood Control District, regarding final design, right-of-way acquisition, and construction of drainage and flood control improvements for Sand Creek – Baranmor Ditch at Zion Street and Billings Street. STAFF SOURCE: Sarah Young, Deputy Director Planning and Engineering, Aurora Water

Motion by Roth, second by Berzins, to approve item 10f.

Voting Aye: Bergan, Berzins, Gruber, Hiltz, Johnston, Lawson, Murillo, Richardson, Roth, Watson

#### 11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. **2019-29**  
Public Hearing and Consideration of AN ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning .8554 acres more or less in the vicinity of Iliff Avenue and Oswego Street from Low Density Single-Family Residential District (R1) to Retail Business District (B1) and amending the zoning map accordingly (ILIFF AND OSWEGO REZONE) STAFF SOURCE: Brandon Cammarata, Senior Planner, Planning & Development Services

Mayor LeGare opened the public hearing on the item.

Brandon Cammarata, Senior Planner, Planning & Development Services, provided a brief summary of the item, noting it related to a rezone request for .8 acres of land from Low Density Single-Family Residential District (R1) to Retail Business District (B1).

Sandy Toland spoke in opposition to the item. She discussed existing traffic at the intersection, noting the item would add to that concern.

Randee Webb spoke in opposition to the item, noting adding a business to the area would decrease property values.

- ◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

**Water Policy Committee (WPC) Meeting**  
September 7, 2021

**Members Present:** Council Member Crystal Murillo Chair; Council Member Allison Hiltz Vice Chair; Council Member Alison Coombs (absent)

**Others Present:** Casey Rossman, Steve Fiori, Leiana Baker, Marshall Brown, Sam Miller, Craig Perl, Jo Ann Giddings, Greg Baker, Alex Davis, Ian Best, Angie Binder, Rory Franklin, Sonya Gonzalez, Greg Hansen, John Murphy, Stephanie Neitzel, Swirvine Nyirenda, Gail Thrasher, Chad DeFalco, Haley Johansen, Daniel Money, Victor Rachel, Craig Perl

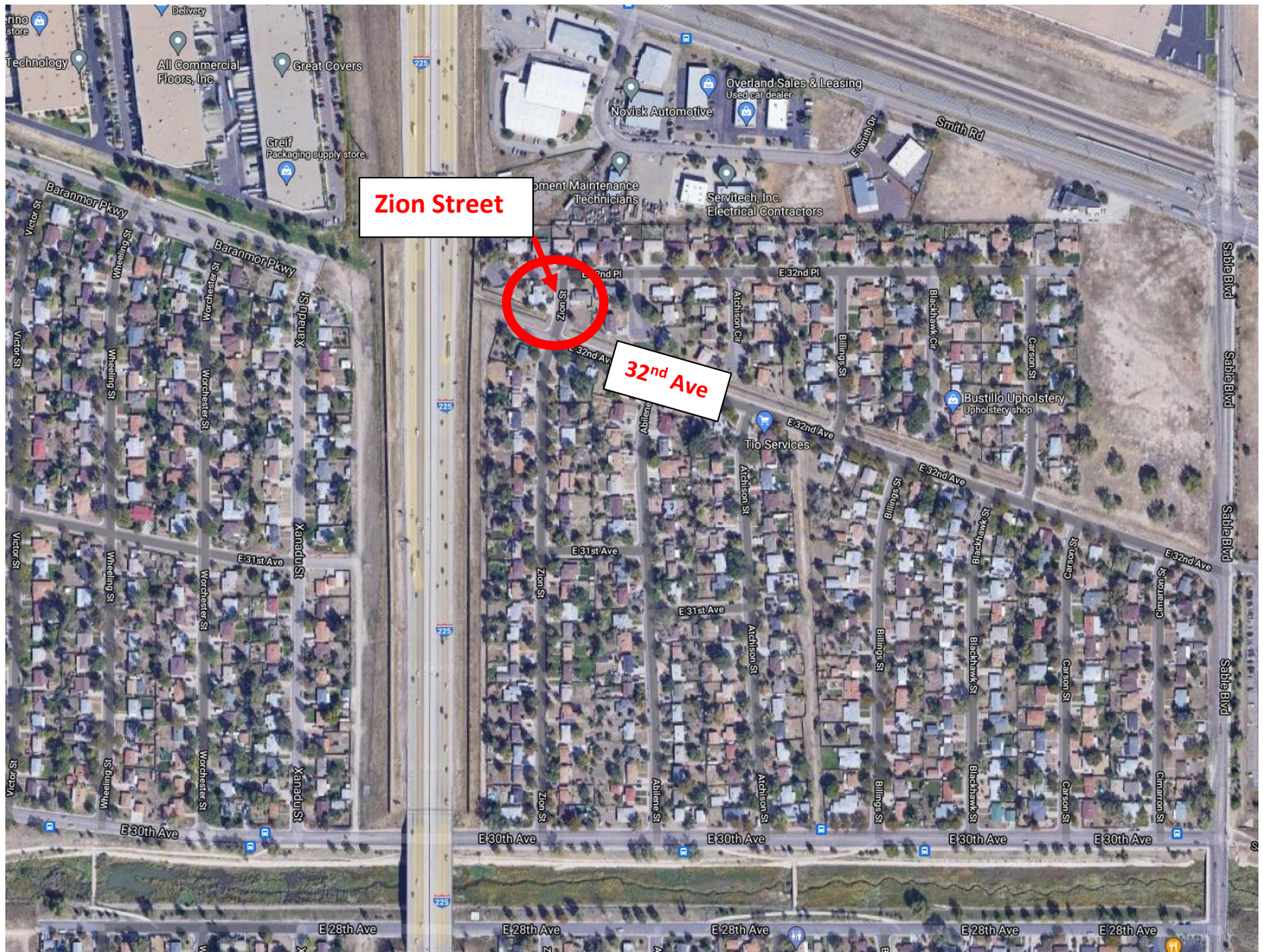
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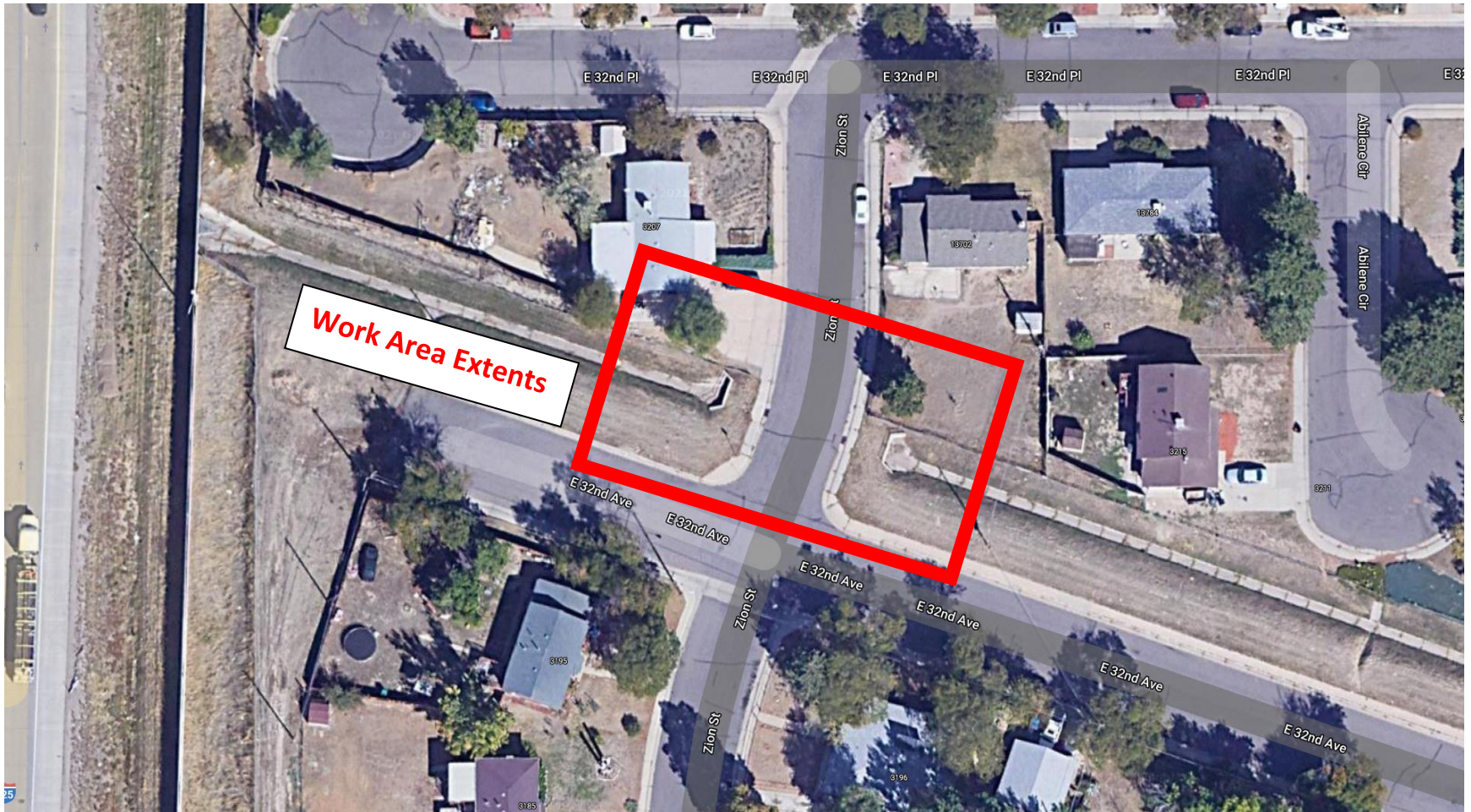
**3. Amendment to Intergovernmental Agreement (IGA) Urban Drainage and Flood Control District dba Mile High Flood District Regarding Drainage and Flood Control Improvements for Sand Creek – Baranmor Ditch at Zion Street and Billings Street**

Summary of Issue and Discussion: S. Miller gave a presentation. Council Member Murillo asked, will there be anything that neighbors need to be aware? S. Miller replied, there will be no resident access impacts and other information will be disseminated closer to construction.

Outcome: The Committee supports the Amendment to Intergovernmental Agreement (IGA) Urban Drainage and Flood Control District dba Mile High Flood District Regarding Drainage and Flood Control Improvements for Sand Creek – Baranmor Ditch at Zion Street and Billings Street and forwarded to Regular Session for consideration.

Follow-Up Action: The Committee supports Amendment to Intergovernmental Agreement (IGA) Urban Drainage and Flood Control District dba Mile High Flood District Regarding Drainage and Flood Control Improvements for Sand Creek – Baranmor Ditch at Zion Street and Billings Street and will forward to Regular Session for consideration.







# CITY OF AURORA

## Council Agenda Item Continuation Page

**Item Title:** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 6 OF THE CITY CODE TO UPDATE DEFINITIONS AND LICENSING AND TO ALLOW MARIJUANA HOSPITALITY BUSINESSES AND RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESSES.

**Item Initiator:** Robin Peterson

**Staff Source:** Robin Peterson, Manager Marijuana Enforcement Division

**Legal Source:** Daniel Money, Senior Assistant City Attorney

**Outside Speaker:** N/A

**Date of Change:** 8/2/2021

### COUNCIL MEETING DATES:

**Study Session:** 8/2/2021

**Regular Meeting:** 8/23/2021

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### ITEM SUMMARY *(Brief description of changes or updates with documents included.)*

At the August 2, 2021 Study Session, the following changes were approved to the proposed ordinance allowing marijuana hospitality businesses to operate in the city.

The first one is found in Section 6-322 – Retail Marijuana Hospitality and Sales Businesses. This provides clarity on the number of hospitality and sales licenses that can be operating throughout the city and a concentration limit in any one ward. It also states this license type is not included in the 24-store cap.

**(b) Retail marijuana hospitality and sales businesses will not be included in the ward count for retail marijuana stores. The number of retail marijuana hospitality and sales businesses will be capped at 24 businesses allowed within the City, with no more than a quarter of those businesses located in a single ward.**

The second one is found in the same section changing the number of months that social equity applicants will be able to obtain at least 50% of the licenses grants within each ward from 36 months (3 years) to 60 months (5 years). This was recommended because funding for cannabis businesses being offered to social equity licensees as a priority through the Colorado Office of Economic Development and International Trade (OEDIT) will not be available until early 2022. If you would like to know more about OEDIT's program I have provided the link to that website. <https://oedit.colorado.gov/cannabis-business-office>.

**(c) For the first 60-months of this program, a retail marijuana hospitality and sales business license shall be granted to ensure social equity applicants obtain at least 50% of the licenses granted within each ward.**



**For every non-social equity applicant license granted in each ward, there must be at least one license set aside for a social equity applicant within that ward. Social equity license criteria shall be determined under the State determinations within C.R.S. Title 44-10-103.**

ORDINANCE NO. 2021-\_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 6 OF THE CITY CODE TO UPDATE DEFINITIONS AND LICENSING AND TO ALLOW MARIJUANA HOSPITALITY BUSINESSES AND RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESSES WITHIN THE CITY

WHEREAS, under Colorado Revised Statutes § 44-10-609 through 44-10-610 the state marijuana licensing authority may issue a marijuana hospitality license and retail marijuana hospitality and sales business license authorizing the licensee to operate a licensed premise in which marijuana may be sold and consumed; and

WHEREAS, along with this authorization, the state has enacted regulations upon these businesses; and

WHEREAS, local governments are enabled to license and regulate these businesses within their jurisdictions; and

WHEREAS, the City Council has decided to authorize marijuana hospitality businesses and retail marijuana hospitality and sales businesses within Aurora's jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. In this Ordinance, ellipses indicate materials not reproduced with the intent to leave that material in effect as it now reads.

Section 2. The City Code of the City of Aurora, Colorado, is hereby amended to add definitions to Section 6-302 pertaining to Marijuana Hospitality Business, Mobile Premises and Retail Marijuana Hospitality and Sales Business.

Sec. 6-302 – Definitions.

....

**Marijuana Hospitality Business means a facility, which may be mobile, licensed to permit the consumption of marijuana pursuant to this Code, the Colorado Marijuana Code and the Colorado Regulated Marijuana Rules.**

....

**Mobile Premises means a licensed premises operated by a marijuana hospitality in a motor vehicle, which includes any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low speed electric**

**vehicle: but does not include electrical assisted bicycles, electronic scooters, low power scooters, wheelchairs, or vehicles moved solely by human power. A marijuana hospitality mobile premises must abide by this Code the Model Traffic Code, the Colorado Marijuana Code and the Colorado Regulated Marijuana Rules.**

....

**Retail Marijuana Hospitality and Sales Business means a facility, which cannot be mobile, licensed to permit the consumption of only the retail marijuana or retail marijuana products it has sold pursuant to this Code, the Colorado Marijuana Code and the Colorado Regulated Marijuana Rules.**

....

Section 3. The City Code of the City of Aurora, Colorado, is hereby amended to expand licenses authorized under Section 6-306, which shall read as follows:

Sec. 6-306. – Classes of licensing authorized.

The local licensing authority may issue the following licenses and permits authorized by this Code, the Colorado Marijuana Code and the Colorado Regulated Marijuana Rules ~~the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code:~~

....

**(12) Marijuana Hospitality Business License**

**(13) Retail Marijuana Hospitality and Sales Business License**

**(14) Store Delivery Permit**

**(15) Transporter Delivery Permit**

Section 4. The City Code of the City of Aurora, Colorado, is hereby amended to add Section 6-320, which shall read as follows:

**Sec. 6-320 – Marijuana Hospitality Businesses -- Fixed Location.**

**(a) Marijuana hospitality businesses are authorized in the City.**

**(b) Marijuana hospitality businesses are limited to existing stores and must present a business operating plan to the local licensing authority and must obtain the proper state and local licensing and pay all applicable fees prior to operation.**

- (c) A marijuana hospitality business may operate between the hours of 8:00 a.m. and 10:00 p.m., of which patrons of the business must be off the business premise by 10:00 p.m.
- (d) A marijuana hospitality business license may allow smoking and vaping of marijuana indoors.
- (e) Marijuana product that is brought into the premises must be packaged with proof of purchase from a licensed regulated marijuana store.
- (f) Marijuana smoking indoors must occur in compliance with the city's odor mitigation requirements. An odor mitigation plan shall be submitted to the local licensing authority for review.
- (g) A marijuana hospitality business licensee shall not allow outside consumption of regulated marijuana products.
- (h) A marijuana hospitality business shall implement all reasonable measures to ensure that the business does not create noise, lighting and odor pollution that would interfere with neighboring individuals' quiet enjoyment of their properties.
- (i) A marijuana hospitality business licensee shall not sell, transfer, or distribute, with or without remuneration, or allow the sale, transfer or distribution with or without remuneration of regulated marijuana on the license premises.
- (j) A marijuana hospitality business licensee shall not engage in or allow any activity that would require an additional license under this article, including but not limited to planting, growing, harvesting, drying, trimming, processing or manufacturing regulated marijuana on the licensed premises. Nothing in this subsection prohibits a marijuana hospitality business from storing marijuana consumer waste on the licensed premises, in compliance with state law.
- (k) All marijuana hospitality business license locations are subject to local licensing authority inspections.
- (l) All marijuana hospitality businesses shall notify adjacent property owners prior to the establishment of the business. This notification shall be 30 days prior to operations and shall be by certified mail. Proof of mailing shall be presented to the local licensing authority.

Section 5. The City Code of the City of Aurora, Colorado, is hereby amended to add Section 6-321, authorizing marijuana hospitality on mobile premises, which shall read as follows:

**Sec. 6-321. – Marijuana Hospitality Mobile Premises.**

- (a) Marijuana hospitality mobile premises are authorized in the City under the same requirements as marijuana hospitality businesses at a fixed location and

must comply with all local and state laws and regulations that for the mobile premise.

- (b) A marijuana hospitality business licensee shall not permit the consumption of marijuana on the mobile premises if the motor vehicle is stopped, standing or parked for more than 30 minutes.
- (c) A marijuana hospitality business shall file a route log with the local licensing authority identifying the origin and destination all routes, and all stops in between the origin and the destination at least two days prior to the scheduled departure. A marijuana hospitality business licensee shall not change or deviate from the route log without notifying the local licensing authority before the scheduled departure.
- (d) Destinations and stops may not include schools, hospitals, drug treatment centers, City property and City parks and recreation centers, and any other City, State or Federal property that do not allow the consumption of marijuana.
- (e) It shall be unlawful to have odor derived from marijuana on the exterior of the premises.
- (f) Mobile premises operators will take all reasonable measures to prevent excessive noise from emitting from their vehicle.

Section 6. The City Code of the City of Aurora, Colorado, is hereby amended to add Section 6-322, authorizing retail marijuana hospitality and sales, which shall read as follows:

**Sec. 6-322. Retail Marijuana Hospitality and Sales Businesses.**

- (a) Retail marijuana hospitality and sale businesses are authorized in the City.
- (b) Retail marijuana hospitality and sales businesses will not be included in the ward count for retail marijuana stores. The number of retail marijuana hospitality and sales businesses will be capped at 24 businesses allowed within the City, with no more than a quarter of those businesses located in a single ward.
- (c) For the first 60-months of this program, a retail marijuana hospitality and sales business license shall be granted to ensure social equity applicants obtain at least 50% of the licenses granted within each ward. For every non-social equity applicant license granted in each ward, there must be at least one license set aside for a social equity applicant within that ward. Social equity license criteria shall be determined under the State determinations within C.R.S. Title 44-10-103.

- (d) The City Manager shall establish a grant program to fund 50% of the fees for social equity licensees. This grant will be for a 24-month period following the permit application. After the 24-month period expires, grant funds shall not be available for this purpose.**
- (e) Retail marijuana hospitality and sales businesses must present a business operating plan to the local licensing authority and must obtain the proper state and local licensing and pay all applicable fees prior to operation.**
- (f) A retail marijuana hospitality and sales business license allows the sale, transfer, distribution, use or consumption of regulated marijuana between the hours of 8 a.m. and 10 p.m. Patrons of the business must be off the business premise by 10 p.m.**
- (g) A marijuana hospitality business license may allow smoking and vaping of marijuana indoors.**
- (h) A retail marijuana hospitality and sales business licensee shall not allow outside consumption of retail marijuana or retail marijuana products.**
- (i) Marijuana smoking indoors must occur in compliance with the city's odor mitigation requirements. An odor mitigation plan shall be submitted to the local licensing authority for review.**
- (j) A marijuana hospitality business shall implement all reasonable measures to ensure that the business does not create noise, lighting and odor pollution that would interfere with neighboring individuals' quiet enjoyment of their properties.**
- (k) A marijuana hospitality business licensee shall not engage in or allow any activity that would require an additional license under this article, including but not limited to planting, growing, harvesting, drying, trimming, processing or manufacturing regulated marijuana on the licensed premises.**
- (l) All marijuana hospitality business license locations are subject to local licensing authority inspections.**
- (m) All marijuana hospitality businesses shall notify adjacent property owners prior to the establishment of the business. This notification shall be 30 days prior to operations and shall be by certified mail. Proof of mailing shall be presented to the local licensing authority.**

Section 7. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 8. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

Section 9. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the office of the City Clerk.

INTRODUCED, READ, AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ORDERED PUBLISHED BY REFERENCE this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

*CML*  
*Daniel L Money*

\_\_\_\_\_  
DANIEL L. MONEY, Senior Assistant City Attorney



# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 6 OF THE CITY CODE TO UPDATE DEFINITIONS & LICENSING AND TO ALLOW MARIJUANA HOSPITALITY BUSINESSES AND RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESSES WITHIN THE CITY

**Item Initiator:** Robin Peterson, Manager Marijuana Enforcement Division

**Staff Source/Legal Source:** Robin Peterson, Manager Marijuana Enforcement /Dan Money, Senior Asst City Attorney

**Outside Speaker:** N/A

**Council Goal:** 2012: 5.0--Be a great place to locate, expand and operate a business and provide for well-planned growth and development

### COUNCIL MEETING DATES:

**Study Session:** 8/2/2021

**Regular Meeting:** N/A

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### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item as proposed at Study Session  Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed? N/A

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Amendment 64 Ad Hoc Committee

**Policy Committee Date:** 3/11/2021

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval  Does Not Recommend Approval
- Forwarded Without Recommendation  Recommendation Report Attached
- Minutes Attached  Minutes Not Available



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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The Amendment 64 Committee has discussed marijuana consumption/hospitality since 2016. The Marijuana Enforcement Division hosted a focus group in late 2016. Since then, marijuana hospitality discussions have occurred on June 8, 2020, October 8, 2020, November 5, 2020, January 14, 2021 and March 11, 2021. Committee members realize there is a need for a place to consume, especially for tourists.

New regulations at the state MED were published on January 1, 2021 providing the requirements at the state level which, in turn, helped staff prepare a draft ordinance for the Committee's consideration. The draft was presented at the January 14, 2021 meeting. Discussion was robust, and the Committee provided guidance on a number of staff's questions. A revised draft was presented for further discussion at the March 11, 2021 Committee meeting.

The application of the discounted fees for hospitality will be modeled in the same fashion as the social equity for delivery. This has been working smoothly without issue with the execution of the delivery program.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 6 OF THE CITY CODE TO UPDATE DEFINITIONS & LICENSING AND TO ALLOW MARIJUANA HOSPITALITY BUSINESSES AND RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESSES WITHIN THE CITY

The ordinance provides for two types of hospitality license types: 1) Marijuana Hospitality Business (fixed and mobile) and 2) Retail Marijuana Hospitality and Sales Business.

The first option in the ordinance is the marijuana hospitality business. There are two types, one is a fixed location and one is mobile. The fixed location allows for consumption of marijuana on the premises. Both smoking and vaping will be allowed. Each person will be allowed to bring their own product to consume. The product must be packaged with proof of purchase from a licensed regulated marijuana store. No sales of product are allowed in this model. Odor mitigation and all the other requirements, such as no one under 21 will be allowed to enter, no visible consumption from the outside and must operate the business in an orderly, decent and respectable manner must be followed. Staff proposes that only existing stores will be allowed to apply for this type of license. They must present a business plan for review. Staff suggests the hours be set from 8 am to 10 pm to coincide with the store hours. This is consistent with our previous approach of starting slow.

The second type is mobile premises. The definition of a mobile premises is any motor vehicle that is primarily for travel and transports persons over the public highways. This vehicle would be required to have a valid permit issued by the Public Utilities Commission (PUC). The PUC issues permits to business vehicles that are hauling or transporting people for hire. In addition to the state requirements, staff added the mobile premises cannot stop or park and consume for more than 30 minutes, they must log their route noting the origin, destinations and all stops in between, and they cannot stop outside schools, hospitals and in-patient substance abuse facilities.

At the January 14, 2021 Committee meeting, there were many questions regarding the marijuana hospitality – mobile type business. Michael Eymer, owner of Colorado Cannabis Tours, a private marijuana tour

company was invited to speak about his business and how he is meeting the state requirements, which are many. He showed a short video showing what these vehicles look like inside, providing the Committee with a visual. He has been operating since 2014 and assisted the state MED in writing the regulations.

Things discussed: An airtight divider is installed between the driver and the passengers to keep the driver from being exposed to secondhand smoke. There are separate ventilation systems, one for the driver and the other for the passengers. The smoke in the passenger area can be released into the outside while the vehicle is moving through a vent in the roof that can be equipped with carbon filters. There is no alcohol or tobacco products consumed in the vehicle which is prohibited by state statute. In jurisdictions that do not allow marijuana, consumption can be suspended by the passengers until they have left that jurisdiction.

The second option is the retail marijuana, hospitality and sales businesses. These are basically a lounge where you can buy limited amounts of marijuana to consume on the premises. These types of businesses would have no restrictions on who could apply. They would be required to follow all state and local requirements that are in place, in addition to the ones specific to retail marijuana, hospitality and sales businesses. Notice to the surrounding property owners is required at least 30 days prior to opening, by certified mail.

Staff is proposing the hospitality and sales businesses are not included in the cap of 24 stores but would have its own limit that will be set by Council. These would be allowed in the same zone districts as the stores. For the first three years, social equity applicants would be guaranteed at least 50% of the licenses granted. A 50% discount on the fees would be afforded to the social equity applicants for the first two years. The discounted fees will be modeled exactly like the delivery social equity aspect which has worked smoothly without issues. A process to determine who would be awarded these licenses is to be determined by staff.

Highlights of the draft ordinance:

- Requires product brought into the Fixed Location Marijuana Hospitality Businesses to be packaged with proof of purchase from a licensed regulated marijuana store.
- All locations are subject to regular inspections by the local licensing authority.
- The number of stores remained capped at 24 but provide a number, yet to be determined by Council, of allowed Retail Marijuana Hospitality and Sales Businesses.
- Hours of operation from 8 am to 10 pm to be consistent with store hours.
- Businesses are a permitted use.
- Notification of adjacent property owners to the location 30 days prior to operations.
- The business must take measures to not interfere with neighboring individuals' quiet enjoyment by requiring measures to mitigate noise, lighting and odor pollution.
- Includes specific places where the mobile marijuana hospitality businesses are prohibited from stopping at during their route.

This commentary should be considered with the commentary asking for the language in the Unified Development Ordinance (UDO) to be amended to allow marijuana hospitality businesses. The UDO must be a public hearing when it goes to full council which is anticipated to be August 23, 2021. This provides time to provide notice in the media as required.

Presentation Time: 20 minutes

Discussion Time: 30 minutes

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## **QUESTIONS FOR COUNCIL**

Does Council wish to approve the draft ordinance and move to Regular Council for consideration?

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**LEGAL COMMENTS**

The state licensing authority may issue a marijuana hospitality business license authorizing the licensee to operate a licensed premises in which marijuana may be consumed pursuant to this article 10, rules promulgated pursuant to this article 10, and the provisions of the ordinance or resolution of the local jurisdiction in which the licensee operates. C.R.S. § 44-10-609.

The council shall have all legislative powers of the city and all other powers of a home rule city not specifically limited by the Constitution of the State of Colorado and not specifically limited or conferred upon others by this Charter. It shall have the power to enact and provide for the enforcement of all ordinances necessary to protect life, health and property.

City Charter § 3-9.

(Money)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** License fees will cover the cost of the administration of the new licenses. A 50% discount on the license fees would be afforded to the social equity applicants for the first two years with the discount covered by the general fund. The application of the discounted fees for social equity applicants will be modeled exactly like the delivery social equity aspect which is working smoothly without issues.

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A

Proposed Aurora Marijuana Hospitality Licenses		
Hospitality Without Sales – Fixed	Hospitality Without Sales - Mobile	Hospitality with Sales
Only existing stores would be able to apply	Anyone could apply that meet the state and local requirements	Anyone can apply with a 1:1 preference to “Social Equity Applicants” for 5 years
Allow consumption on the premises. Includes smoking vaping, edibles	Allows consumption in the vehicle. Includes smoking, vaping, edibles	Allows consumption on the premises. Includes smoking, vaping, edibles
No sales are allowed	No sales are allowed	Sales are allowed in reduced quantities
Hours: 8 am - 10 pm	Hours: 8 am – 10 pm	Hours: 8 am – 10 pm
No notice required	No notice required	Notice required 30 days prior to opening
Cap of 24 because only existing stores can apply which are capped at 24	No cap on the number of licenses	A cap of 24 licenses throughout the city with not more than 25% concentration in any one ward
Fee to be determined with no discount	Fee to be determined with no discount	Fee to be determined with a 50% discount for the first two years
No alcohol or tobacco products allowed	No alcohol or tobacco products allowed	No alcohol or tobacco products allowed
No outdoor consumption	No outdoor consumption	No outdoor consumption
		Cannot operate within a business that holds a liquor license.
Operations within a Food Establishment		
		Must be separate and isolated. No overlap and consumption cannot be seen from the outside.
		Can serve food from the food establishment in the licensed premises.
Operations that is not a Food Establishment		
May sell or give away consumable products that do not contain marijuana. They may prepare and serve hot coffee, tea, instant hot beverages and doughnuts and pastries		



# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE (UDO) IN ORDER TO ADDRESS ZONING CLASSIFICATIONS OF MARIJUANA HOSPITALITY BUSINESSES AND TO UPDATE THE DEFINITIONS ACCORDINGLY

**Item Initiator:** Robin J Peterson, Manager Marijuana Enforcement Division

**Staff Source/Legal Source:** Robin J Peterson, Manager Marijuana Enforcement/Dan Money, Senior Asst City Attorney

**Outside Speaker:** N/A

**Council Goal:** 2012: 5.0--Be a great place to locate, expand and operate a business and provide for well-planned growth and development

### COUNCIL MEETING DATES:

**Study Session:** 8/2/2021

**Regular Meeting:** N/A

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item as proposed at Study Session  Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration  
Why is a waiver needed?N/A

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Planning and Zoning Commission

**Policy Committee Date:** 4/28/2021

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval  Does Not Recommend Approval
- Forwarded Without Recommendation  Recommendation Report Attached

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The Amendment 64 Committee has discussed marijuana consumption/hospitality since 2016. The Marijuana Enforcement Division hosted a focus group in late 2016. Since then, marijuana hospitality discussions have occurred on June 8, 2020, October 8, 2020, November 5, 2020, January 14, 2021 and March 11, 2021. Committee members realize there is a need for a place to consume, especially for tourists. New regulations at the state MED were published on January 1, 2021 providing the requirements at the state level which, in turn, helped staff prepare a draft ordinance for the Committee's consideration. The draft was presented at the January 14, 2021 meeting. Discussion was robust, and the Committee provided guidance on a number of staff's questions. A revised draft was presented for further discussion at the March 11, 2021 Committee meeting.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE (UDO) IN ORDER TO ADDRESS ZONING CLASSIFICATIONS OF MARIJUANA HOSPITALITY BUSINESSES AND TO UPDATE THE DEFINITIONS ACCORDINGLY

The ordinance provides for two types of hospitality license types: 1) Marijuana Hospitality Business (fixed and mobile) and 2) Retail Marijuana Hospitality and Sales Business.

The first option in the ordinance is the marijuana hospitality business. There are two types, one is a fixed location and one is mobile. The fixed location allows for consumption of marijuana on the premises. Both smoking and vaping will be allowed. Each person will be allowed to bring their own product to consume. The product must be packaged with proof of purchase from a licensed regulated marijuana store. No sales of product are allowed in this model. Odor mitigation and all the other requirements, such as no one under 21 will be allowed to enter, no visible consumption from the outside and must operate the business in an orderly, decent and respectable manner must be followed. Staff proposes that only existing stores will be allowed to apply for this type of license. They must present a business plan for review. Staff suggests the hours be set from 8 am to 10 pm to coincide with the store hours. This is consistent with our previous approach of starting slow.

The second type is mobile premises. The definition of a mobile premises is any motor vehicle that is primarily for travel and transports persons over the public highways. This vehicle would be required to have a valid permit issued by the Public Utilities Commission (PUC). The PUC issues permits to business vehicles that are hauling or transporting people for hire. In addition to the state requirements, staff added the mobile premises cannot stop or park and consume for more than 30 minutes, they must log their route noting the origin, destinations and all stops in between, and they cannot stop outside schools, hospitals and in-patient substance abuse facilities.

At the January 14, 2021 Committee meeting, there were many questions regarding the marijuana hospitality – mobile type business. Michael Eymer, owner of Colorado Cannabis Tours, a private marijuana tour

company was invited to speak about his business and how he is meeting the state requirements, which are many. He showed a short video showing what these vehicles look like inside, providing the Committee with a visual. He has been operating since 2014 and assisted the state MED in writing the regulations.

Things discussed: An airtight divider is installed between the driver and the passengers to keep the driver from being exposed to secondhand smoke. There are separate ventilation systems, one for the driver and the other for the passengers. The smoke in the passenger area can be released into the outside while the vehicle is moving through a vent in the roof that can be equipped with carbon filters. There is no alcohol or tobacco products consumed in the vehicle which is prohibited by state statute. In jurisdictions that do not allow marijuana, consumption can be suspended by the passengers until they have left that jurisdiction.

The second option is the retail marijuana, hospitality and sales businesses. These are basically a lounge where you can buy limited amounts of marijuana to consume on the premises. These types of businesses would have no restrictions on who could apply. They would be required to follow all state and local requirements that are in place, in addition to the ones specific to retail marijuana, hospitality and sales businesses. Notice to the surrounding property owners is required at least 30 days prior to opening, by certified mail.

Staff is proposing the hospitality and sales businesses are not included in the cap of 24 stores, but would have its own limit that will be set by Council. These would be allowed in the same zone districts as the stores. For the first three years, social equity applicants would be guaranteed at least 50% of the licenses granted. A 50% discount on the fees would be afforded to the social equity applicants for the first two years. A process to determine who would be awarded these licenses is to be determined by staff.

Highlights of the draft ordinance:

- Requires product brought into the Fixed Location Marijuana Hospitality Businesses to be packaged with proof of purchase from a licensed regulated marijuana store.
- All locations are subject to regular inspections by the local licensing authority.
- The number of stores remained capped at 24 but provide a number, yet to be determined by Council, of allowed Retail Marijuana Hospitality and Sales Businesses.
- Hours of operation from 8 am to 10 pm to be consistent with store hours.
- Businesses are a permitted use.
- Notification of adjacent property owners to the location 30 days prior to operations.
- The business must take measures to not interfere with neighboring individuals' quiet enjoyment by requiring measures to mitigate noise, lighting and odor pollution.
- Includes specific places where the mobile marijuana hospitality businesses are prohibited from stopping at during their route.

This commentary is to be considered along with the marijuana hospitality businesses ordinance.

This ordinance, along with the marijuana hospitality ordinance which was provided for reference, was presented at the April 28, 2021 Planning Commission. The minutes are attached.

Items considered to accommodate for the zoning aspect of these licenses that are included in the proposed UDO draft are as follows:

- Updated Section 3.2, Table 3.2-1, Land Use Categories of "Marijuana Hospitality Businesses" and "Retail Marijuana Hospitality and Sales Businesses."
- Updated to Section 3.3.5.S, Marijuana establishments. Removing the prohibition of "vapor lounges."
- Updates to Section 4.6.3, Table 4.6-1, providing for parking requirements for "Marijuana Hospitality Businesses" and "Retail Marijuana Hospitality and Sales Businesses."

- Updates to Section 6.2, Definitions, adding definitions for “Marijuana Hospitality Businesses” and “Retail Marijuana Hospitality and Sales Businesses.”

Presentation Time: 20 minutes

Discussion Time: 30 minutes

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### QUESTIONS FOR COUNCIL

Does Council wish to amend the Unified Development Ordinance to allow marijuana hospitality businesses within the zoning classifications in the city?

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### LEGAL COMMENTS

Local governments are granted broad authority to plan and regulate the use of land within their jurisdiction. C.R.S. Sec. 29-20-102(a)

An application for an amendment to the text of this UDO or a legislative rezoning of a large area shall only be recommended if the Planning Director and the Planning and Zoning Commission find that the following criteria have been met, and shall only be approved if City Council finds that the following criteria have been met. i. The applicant has demonstrated that the proposed Ordinance amendment is consistent with the spirit and intent of the Comprehensive Plan and with other policies and plans adopted by the City Council; and a. The change to the Ordinance text is required because of changed conditions or circumstances in all or a portion of the city; or b. The change to the Ordinance text is required to address a new or unforeseen threat to the public health, safety, and welfare; or c. The change to the Ordinance text is required to promote economic growth and investment that will not create material risks to the public health, safety, and welfare. UDO § 5.4.1.C.3.B

(Money)

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### PUBLIC FINANCIAL IMPACT

YES       NO

**If yes, explain:** Fees licensing fees will be collected to offset administrative costs.

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### PRIVATE FISCAL IMPACT

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:**



ORDINANCE NO. 2021 - \_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE (UDO) IN ORDER TO ADDRESS ZONING CLASSIFICATIONS OF MARIJUANA HOSPITALITY BUSINESSES AND TO UPDATE THE DEFINITIONS ACCORDINGLY

WHEREAS, under Colorado Revised Statutes §§ 44-10-609 through 44-10-610, the state marijuana licensing authority may issue a marijuana hospitality license and retail marijuana hospitality and sales business license authorizing the licensee to operate a licensed premise in which marijuana may be sold and consumed; and

WHEREAS, along with this authorization, the state has enacted regulations upon these businesses; and

WHEREAS, local governments are enabled to license and regulate these businesses within their jurisdictions; and

WHEREAS, the City Council has decided to authorize these businesses within Aurora’s jurisdiction; and

WHEREAS, the Unified Development Ordinance (UDO) must be amended to designate zoning regulations for these new businesses.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. In this Ordinance, ellipses indicate materials not reproduced with the intent to leave that material in effect as it now reads.

Section 2. That UDO Chapter 146-3.2 Permitted Use Table, Table 3.2-1 is hereby amended to add a new business category titled “Marijuana Hospitality Business.” This business category and the corresponding land uses shall read:

Table 3.2-1 Permitted Use Table		P = Permitted C = Conditional use A = Accessory to primary use						T = Temporary use V = Permitted if structure vacant for 5 years or more					
Food, Beverage, and Lodging	Residential				Mixed-Use				Special Purpose				
	R-1	R-2			MU-N			MU-OA					
Zoned District And Subarea or Subdistrict									MU - TOD				

Land Use	R - R	A & B	C	A & B	C	R - 3	R - 4	R - M H	A & B	C	M U - O I	M U - C	O A - R 1	O A - R 2	O A - R M U	O A - M S	A F - G	M U - F B	C o r e	E d g e	M U - R	M U - A	A D	A P Z	I - 1	I - 2	P O S	USE SPECIFIC STANDARD	
<b>Marijuana Hospitality Business</b>									<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>				<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>3.3.5 S</b>

Section 3. That UDO Chapter 146-3.3.5.S Commercial and Industrial Uses, Marijuana, is hereby amended to remove “marijuana membership club” and “vapor lounge” from prohibited uses, which section shall read as follows:

3.3.5. Commercial and Industrial Uses

....

S. Marijuana Establishments

The following standards shall apply to marijuana establishments:

1. Prohibited Uses

The following uses are not permitted within the city of Aurora:

- ~~a. Marijuana membership club;~~
- ~~b. Vapor lounge;~~
- e. a. Off-premises marijuana storage facility; and
- ~~d. b. Outdoor cultivation, preparation, and packaging of marijuana.~~

....

6. **Marijuana Hospitality Business**

**a. Distance from Schools**

**No marijuana hospitality business shall be licensed if located within 1,000 feet of a pre-K-12 public or private elementary, vocational, or secondary school. This distance shall be measured in a straight line from the nearest property boundary of the school property to the address point of the marijuana hospitality business.**

**b. Distance from Hospitals and Substance Abuse Treatment Center**

No marijuana hospitality business shall be licensed if located within 500 feet of a hospital or substance abuse treatment center. This distance shall be measured from the nearest property boundary of the hospital or treatment center property to the address point of the marijuana hospitality business. For purposes of this subsection, the terms "hospital" and "substance abuse treatment center" shall have the same meaning as set forth in Section 6-302 of the Aurora City Code.

**c. Distance from POS Zone District**

No retail marijuana hospitality business shall be licensed if located within 300 feet of a POS zone district or any government-owned public park, recreation area, or open space. This distance shall be measured from the nearest property boundary of such use or district to the nearest property boundary of the hospitality business.

**d. Hours of Operation**

It shall be unlawful for any marijuana hospitality business licensed pursuant to this UDO to remain open to the public at any time other than between the hours of 8:00 a.m. and 10:00 p.m. daily.

Section 4. That UDO Chapter 146-4.6.3, Table 4.6-1, is hereby amended to add a new business category called “Marijuana Hospitality Business.” The Table’s new addition shall read as follows:

146-4.6.3(C). Minimum Required Parking

Unless otherwise provided in this UDO, off-street parking shall be provided in the amounts shown in Table 4.6-1, Required Off-Street Parking below:

Table 4.6-1 Required Off-Street Parking		sf.= square feet gfa = gross floor area
Number Required	Category	Required Parking
4	After House Club or Entertainment Bar and Tavern Brewpub Microbrewery <b>Marijuana Hospitality Business</b> Restaurant Medical and Dental Clinic	4 spaces per 1,000 sf. gfa  For motor vehicle fuel dispensing station: Fuel pump spaces do not count toward minimum parking requirements.

Section 5. That UDO Chapter 6.2, “Marijuana-Related Definitions” is hereby amended to add and to remove definitions relating to marijuana hospitality businesses. The remaining list of definitions will be reordered in an alphabetical manner.

## 6.2 DEFINITIONS AND TERMS OF MEASUREMENT

....

### Marijuana-Related Definitions

As used in the context of regulating marijuana-related uses in Section 146-3.3.5.S, the following terms have the following meanings:

#### *Marijuana Cultivation Facility*

An entity licensed to cultivate, prepare, and package retail or medical marijuana and to sell retail marijuana to retail marijuana stores **and marijuana hospitality businesses**, sell marijuana to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

....

#### *Marijuana Establishment*

A marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a retail marijuana store, **a marijuana hospitality business**, a marijuana transporter, or a marijuana research business.

....

#### *Marijuana Hospitality Business*

**An establishment, which may or may not include sales, licensed to permit the consumption of marijuana pursuant to this Code, the Colorado Marijuana Code and the Colorado Regulated Marijuana Rules.**

#### ~~*Marijuana Membership Club*~~

~~Any building or structure wherein two or more people gather for the primary purpose of consuming marijuana or marijuana products, or any building or structure wherein club members meet with the ongoing practice of routinely or regularly consuming marijuana or marijuana products.~~

#### ~~*Vapor Lounge*~~

~~Any building or structure, not open to the general public, wherein two or more people gather for the primary purpose of consuming, inhaling, or ingesting marijuana in smokeless or vapor form, or any vapor consisting of a base (such as, but not exclusively, water, propylene glycol, diethylene glycol, vegetable glycol, or vegetable glycerin), and tetrahydro-cannabinol (THC) or tetrahydrocannabinolic acid (THCA).~~

Section 6. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 7. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

Section 8. Pursuant to Section 5-5 of the City Charter, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the office of the City Clerk.

INTRODUCED, READ, AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ORDERED PUBLISHED BY REFERENCE this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

*CMcK*

*Daniel L Money*

\_\_\_\_\_  
DANIEL L. MONEY, Senior Assistant City Attorney

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

April 28, 2021

**AGENDA ITEM 5a:**

Hearing and consideration Unified Development Ordinance – Text Change to Allow Marijuana Hospitality Businesses Within the City Boundaries

Applicant: City of Aurora Marijuana Enforcement Division  
Location: Within the City Boundaries  
DA Number: DA-2163-04  
Case Numbers: 2018-1006-06  
Case Manager: Kim Kreimeyer

In 2019, the state legislation passed House Bill 19-1230, allowing for marijuana hospitality; hospitality is essentially marijuana consumption. Marijuana Hospitality has two different options: “bring your own” and “hospitality and sales.” The bring your own option can have a fixed location, a mobile premise, or both. The hospitality and sales option is similar to a bar, where you purchase and consume the product at a fixed location. Local jurisdictions must opt in to allow these two new businesses types.

State requirements for these businesses are similar to other marijuana businesses. The businesses are required to have a state and local marijuana license, meet state security measure, and product sold at a hospitality and sale business is required to be tracked through the state tracking system. Product brought into the bring your own hospitality is not tracked by the state. Both types of hospitality businesses are also allowed within other businesses such as coffee shops, restaurants without liquor licenses, yoga studios, etc. No liquor or tobacco sales or consumption are allowed in either of the hospitality businesses. Both options require consumption to stop when emergency personnel are required to enter the business and both options allow outdoor consumption.

The Amendment 64 Ad Hoc Committee reviewed this item over the past year, discussing licensing and zoning. The Ad Hoc Committee was created in 2012, to consider marijuana legislation and regulations and includes City Councilmembers Gardener, Johnston, Berzins and Coombs along with industry and staff representatives. The Committee considered regulating marijuana hospitalities like bars and, after some discussion, the Committee recommended no conditional use and no buffer from residential uses. The Committee’s recommendation was to have the hospitality licensing ordinance include notification to abutting property owners prior to establishment of the business, measures to address noise and lighting, limited operating hours, and prohibition of outdoor consumption. The licensing ordinance also includes an odor mitigation plan, security requirements, a supplemental marijuana business license, and regular Marijuana Enforcement Division inspections.

The Committee’s recommendation is to allow the “bring your own” option to the existing retail marijuana stores only and to allow the hospitality and sales option to new businesses and locations. The Committee also is recommending mobile consumption, but this is dealt with through licensing not zoning. At the committee meeting on March 11, 2021, the Committee recommended forwarding the proposed ordinances to Planning Commission and on to Study Session. The licensing and Unified Development Ordinance (UDO) components will be presented to Council together. The hospitality licensing ordinance is attached for your convenience.

Aurora Marijuana Enforcement Division (AMED) staff recommends permitting both types of marijuana hospitality businesses as a single use in the UDO, allowing the use in the same mixed use and special purpose zone districts as marijuana stores and bars, and applying the “marijuana establishments” use specific standards. The limitations relating to “bring your own” are handled through licensing. The Committee also recommended no buffers with residential uses or zones. AMED staff also recommends limiting the hours of operation 8am to 10pm in the UDO. The requirements are explained in detail in the proposed ordinance.

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

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**Testimony Given at the Hearing:**

Kim Kreimeyer, Case Manager, gave a presentation of the item, including the staff recommendation. Commissioner Turcios asked if this item will be going before the City Council. Commissioner Lyon responded, that this is a recommendation to City Council for the final approval. Dan Money, Senior Assistant City Attorney, confirmed that the only vote before Planning Commission is the recommendation to City Council for the UDO text change.

There was no public comment.

**Planning Commission Results**

Agenda Item 5a: Unified Development Ordinance Text Change

A MOTION WAS MADE COMMISSIONER BUSH AND SECONDED BY COMMISSIONER JETCHICK.

RECOMMEND APPROVAL TO CITY COUNCIL THE PROPOSED TEXT AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE. APPROVE THE ORDINANCE AMENDMENT BECAUSE THE PROPOSAL COMPLIES WITH THE REQUIREMENTS OF CODE SECTION 146-5.4.1.C.3.B OF UNIFIED DEVELOPMENT ORDINANCE, FOR THE FOLLOWING REASON:

1. THE APPLICATION IS CONSISTENT WITH THE AURORA PLACES PLAN GOALS TO SUPPORT A STRONG ECONOMY BY CONTINUING TO GROW JOB OPPORTUNITIES, TO SUPPORT LOCALLY GROWN BUSINESS STARTUPS AND EXPANSIONS, AND BOLSTER THE LOCAL ECONOMY AND IS REQUIRED TO PROMOTE ECONOMIC GROWTH AND INVESTMENT THAT WILL NOT CREATE MATERIAL RISKS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.

**Further Discussion:**

No further discussion occurred.

MOTION PASSED UNANIMOUSLY.



# CITY OF AURORA

## Council Agenda Item Continuation Page

<b>Item Title:</b> Amendments to the Campaign Finance Ordinance
<b>Item Initiator:</b> Dan Brotzman, City Attorney
<b>Staff Source:</b> Dan Brotzman, City Attorney
<b>Legal Source:</b> Rachel Allen, Client Group Manager, City Attorney's Office
<b>Outside Speaker:</b> Mark Grueskin, Recht Kornfeld PC
<b>Date of Change:</b> 8/9/2021

### COUNCIL MEETING DATES:

**Study Session:** 8/16/2021

**Regular Meeting:** 8/23/2021

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### ITEM SUMMARY *(Brief description of changes or updates with documents included.)*

The City Council passed Ordinance 2020-58 in late 2020 that repealed and replaced Section 54-2 and Sections 54-101 to 54-110 of the City Code related to the Financing of Electoral Campaigns. The City was sued in March 2021 challenging Ordinance 2020-58. Arapahoe County District Court Judge granted an injunction on May 28, 2021, preventing the City from enforcing certain provisions of the Ordinance.

These amendments seek to provide clarification and clear direction for candidates running in the upcoming election that will be held on November 2, 2021. This ordinance includes amendments updated subsequent to the 8/2 Study Session to address the issues raised in the lawsuit and to provide clarity. Opposing counsel has agreed that these amendments address the issues raised in the lawsuit and will dismiss the litigation if adopted.



ORDINANCE NO. 2021- \_\_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 54-2 AND SECTIONS 54-101, 54-103, 54-104.5 AND 54-110 OF THE CITY CODE RELATED TO THE FINANCING OF ELECTORAL CAMPAIGNS

WHEREAS, in 2020, the City adopted a comprehensive campaign finance ordinance in order to provide transparency about sources of money that influence municipal elections in the City of Aurora and to prevent corruption and the appearance of corruption in City government; and

WHEREAS, the United States Supreme Court, lower federal courts, and many state courts including the Colorado Supreme Court have previously recognized the critical importance of disclosure in informing voters about the sources of campaign contributions and expenditures as well as the funding of independent expenditures and electioneering communications which advocate the election or defeat of certain candidates; and

WHEREAS, any disclosure about the sources of campaign spending should allow voters to learn about which individuals, businesses, labor unions, non-profit organizations, and special interests seek to influence Aurora's elections; and

WHEREAS, among the many important issues addressed by Aurora's campaign finance ordinance is the need for a dividing line between candidates' campaigns and independent spenders who seek to affect the results in those candidate elections to ensure that contributors and candidates do not evade applicable contribution limits and do not create an environment that allows for corruption and the appearance of corruption in City government; and

WHEREAS, such a dividing line is critically important to ensuring the actual independence of those who pay for electioneering communications and independent expenditures from the candidates whose elections they seek to impact; and

WHEREAS, in light of the upcoming 2021 municipal election, currently pending litigation over Aurora's campaign finance ordinance could create uncertainty for contributors, candidates, political committees, issue committees, independent expenditure committees, and other independent spenders about the legal requirements governing contributions, spending, disclosure, and disclaimers on political advertisements; and

WHEREAS, the City seeks to resolve any such uncertainty in the most timely way possible for this election cycle and all following election cycles by means of an amendment to the 2020 campaign finance ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That Section 54-2 of the City Code of the City of Aurora, Colorado, is hereby repealed and replaced by a newly adopted Section 54-2, which shall read as follows:

Sec. 54-2. - Definitions.

- (a) *Active voter* means a registered voter who has not been marked inactive by the clerk and recorder of the voter's county of residence according to §1-2-605(1)(b)(i), C.R.S. Any registered elector whose registration record is marked "inactive" is eligible to vote in any election where registration is required if the elector meets all other requirements.
- (b) *Ballot* means the list of candidates, ballot issues, and ballot questions an eligible elector can vote on in an election.
- (c) *Ballot issue* means a non-recall, citizen-initiated petition or legislatively-referred measure which concerns local government matters arising under section 20 of Article X of the State Constitution, i.e., matters of taxes, debt, and other financial matters. Ballot issues may only be voted on at general elections held each November.
- (d) *Ballot question* means any local government matter involving a citizen-initiated petition, including a petition to recall a public officeholder, or a legislatively-referred measure other than a ballot issue.
- (e) *Ballot title* means the official, short summary of a ballot measure that appears on the ballot.
- (f) *Candidate* means any person who seeks nomination or election to any public office of the City of Aurora that is to be voted on at a municipal election. A person is a candidate if the person has publicly announced an intention to seek election to public office; has circulated, or authorized another person to circulate, nomination petitions on behalf of their candidacy for public office; or has received a contribution or made an expenditure, or authorized another person to receive a contribution or make an expenditure, to support the person's election to public office. As used in the preceding sentence, "publicly announced" means organizing a candidate committee under section 54-103 of this Code or announcing an intention to seek public office through a speech, statement, or other public communication. Unless the context clearly indicates otherwise, "candidate" includes:
  - (1) An incumbent public officeholder, an unsuccessful candidate for public office, or former public officeholder, any of whom have not filed a termination report for their candidate committee with the city clerk. A public officeholder who is the subject of a recall election. For purposes of this provision, a public officeholder becomes the subject of a recall election when the city clerk has authorized the circulation of a petition for recall of the public officeholder under section 54-68(a) of this Code.
  - (2) An agent of a candidate.
- (g) *Circulator* means a person who individually circulates a petition in an attempt to obtain signatures from qualified registered electors.
- (h) *City clerk* means the city clerk or the city clerk's designated representative.
- (i) *Committee* means any the following:
  - (1) *Candidate committee* means a committee organized by or on behalf of a candidate under section 54-103(a).
  - (2) *Independent expenditure committee* means a political committee that only makes independent expenditures and that does not make

- contributions to any candidate committee or to another political committee that makes contributions to any candidate committee.
- (3) *Issue committee* means a person or a group of persons that receives contributions or makes expenditures, or anticipates receiving contributions or making expenditures, in an aggregate amount of one thousand dollars (\$1,000) or more during an election cycle to support or oppose the qualification or passage of a ballot issue or ballot question. "Issue committee" includes a petition representative or other person that receives contributions or makes expenditures to support or oppose the recall of a public officeholder.
  - (4) *Political committee* means a person or a group of persons that is organized to support or oppose the nomination or election of one or more candidates and that receives contributions or makes expenditures, or anticipates receiving contributions or making expenditures, in an aggregate amount exceeding four hundred dollars (\$400.00) during an election cycle.
    - a. "Political committee" includes an independent expenditure committee, small donor committee, political party, or a separate segregated fund established by a covered entity pursuant to section 54-101(e) of this Code.
    - b. "Political committee" does not include a candidate committee, issue committee, or recall defense committee.
  - (5) *Small donor committee* means a political committee that accepts contributions only from natural persons who each contribute no more than fifty dollars (\$50.00) in the aggregate per calendar year.
  - (6) *Recall defense committee* means a committee organized under section 54-103(t) of this City Code to oppose the recall of a public officeholder. A recall defense committee is separate from but subject to the same limits and restrictions on contributions as a candidate committee of the public officeholder on whose behalf the recall defense committee is organized.
  - (7) Unless the context clearly indicates otherwise, "committee" includes an agent of the committee.
  - (j) *Conduit* means a person who transmits a contribution from another person to a committee. "Conduit" does not include the candidate or the treasurer of the committee receiving the contribution, a volunteer fundraiser hosting an event for a committee, or a professional fundraiser if the fund raiser is compensated at the usual and normal charge.
  - (k) *Contribution* means a gift, subscription, transfer, loan, payment, advance, or deposit of money or other thing of value made to a person to support or oppose the nomination or election of one (1) or more candidates, or the qualification or passage of a ballot issue or ballot question.
    - (1) "Contribution" includes:
      - a. A written contract, promise, or agreement to make a contribution.
      - b. Anything of value given, directly or indirectly, to a recall defense committee to oppose the recall of a public officeholder.

- c. The payment by another person for goods or services rendered to a candidate or committee without charge or at a charge that is less than the usual and normal charge.
  - d. A loan, other than a commercial loan made in the ordinary course of the lender's business, to a candidate or committee, up until the time when the loan is fully paid. An unsecured loan is a contribution from the lender. A secured or guaranteed loan is a contribution from the guarantor or person whose property secures the loan.
  - e. An unpaid financial obligation which is forgiven.
  - f. A contribution in kind.
  - g. A payment or transfer of money or other thing of value received by a committee from another committee.
  - h. A coordinated expenditure.
- (2) "Contribution" does not include:
- a. Services provided without compensation by individuals volunteering their time on behalf of a committee.
  - b. Costs associated with the establishment, administration, and solicitation of contributions for a separate segregated fund established by a covered entity under section 54-101(e) of this Code.
  - c. Payment of compensation for legal and accounting services rendered to a committee if the person paying for the services is the regular employer or client of the individual rendering the services and the services are solely to ensure compliance with the provisions of Article IV of this Chapter.
- (l) *Contribution in kind* means a contribution of goods, services, or other thing of value provided without charge or at a charge that is less than the usual and normal charge. Examples of such goods or services include, but are not limited to, securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists.
- (1) If goods or services are provided at less than the usual and normal charge, the amount of the contribution in kind is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount, if any, charged to the recipient.
  - (2) "Contribution in-kind" does not include an endorsement of a candidate or an issue by any person.
- (m) *Coordinated election* means an election where more than one political subdivision with overlapping boundaries or some electors in common holds an election on the same day, and the eligible electors are all registered electors. The county clerk and recorder is the coordinated election official who conducts the election on behalf of the political subdivisions.

(n) *Coordinated expenditure* means any of the following:

- (1) Payment for a public communication that republishes, disseminates, or distributes, in whole or part, any video, audio, written, graphic, or other form of campaign material, created or prepared by a candidate or **candidate** committee, unless the payment is made by the candidate or **candidate** committee that created or prepared the material, or the republished material is used to oppose the candidate or **candidate** committee that created or prepared the material.
- (2) An expenditure or electioneering communication made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or **candidate** committee **to support or oppose, or to influence voters about, that candidate or any other candidate who seeks election to that same office during that same election cycle.** An expenditure or electioneering communication is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or candidate committee under any of the following conditions:
  - a. The expenditure or electioneering communication is made according to any expressed or implied agreement with, any general or particular understanding with, or according to any request by or communication with the candidate or **candidate** committee.
  - b. During the election cycle in which the expenditure or electioneering communication is made, the person making the expenditure was directly or indirectly established, maintained, controlled, or principally funded by the candidate or committee, or by an immediate family member of the candidate.
- (3) During the **six months before an individual becomes a candidate and for the remainder of that** election cycle, the candidate or **candidate** committee **actively** solicited funds ~~for, provided nonpublic fundraising information or strategy to, appeared as a speaker or featured guest at a fund raiser for, or gave permission to be featured in fundraising efforts for the person making the expenditure for a person so that such funds would be available to be used for one or more independent expenditures or electioneering communications to support or oppose, or influence voters about, any candidate who seeks election to the office sought by the candidate soliciting such funds; provided, however, that this limitation on solicitations of funds does not apply to that candidate's or candidate committee's solicitation of funds for its own use through an independent expenditure or an electioneering~~ communication.
- (4) ~~The expenditure or electioneering communication is based on nonpublic information about the candidate's or committee's campaign needs or plans that the candidate or committee provided to the person making the expenditure directly or indirectly, such as information about campaign messaging, strategy, fundraising, planned expenditures, or polling data.~~ Communications between the person **making the expenditure or electioneering**

**communication** and the candidate or **candidate** committee only to discuss with the candidate the person's **or the candidate's** position on a policy matter or whether the person will endorse the candidate, ~~and that include no nonpublic information about the candidate's or committee's campaign needs or plans;~~ do not result in a coordinated expenditure under this paragraph.

(5) ~~During the election cycle in which the expenditure or electioneering communication is made, the~~ **A coordinated expenditure does not result if a person, making the expenditure or electioneering communication, has employed or otherwise retained the services, other than of a provider of accounting or legal services as long as that provider only delivers those professional services that are within the scope of the legal or accounting professions.,** ~~of a person who at any prior point in the election cycle met one or more of the following conditions:~~

~~e. Had executive or managerial authority for the candidate or committee, whether paid or unpaid.~~

~~d. Was authorized to raise or expend funds for the candidate or committee and who had nonpublic information from the candidate or committee about the campaign's plans or needs.~~

~~e. Provided the candidate or committee with professional services, other than accounting or legal services, related to campaign or fundraising strategy.~~

(o) *Corporation* means a domestic corporation incorporated under and subject to the "Colorado Business Corporation Act," Articles 101 to 117 of Title 7, C.R.S., a domestic nonprofit corporation incorporated under and subject to the "Colorado Revised Nonprofit Corporation Act," Articles 121 to 137 of Title 7, C.R.S., or any corporation incorporated under and subject to the laws of another state. For purposes of this Article, "domestic corporation" means a for-profit or nonprofit corporation incorporated under and subject to the laws of the State of Colorado, and "foreign corporation" means a corporation incorporated under and subject to the laws of another state or foreign country. For purposes of this Article, "corporation" includes the parent of a subsidiary corporation or any subsidiaries of the parent. "Subsidiary" means a business entity of which more than half of its stock is owned by another entity or person, or a business entity of which a majority interest is controlled by another person or entity.

(p) *Councilmember* means a duly elected member of the governing body of the municipality. Councilmember will also include the office of mayor unless specifically noted otherwise.

(q) *Covered entity* means any of the following:

(1) An organization or enterprise operated for profit, including a corporation, association, proprietorship, firm, partnership, business trust, holding company, limited liability company, limited liability partnership, or similar legal entity through which business is conducted.

(2) A labor organization.

(3) An organization or corporation that is tax-exempt under section 501(c) of

the Internal Revenue Code of 1986.

- (4) A political organization that is tax-exempt under section 527 of the Internal Revenue Code of 1986 and that is primarily operated for purposes other than to support or oppose the nomination or election of one (1) or more candidates, or the qualification or passage of a ballot issue or ballot question.
- (r) *Designated election official* means the city clerk or other person contracting for or engaged in the performance of election duties as required by this Code.
- (s) *Donation* means a payment, transfer, loan, pledge, gift, advance of money, or other thing of value made to an independent spender.
  - (1) "Donation" does not include:
    - a. A payment received by a person in a commercial transaction in the regular course and scope of the person's business, trade, or investments.
    - b. Membership dues or fees paid to an organization by its members to the extent the dues or fees do not exceed five thousand dollars (\$5,000) per member in a calendar year.
    - c. A payment or transfer of money or other thing of value made by a person if the person prohibited the recipient of the payment or transfer from directly or indirectly using the transferred money or thing of value for independent expenditures or electioneering communications, and the recipient agreed in writing to follow the prohibition and deposited the transferred money or thing of value in an account that is segregated from other funds directly or indirectly used for independent expenditures or electioneering communications.
- (t) *Donor* means a person that makes a donation to an independent spender.
- (u) *Election cycle* means one of the following:
  - (1) The period of time beginning thirty-one days following a general election for the particular office and ending thirty days following the next general election for that office.
  - (2) The period of time beginning when petitions are approved for a recall election and ending thirty days following the termination of the recall election, either by election, failure to collect sufficient signatures for recall petitions, or resignation of the incumbent who is the subject of the recall.
- (v) *Electioneering communication* means
  - (1) A public communication that meets all of the following conditions:
    - a. Refers to a clearly identified candidate, ~~ballot issue, or ballot question~~.
    - b. Is distributed within one hundred twenty (120) days of a municipal election in which the candidate, ~~ballot issue, or ballot question~~ is on the ballot.
    - c. Can be received by members of the constituency eligible to vote for the candidate, ~~ballot issue, or ballot question~~.
  - (2) "Electioneering communication" does not include:
    - a. A news story, editorial, or commentary distributed by a broadcasting

station, including a cable television operator, programmer, or producer, or satellite television or radio provider, newspaper, magazine, website, or other periodical publication, including an online or electronic publication, that is not owned or controlled by a candidate or committee.

- b. A communication made by a person, other than a candidate or committee, that proposes a commercial transaction in the regular course and scope of the person's business or trade.
- c. A communication that constitutes a candidate debate or forum, or communication that solely promotes a candidate debate or forum made by the sponsor of such debate or forum.
- d. A membership communication.

(3) An electioneering communication is made when the actual spending occurs or when there is a contractual agreement requiring such spending, and the amount is determined.

(4) For purposes of this Article,÷

a. ~~"clearly identified candidate" means the candidate's name or nickname is used in the communication; a picture, drawing, or likeness of the candidate appears in the communication, or the identity of the candidate is otherwise apparent from reference in the communication.~~

b. ~~"Clearly identified ballot issue or ballot question" means the number, official title, or popular name of the issue or question is used in the communication; or there is a reference to the subject matter of the issue or question and the communication either states the issue or question is on the ballot or when taken as a whole and in context, makes an unambiguous reference to the issue or question.~~

(w) *Expenditure* means the purchase, payment, distribution, loan, advance, deposit or gift of money or other thing of value made by a person to support or oppose the nomination or election of one (1) or more candidates, or the qualification or passage of a ballot issue or ballot question. An expenditure occurs when the actual payment is made or when there is consideration received, whichever occurs first.

(1) "Expenditure" includes:

- a. A purchase or payment made by a candidate or committee.
- b. A payment, distribution, loan, or advance of any money or anything of value made by a person for the benefit of a candidate or committee that is made with the prior knowledge and consent of the candidate or committee.
- c. A payment or transfer of money or other thing of value made by a committee to another committee.
- d. An independent expenditure.
- e. An electioneering communication made by a committee.

(2) "Expenditure" does not include:

- a. A payment made by a person, other than a committee, in a



- commercial transaction in the regular course and scope of the person's business or trade.
- b. A news story, editorial, or commentary distributed by a broadcasting station, including a cable television operator, programmer, or producer, or satellite television or radio provider, newspaper, magazine, website, or other periodical publication, including an online or electronic publication, that is not owned or controlled by a candidate or committee.
  - c. A candidate debate or forum, or communication that solely promotes a candidate debate or forum and is made by the sponsor of such debate or forum.
  - d. A payment for nonpartisan voter registration or get-out-the-vote efforts made by a person other than a committee.
  - e. A membership communication.
- (x) *Final determination of sufficiency* means a statement issued by the city clerk or designee following a protest hearing or the expiration of the time allowed for filing a protest, as to whether the petitioners have submitted a sufficient number of valid signatures on a petition.
- (y) *Foreign-influenced corporation* means a corporation or other entity to which any of the following applies:
- (1) A foreign national or foreign owner holds, owns, controls, or otherwise has directly or indirectly acquired beneficial ownership of equity or voting shares equal to or greater than five percent (5%) of total equity or outstanding voting shares in the corporation or entity.
  - (2) Two or more foreign nationals or foreign owners hold, own, control, or otherwise have directly or indirectly acquired beneficial ownership of equity or voting shares in total equal to or greater than twenty percent (20%) of the total equity or outstanding voting shares in the corporation or entity.
  - (3) Any foreign national or foreign owner participates in any way, directly or indirectly, in the process of making decisions about the corporation's or entity's contributions, expenditures, or electioneering communications.
- (z) *Foreign national* means a foreign national as defined by 52 U.S.C. § 30121(b), or a foreign-influenced corporation.
- (aa) *Foreign owner* means a corporation or other entity in which a foreign national hold, owns, controls, or otherwise has directly or indirectly acquired beneficial ownership of equity or voting shares equal to or greater than fifty percent (50%) of total equity or outstanding voting shares.
- (bb) *General election* means the statewide election held on the Tuesday following the first Monday of November of each even-numbered year.
- (cc) *Independent expenditure* means an expenditure to support or oppose one (1) or more candidates that is not controlled by or coordinated with any candidate or candidate committee.
- (dd) *Independent spender* means a person, other than a committee registered with the city clerk under section 54-103, that makes an independent expenditure or electioneering communication.

- (ee) *Initial determination of sufficiency* means a statement issued by the city clerk or designee as to whether the petitioners have submitted a sufficient number of valid signatures on a petition.
- (ft) *Initiative* means the right of registered electors to originate legally permissible municipal legislation by obtaining signatures on a petition resulting in the enactment of an ordinance by the city council or in a vote by the general electorate.
- (gg) *Labor organization* means an organization of any kind, or an agency or employee representative committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
- (hh) *Membership communication* means a communication made by an organization, including a covered entity, that is limited in circulation to principal owners, members, stockholders, or executive or administrative employees of the organization, unless the organization is organized to support or oppose the nomination or election of one or more candidates or the qualification or passage of a ballot issue or ballot question.
- (1) "Membership communication" does not include a public communication or a communication that is distributed to persons who are not principal owners, members, stockholders, or executive or administrative personnel of the organization making the communication.
  - (2) For purposes of this Article:
    - a. "Member" means a person who, pursuant to a specific provision of an organization's articles or bylaws, has the right to vote directly or indirectly for the election of a director or officer of the organization, or on the disposition of all or substantially all of the assets of the organization, or on a merger or dissolution of the organization; or any person who is designated in the articles or bylaws of an organization as a member and, pursuant to a specific provision of an organization's articles or bylaws, has the right to vote on changes to the articles or bylaws, or who pays or has paid membership dues or fees in an amount predetermined by the organization so long as the organization is tax-exempt under section 501(c) of the Internal Revenue Code of 1986. A member of a local union or labor organization is considered to be a member of any national or international union or labor organization of which the local union or labor organization is a part and of any federation with which the local, national, or international union or labor organization is affiliated.
    - b. "Stockholder" means a person who has a vested beneficial interest in stock, has the power to direct how that stock will be voted if it is voting stock, and has the right to receive dividends.
    - c. "Executive or administrative personnel" means an individual employed by an organization who is paid on a salary rather than an hourly basis, and who has policy-making, managerial, professional, or supervisory responsibilities. "Executive or administrative personnel" includes an

individual who runs an organization's business, such as officers, executives, and plant, division, and section managers, and individuals following the recognized professions, such as attorneys and engineers.

- (ii) *Municipal election* means a regular municipal election, special municipal election, or recall election.
- (jj) *Non-municipal political organization* means any of the following:
  - (1) A candidate committee, political party, or political committee that is registered and filing reports pursuant to the Fair Campaign Practices Act, §§ 1-45-101 to 1-45-118, C.R.S., or the law of another municipality in the state of Colorado.
  - (2) A political committee or political organization organized under the law of another state.
  - (3) A federal political committee that is registered and filing reports pursuant to the Federal Election Campaign Act of 1971, 52 U.S.C. §§ 30101 to 30146.
- (kk) *Person* means a natural person, partnership, committee, association, firm, corporation, company, labor organization, political party, or other entity or group of persons, however organized.
- (ll) *Petition representative* means the person or persons representing the proponents on all matters affecting a petition.
- (mm) *Petition section* means the stapled or otherwise bound package of documents containing the warning, proposed summary or statement, signature pages, and affidavit of the circulator.
- (nn) *Political advertisement* means any of the following:
  - a. An expenditure or independent expenditure that is public communication.
  - b. An electioneering communication.
  - (1) "Political advertisement" does not include:
    - a. Bumper stickers, pins, buttons, pens, or similar small items upon which a disclaimer statement required by section 54-104.5 cannot be conveniently printed.
    - b. Skywriting, water tower, wearing apparel, or other means of advertising of a nature such that the inclusion of a disclaimer statement required by section 54-104.5 would be impracticable.
- (oo) *Principal owner* means a person that owns or controls ten percent (10%) or more of an entity.
- (pp) *Principal place of operations* means the primary location where the managers, officers, owners, or leadership personnel of an entity direct or control its activities and operations.
- (qq) *Public communication* means a communication to the general public through broadcast, cable, satellite, internet or another digital method, newspaper, magazine, outdoor advertising facility, mass mailing, telephone bank, robocall, or any other form of general public advertising or marketing regardless of medium.

- (rr) *Public office* means the office of mayor or city council of the city of Aurora.
- (ss) *Public officeholder* means a person who holds public office.
- (tt) *Referendum* means the right of registered electors, within 30 days after final publication of an ordinance, and by obtaining signatures on a petition, to require the city council to reconsider the Ordinance or to submit it to the electorate for a vote.
- (nu) *Referred measure* means a ballot issue or ballot question placed on the ballot by the city council for a vote by the eligible electors of the city.
- (vv) *Registered elector* means a resident of the city who is qualified to vote under the constitution and the statutes of the state and who is registered to vote.
- (ww) *Regular municipal election* means an election held on the first Tuesday in November in odd-numbered years.
- (xx) *Special municipal election* means an election held in conjunction with the statewide general election in November of even-numbered years, except as otherwise provided under section 3-7 of the Charter relating to city council vacancies, under section 4-2 of the Charter relating to recall petitions, as provided under section 6-2 of the Charter relating to initiative petitions, and as provided under sections 14-10 and 15-10 of the Charter relating to time frames for collective bargaining issues.
- (yy) *Standalone candidate* means a candidate without a committee who does not accept contributions.
- (zz) *Support or oppose* means any of the following:
  - (1) To expressly advocate for or against the nomination or election of one (1) or more candidates, or the qualification or passage of a ballot issue or ballot question.
  - (2) To aid or promote the success or defeat of a candidate, ballot issue, or ballot question.
- (aaa) *Unexpended campaign funds* means the balance of funds on hand in the campaign account of a committee after a municipal election that is in excess of the amount necessary to pay remaining debts or financial obligations incurred by the committee with respect to the election.
- (bbb) *Volunteer* means any person who freely gives time on behalf of a candidate or a candidate, issue, political, small donor, or independent expenditure committee for purposes of municipal election matters.
- (ccc) *Usual and normal charge* means:
  - (1) For goods, the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution.
  - (2) For services, the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.

Section 2. That Section 54-101 of the City Code of the City of Aurora, Colorado, is hereby repealed and replaced by Sections to read as follows:

Sec. 54-101. - Prohibited contributions.

- (a) An issue committee or independent expenditure committee may not make a contribution to a ~~candidate committee~~, recall defense committee, or political committee, other than an independent expenditure committee. A **candidate**, candidate committee, recall defense committee, or political committee, other than an independent expenditure committee, may not solicit or accept a contribution from an issue committee or independent expenditure committee.
- (b) A candidate committee or recall defense committee may not make a contribution to a political committee, issue committee, or **another candidate's** candidate committee or recall defense committee of another candidate. A political committee, issue committee, recall defense committee, or candidate committee may not solicit or accept a contribution from a ~~candidate committee~~ or recall defense committee **or another candidate's candidate committee**.
- (c) **Neither an issue committee nor an independent expenditure committee may make a contribution to a candidate committee.**
- (d) **No contribution is made through a candidate's personal participation or physical presence at an organizational, planning, policy, or strategy meeting or fundraising or other event for any candidate or issue committee or, with the exception of coordinated expenditures described in section 54-2(n)(1), an independent expenditure committee or independent spender that makes an electioneering communication or independent expenditure.**
- (e) **No committee may accept any contribution in cash, currency, or coin that exceeds one hundred dollars.**

Section 3. That Section 54-103(a) of the City Code of the City of Aurora, Colorado, is hereby repealed and replaced to read as follows:

Sec. 54-103. - Requirements for registration and initial filings by candidates and committees;  
recordkeeping; campaign accounts.

- (a) Except as provided in subsection (b) of this section, an individual must organize a candidate committee pursuant to subsection (c) upon becoming a candidate under this Article. A candidate may not organize, maintain, or control more than one candidate committee at any time. ~~A candidate may not organize, maintain, control, or serve as an officer or treasurer of a political committee or issue committee.~~
- (b) A standalone candidate must, within five (5) business days of becoming a candidate, submit an affidavit to the city clerk certifying that the candidate has reviewed and is familiar with the requirements of this Chapter [Chapter 54]. If a standalone candidate subsequently accepts a contribution at any point in the election cycle, the candidate must organize a candidate committee within five (5) business days pursuant to this section.

- (c) A committee must, within five (5) business days of becoming a candidate committee, issue committee, or political committee under this Article, do all of the following:
  - (1) Appoint an individual as its treasurer. A candidate may serve as the treasurer of the candidate's own candidate committee if no other individual is appointed treasurer. In the event that the treasurer of a committee is vacated for any reason, the committee must promptly appoint a new treasurer, who must file the affidavit required under paragraph (7) of subsection (d) of this section with the city clerk within ten (10) business days of the vacancy by the prior treasurer.
  - (2) Open or designate a bank account with a financial institution in the state of Colorado to serve as its campaign account, which must include the full name of the committee in the title of the account.
  - (3) File a registration statement with the city clerk that includes the information required by subsection (d) of this section.
- (d) The registration statement filed by a committee with the city clerk must include:
  - a. The full name and mailing address of the committee; the street address for the principal place of operations of the committee, if different from the mailing address; telephone number for the principal place of operations of the committee; an email address for the committee that is actively monitored; and the URL of the committee's official website, if any.
  - b. The full name, mailing address, telephone number, and email address of the treasurer of the committee.
  - c. The full name of any other committee or a non-municipal political organization that is organized, financed, maintained, or controlled by the same person or group of persons as the committee filing the registration statement, and in the case of a non-municipal political organization registered with the Colorado Secretary of State's campaign finance system, the organization's state-assigned Committee ID number.
  - d. A description of the purpose of the committee.
    - i. For a candidate committee, the description must include the full name and public office sought by the candidate on whose behalf the committee is organized.
    - ii. For a political committee, the description must include the full name and public office sought by each candidate the committee is supporting or opposing.
    - iii. For an issue committee, the description must include the official title and number of the ballot issue or ballot question the committee is organized to support or oppose if known, and whether the committee supports or opposes that issue or question.

- iv. For a separate segregated fund sponsored by a covered entity pursuant to section 54-101(e)(2) of this Code, the description must include the full name and the address of the principal place of operations of the sponsoring entity.
  - e. The full name, mailing address, and telephone number of the financial institution with which the committee has opened or designated its campaign account, and the title of the campaign account.
  - f. An affidavit signed by the treasurer of the committee certifying that the treasurer has reviewed and is familiar with the provisions of this chapter, and, in the case of a candidate committee, the registration statement must also include an affidavit from the candidate on whose behalf the committee is organized certifying that the candidate has reviewed and is familiar with the requirements of this chapter.
- (e) The city clerk must review all submitted registration statements within five (5) business days and reject any that do not meet all of the requirements of this section. Rejected registrations may be corrected and resubmitted within five (5) business days.
  - (f) Registration statements must be filed electronically with the city clerk. The city clerk must make all submitted registration statements available to the public online within three (3) business days of determining the statements that meet all requirements of this section.
  - (g) A public officeholder who is the subject of a recall must organize a recall defense committee in accordance with this section before soliciting or accepting a contribution or making an expenditure to oppose the recall. The public officeholder must file a registration statement for the recall defense committee with the city clerk that includes the information described in subsection (d) of this section, appoint a treasurer of the recall defense committee, and designate a bank account with a financial institution in the state of Colorado to serve as the defense committee's campaign account, which must be separate from any other account of the officeholder or the officeholder's campaign committee.
  - (h) If any of the information required in subsections (c) or (d) of this section subsequently changes, the committee must file an amendment to its registration statement within five (5) business days. A committee that has registered under this section in connection with a prior municipal election must file an amended registration statement with the city clerk for each subsequent election cycle until the committee submits a termination report.
  - (i) The treasurer of a committee must preserve copies of all filings and reports required by this article and complete records of all transactions of the committee's campaign account for no less than five (5) years after a

termination report for the committee is submitted to the city clerk or until the final disposition of any complaint or consequent litigation involving the committee, whichever is later. The filings, reports, and records of the committee are subject to inspection at any hearing held under this Article.

- (j) All contributions received by a committee must be deposited in its campaign account within ten (10) days of their receipt. All expenditures made by a committee must be paid from its campaign account. A committee may not deposit a contribution to or make an expenditure from its campaign account without the express authorization of its treasurer or the treasurer's designee. The campaign account must be segregated from any other funds or bank accounts of the person that organized the committee, and funds in the campaign account may not be commingled with the personal funds of any person.
- (k) The treasurer of a committee and the candidate, in the case of a candidate committee, are jointly and severally responsible for all of the following:
  - (1) Filing all statements and reports required by this Article in full and accurate detail.
  - (2) Except as otherwise provided in this Article, all other actions of the committee.

Section 4. Section 4. That Section 54-104 of the City Code of the City of Aurora, Colorado, is hereby repealed and replaced by Sections to read as follows:

Sec. 54-104. - Requirements for reporting contributions and expenditures by committees.

- (a) The treasurer of each committee must prepare and file reports of contributions and expenditures with the city clerk pursuant to this section. The treasurer must attest to the accuracy and completeness of each report filed under this section.
- (b) Each committee must file election-year reports with the city clerk in accordance with the filing schedule specified by this subsection. The initial election-year report due from a committee after filing its registration statement with the city clerk must cover the period that begins on the first day of the election cycle and ends on the closing date of the reporting period in which the committee filed its registration statement. In the case of a committee originally organized in a prior election cycle, the initial election-year report must cover the period that begins on the first day after the last date included in the committee's last semi-annual report and ends on the closing date of the reporting period specified under subparagraph (b)(1)(a) or (b)(2)(a) of this subsection, as applicable. Each subsequent reporting period begins on the first day following the last date included in the prior period and ends five (5) days before the filing deadline for the next report.
  - (1) For a calendar year in which there is a regular municipal election, each committee must file reports that are complete through the last date of each reporting period and due by the dates below. If the due date falls on a weekend or legal holiday, the report is due on the next business day.
    - a. February 5th, complete through January 31st.
    - b. May 5th, complete through April 30th.



- c. August 5th, complete through July 31st.
- d. September 5th, complete through August 31st.
- e. October 5th, complete through September 30th.
- f. The 14th day before the date of the election, complete through the 17th day before the election.
- g. The Friday preceding the date of the election, complete through the Tuesday preceding the election.
- h. December 5th, complete through November 30th.
- i. January 5th of the year after the election, complete through December 31st of the year of the election.

(2) For a calendar year in which there is a special municipal election, each committee must file:

- a. A report for each month after the special election is declared, due by the fifth day of the following month and complete through the last day of the preceding month.
- b. A pre-election report, due on the Friday before the election and complete through the Tuesday before the election.
- c. A post-election report due on the 30th day after the date of the election, complete through the 27th day after the election.
- d. A year-end report on January 5th of the year after the election, complete through December 31st of the year of the election. This report will not be required if the 27th day after the election falls on or after December 31<sup>st</sup>.

(3) For each non-election year within an election cycle, each committee that has not filed a termination report must file semi-annual reports for non-election years due by July 31<sup>st</sup> and January 31<sup>st</sup>. The July 31st report must cover January 1<sup>st</sup> through June 30th of the non-election year, and the January 31<sup>st</sup> report must cover July 1<sup>st</sup> through December 31<sup>st</sup> of the non-election year.

(c) In addition to other reports required under this section, a committee must file a major contribution report **disclosing any** ~~upon receiving a~~ contribution of one thousand dollars (\$1,000.00) or more **that is received** at any time within ~~thirtysixty (3060)~~ **thirty (30)** days of the date of a municipal election. ~~If the major contribution is received more than fourteen (14) days before the election, the major contribution report must be filed with the city clerk no later than five (5) days after receipt of the contribution. If the date of the receipt of the major contribution is within fourteen (14) days of the election, the~~ **Such** major contribution report must be filed with the city clerk no later than 11:59 PM on the **calendar** day following receipt of the contribution.

(d) A recall defense committee or issue committee that supports or opposes the recall of a public officeholder must file reports of contributions and expenditures with the city clerk within fifteen (15) days of filing its registration statement under section 54-103 and every thirty (30) days thereafter until the date of the recall election has been set, and then thirty (30) days, fourteen (14) days and seven (7) days before the recall election and thirty (30) days following the recall election.

(e) Each report required by this section must include the following information:

- (1) The amount of funds on hand at the beginning of the reporting period, including funds carried over from the current election cycle or a prior election cycle. The

beginning of the reporting period is the date through which the committee's last report was complete.

(2) The total amount of all contributions received by the committee in the reporting period and in the election cycle to date.

(3) The full name and mailing address of each person who has made one or more contributions to the committee during the reporting period; the amount and date of each contribution made by the person in the reporting period; and the aggregate amount of contributions made by the person during the election cycle.

a. If a contributor is a natural person, the report must include the person's occupation and employer.

b. If a contributor is a covered entity or other organization, the report must also include the entity's principal office street address, as filed with the Secretary of State Business Division, or the street address of its principal place of operations, if different from its mailing address.

c. If the covered entity has filed with the Business Division of the Colorado Department of State, then the entity's business name and principal place of operations must match the information filed with that Department.

(4) The total amount of all expenditures made by the committee in the reporting period and in the election cycle to date.

(5) The full name and mailing address of each person to whom an expenditure was made in the reporting period, along with the date, amount, and description of the expenditure, including the specific type of goods or services paid for.

(6) A description of any loan, letter of credit, line of credit, or commercial loan made to the committee during the reporting period, including the full name and address of the lender or person extending the letter of credit, line of credit, or commercial loan; the full name and address of any guarantor or endorsers of the loan, letter of credit, line of credit, or commercial loan; the amount guaranteed; the date and amount of the loan, letter of credit, line of credit, or commercial loan; the balance due on loan, letter of credit, line of credit, or commercial loan; and the terms of interest and the total amount of interest, if any.

(7) A description of any unpaid obligation of five hundred dollars (\$500.00) or more that is thirty days or more overdue, which is not otherwise reported as a contribution, incurred by the committee during the reporting period, including the full name and address of the person to whom the obligation is due; the due date of the obligation; the purpose of the obligation; and the amount past due.

(f) All reports required by this section must be filed electronically with the city clerk. The city clerk must make each report filed under this section available online to the public within three (3) business days of determining the report meets all requirements of this section.

(g) The reporting requirements of this section continue to apply to a committee with outstanding debts or a balance of campaign funds on hand. If the city clerk determines that a committee has no outstanding debts or balance of campaign funds on hand, the committee may file a termination report with the city clerk, provided the committee is not otherwise required by this Article to remain open and active.

(h) A standalone candidate need not register a candidate committee but must file reports

in accordance with this section for all reporting periods in which the candidate makes expenditures.

Section 5. That Section 54-104.5 of the City Code of the City of Aurora, Colorado, is hereby repealed and replaced by Sections to read as follows:

Sec. 54-104.5. - Disclaimers for political advertisements.

- (a) A political advertisement must include a disclaimer, as specified in this section. The disclaimer required for a political advertisement must include:
  - (1) The full legal name of the person or committee who paid for the advertisement.
  - (2) **The name of the committee's treasurer and the word, "treasurer."**  
~~If the political advertisement is authorized by a candidate, a statement that the advertisement is authorized by the candidate.~~
  - (3) **For independent spenders other than independent expenditure committees, the name of the person filing campaign finance reports for that entity and the words, "filing agent".**  
~~If the political advertisement is not authorized by a candidate, a statement that the advertisement is not authorized by any candidate OR CANDIDATE COMMITTEE.~~
- (b) **In addition to complying with subsection (a) of this section regarding disclaimers, a political advertisement, not addressed by subsection (c) of this section, that supports or opposes the election of a candidate or supports or opposes a municipal ballot issue or ballot question, referred measure, or measure for recall of any elected officer, must clearly and conspicuously state it is authorized by the committee that paid for the advertisement.**
  - (1) **If the political advertisement is a television, cable, radio, online or digital audio, telephone, or other audio communication, a person must verbalize at the beginning of such advertisement in a clearly audible and intelligible manner the following statement: "This political advertisement is authorized by (name of committee)."**
  - (2) **If the political advertisement is a text or graphic communication, including an online or digital text or graphic communication, such advertisement must conspicuously state in a manner that is clearly readable: "This political advertisement is authorized by (name of committee)."**
- (c) **In addition to complying with the requirements of subsection (a) of this section regarding disclaimers, the disclaimer required for a political advertisement that is an independent expenditure or electioneering communication must clearly and conspicuously state that it is not authorized by any candidate or candidate committee.**~~include the full names of the five (5) donors who have made the largest aggregate contributions or donations of one thousand dollars (\$1,000.00) or more during the election cycle to the person who paid for the advertisement.~~
  - (1) **If the political advertisement is a television, cable, radio, online or digital audio, telephone, or other audio communication, a person must verbalize at the beginning of such advertisement in a clearly audible and intelligible manner the following statement: "This political advertisement is not authorized by any candidate or candidate committee."** ~~If multiple donors have~~

~~made aggregate contributions or donations in identical amounts of one thousand dollars (\$1,000.00) or more to the sponsor of a political advertisement during the election cycle, the advertisement must include the full name of the donor or donors who made the contributions or donations most recently.~~

- (2) **If the political advertisement is a text or graphic communication, including an online or digital text or graphic communication, such advertisement must conspicuously state in a manner that is clearly readable by the recipient of the communication: “This political advertisement is not authorized by any candidate or candidate committee.”** ~~If no donor has made aggregate contributions or donations of one thousand dollars (\$1,000.00) or more to the sponsor of a political advertisement during the election cycle, the advertisement may exclude the statement required by this subsection.~~
- (d) A political advertisement disclaimer required by this section must be presented clearly and conspicuously. ~~A disclaimer is not presented clearly and conspicuously if it is difficult to read or hear, or if its placement is easily overlooked.~~
- (1) If the political advertisement is a radio, online or digital audio, telephone, or other audio communication, the disclaimer must be spoken in a clearly audible and intelligible manner at the beginning or end of the communication.
- (2) If the political advertisement is a television, **cable television**, on line or digital video, or other video communication:
- The disclaimer must be written and spoken at the beginning or end of the communication.
  - The written disclaimer must appear in the communication in a conspicuous size and style.
  - The spoken disclaimer must be spoken in a clearly audible and intelligible manner.
- (3) If the political advertisement is a text or graphic communication, including an online or digital text or graphic communication, the disclaimer must be:
- Of sufficient size to be clearly readable by the recipient of the communication.
  - Contained in a text box set apart from the other contents of the communication.
  - Displayed with a reasonable degree of color contrast between the background and the disclaimer statement.
- (e) If the size, format, or display requirements of an online or digital political advertisement make it technologically impossible to include a disclaimer required by this section on the advertisement, the advertisement must clearly and conspicuously provide to the recipients a direct link to immediately obtain the complete disclaimer with minimal effort and without viewing any additional information other than the required disclaimer.

Section 6. That Section 54-110 of the City Code of the City of Aurora, Colorado, is hereby repealed and replaced by Sections to read as follows:

Sec. 54-110. - Municipal elections activity—Limitations on municipal officers and elected officials.

- (a) **Neither the city nor any** ~~city~~ city agency, **city** department, **city** board, **city** division, **city** bureau, **or city** commission, ~~or City Council~~ shall **use any public moneys from any source to** make any contribution in campaigns involving the nomination, retention, election, or recall of any person to any public office, **nor shall any such entity use any public moneys from any source to make any contribution or donation to any other person for the purpose of making any independent expenditure or any electioneering communication,** nor shall any such entity expend any public moneys from any source to urge electors to vote in favor of or against any:
- (1) Municipal ballot issue or ballot question that has been submitted and has had a title fixed;
  - (2) Referred measure; or
  - (3) Measure for the recall of any elected officer, upon the final determination of sufficiency.
- (b) However, **the city as well as any** ~~a~~ city agency, **city** department, **city** board, **city** division, **city** bureau, **or city** commission, ~~or City Council~~ may respond to questions about any such issue described in subsection (a) if the member, employee, or public entity has not solicited the question. A member or employee of any such agency, department, board, division, bureau, commission, **or the city** council who has policy-making responsibilities may expend not more than \$50.00 of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any such issue described in subsection (a).
- (c) Nothing in subsection (a) shall be construed as prohibiting **the city or any** ~~a~~ city agency, **city** department, **city** board, **city** division, **city** bureau, **or city** commission, ~~or council~~ from expending public moneys or making contributions to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the city. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue. As used herein, an issue of official concern shall be limited to issues that will appear on a municipal election ballot.
- (d) Nothing in subsection (a) shall be construed to prevent an elected official from expressing a personal opinion on any issue.
- (e) Nothing in subsection (a) shall be construed as prohibiting **the city or any** ~~a~~ city agency, **city** department, **city** board, **city** division, **city** bureau, **or city** commission, ~~or City Council~~ from:
- (1) Passing a resolution or taking a position of advocacy on any issue described in subsection (a); or
  - (2) Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by which information about other proceedings of such city agency, department, board, division, bureau, commission, or council thereof is regularly provided to the public.
- (f) Nothing in subsection (a) shall be construed as prohibiting a member **of the city council, any elected or appointed city official.** ~~or any~~ ~~any~~ employee of **the city or a** city agency, **city** department, **city** board, **city** division, **city** bureau, **or city** commission;

~~or council~~ from expending **one's** personal funds, making contributions **or donations from one's personal funds**, or using personal time to urge electors to vote in favor of or against **any candidate or** any issue described in subsection (a).

(g) Any violation of this section shall be subject to the sanctions authorized in section 54-108.

Section 7. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 8. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 9. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RACHEL ALLEN, Client Group Manager



## MEMORANDUM

TO: Mayor & Council  
 FROM: Rachel Allen<sup>RLA</sup>  
 THROUGH: Daniel L. Brotzman  
 DATE: August 18, 2021  
 RE: Supplement to August 5, 2021 Memo re: Number of Votes Required

---

Recent City Council events have led to a number of questions about voting. The purpose of this memorandum is to supplement the August 5, 2021 memo Re: Number of Votes Required and to provide clarification to the City Council about the majority voting requirement for passage of items in various situations. Specifically, under what circumstances is it possible for fewer than 6 votes.

#### Voting on Resolutions and Motions with Vacancies on Council

The City Charter addresses the number of votes required for a proposed ordinance, resolution or motion to pass. Article 5, Section 2 of the Charter sets forth:

##### Art. 5-2. - Voting.

The ayes and nays shall be taken upon the passage of all ordinances, resolutions and motions, and entered upon the journal of the council proceedings. Every ordinance shall require the affirmative vote of the majority of the membership of the entire council for final passage. **Resolutions and motions shall require the affirmative vote of a majority of the members present.** Every member, when present, must vote upon ordinances, resolutions and motions, except he shall be excused from voting on matters involving the consideration of his own official conduct or when his personal or financial interest is involved. (emphasis added).

#### Voting on Ordinances with Vacancies on Council

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Article 3, Section 19 of the Aurora Charter sets forth that:

The mayor shall be a member of the Council and shall be subject to all the rules and regulations governing councilmembers.

The Council Rules of Order and Procedure set forth: Unless otherwise apparent from the context of a particular rule, the reference to "City Council/Council Member" shall be construed to include the Mayor. The Mayor is included in the term "Council," the entire Council is 11, and the majority of the membership of the entire Council is 6.

An additional consideration is that The Rules of Order and Procedure for the Aurora, Colorado, City Council ("Council Rules") requires 6 votes for final passage of an ordinance:

Council Rule F.7 - Sixth Vote

If, due to the absence of one or more Council Members at any regular or special meeting of the City Council, the final passage of any ordinance supported by the majority of Council Members then present fails for lack of a sixth vote, such ordinance shall be rescheduled for action at the next regularly-scheduled City Council meeting.

Council Rules contemplate six votes for the passage of an ordinance. While Council Rule F.7 addresses absences, it does not make an exception for vacancies on City Council.

Ordinances on second reading require a majority of the membership of the entire Council for final passage, which is 6 affirmative votes. If an ordinance on final reading does not receive 6 votes due to the absence of a Council Member or a tie vote, the ordinance shall be rescheduled for the next Council meeting. Council Rule F.6.

If the majority of the membership of the entire Council totals less than 6 Council Members, Council must appoint to fill the vacancies pursuant to Charter Art. 3-7 until there are 6 votes to pass an ordinance.

Conclusion

Ordinances on first reading, resolutions and motions require a majority vote of those present to move forward. Ordinances on final reading require 6 votes for passage. An ordinance that does not receive 6 affirmative votes on final reading due to a Council Member's absence, or if the vote is a tie, will be added to the next regularly scheduled Council meeting for consideration. The ordinance fails at the subsequent meeting if it does not receive 6 affirmative votes for final passage.





# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE 2018 COMPREHENSIVE PLAN TO CHANGE THE PLACETYPE MAP FROM INDUSTRIAL HUB TO COMMERCIAL HUB FOR THE AREA BOUNDED BY EAST 40TH AVENUE TO THE NO

**Item Initiator:** Deborah Bickmire, Senior Planner

**Staff Source/Legal Source:** Deborah Bickmire / Daniel Money, Senior Assistant City Attorney

**Outside Speaker:** N/A

**Council Goal:** 2012: 5.2--Plan for the development and redevelopment of strategic areas, station areas and urban centers

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** 9/13/2021

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item as proposed at Study Session  Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration

Why is a waiver needed?[Click or tap here to enter text.](#)

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Planning and Zoning Commission

**Policy Committee Date:** 8/11/2021

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval  Does Not Recommend Approval
- Forwarded Without Recommendation  Recommendation Report Attached
- Minutes Attached  Minutes Not Available

---

**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The Planning and Zoning Commission heard the City's request for a Comprehensive Plan Map Amendment in a public hearing on August 11, 2021 and voted unanimously (6-0) to recommend approval to City Council. Commissioner Turcios was absent.

---

**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

The City of Aurora Planning and Development Services Department is requesting a Comprehensive Plan Amendment to change the Placetype designation from Industrial Hub to Commercial Hub for approximately 165 acres centered around the light rail station at 40th Avenue. The subject area is located between I-70 and 40th Avenue, is bounded by development east of Airport Circle to the west and extends to approximately 1,000 feet east of Salida Street. The amendment area includes land adjacent to Pena Boulevard, which is owned by Denver International Airport (DEN). This proposed change to Commercial Hub supports mixed used development around the light rail station and the Industrial Hub designation does not. This conversion is supported by the existing station area plan and the Transit Oriented Development (TOD) section of Aurora Places.

The current Comprehensive Plan placetype designation is "Industrial Hub" which supports a variety of industrial and commercial development and is consistent with the current Industrial District (I-2) zoning designation. The primary uses in the proposed Commercial Hub placetype include shopping centers, retail, restaurants, and commercial services; with supporting land uses including multi-family residential and office.

The underlying zoning is primarily Industrial District (I-2) with a small area adjacent to Pena Boulevard zoned Mixed Use Corridor (MU-C).

The eastern half of the amendment area is included in the Gateway Park East Station Area Plan. The Station Area Plan represents the long-term vision for transportation-oriented development around the 40th Ave & Airport Blvd-Gateway Park (Light Rail) Station. The western half of the amendment area is adjacent to existing Commercial Hub Placetype, which makes the proposed amendment a logical extension of this Placetype.

The proposed amendment complies with the approval criteria in Section 146-5.4.1.A.3 because it unites the east and west sides of the Pena Boulevard corridor and furthers the vision of the Gateway Park East Station Plan to promote TOD development. The amended placetype is consistent with Transit Oriented Development (TOD) section in the Aurora Places Comprehensive Plan and will facilitate transportation-oriented development that furthers the Aurora Places recommended practice for "Easy Mobility and Active Transportation" to promote TOD and prioritize intense development at those locations to encourage transit ridership.

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**QUESTIONS FOR COUNCIL**

Does the City Council wish to approve the ordinance to amend the Comprehensive Plan?

---

**LEGAL COMMENTS**

An amendment to the Comprehensive Plan, shall be recommended for approval, and shall be approved, only if it promotes the long term economic, social, and environmental health of the City and protects the public health, safety, and welfare of the citizens of Aurora.

The City Council shall conduct a public hearing on an application to amend the Comprehensive Plan. City Council may approve amendments to the Comprehensive Plan by an ordinance approved by a vote of not less than two-thirds of the entire membership of City Council.

City Code Sec. 146-5.4.1.A (Money)

For Ordinances requiring two-thirds vote, this shall be deemed the vote of at least 7 members of City Council.

---

**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:**

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:**

ORDINANCE NO. 2021-\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE 2018 COMPREHENSIVE PLAN TO CHANGE THE PLACETYPE MAP FROM INDUSTRIAL HUB TO COMMERCIAL HUB FOR THE AREA BOUNDED BY EAST 40<sup>th</sup> AVENUE TO THE NORTH, INTERSTATE 70 TO THE SOUTH, EAST 40<sup>th</sup> CIRCLE TO THE WEST, AND APPROXIMATELY 1,000 FEET BEYOND SALIDA STREET TO THE EAST (GATEWAY PARK COMPREHENSIVE PLAN AMENDMENT COMMERCIAL HUB)

WHEREAS, City Code Section 146-5.4.1.A provides for the adoption of a Comprehensive Plan for the orderly development and redevelopment of the City of Aurora, Colorado, and that this plan shall serve to guide the City Council and the Planning and Zoning Commission in their decisions and recommendations in all land use decisions within the city; and

WHEREAS, on October 8th, 2018, the City Council passed Ordinance 2018-37 adopting the 2018 Aurora Comprehensive Plan; and

WHEREAS, the Comprehensive Plan establishes a land use map providing varying placetypes for City design; and

WHEREAS, on August 11, 2021, following a public hearing thereon, the Planning and Zoning Commission voted to recommend approval of an amendment to the Comprehensive Plan which would allow the placetype designated as commercial hub in an area currently designated industrial hub; and

WHEREAS, City Code Section 146-5.4.1.A provides that City Council may amend the Comprehensive Plan by an ordinance approved by a vote of not less than two-thirds of the entire membership of the City Council, if they find that the amendment promotes the long term economic, social, and environmental health of the City, and that it protects the public health, safety and welfare of the citizens of Aurora.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The Aurora Comprehensive Plan is hereby amended to allow for the placetype designated commercial hub in an area currently designated industrial hub. The amendment to the Comprehensive Plan shall be in the form as filed with the Office of the City Clerk and presented to the City Council at tonight's meeting.

Section 2. All ordinances or parts of ordinances of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 3. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the Office of the City Clerk.

INTRODUCED, READ AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ORDERED PUBLISHED BY REFERENCE this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

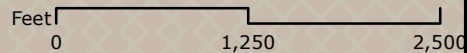
\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM: *CMcK*

*Daniel L Money*  
\_\_\_\_\_  
DANIEL L. MONEY, Assistant City Attorney



**Aurora Places Comprehensive Plan  
Map Amendment**



*Aurora is  
Worth Discovering!*

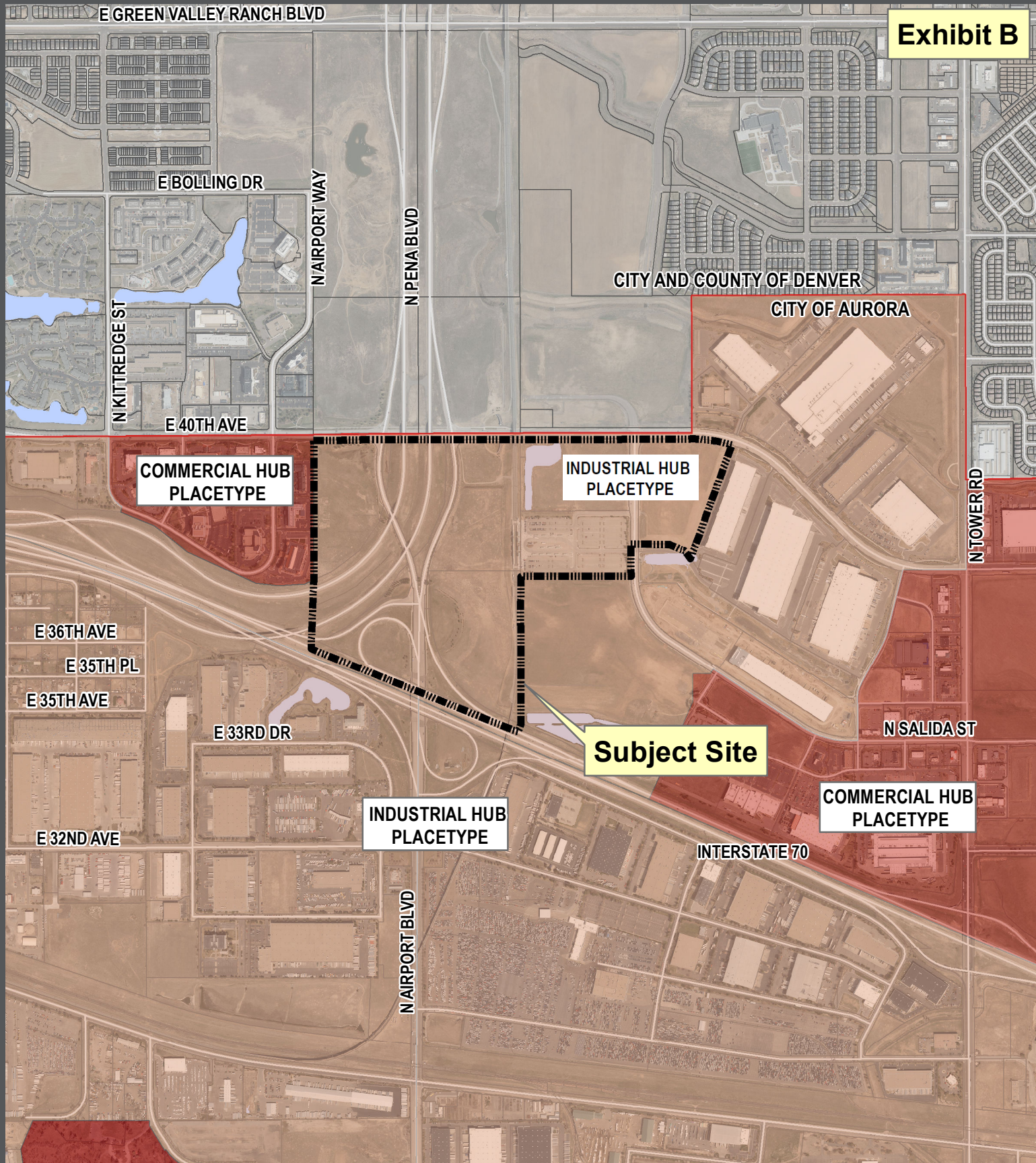


**City of Aurora, Colorado**

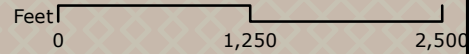
**Planning &  
Development Services**

15151 E. Alameda Parkway  
Aurora CO 80012 USA  
AuroraGov.org  
303.739.7217  
GIS@aurora.gov

Case Number: 2021-1002-00  
Development Application: #2149-01



**Aurora Places Comprehensive Plan  
Existing Placetypes**



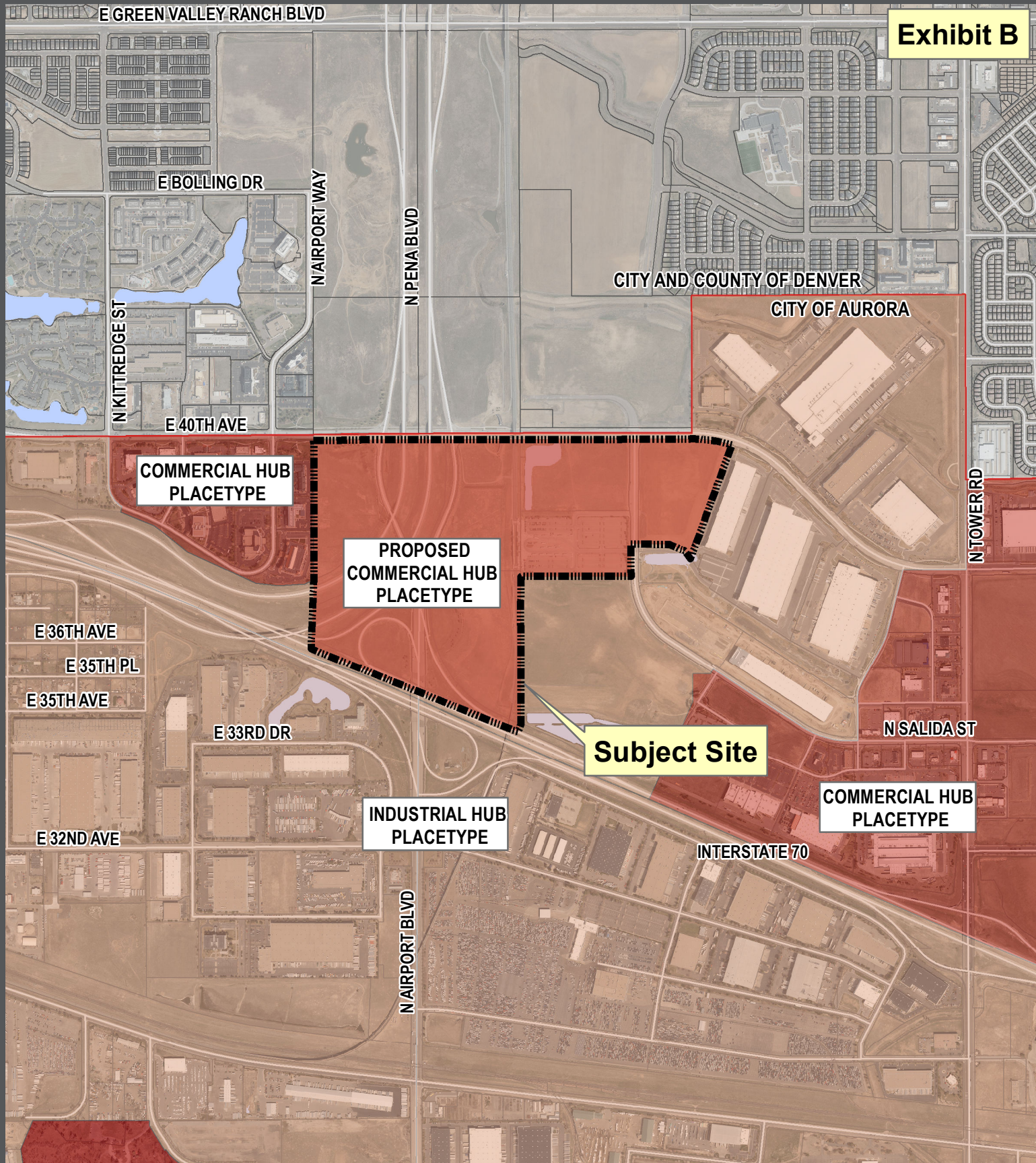
*Aurora is  
Worth Discovering!*



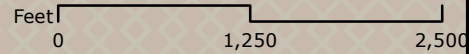
**City of Aurora, Colorado**

**Planning &  
Development Services**

15151 E. Alameda Parkway  
Aurora CO 80012 USA  
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**Aurora Places Comprehensive Plan  
Proposed Placetypes**



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Worth Discovering!*

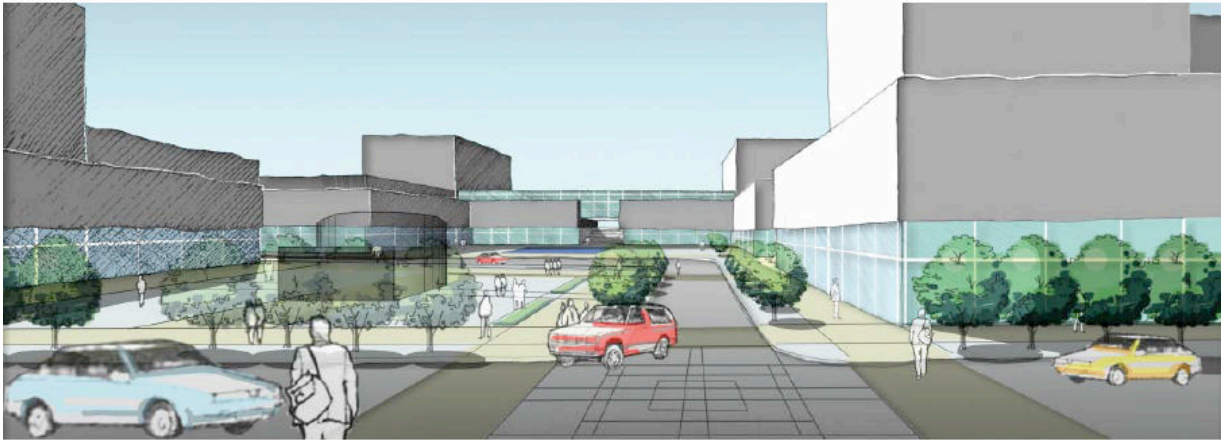


**City of Aurora, Colorado**

**Planning &  
Development Services**

15151 E. Alameda Parkway  
Aurora CO 80012 USA  
AuroraGov.org  
303.739.7217  
GIS@aurora.gov





# Gateway Park East Station Area Plan

A Framework for Transit-Oriented Development

City of Aurora  
David Owen Tryba Architects  
Fehr & Peers  
EDAW, Inc.

in consultation with

Regional Transportation District  
The Pauls Corporation  
City and County of Denver  
Denver International Airport

DECEMBER 2008

## Acknowledgements

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### Gateway Park East Station Area Plan Team

#### City of Aurora

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John Fernandez, Manager of Comprehensive Planning  
Jim Sayre, Manager of Zoning and Development Review  
Mac Callison, Principal Planner, Transportation  
Huiliang Liu, Principal Planner, Transportation  
Loretta Daniel, Principal Planner, Project Manger

#### The Pauls Corporation

Mike Serra III, Director of Infrastructure, Gateway Park

#### RTD

Bill Sirois, Transit-Oriented Development Project Manager  
Gideon Berger, Transit-Oriented Development Associate

#### City and County of Denver

Steve Gordon, Comprehensive Planning Manager  
Evelyn Baker, City and County of Denver

---

### Consultant Team

#### David Owen Tryba Architects

David Owen Tryba, FAIA  
David Daniel, AIA  
Bill Moon, AIA  
Ki-woo Kim

#### Fehr & Peers Transportation

Jeremy Klop, Transportation Planner

#### EDAW, Inc.

Deana L. Swetlik, Senior Associate

---

### Stakeholder Workshop Participants

Bill Pauls, The Pauls Corporation  
Brian Pauls, The Pauls Corporation  
Brad Pauls, The Pauls Corporation  
Leanne Toler, The Pauls Corporation  
Mike Barber, Barber Architecture  
Mike Turner, RTD

Derek Crider, RTD  
Tom Reed, Denver International Airport  
Dianne Truwe, City of Aurora  
Lisa Strawn, City of Aurora  
Ron Degenhart, City of Aurora

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# 1 Introduction

# 1 Introduction

## Purpose of the Gateway Park East Station Area Plan

This is an exciting time for Aurora – a time of change and opportunity. The Gateway Park East Station Area Plan is a product of the City of Aurora’s commitment to create urban activity centers along the city’s future commuter and light rail transit corridors.

FasTracks is the Regional Transportation District’s (RTD) plan to complete a regional rapid transit system by 2017. Commuters throughout the metro region endorsed the \$4.7 billion investment in November, 2004 in order to have the transportation infrastructure in place to provide for the projected growth and transportation needs in the metro region. This comprehensive system will consist of commuter rail, light rail, bus rapid transit, circulator bus service, and park-n-Ride facilities. The FasTracks program includes 119 miles of new light rail and commuter rail, 18 miles of bus rapid transit service, 21,000 new parking spaces at rail and bus stations throughout the system, and expanded bus service.

The East Corridor will be a 23.6 mile commuter rail line connecting the intermodal transit hub at Denver Union Station and Denver International Airport (DIA). The transit line will connect employment areas, neighborhoods, and new development areas with these two destinations as well as with the I-225 light rail corridor and destinations in Aurora such as the Anschutz Fitzsimons medical campus, the Colorado Science and Technology Park, Aurora City Center, and Gateway Park.

There will be five FasTracks stations on the East Corridor, two of which are located in Aurora. The Peoria-Smith station will be the transfer station from the I-225 light rail line to the East Corridor commuter rail. The station at 40th Avenue and Airport Boulevard will be located in the center of the Gateway Park development as shown in Figure 1.

Gateway Park is a mixed-use development comprised of 1,300 acres at I-70 and Peña Boulevard, and is within the borders of Aurora and the City and County of Denver. Gateway Park lies on the east and west sides of Peña Boulevard, and this station area plan focuses on the eastern side, known as Gateway Park East, and the mostly undeveloped land surrounding the future 40th Avenue and Airport Boulevard station.

## East Corridor Environmental Impact Statement

The East Corridor Environmental Impact Statement (EIS) process assessed several transit technologies and decided upon electrical multiple unit (EMU) commuter rail.



Electric Motorized Unit (EMU)

These EMU cars are longer and heavier than the light-rail trains and will require a 1,000 foot long raised platform. Electric power will be supplied through overhead wires. The proposed frequency of service will be at 15 minute intervals and the expected daily ridership in 2030 is projected to be 37,500 passengers per day. It is planned that the trip from Denver Union Station to DIA will take approximately 30 minutes.

The draft EIS is expected to be ready for public review and comment by early 2009 and completed by August of 2009. Construction of the East Corridor is scheduled to begin in 2011 with the opening of the line planned for 2015.

## Why Plan for Transit-Oriented Development

Transit-oriented development (or TOD) refers to the clustering of offices, homes, shops, lodging, and

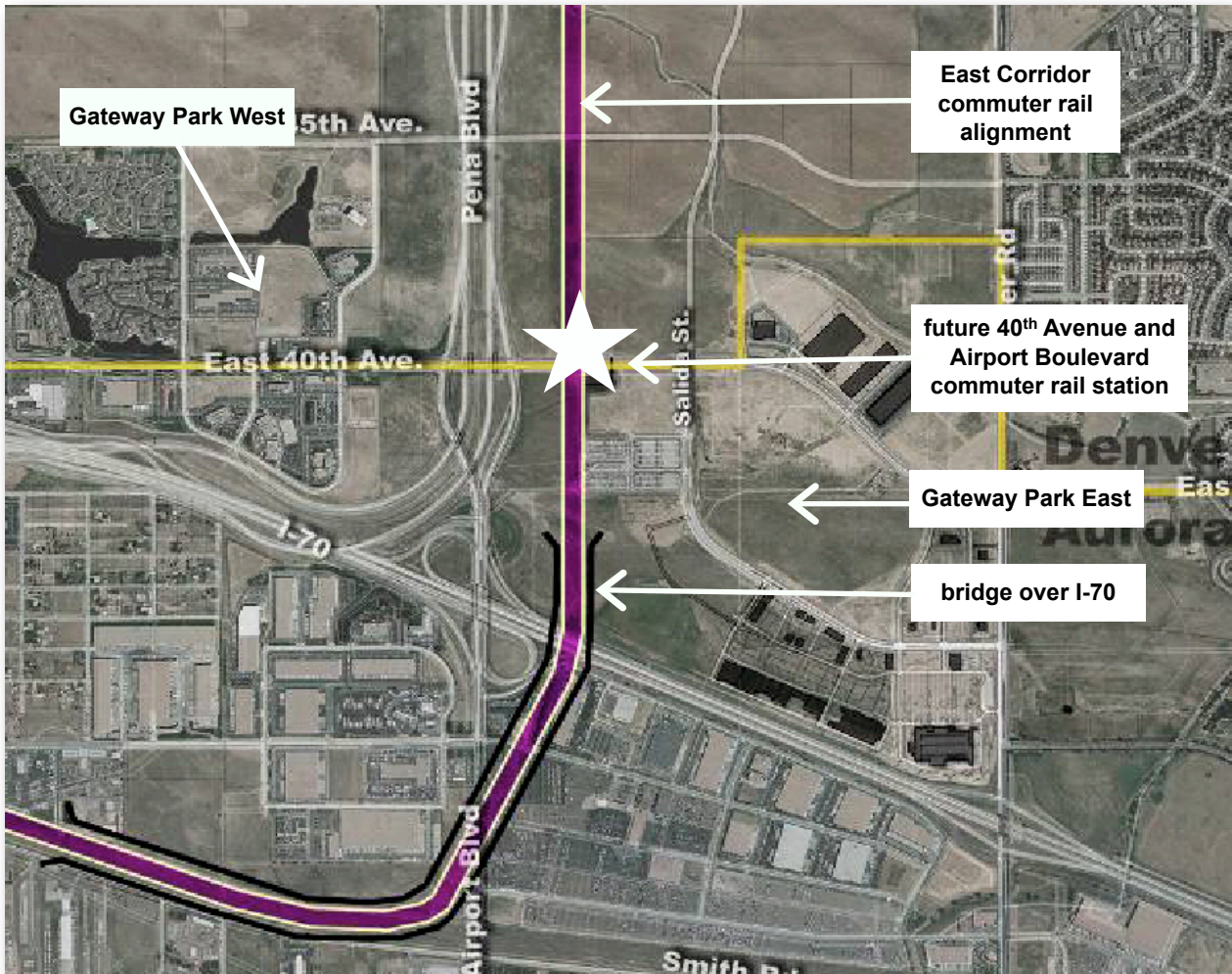


Figure 1. Proposed Alignment of East Corridor Commuter Rail at Gateway Park

services in close proximity to a rail station. This pattern typically involves compact development and a mixing of different land uses, along with amenities such as pedestrian-friendly streets, parks and plazas.

To be successful, TODs must serve a significant portion of trips by public transit, walking and biking, rather than by private automobile. While this does

not mean that residents in a TOD will give up owning a car, they are likely to own fewer cars and to drive less than residents living farther from transit. The result is that while not car free, they have more options to conduct the trips necessary in their daily lives.

The entire Gateway Park area benefits from good visibility from its location at the regional crossroads of I-70 and Peña Boulevard. Gateway Park has been evolving for 11 years with development occurring initially along both sides of E. 40th Avenue in Gateway Park IV West, and more recently in Gateway Park IV East adjacent to Tower Road. With its extraordinary highway and future rail transit infrastructure, Gateway Park East is a highly strategic development site. Gateway Business Park and the Pauls Corporation have responded to the opportunity for TOD through a two-step approach by developing commercial uses responding to the market now, and by planning for a future denser,

compact urban form occurring adjacent to the future station.

The goal of this station area plan is to articulate the vision developed through the planning process that recognizes Gateway Park's strategic location and maximizes the use and benefits of the commuter transit. The station at 40th Avenue and Airport Boulevard station has the potential to create a mixed-use hub for Gateway Park, the City of Aurora, and the City and County of Denver. Figure 1 shows the location of Gateway Park East, the proposed alignment of the commuter rail along Smith Road and Peña Boulevard, the elevated track over I-70, and the lowered 40th Avenue.

### Purpose

While TOD offers housing, travel, retail and commercial opportunities, it also presents its own set of challenges. For the Gateway area, it is how to best integrate the commuter station into a compact urban form and allow all the competing uses such as commuter parking and new development in a sequential and beneficial manner.

The Gateway Park East Station Area Plan is the outcome of a planning process undertaken by the City of Aurora in partnership with Gateway Business Park to:

1. **Inform the East Corridor EIS of the desired location for the 40th and Airport station and recommend infrastructure improvements;**
2. **Establish common goals for Gateway Business park, the City and County of Denver and the City of Aurora;**
3. **Establish a sequential and comprehensive framework for the development of the land adjacent to the 40th and Airport station;**
4. **Determine the scope of proposed transportation and other infrastructure improvements associated with transit-oriented development and identify implementation strategies; and**
5. **Guide the character of development within the TOD area through timely rezoning.**



## Objectives

This plan presents the long term vision for the station area, showing concepts on the intensity of development that can occur adjacent to and on both sides of E. 40th Avenue. This guiding document defines planning principles, planning concepts, land use recommendations, general design guidelines, and implementation strategies for the defined TOD study area.

All Aurora's station area plans further articulate the policies of the 2003 Aurora Comprehensive Plan. They outline guiding planning principles together with the neighborhood character and identity. Development principles, concepts and guidelines together with TOD zoning provisions are the result.

The objectives of the Station Area Plan are to:

---

### 1. Transit-Oriented Development

- Identify the extent of an area that should be planned for transit-oriented development;
- Establish a clear identity for Gateway Park at the future transit station;
- Allow for high density and flexibility in development options for the land within the station area plan;
- Provide open space amenities that serve the new land uses and establish a comfortable, attractive and lively public realm;
- Concentrate office and lodging uses within walking distance of the station; and
- Provide a safe pedestrian and bicycle access as part of the grade-separated station over E. 40th Avenue.

---

### 2. Transportation

- Present concepts that incorporate development and locate the 40th Avenue and Airport boulevard station so that they benefit transit riders, RTD operations, and development opportunities;
- Minimize the impact of the commuter rail operations on E. 40th Avenue pedestrian and vehicular traffic; and
- Investigate alternate locations for commuter parking from that now available on the existing RTD park-n-Ride lot.

---

### 3. Urban Design

- Develop a station identity that represents Aurora and Gateway Park since it is the first FasTracks station encountered when leaving DIA (funding for two other intervening stations are not part of the FasTracks program); and
  - Create a compact, mixed-use development with flexible block sizes and pedestrian-oriented activities adjacent to public spaces.
-

### Project Partners and the Planning Process

The property around the station is under one ownership and the property owner worked closely with the city and the station area plan consultants. In January of 2006, the City of Aurora and Gateway Business Park retained a consultant team lead by David Owen Tryba Architects to develop a station area plan for the proposed FasTracks station at 40th Avenue and Airport Boulevard.

One of the first questions that arose was where the most appropriate location of the station should be to create a compact, transit-oriented development area. Since the site around the proposed station is undeveloped and within Gateway Business Park, the planning process involved two stakeholder workshops and a series of regular planning meetings. The planning team consisted of the staff from the City of Aurora, representatives from the Gateway Business Park and the Pauls Corporation, RTD, DIA, and the City and County of Denver.

The first stakeholder workshop was held on February 23, 2006 with representatives from the Pauls Corporation, Gateway Business Park, Denver International Airport, RTD East Corridor team, City and County of Denver, and City of Aurora. The key ideas that surfaced in this workshop have provided the basis for the concepts developed in this study. These ideas are:

- There is a desire to plan for increased densities over time so a multi-step approach to increasing the density should occur;
- The station should be moved to the north closer to E. 40th Avenue. It was proposed and agreed that the trackway should be elevated over E. 40th Avenue and that the station should also be centered and span over 40th Avenue;

- High density, transit-oriented development is desirable on both the north and south sides of E. 40th Avenue;
- Structured parking should be part of new developments as densities and economics allow;
- The existing detention pond is in an area best suited for future development. There is a strong preference to relocate the existing pond into the Peña Boulevard right-of-way; and
- The existing RTD park-n-Ride lot should be relocated within the Peña right-of-way when the level of development dictates.

The second stakeholder workshop was held on May 4, 2006 to discuss the concepts, alternatives, the location and character of public plazas, the approach to zoning, and the options for the location of the RTD commuter park-n-Ride lot.

The major idea that the project team recommended to the East Corridor EIS team was to provide a grade separated commuter rail crossing at E. 40th Avenue with an elevated station spanning E. 40th Avenue. Since the commuter rail required a major structure to cross I-70 and Airport Boulevard, the team advocated the benefits of continuing this structure across E. 40th Avenue and requested that RTD prepare a cost estimate to identify the incremental cost of the structure. RTD provided an estimate of approximately \$40 million for the structure and questioned the necessity of the grade separation.

To prepare a more detailed transportation assessment, the Pauls Corporation retained Fehr & Peers to prepare trip generation estimates using ITE's Trip Generation methodology and land use density assumptions from the station area plan. The results of this Gateway Park East Transportation Study identified traffic volumes higher than the DRCOG

regional travel demand model estimates for E. 40th Avenue. This study is included in Appendix B.

Fehr & Peers was subsequently retained by the Pauls Corporation to analyze the level of service (LOS) operations and the queuing spill-back at the 40th Avenue/Peña Boulevard interchange using the micro-simulation program VISSIM. The VISSIM model included the two signalized intersections at 40th Avenue and Peña Boulevard. The model indicated that both intersections would require roadway improvements to meet the forecast traffic demand.

In September, 2007 the Pauls Corporation proposed to the City of Aurora that E. 40th Avenue be lowered beneath the commuter rail alignment instead of the elevated structure approach. The City supported the proposal and the Pauls Corporation presented it to RTD for their review. In early 2008, RTD approved the concept with the understanding that the additional costs for grade separation would be paid by others. RTD is currently considering including the E. 40th Avenue grade separation in the preparation of the East Corridor EIS documents.

### Organization of the Plan

This plan is organized into five sections:

Section 2 - contains a brief study area inventory and analysis. It identifies existing conditions in the area and looks at the regional context. It examines pedestrian, vehicular and transit movements.

Section 3 - presents the vision for the Gateway Park East station area.

Section 4 - identifies implementation strategies for the infrastructure improvements and private property development scenarios.

Section 5 - contains zoning guidance for transit-oriented development.

The appendices contain the details of concept development and the Transportation Study by Fehr & Peers.

### How to Use this Plan

This plan is a guiding document meant to provide a flexible framework for creating a compact, mixed-use employment area adjacent to the transit station, according to key planning principles identified by the stakeholders. This plan also presents proposed design standards and TOD Zoning guidance. Applicants are to use this document as a guide in the development of site plans within the study area.

The Gateway Park East Station Area Plan will be adopted by ordinance and incorporated by reference into both the Aurora Comprehensive Plan and the City of Aurora's Building and Zoning Code. Where there are differences between the Code and this Station Area Plan, the guidelines contained in this plan shall apply.

The implementation of this plan is proposed as follows:

- the East Corridor Draft Environmental Impact Statement is completed and includes the grade separation of the commuter rail tracks and E. 40th Avenue by the lowering of 40th Avenue;
- Intergovernmental Agreement (IGA) between the various parties is completed;
- the East Corridor is designed and construction commences; and
- land within the study area is rezoned.



## 2 Overview and Existing Conditions

## 2 Overview and Existing Conditions

### Location and Context

Gateway Park is a 1,300 acre mixed-use area with office, hotel, retail, residential, warehouse distribution, and manufacturing uses approximately five miles from the Aurora City Center and 10 miles from DIA. It is primarily an employment center with approximately 8,000 jobs (as of 2008) and hotels, residential and retail uses can be considered supporting elements to this primary use.

The section of Gateway Park west of Peña Boulevard is largely built out with multi-story office buildings, several hotels, restaurants, and one light manufacturing facility. Prominent companies, such as Prologis, Lockheed and Boeing have national headquarters and offices in this development. Nearly 1,000 residential units, both rental and ownership, are located around a twenty-three acre lake north of 40th Avenue and connected to adjacent uses by a pedestrian and bicycle trail.

On the east side of Gateway Park, uses adjacent to Tower Road and I-70 have recently been constructed, including large format retail buildings with a “green” Wal-Mart and a Home Depot. A variety of other commercial uses such as retail, office, and restaurant are being developed along the Tower Road frontage.

The East Corridor commuter line is planned to be adjacent to the western boundary of Gateway Park IV East, within the Peña Boulevard right-of-way. The proposed alignment includes a major elevated structure over Airport Boulevard and I-70.

### Surrounding Land Uses

The area south of I-70 is a well-established industrial area characterized by offices, large warehouse, distribution and manufacturing buildings. This is a major employment corridor that extends along the interstate between I-25 and the Aurora city limits.

The Airport Boulevard and I-70 intersection is an important and busy access point to this industrial area and points east and west.

The nearest existing residential neighborhoods are in Denver: Green Valley Ranch east of Tower Road, and Montbello, west of Chambers Road. Both of these are primarily single family neighborhoods and are over one mile away from the future station. A new residential neighborhood is under construction south of East 48th Avenue and wraps around a school campus. The City and County of Denver has recently been updating their “Gateway Plan” and has identified transit-oriented development as the proposed land use for the approximately 60 acre area north of E. 40th Avenue owned by the Gateway Business Park.

### The Study Area

The vacant land surrounding the station is considerable, totaling about 400 acres of undeveloped or “greenfield” land east of Peña Boulevard. Portions of this area can be developed to take advantage of proximity to the station since most of it is within the ½ mile radius of the station. The width of the Peña right-of way forms an effective barrier to the concept of a 360 degree TOD. Due to this, one objective of this plan has been to create a north-south pedestrian connection as part of the elevated transit station spanning E. 40th Avenue. This Station Area Plan concentrates on the “core” of this 400 acres, an area of approximately 140 acres north and south of E. 40th Avenue within a ¼ mile radius of the proposed station. This study area is comprised of approximately:

- 50 acres of Pauls Corporation owned land north of E. 40th Avenue;
- 35 acres of Pauls Corporation owned land south of E. 40th Avenue;

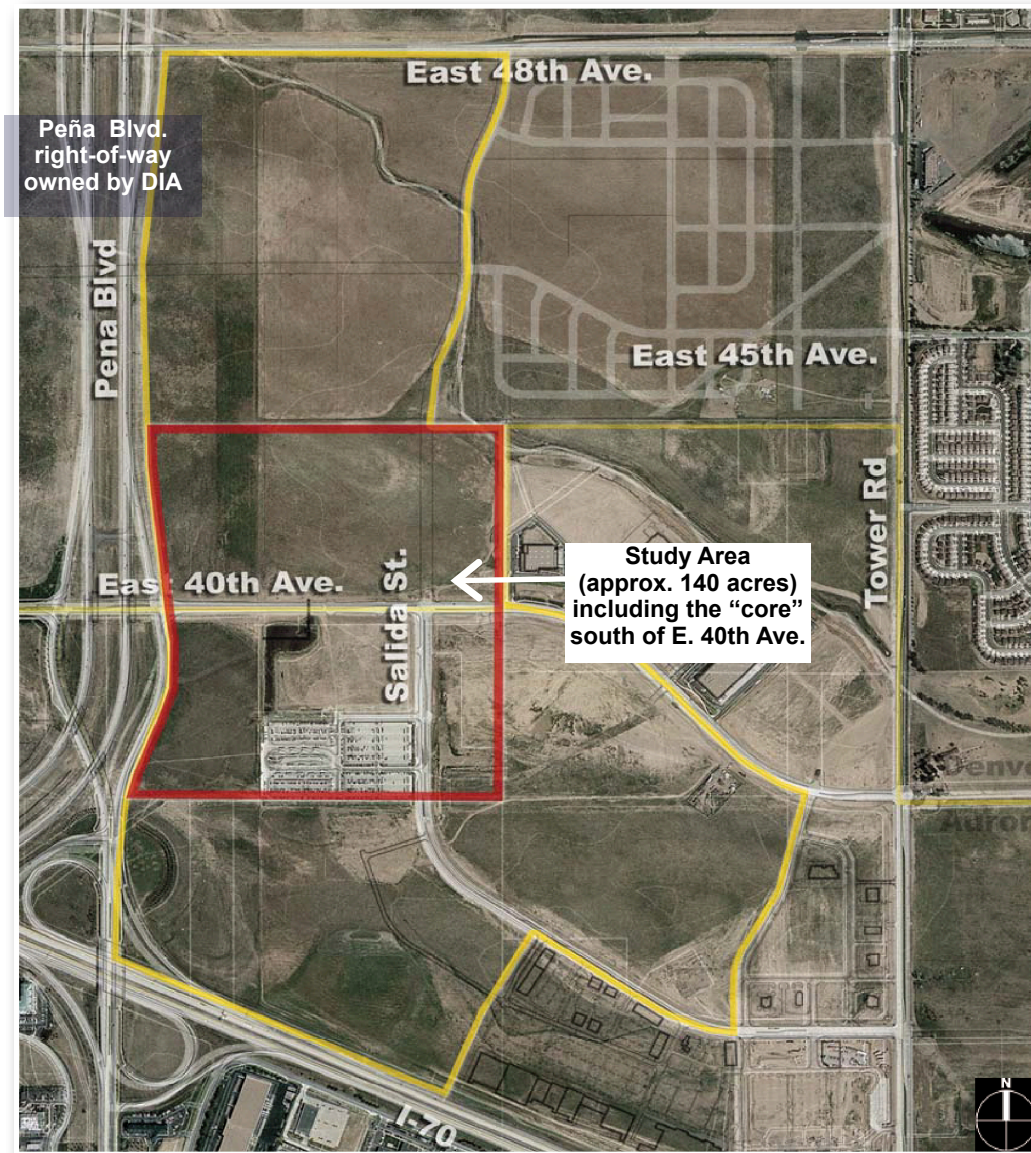


Figure 2. Study Area “Core” and Station “Area of Influence”

- 16 acres of RTD land (existing park-n-Ride and bus transfer facility);
- 20 acres in the Peña right-of-way north of E. 40th Avenue; and
- 18 acres in the Peña right-of-way south of E. 40th Avenue.

Within the Aurora city limits, the study area consists of approximately 69 acres south of E. 40th Avenue.

### Existing Land Uses in the Study Area

The existing land uses within the one-half mile radius surrounding the future station location consist of several hotels, office, and retail and restaurant buildings on the west side of the commuter rail alignment. On the east side, are Roth Distribution, a kitchen appliance showroom located north of E. 40th Avenue, the RTD commuter parking lot, and a sub-regional detention pond (Figure 3).

The RTD park-n-Ride lot is accessed from North Salida Street and has 1,079 parking spaces and twelve bus bays. This serves as the bus transfer location for bus routes 43, 44, 153, 48X, AB (Boulder/DIA), AF (Cold Spring/Downtown/DIA) and AT (Arapahoe County/DIA). Since there is no charge for parking, this park-n-Ride lot is continuously full. This has been problematic as the commuter parking is pre-empted by long-term parking, and the Gateway Business Park has identified that during holidays, there is overflow parking onto the adjacent streets, and cars are towed. This approximately 15 acre site is owned by RTD.

The detention pond south of E. 40th Avenue, called "Irontale Drainage Basin Pond C", has an area of approximately four acres. The pond's location interferes with lowering E. 40th Avenue and it should be relocated into the Peña Transportation Corridor.

### Existing Zoning

Existing Aurora zoning in the study area is Medium Industrial District (M-2 District) which allows for a broad range of manufacturing, warehouse, office and office showroom uses. The study area is within the Building Height Overlay District and there is no height limitation. The existing built large-format retail and the office and service uses to the east of the study area and adjacent to Tower Road are zoned Highway Service District (B-3 District) as is the hotel and office

area west of Peña Boulevard. Residential uses are not permitted in the existing Aurora zoning. Residential uses are allowed on the lands within the City and County of Denver.

### Existing Transportation

The major east-west connector is 40th Avenue with a traffic volume of approximately 15,000 vehicle trips per day west of Peña Boulevard, and approximately 8,000 vehicles per day east of Peña Boulevard. Tower Road is a major north-south arterial with approximately 26,000 vehicles per day.

### Peña Boulevard Transportation Corridor

The purpose of Peña Boulevard is to provide convenient access to DIA. The ten mile long freeway begins at I-70 and ends at the airline terminal and is owned and maintained by the City and County of Denver. The vehicular traffic on Peña Boulevard is forecast to grow 60 to 90 percent in the next 25 years due in part to the traffic generated from the development of surrounding lands. As a result, the Denver International Airport has prepared a "Concept Plan" for the Peña Boulevard Transportation Corridor. The plan includes widening Peña Boulevard in the future by adding one additional lane to both the northbound and southbound traffic, with the widening taking place towards the existing center median. A collector and distributor roadway system is proposed to be located about 250 feet on either side and outside of the existing travel lanes. This collector/distributor roadway parallel to Peña Boulevard will carry the local traffic from the development of the lands in the Denver-Aurora Gateway area. It is important to note that the financing grants for Peña Boulevard stipulated that the roadway is to primarily serve airport-only traffic.

In the vicinity of the 40th Avenue and Airport station, the Peña Boulevard right-of-way is approximately





Figure 3. Proposed Alignment of East Corridor Commuter Rail at Gateway Park

2,000 ft. wide. Peña Boulevard has been designated an official bicycle route and this makes it possible for cyclists to ride to and from DIA.

#### **Pedestrian and Bicycle Connections**

A portion of a 10 foot wide pedestrian and bicycle pathway has already been built along Airport Way on the west side of the Peña Boulevard right-of-way and is proposed to extend to DIA.

#### **Landscape Character and Views**

A drainage way and potential pedestrian connection runs diagonally east-west through the Gateway Park East between Tower Road and Salida Street, south of and approximately parallel to E. 40th Avenue. This drainage way is a potential pedestrian way and greenbelt. A future detention pond is planned as part of this drainage way on the east side of Salida.

The topography is relatively flat and there are scenic views from the site to the mountains in the west.

## 3 The Vision

### 3 The Vision

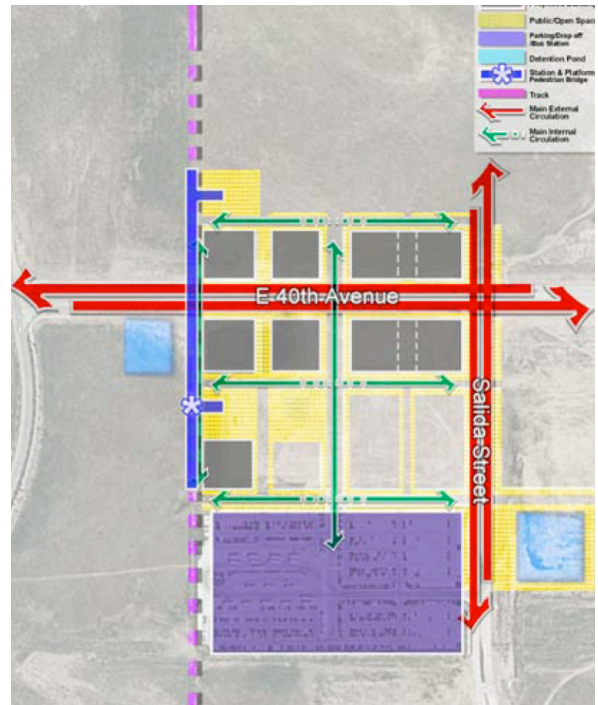
#### Development of the Vision

Building on the foundation of stakeholder interests and site conditions analysis, the station area planning process developed a vision for the “core” area on the north and south sides of 40th Avenue, on lands owned by Gateway Business Park in the cities of Aurora and Denver. A vision statement was developed with input from a larger stakeholder group in two workshops.

“Create notable, active, maintainable places that can evolve, grow and change over time into a vibrant mix of moderate to high density pedestrian-oriented uses with strong connections to multi-modal transit and an integrated station, and where people would want to work, live, shop and gather in a beautiful, safe and convenient environment.”

The vision is to create a pedestrian-oriented mixed-use area that may be more of an employment area south of 40th Avenue, and a mixed-use area north of E. 40th Avenue. The challenge is to link these two areas together to create a vital, dense and recognizable urban area. There were several alternative locations studied for the location of the station. The pros and cons of an elevated versus an at-grade station were analyzed in the context of transportation and congestion impacts, ease of access, development potential and feasibility. The result is a recommendation for a framework strategy that has:

- A grade separated commuter rail line at E. 40th Avenue with 40th Avenue lowered beneath the track;
- An elevated station that spans E. 40th Avenue and provides access to the station from both the mixed-use areas south and north of E. 40th Avenue;



**Figure 4. Grade separation and the elevated station. The concept illustrates a possible level of development in 2020, five years after the opening of the station.**

*The colors represent the following:*

- Gray – buildings*
- Yellow – public plazas*
- Purple – surface and structured parking*

- A street system that is oriented to the pedestrian, with a street grid that allows for block lengths that are a recommended length of 300 to 600 feet, on-street parking, and wide sidewalks with street trees and furniture;
- A central plaza that is an important civic place;

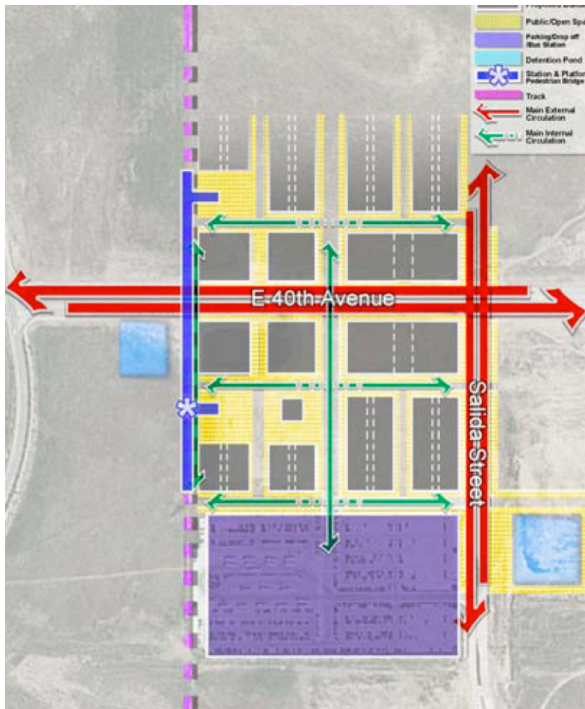


Figure 5. Possible development scenario in 2030.

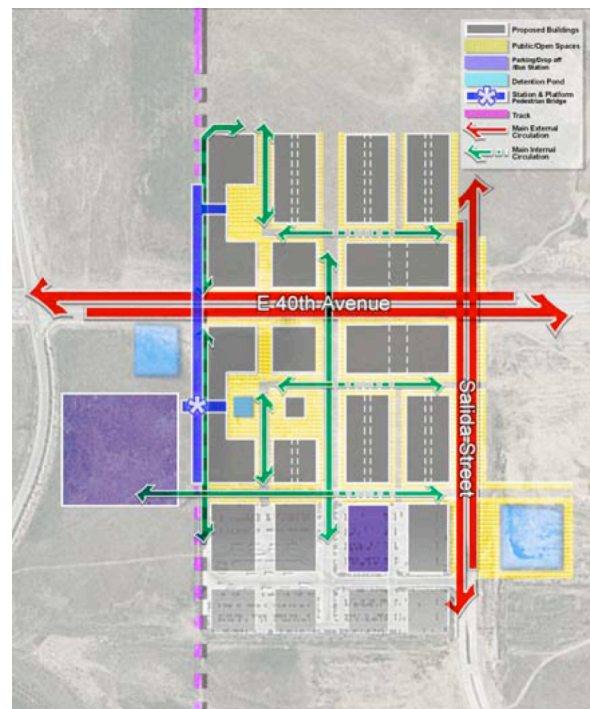


Figure 6. Possible phasing scenario at build-out (2035 or later)

- The existing commuter parking and bus transfer facility relocated to the Peña Boulevard right-of-way;
- Buildings that are of moderate to high density (in the range of 4 to 9 stories) and with no height limit specified in the zoning;
- The existing detention area relocated to the Peña right-of-way; and
- The I-70 bridge structure is recommended to be a structure that does not limit views to the commercial land lying north of I-70 and be a visually attractive landmark.

**Grade Separation, the Preferred Concept – an emphasis on connections**

The proposed grade separation at E. 40th Avenue accomplishes three objectives. First, it removes any potential vehicular-train conflicts that could result in increased traffic congestion or accidents. Secondly, it provides a safer environment for pedestrians accessing the station from the hotel and office uses to the west. Third, with the addition of the station as part of the elevated structure, the station spans E. 40th Avenue and provides direct access to the station from future transit-oriented developments on both sides of E. 40th Avenue in both Aurora and Denver.

Figures 4, 5 and 6 illustrate the phasing of development that could occur when key infrastructure improvements occur.

The key features of the concept are:

**A. Grade separation of E. 40th Avenue and an elevated station**

The elevated station provides for a pedestrian crossing of E. 40th Avenue without the need for additional pedestrian bridges. Traffic volumes on E. 40th Avenue will continue to increase. The Gateway Park East Transportation Study projected a daily vehicular volume in 2030 of close to 50,000 at Airport Boulevard and 40th Avenue. One way to integrate development on both sides of 40th Avenue and create more TOD opportunities is with the station connection. The elevated station eliminates the need for pedestrian bridges and allows direct pedestrian access to the station from transit-oriented developments both north and south of 40th Avenue. The concepts below illustrate how the station access points from the north and south could be adjacent to a public plaza. These plazas would be attractive focal areas for the surrounding developments.

The elevated station also provides a unique “landmark” opportunity for Gateway, the City of Aurora, and the City and County of Denver where the architecture and construction materials could present a distinct identity for the station and TOD.

**B. Detention pond and RTD parking relocation to the Peña Transportation Corridor**

Given the barrier that Peña Boulevard presents to 360 degree TOD development, this would be in part offset by locating surface parking and the existing detention pond west of the commuter line. Relocating the RTD commuter parking into the Peña right-of-way provides the opportunity for the existing lot to be developed for buildings. Relocating the detention pond into the right-of-way maximizes the TOD development potential and provides an opportunity to have a water feature or pond at the entry to the TOD area. The relocation is a pre-requisite to lowering E. 40th Avenue.

**C. Land Uses**

Commercial land uses are preferred south of 40th Avenue and residential and mixed-use are the desired uses north of 40th Avenue. The buildings could be in the range of 5 to 9 stories and no height limits would be enforced. An urban street grid is proposed with a recommended maximum block length of 600 feet.

**D. Public Spaces**

The urban plazas adjacent to the station access points serve as the central organizing feature for new development. These spaces are important elements to provide “green” spaces and an active focus for surrounding ground floor uses. The size is to be determined based on intensity and density of uses in future development. Considerations to be determined include

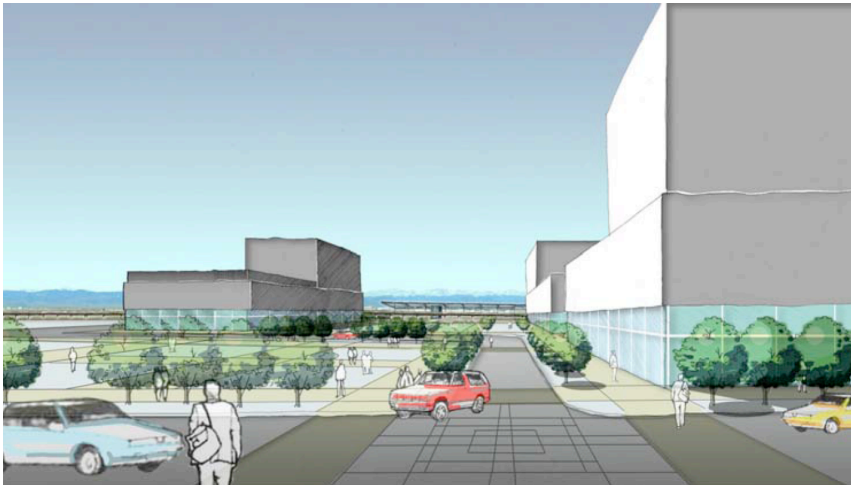


Figure 7. Bird's-eye view looking east with the commuter rail station spanning 40th Avenue. This illustrates the “2020” concept. (Building heights are conceptual.)

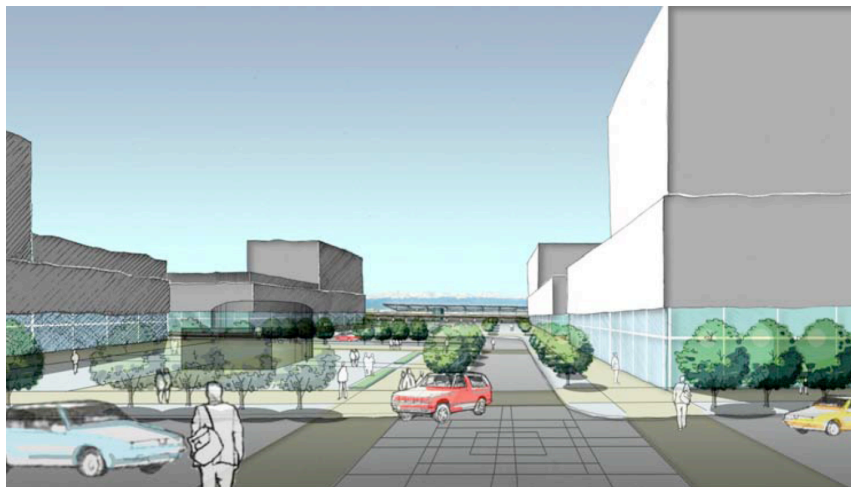
maintenance and construction obligations. The public spaces are to meet the city of Aurora’s Small Urban Parks criteria.

**E. Development Phasing**

The concepts in Figures 8, 9 and 10 depict the possible progression of development in five and 10 year increments. The initial actions required are the lowering of 40th Avenue and the relocation of the detention pond.



**Figure 8.**  
View looking west from the plaza area. This view corresponds with the “2020” concept in Figure 4.



**Figure 9.**  
View of plaza with additional development, corresponding to the concept in Figure 5.



**Figure 10.**  
View of plaza area at build-out, corresponding with the concept in Figure 6.



### Plazas and Public Spaces

Plazas at both entrances to the station are recommended as gathering places and to provide visual amenities for the adjacent uses. Water was considered as a possible thematic element for the plazas, due to existing detention area and the need for a second one in the future.

The scale of the plaza is important in the context of the surrounding development. It is envisioned that this TOD would be mixed-use, with the employment, restaurants, hotel and retail uses concentrated south of 40th Avenue. This would be hub of the TOD, and as such should have an appropriately sized plaza to accommodate casual use as well as planned events.

The examples of well-known public spaces illustrated on the following page show the following:

- Pioneer Courthouse Square in Portland is the size of one downtown block, and is 240 feet by 240 feet.
- Englewood CityCenter’s plaza links the light rail station with a mainstreet. The plaza is 500 feet long and 300 feet wide.
- The semicircular plaza at Stapleton town center is at one end of the central park and measures 200 by 230 feet.

### Recommendations

- While the plazas should be generally paved, they should also include focal elements that include public art and potentially water. Trees, shrubs and flowers should all be incorporated into the plaza design.
- The minimum size of the plaza (south of 40th Avenue) should be meet the requirements of the city of Aurora’s Small Urban Parks criteria, and provide activity space for office workers and residents.

- Buildings on the south side of the plaza should not overshadow the plaza.
- A roadway can circle the plaza but the roadway should be narrow so that this is defined as a pedestrian area.
- Should parking structures be developed, their pedestrian entrances should be located so that pedestrians would walk from the parking structure to the transit station and through the plaza.



Figure 11. Plaza with pond  
(Ross Landing Park, Chattanooga, TN)

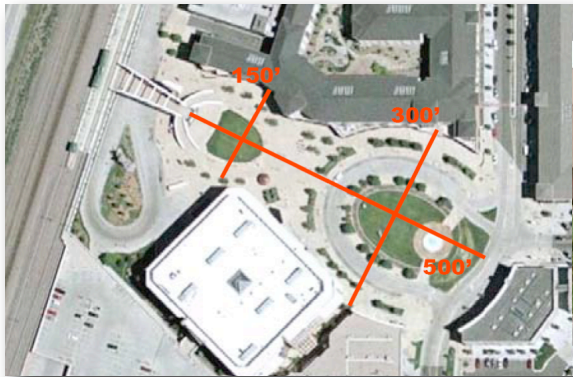


Figure 12 and 13. Englewood CityCenter

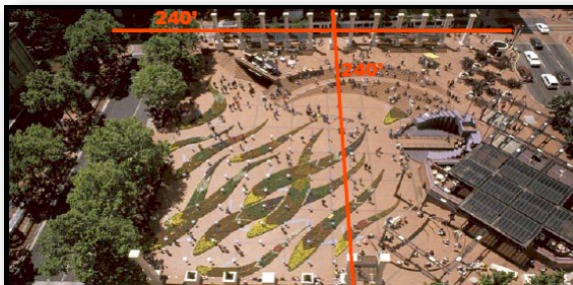


Figure 14 and 15.  
Pioneer Courthouse Square, Portland, OR



Figure 16.  
Stapleton Town Center, Denver, CO

### The Grade-Separated Commuter Rail Station

The concept for the elevated commuter rail station arose from the workshops held early in the study. Since the initial concept for the elevated commuter rail line was considered too costly, the proposed lowering of E. 40th Avenue would still accomplish the goal of having a commuter rail station that is easily accessible from both sides of E. 40th Avenue. The figure below illustrates a concept of how this station may appear from E. 40th Avenue. A canopy structure would provide weather protection for the commuters, and the design of the station and bridge structure could be the “landmark” element that the workshop participants advocated.

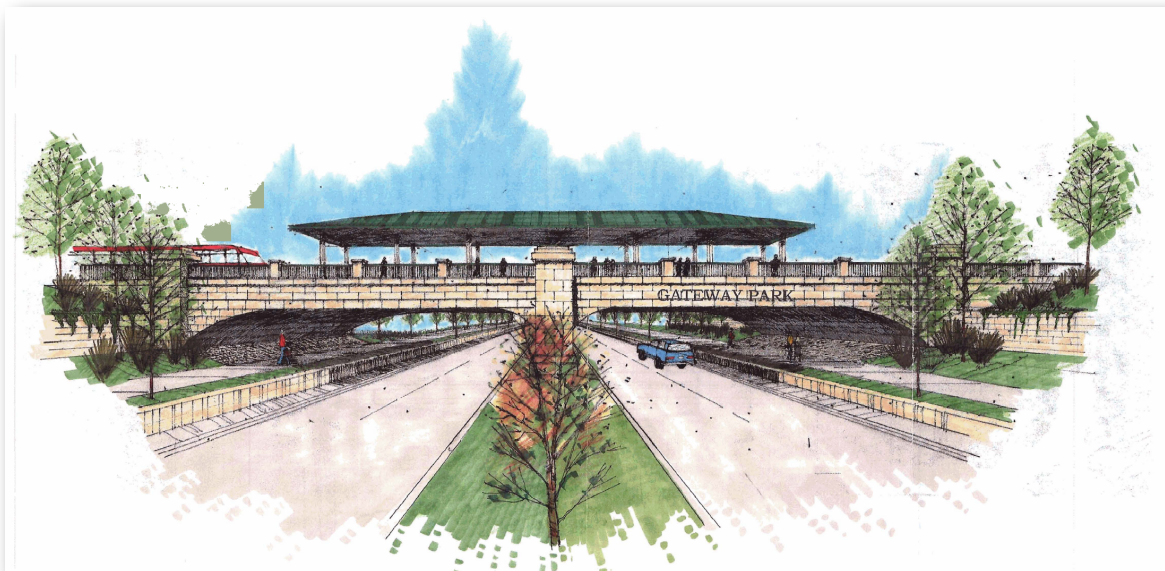


Figure 17. Concept for the proposed grade-separated commuter rail station



## 4 Implementation

## 4 Implementation

The Gateway Park East Station Area Plan presents a long-term vision for redevelopment around the future 40th Avenue and Airport Boulevard station and this section outlines the initiatives and priorities for short-term and long-term infrastructure development.

The most important infrastructure improvement is the lowering of E. 40th Avenue beneath the commuter rail line and the associated need to relocate the existing detention pond to the Peña Boulevard right-of-way. The lowering of E. 40th Avenue cannot be accomplished without the relocation of the pond due to engineering and drainage requirements.

### Land Use Policy Changes

The recommendation of this plan is to encourage the development of a compact, dense commercial area adjacent to the transit station. The automobile-oriented character of the existing industrial zoned lands in the core of the study area (i.e., the 16 acres south of E. 40th Avenue and west of Salida Street) is to be changed to a pedestrian-oriented, dense and mixed-use area.

Specific actions are:

1. **Adopt the Gateway Park East Station Area Plan;**
2. **Implement an IGA among the participants to specify funding and maintenance obligations;**
3. **Rezone to the Transit-Oriented Development Zoning District with the modifications made through Chapter 5 of this plan dependent on the timing of East Corridor commuter rail construction and market demand.**

### Infrastructure Improvements

Specific actions are:

1. Affirm that the E. 40th Avenue grade separation is included in the East Corridor Environmental Impact Statement as the preferred alternative;
2. Initiate the relocation of the detention pond to the Peña Boulevard right-of-way;
3. Identify the design and configuration of the commuter rail station;
4. Confirm that the commuter parking supply is adequate to meet the commuter rail line opening day projected demand at the station, taking into consideration the recommendations of the Aurora Corridor-Wide Strategic Parking Study;
5. Execute the intergovernmental agreement (IGA) which addresses the funding approach, maintenance, etc.; and
6. Initiate and prepare for the relocation of the RTD park-n-Ride to the Peña Boulevard right-of-way, as considered desirable and feasible through the continued consultation of the study's partners.

Timing of any re-zoning may be undertaken by the property owner when deemed practicable during or after the design and construction of the East Corridor commuter rail line.

## 5 Guidance for Transit-Oriented Development Zoning

# 5 Guidance for Transit-Oriented Development Zoning

## Purpose of this Section

This chapter identifies the primary goals to be implemented through zoning in the Gateway Park East station area. The purpose of this chapter is to provide zoning guidance that identifies modification to the City of Aurora's Transit-Oriented Development (TOD) Zoning District to ensure that the development meets the goals of this Gateway Park East Station Area Plan. The user should reference both this chapter and Section 146-725 Transit-Oriented Development Zoning District in the City of Aurora Building and Zoning Code.

The Development Standards and Guidelines in this chapter are specifically intended to address new development and redevelopment proposals. The standards establish a consistent design framework to ensure quality in future developments. If there is a conflict between the standards provided for in the

City of Aurora Building and Zoning Code, the standards of this section shall apply.

## Sub-Districts

This section presents revisions to Sec. 145-727 (B), and the following map shows the extent of the Core sub-district. The area defined as the study area in this station area plan shall be considered as a Core-sub-district.

### 1. Core Sub-District

- a. *Location.* This sub-district includes the land south of E. 40th Avenue, west of Salida Street, and includes the RTD property.
- b. *Uses.* This zone includes medium to high intensity commercial, residential, hotel, civic, and entertainment uses. Ground-floor commercial uses are encouraged to occur along the street frontages and surrounding any public parks or plazas.

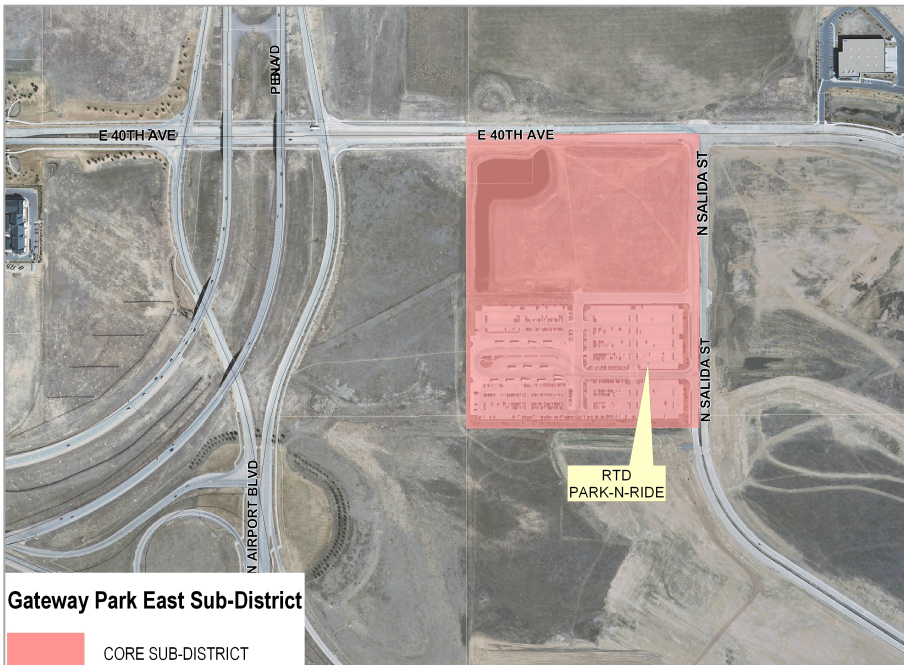


Figure 18. Gateway Park East Station Area Core Sub-District



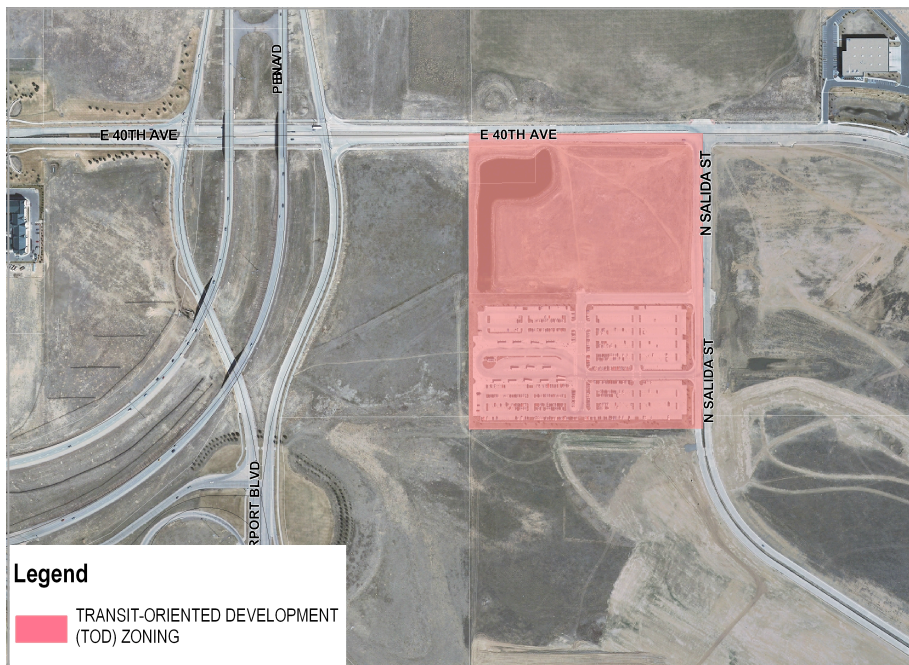
**Proposed Transit-Oriented Development (TOD) Zoning**

Transit-Oriented Development Zoning and the regulations described in this section shall apply for the properties as depicted on the zoning map as amended and shown below.

The TOD zoning district will be available for the properties south of E. 40th Avenue, west of Salida Street, and north of the RTD property that are currently zoned Medium Industrial District (M-2 District).

**Rezoning**

As with properties elsewhere in the city, the landowners may initiate a rezoning.



**Figure 19.**  
**Proposed Transit-Oriented Development (TOD) Zoning**

**Development Standards**

This section provides modifications to Sec. 146-728. Development Standards.

(A) *Block Size and Street Grid.*

2. *Desired Sizes.* Blocks shall typically be no longer than 600 feet in length and no more than 1,800 feet around the perimeter.

(C) *Residential Density.*

2. *Desired Densities.* Residential densities for the Core sub-district are desired to be a minimum of 40 units per acre.

(D) *Building Heights.*

2. *Desired Heights.* Building heights for the Core sub-district are:

Minimum height of two stories. No maximum height.

(E) *Urban Form.*

2. *Desired Building Setbacks.* The setbacks for the Core sub-district in the TOD Zoning District shall apply. In addition, the following development standards shall apply.

- a. Front. Setback not more than ten (10) feet in the Core sub-district. The ten (10) foot setback is permitted in the Core sub-district for outdoor cafes and overhanging balconies, but shall not exceed forty (40) percent of the building frontage. Steps, stoops, balconies, awnings, chimneys, bay windows, etc. may encroach into the setback.

3. *Desired Building Forms.* The following additional development standards and guidelines shall apply.

- a. Continuous building frontages are recommended on all streets.
- b. Commercial uses at grade on main streets and surrounding any public spaces are encouraged to provide activity.
- c. Clear windows at grade are required.
- d. Quality materials on the ground floor façade are required on all buildings on major streets.
- e. Eight-five (85) percent of the building façade facing a public park or plaza must be a quality material such as masonry.
- f. Entries should be generously proportioned and defined with architectural features. Awning and structural canopies for weather protection at building entrances are desirable.
- g. Mid-block access at-grade through buildings is permitted.
- h. Visible drive-through windows of any kind shall not be permitted in the Core sub-district.
- i. Blank walls are not permitted on any façade. All façades are to have architectural details that add visual interest.
- j. Loading docks and entrances shall not be located on the major pedestrian streets leading to the transit station.
- k. Alternative uses for building roofs such as terraces, roof gardens and green roofs are encouraged.

# APPENDIX A

## Development of the Vision

# Appendix A

## Transit Station Location and the TOD Core

The station area plan study commenced by investigating the development opportunities provided by locating the station at various points either closer to I-70 or E. 40th Avenue. Walking distances to the station were a key element in the analysis as well as the proposal for commuter parking in the Peña right-of-way.

**Option 1:** Close to E. 40th Avenue. By locating the station close to E. 40th Avenue, a larger portion of the 140 acre “core” area is available for residential and mixed-use development by having access to the station within a convenient walking distance.

**Option 2:** Adjacent to the RTD park-n-Ride. While this option places the station contiguous to the existing RTD park-n-Ride, it is further away from the potential residential and mixed-use area north of E. 40th Avenue.

**Option 01:** Close to E. 40th Ave.



**Option 02:** In the Middle of the Site



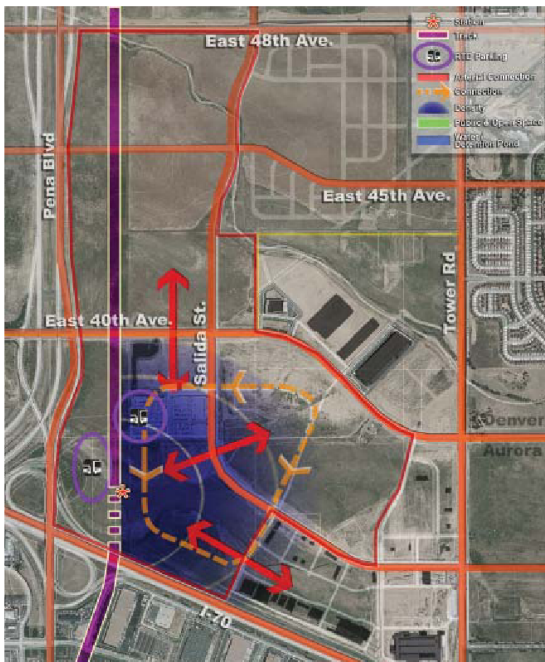
A major goal that arose from the workshops was to separate the E. 40th Avenue vehicular traffic from the commuter line. Traffic operations, congestion, motorist safety and safe and convenient pedestrian access were all considerations in this goal.

The schematics shown opposite were developed early in the study to show:

1. an elevated track extending from I-70 to north of 40th Avenue, with an elevated station; and
2. an elevated track over I-70 transitioning to an at-grade track and station.

**Option 3:** Close to I-70. This option was investigated to take advantage of the elevated rail structure and have an elevated station visible from I-70. With the elevated structure, a roadway could be located under the rail structure and access the proposed parking in the Peña right-of-way without crossing the commuter line. This option was considered too far removed from the core area.

**Option 03:** Close to I-70



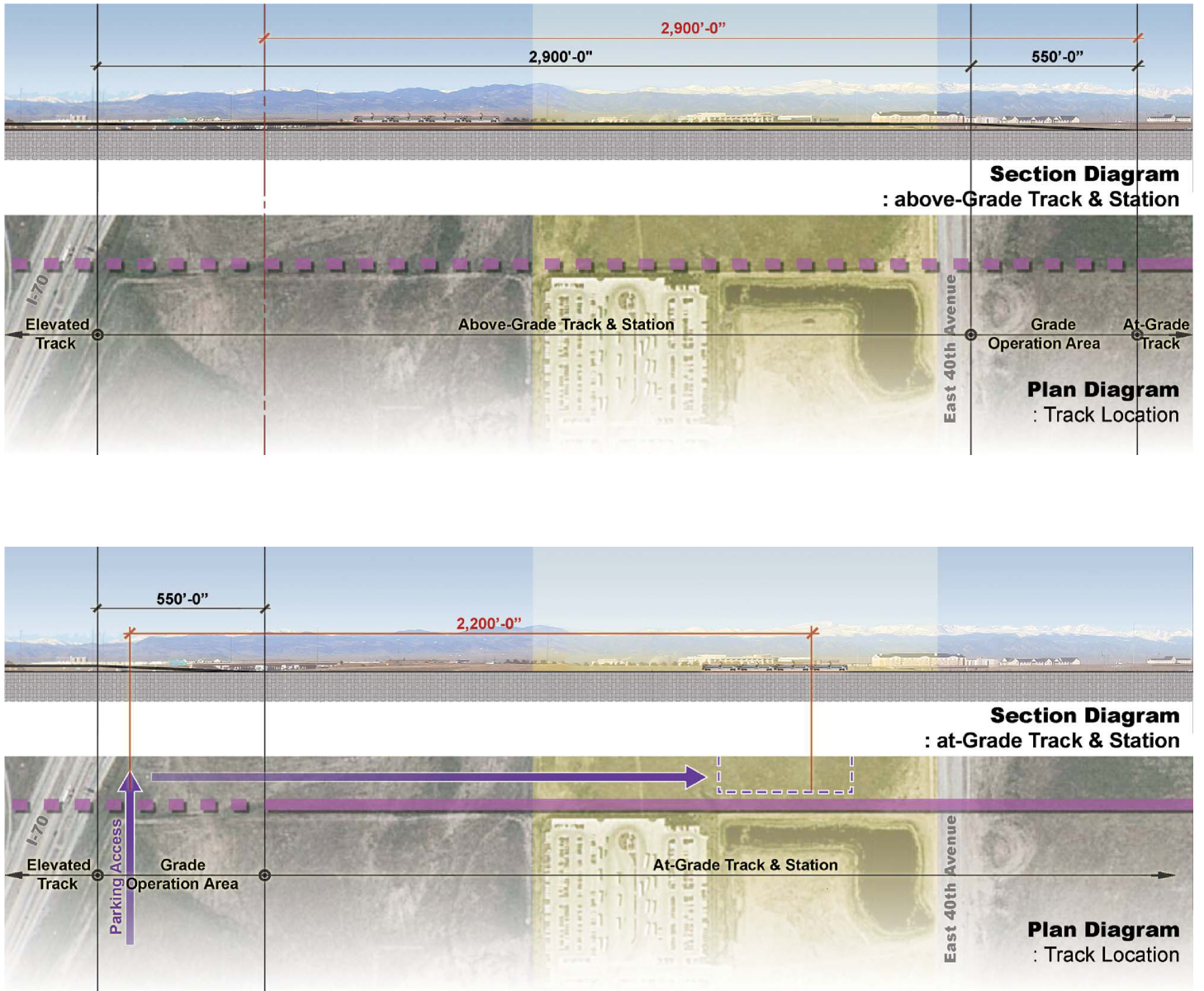
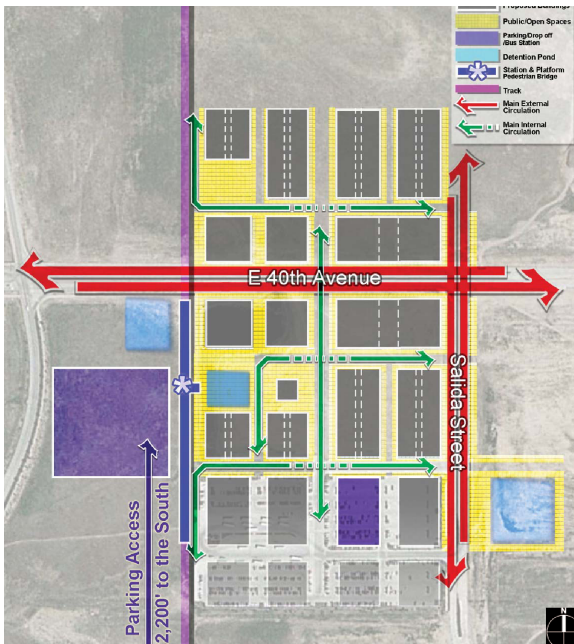


Figure A-1. Elevated Commuter Rail Profile and Plan

**Alternate Concept A – an at-grade station south of E. 40th Avenue**

As the concepts were being developed, RTD stated that the additional cost for the elevated structure would not be included in the FasTracks program and budget. Therefore, two alternate concepts were developed that still preserved the elevated track over E. 40th Avenue but have the station at-grade.

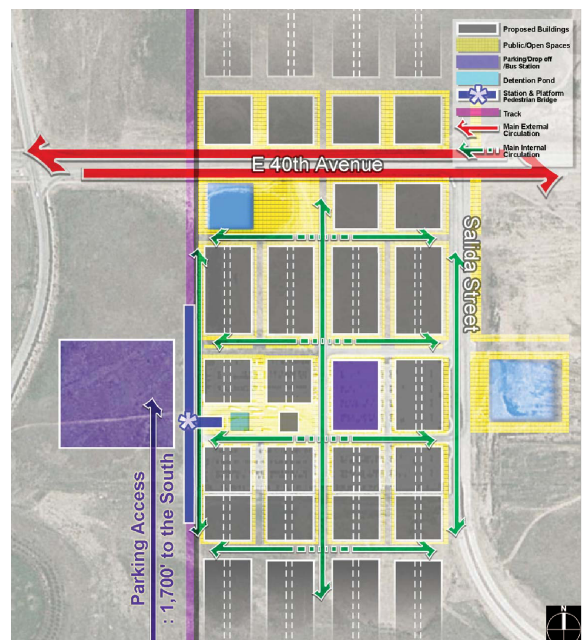
Alternate Concept A promotes the grade separation of E. 40th Avenue and the location of the station just south of E. 40th Avenue. The reason for this is convenient access to the station for the residents and people employed north of E 40th Avenue, and people accessing the station from the hotels to the west. One major assumption for this concept is that the location of the RTD park-n-Ride may move, and that locating the station for the purpose of convenience to the existing parking area may not be the best concept in the long run.



**Alternate Concept B – an at-grade station adjacent to the RTD park-n-Ride**

This concept was developed to address the situation if the detention pond is not able to be relocated. The detention pond could be utilized as a feature for a plaza on E. 40th Avenue. With this scenario, the transit station would be located adjacent to the existing park-n-Ride lot. Development would most likely occur first adjacent to E. 40th Avenue, and over time the RTD land would be more valuable for development than parking.

The concept of the public plaza adjacent to the station is still retained but in a smaller form. Figure A-2 shows the view looking west in the public plaza towards the transit station. The bird's eye view in Figure A-3 shows the relationship between the station, surface parking in the Peña right-of-way, and the form of development adjacent to the station platform



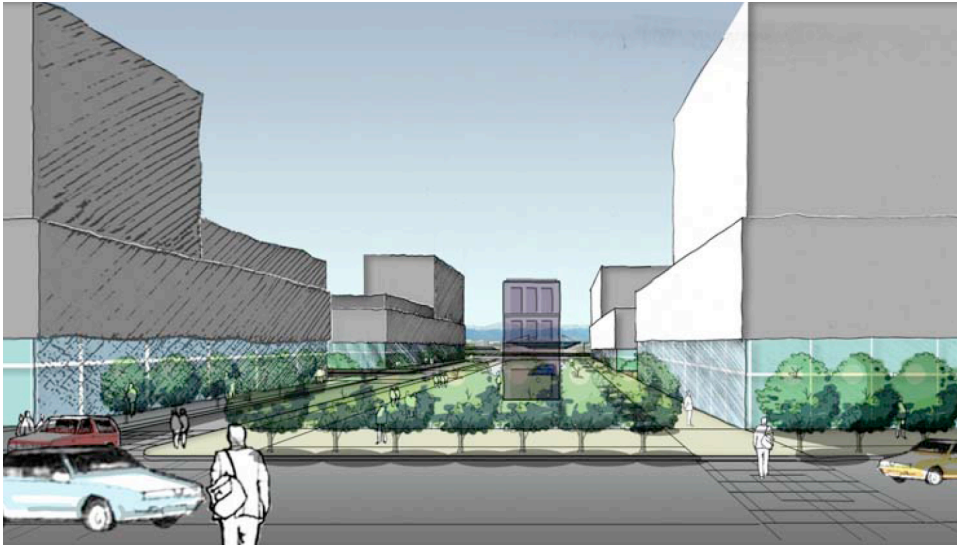


Figure A-2. View looking west, to the public plaza and the station in the distance



Figure A-3. Bird's eye view, looking east, to the station south of E. 40th Avenue



# APPENDIX B

## Gateway Park East Transportation Study

Fehr & Peers

***DRAFT***

**Gateway Park East  
Transportation Study**



*Prepared for: City of Aurora*

*February 8, 2007*



**FEHR & PEERS**  
TRANSPORTATION CONSULTANTS

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## 1.0 INTRODUCTION

This report documents the transportation analysis for the Gateway Park East development, with specific attention to the long range impacts at the commuter rail crossing of 40<sup>th</sup> Avenue. The study focuses on the potential need for grade separation of the East Corridor commuter rail line at 40<sup>th</sup> Avenue and includes a review of grade crossing policies in peer agencies, estimates of the future (2030) traffic volume on 40<sup>th</sup> Avenue, application of the Regional Transportation District's (RTD) current grade crossing methodology to the site, and traffic operations and queuing analysis for 40<sup>th</sup> Avenue/Pena Boulevard interchange intersections.



The Gateway Park East development includes the proposed transit oriented development (TOD) site to be located on the East Corridor Commuter Rail Line at or near 40<sup>th</sup> Avenue. As part of RTD's FasTracks program, the East Corridor Line will connect Denver Union Station and Denver International Airport (DIA). The new line will be constructed on acquired right-of-way along Pena Boulevard, linking the existing rail along Smith Road to DIA. A stop on the East Corridor will be placed in proximity to the current RTD 40<sup>th</sup> Ave/Airport Blvd Park-n-Ride location south of 40<sup>th</sup> Avenue on Salida Street.



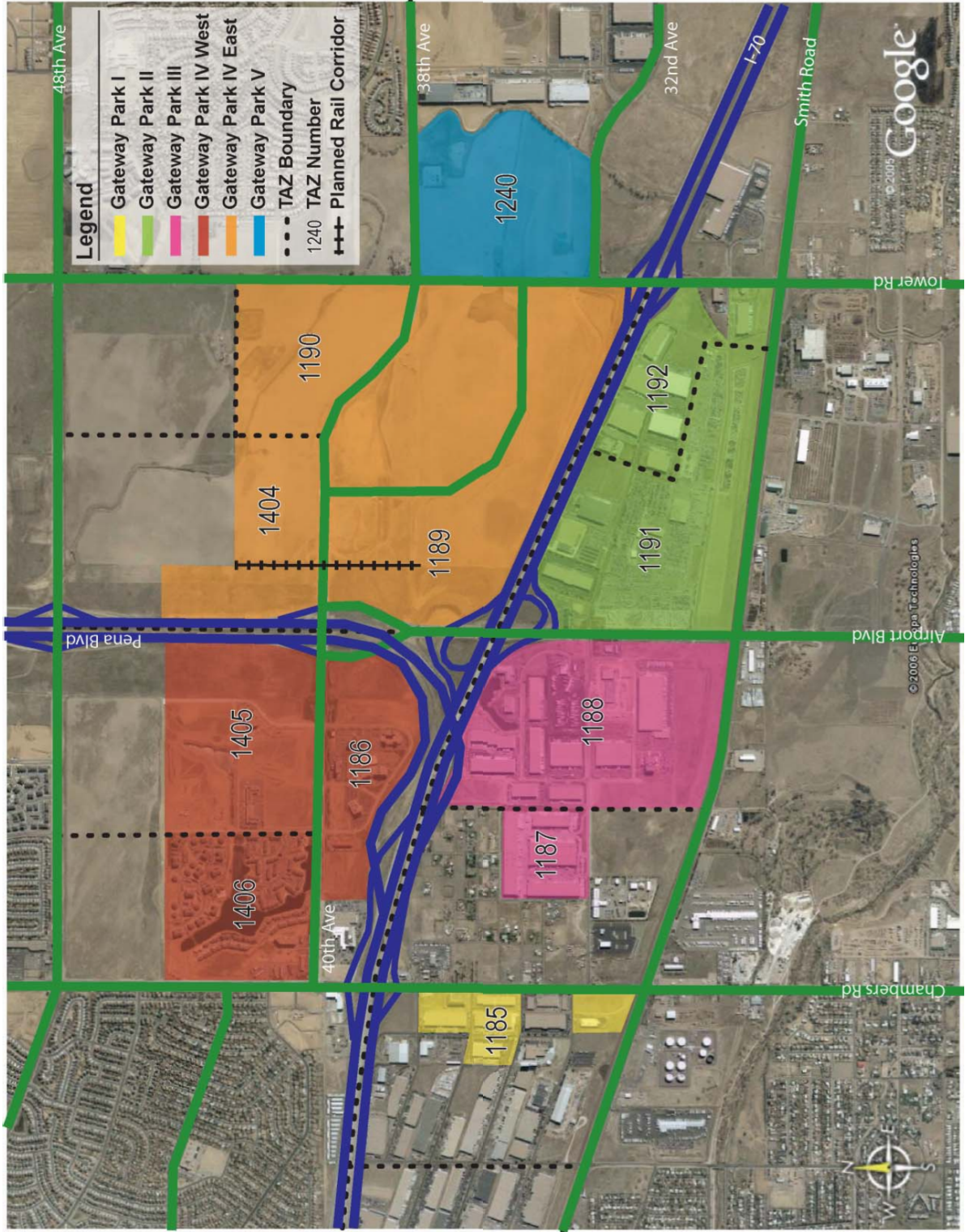
A study of current practices by transit agencies in the United States with current or proposed commuter rail pertaining to grade crossing policies was performed as part of this study. Transit agency policies were obtained through interviews of personnel at selected agencies familiar with grade crossing policy and from reading transit agency reports and guidelines. This report summarizes the best practices from comparable transit agencies and compares their policies to current RTD policy.

Estimates of 2030 traffic volumes on 40<sup>th</sup> Avenue between Airport Boulevard and Salida Street and RTD's current grade crossing policy were used to help evaluate whether current RTD policy for commuter rail grade crossings supports the need to grade separate the proposed crossing at 40<sup>th</sup> Avenue.

Traffic operations at the 40<sup>th</sup> Avenue/Pena Boulevard interchange were analyzed using the micro-simulation software VISSIM. The traffic operations and queuing analysis was performed to determine whether queuing from the downstream signalized intersections would back up onto the proposed 40<sup>th</sup> Avenue rail crossing. VISSIM was used to determine the overall intersection level of service (LOS) and the subsequent queuing on the westbound approach where the rail crossing is planned. Analysis included 2030 traffic volumes during the AM and PM peak hours of operation.

Figure 1 shows the Gateway Park study area, six sub areas and the traffic analysis zones (TAZs) that represent the development within the DRCOG regional travel demand model.

FIGURE 1. GATEWAY PARK STUDY AREA



## 2.0 PROJECT TRAFFIC

Project traffic for Gateway Park was developed using the current land plan for the area and the ongoing station area plan, jointly produced by RTD, City of Aurora and the Pauls Corporation. The trip generation estimate was compared to the DRCOG regional travel demand model. ITE's *Trip Generation 7<sup>th</sup> Edition* was used to determine trip generation rates for each land use within the land plan. Trips were generated and summarized based on each subarea within Gateway Park for 2030 conditions. Each subarea corresponds to one or multiple TAZs within the regional travel demand forecasting model maintained by DRCOG. Table 1 shows the trip generation for each subarea within Gateway Park.

These volumes represent the total number of vehicle trips the entire development is expected to generate by 2030. Some reduction in trips could be expected at the transit oriented development portion of Gateway Park would be designed to convert typical vehicle trips into walking and transit trips. The magnitude of any reduction for the TOD is a factor of the location and mix of uses around the transit station and the site plan for the TOD, which is not sufficiently detailed to calculate a reduction at this point in time. As such, this trip generation estimate provides for a reasonable, though somewhat conservative estimate of vehicular traffic at the rail crossing location.

Estimated total trip generation for Gateway Park is 229,000 trips per day. Using the same land use inputs, this same area generates 234,000 trips per day in the DRCOG Cycle 14 2030 regional travel demand model. This shows a reasonable comparison between the ITE approach and the regional demand model. It would be expected that the travel demand model would generate more trips since only three household and three employment inputs are available. The ITE method is more specifically related to the particular land uses at the site.

**TABLE 1. GATEWAY PARK ITE TRIP GENERATION IN 2030**

Subarea	TAZ	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
Gateway Park I	1185	4,006	2,003	2,003	285	180	105	332	144	188
Gateway Park II	1191	18,692	9,346	9,346	1,736	1,412	324	1,871	506	1,365
	1192	5,366	2,683	2,683	556	458	98	552	123	429
<i>Subtotal</i>		<i>24,058</i>	<i>12,029</i>	<i>12,029</i>	<i>2,292</i>	<i>1,870</i>	<i>422</i>	<i>2,423</i>	<i>629</i>	<i>1,794</i>
Gateway Park III	1187	5,794	2,897	2,897	525	431	94	549	137	412
	1188	17,800	8,900	8,900	1,528	1,123	405	1,563	519	1,044
<i>Subtotal</i>		<i>23,594</i>	<i>11,797</i>	<i>11,797</i>	<i>2,053</i>	<i>1,554</i>	<i>499</i>	<i>2,112</i>	<i>656</i>	<i>1,456</i>
Gateway Park IV West	1186	16,664	8,332	8,332	1,343	991	352	1,478	572	906
	1405	13,436	6,718	6,718	1,266	937	329	1,421	486	935
	1406	13,204	6,602	6,602	1,107	419	688	1,416	802	614
<i>Subtotal</i>		<i>43,304</i>	<i>21,652</i>	<i>21,652</i>	<i>3,716</i>	<i>2,347</i>	<i>1,369</i>	<i>4,315</i>	<i>1,860</i>	<i>2,455</i>
Gateway Park IV East	1189	101,018	50,509	50,509	7,721	5,414	2,307	10,813	4,138	6,675
	1190	11,454	5,727	5,757	1,388	1,198	190	1,371	367	1,104
	1404	11,448	5,724	5,724	848	375	473	1,026	551	475
<i>Subtotal</i>		<i>123,920</i>	<i>61,960</i>	<i>61,960</i>	<i>9,957</i>	<i>6,987</i>	<i>2,970</i>	<i>13,210</i>	<i>5,056</i>	<i>8,254</i>
Gateway Park V	1240	10,152	5,076	5,076	465	347	118	911	365	546
<b>Total</b>		<b>229,034</b>	<b>114,517</b>	<b>114,517</b>	<b>20,821</b>	<b>13,285</b>	<b>7,536</b>	<b>23,303</b>	<b>8,710</b>	<b>14,593</b>

### 3.0 BACKGROUND TRAFFIC

An estimate of background traffic (traffic unrelated to the Gateway Park development) was developed using the DRCOG Cycle 14 2030 TransCAD travel demand forecasting model. It should be noted that in our review of the model in the project area, we noted inconsistencies between the model network and the current roadway network. Fehr & Peers corrected these inconsistencies in an effort to accurately reflect the forecast traffic volumes expected on 40<sup>th</sup> Avenue in 2030.

The TransCAD modeling software allows a user to remove traffic from specific TAZs without changing the overall assignment within the model. This provides the opportunity to report background traffic based on the full demand calculated by the model. For Gateway Park, the traffic from the 12 TAZs representing the development area was removed, resulting in a background traffic estimate for all area roadways. This process resulted in a daily background volume of 4,772 vehicles at the rail crossing location on 40<sup>th</sup> Avenue in 2030.

### 4.0 TOTAL TRAFFIC ON 40<sup>TH</sup> AVENUE

To develop an estimate of total traffic on 40<sup>th</sup> Avenue at the rail crossing location, the estimated trip generation with the ITE methodology was added to the background traffic at this location. The trip generation for each subarea of Gateway Park was assigned based on the distributions shown in Figure 2. The figure shows the amount of traffic from each subarea that is expected to use 40<sup>th</sup> Avenue at the rail crossing location. The distributions were based on the assignment of

trips for each subarea in the travel demand model during the PM peak period. Tables 2, 3 and 4 show the total traffic estimates for Daily, AM peak hour and PM peak hour conditions and the trips associated with each TAZ.

<b>TABLE 2. 40<sup>TH</sup> AVENUE DAILY VOLUME CALCULATION</b>					
<b>Subarea</b>	<b>Volume Source</b>	<b>Distribution</b>	<b>Eastbound</b>	<b>Westbound</b>	<b>Total</b>
	Background	-	1,526	3,246	4,772
Gateway Park I	1185	-	-	-	-
Gateway Park II	1191	5%	468	468	936
	1192	5%	135	135	270
Gateway Park III	1187	5%	145	145	290
	1188	5%	445	445	890
Gateway Park IV West	1186	10%	834	834	1,668
	1405	10%	672	672	1,344
	1406	10%	661	661	1,322
Gateway Park IV East	1189	30%	15,153	15,153	30,306
	1190	30%	1,718	1,718	3,436
	1404	30%	1,717	1,717	3,434
Gateway Park V	1204	10%	508	508	1,016
	<b>TOTAL</b>		<b>23,982</b>	<b>25,702</b>	<b>49,684</b>



FIGURE 2. TRIP DISTRIBUTION

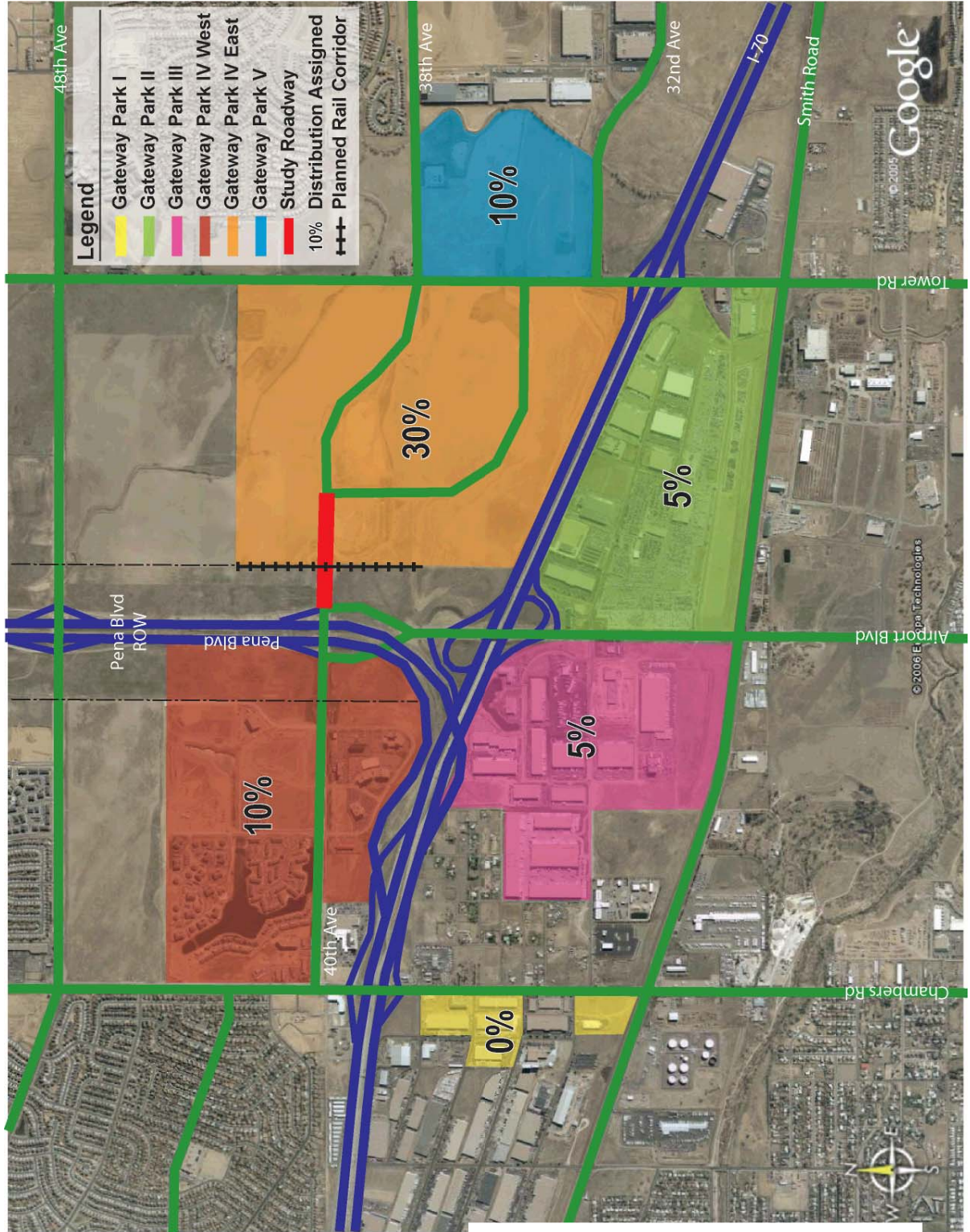


TABLE 3. 40 <sup>TH</sup> AVENUE AM PEAK HOUR VOLUME CALCULATION					
Subarea	Volume Source	Distribution	Eastbound	Westbound	Total
	Background	-	64	988	1,052
Gateway Park I	1185	-	-	-	-
Gateway Park II	1191	5%	16	71	87
	1192	5%	5	23	28
Gateway Park III	1187	5%	5	22	27
	1188	5%	20	56	76
Gateway Park IV West	1186	10%	35	99	134
	1405	10%	33	94	1217
	1406	10%	69	42	111
Gateway Park IV East	1189	30%	1,624	692	2,316
	1190	30%	360	57	417
	1404	30%	113	142	255
Gateway Park V	1204	10%	35	12	47
	<b>TOTAL</b>		<b>2,379</b>	<b>2,298</b>	<b>4,677</b>

TABLE 4. 40 <sup>TH</sup> AVENUE PM PEAK HOUR VOLUME CALCULATION					
Subarea	Volume Source	Distribution	Eastbound	Westbound	Total
	Background	-	185	189	374
Gateway Park I	1185	-	-	-	-
Gateway Park II	1191	5%	69	25	94
	1192	5%	22	7	29
Gateway Park III	1187	5%	21	7	28
	1188	5%	53	26	79
Gateway Park IV West	1186	10%	91	58	149
	1405	10%	94	49	143
	1406	10%	62	81	143
Gateway Park IV East	1189	30%	1,242	2,003	3,245
	1190	30%	110	331	441
	1404	30%	165	143	308
Gateway Park V	1204	10%	37	55	92
	<b>TOTAL</b>		<b>2,151</b>	<b>2,974</b>	<b>5,125</b>

## 5.0 BEST PRACTICES FOR COMMUTER RAIL CROSSINGS

Commuter rail grade crossing policies for transit agencies in the United States with commuter rail were reviewed to provide a context for RTD's draft *Grade Crossing Evaluation Methodology Report (DRAFT), July 2004*. Table 5 displays the location and transit agencies of existing commuter rail systems in the United States. There are 27 communities in the United States with existing or proposed commuter rail systems, including Denver. Federal transportation agencies and rail agency policies were reviewed also.

Policies for specific transit agencies were acquired through a literature search and individual telephone interviews with agency staff members familiar with grade crossing policies. This section reports the general findings for commuter rail grade crossings throughout the nation and the findings from the case study interviews conducted by Fehr & Peers.

**TABLE 5. EXISTING COMMUTER RAIL TRANSIT AGENCIES AND LOCATIONS<sup>1</sup>**

Location	Transit Agency
Anchorage, AK	Alaska Railroad Corporation (ARC)
Baltimore, MD	Maryland Transit Administration (MTA)
Boston, MA	Massachusetts Bay Transportation Authority (MBTA)
Chicago, IL	Northern Indiana Commuter Transportation District
Chicago, IL	Northeast Illinois Regional Commuter Railroad Corp.
Dallas, TX	Dallas Area Rapid Transit (DART)
Fort Worth, TX	Fort Worth Transportation Authority (The T)
Hartford, CT	Connecticut Department of Transportation
Los Angeles, CA	Southern California Regional Rail Authority
Miami, FL	South Florida Regional Transportation Authority
New York, NY	Metro-North Commuter Railroad Company
New York, NY	MTA Long Island Rail Road (MTA-LIRR)
New York, NY	New Jersey Transit Corporation (NJ TRANSIT)
Philadelphia, PA	Southeastern Pennsylvania Transportation Authority
Philadelphia, PA	Pennsylvania Department of Transportation
San Diego, CA	North San Diego County Transit District (NCTD)
San Francisco, CA	Peninsula Corridor Joint Powers Board (PCJPB)
Seattle, WA	Central Puget Sound Regional Transit Authority
Stockton, CA	Altamont Commuter Express (ACE)
Syracuse, NY	ON TRACK
Washington DC	Virginia Railway Express (VRE)

<sup>1</sup> Source: Federal Transit Administration National Transit Database

### General Findings

The research conducted identified that there is no universal grade crossing policy for grade separation among transit agencies across the nation. Very few transit agencies have any written grade crossing policies for commuter rail. No agencies were found to have any grade separation threshold policy for commuter rail based on vehicular traffic volumes of the street crossing.

Grade crossing policy is sometimes deferred to the state department of transportation (DOT) or the state public utilities commission (PUC).

The majority of commuter rail lines are placed on existing railroad right-of-way and share the right-of-way with freight rail traffic. Because grade crossings for commuter rail occur on existing freight rail lines, the existing grade crossing treatment (at-grade or grade separated) is utilized. No policies were found during the research process that dealt exclusively with new rail being constructed for commuter rail lines, like that will occur for the East Corridor Line at 40<sup>th</sup> Avenue.

The Federal Highway Administration (FHWA) does not have any Federal level criteria to determine whether grade separation should occur. FHWA does recommend that grade separation occur for highways crossing high speed passenger rail routes. The Federal Railroad Administration (FRA) recommends that every effort should be made to provide grade separation for high-density crossings or those with a history of accidents. FRA has developed GradeDec.Net, a highway-rail grade crossing investment analysis modeling tool which is available online. GradeDec.Net is intended to help transportation planners identify the efficient grade crossing investments.

While there are few universal grade crossing policies by transit agencies, individual at-grade crossings have feasibility studies conducted to determine a course of action that should be taken. The results of a feasibility study can recommend 1) closing the grade crossing, 2) grade separating the crossing, or 3) improve the crossing warning devices. This recommendation takes into account economic feasibility, safety, and community support.

Public streets with at-grade commuter rail crossings are signalized with automatic grade crossing signals. Most of these crossings have drop-down gates and flashing lights. If at-grade crossings do not have drop-down gates and flashing lights, they are usually upgraded to have these as a minimum due to the increased frequency of trains using the crossing when commuter rail is introduced. Additional pedestrian enhancements can be made to the grade crossing signal if pedestrian activity occurs at the crossing.

### ***RTD Policy for Commuter Rail Grade Crossing***

The *Grade-Crossing Evaluation Methodology Report (DRAFT)* prepared for RTD and CDOT was reviewed by the project team to become familiar with the methodology. Grade crossing methodology is separated into safety, traffic operations, and feasibility elements.

Safety standards and treatments at grade crossings for commuter rail are different than that of LRT vehicles. Since commuter rail is considered a heavy rail technology, the FRA imposes safety standards to commuter rail comparable to freight rail. For the US-36 Corridor commuter rail analysis, the FRA's GradeDec 2000 model was used to predict crossing safety for each of the grade crossings along the corridor. The grade separation threshold based on safety was set at 1 accident per 25 years.

When safety concerns were not met for grade separation, traffic operations of the grade crossing were examined to determine how the grade crossing would affect vehicular traffic. There is no universally accepted procedure to calculate delay at a grade crossing. RTD and CDOT have accepted to use the Signalized Intersection Analysis in the *2000 Highway Capacity Manual*. If intersection level of service (LOS) was LOS D or worse (greater than 35 seconds of delay per vehicle), mitigation measures would need to be implemented. Mitigation measures include grade separation, warning device upgrades, signal coordination with traffic signals near grade crossing and crossing closure.

If safety and traffic operation thresholds are not met, the feasibility of grade separation can be evaluated. Feasibility of grade separated crossings examines physical impacts, environmental and social impacts, public acceptance, cost and funding. Feasibility studies should be performed to assess the impacts of grade separation.

### Case Studies

Fehr & Peers contacted four transit related agencies about grade crossing policy. Three transit agencies with existing commuter rail systems were contacted, with two agencies responding to the interview. One agency with a proposed commuter rail system was contacted and responded to the interview.

#### Southern California Regional Rail Authority (Metrolink)

Metrolink operates seven commuter rail lines in the greater Los Angeles region. The Metrolink system contains 788 highway-rail crossings. Of these crossings 443 are at-grade crossings and 345 are grade separated crossings. Metrolink has jurisdiction over 518 of the 788 grade crossings in the system.

Naresh Patel, a public project engineer at Southern California Regional Rail Authority (SCRRA), was contacted and interviewed about SCRRA policy for commuter rail grade separation policy. SCRRA has produced a document, *Grade Crossing Design Guidelines*, which provides consistent guidelines for the uniform design of grade crossings. The guidelines state that it is SCRRA policy to (1) promote the elimination of highway-rail grade crossings to the extent



feasible, (2) oppose the creation of new highway-rail grade crossings and (3) promote the improvement of remaining highway-rail grade crossings.

Although SCRRA has design guidelines for commuter rail grade crossings, SCRAA has no formal threshold policies to determine prioritization of grade separation. Mr. Patel stated that an individual feasibility study is conducted for each new grade crossing or when grade separation is considered at an existing location. The feasibility study estimates cost,

considers whether there is political support for the crossing, and considers whether there is funding available.

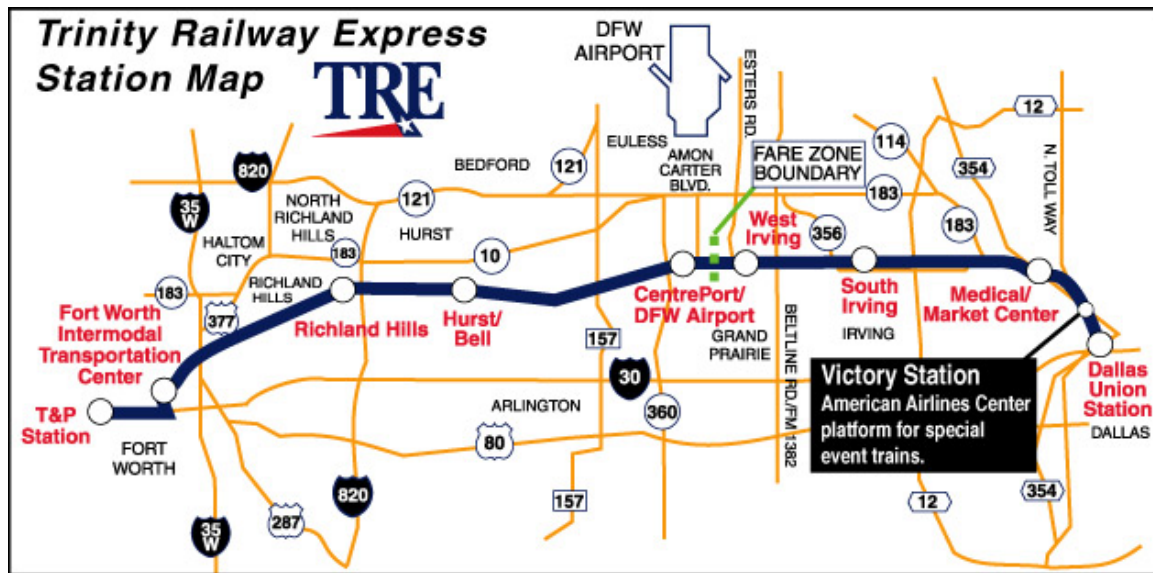
SCRRA coordinates their grade crossing procedures with the Public Utilities Commission of the State of California (CPUC). Warning signal devices at grade crossings are regulated by CPUC. In addition, SCRRA tries to follow freight train guidelines set forth by the American Railway Engineering and Maintenance-of-Way Association (AREMA) in the grade crossing design since commuter rails share the rail with freight trains.

Although commuter rail does not have volume threshold levels for vehicular traffic to grade separate, the Metropolitan Transportation Agency (MTA) in Los Angeles has a *MTA Grade Crossing Policy for Light Rail Transit*. The threshold for grade separation is based on peak hour vehicular volumes per lane and peak hour LRT frequency at the crossing. Mr. Patel stated that

LRT has a policy for grade separation because MTA is building new rail for the LRT vehicles, while the Metrolink commuter rail runs on existing rail lines.

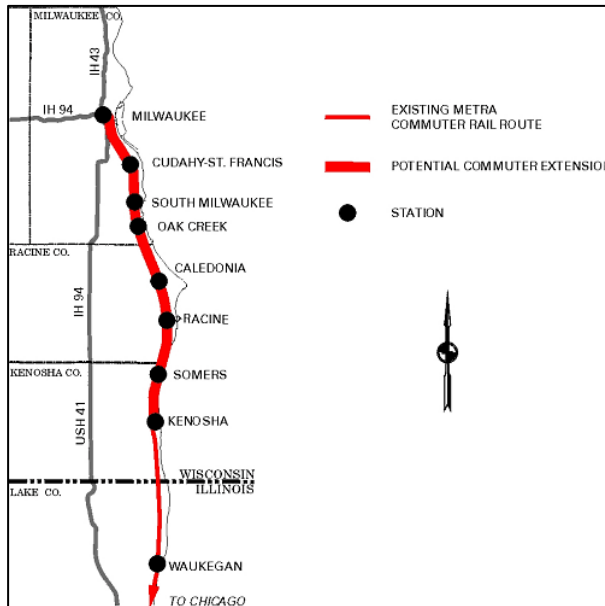
Dallas Area Rapid Transit (DART)/Fort Worth Transit Authority (The T)

The Trinity Railway Express (TRE) is a commuter rail line connecting downtown Ft. Worth, downtown Dallas and DFW Airport. The TRE is a cooperative service provided by DART (Dallas) and The T (Ft. Worth). TRE began running in 1996 from Dallas Union Station. Full service from Dallas to Ft. Worth began in 2001. Freight trains operate on the same rail line as TRE. Over 2 million passengers ride TRE annually.



Numa Bulot at DART was contacted by Fehr & Peers in regards to the grade crossing policy for TRE. Neither DART nor The T has written grade crossing policies or threshold levels for grade separation. All grade crossings for the TRE line were existing freight train crossings before the commuter rail line was initiated. Grade crossings along the TRE line are either grade separated or have at grade warning signal devices, usually with gated signals. Mr. Bulot stated that for a new highway-rail grade crossing, nothing less than a gated warning signal would be required.

Southeastern Wisconsin Regional Planning Commission – Transportation Division



The Southeastern Wisconsin Regional Planning Commission is proposing an extension of the existing METRA commuter rail line from Chicago. The 33-mile extension will start in Kenosha, WI and end in Milwaukee. The commuter rail line will be placed on an existing freight rail line. Improvements to the rail will be done to comply with commuter rail safety standards. This proposed commuter rail line has just started the Environmental Impact Statement process at the beginning of 2006.

The Milwaukee area metropolitan planning organization (MPO), the Southeastern Wisconsin Regional Planning Commission (SWRPC) is taking the lead on the proposed commuter rail line. Otto Dobnick at SWRPC (Transportation Division) was contacted regarding the grade crossing

policy for the proposed Kenosha-Milwaukee commuter rail extension. Currently, SWRPC has no policy on grade separation at commuter rail grade crossings. They have not addressed detailed grade crossing policies yet because they are in the beginning processes of the EIS. Grade crossing policies and grade separation will be addressed in the EIS process. Mr. Dobnick stated it is probable that the Wisconsin Department of Transportation will take the lead on recommending grade crossing policies since the highways would be the facility moved in grade separation.

## 6.0 PEDESTRIAN INTERACTIONS AT 40<sup>TH</sup> AVENUE

Existing pedestrian facilities are intermittent in the area surrounding the 40<sup>th</sup> Ave/ Airport Blvd Park and Ride Station. No pedestrian connections exist along Salida Street or 40<sup>th</sup> Avenue between the station and area developments. Along 40<sup>th</sup> Avenue to the west, sidewalks begin at the edge of the Airport Blvd/ Pena Blvd right-of-way and extend west into Gateway Park West. To the east



sidewalks have been constructed along lots that have been developed. There are no sidewalks along undeveloped lots. The same is true along Salida Street. Sidewalks are present where development has occurred. There are no sidewalks in the remaining segments.

The City of Aurora policy requires sidewalks on all streets. It is planned that sidewalks will be constructed as development occurs. The designated transit oriented development (TOD) site

adjacent to the proposed commuter rail station will place an emphasis on walkable streets with wide sidewalks.

Future pedestrian connections will be needed to connect the transit station area and TOD to the surrounding developments. Important connections will be along 40<sup>th</sup> Avenue to the west across Pena Boulevard, to the north along Salida Street across 40<sup>th</sup> Avenue, to the east across Salida Street, and to the south along Salida Street. These connections will require enhanced pedestrian facilities to provide a friendlier pedestrian environment.

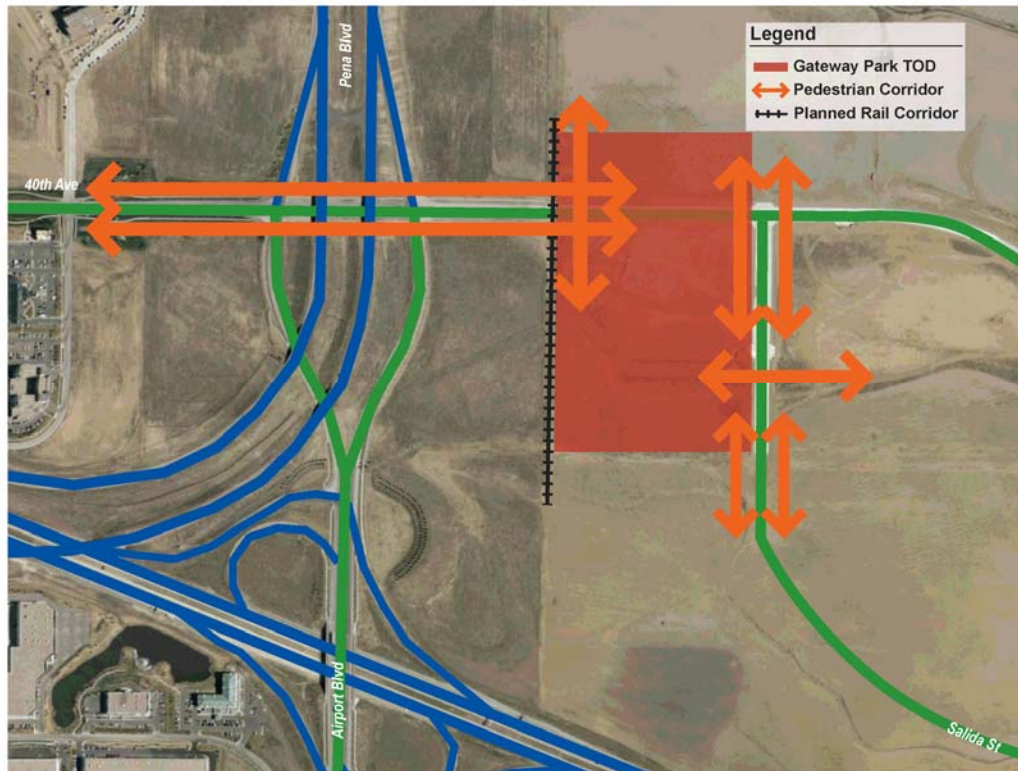


Pedestrian safety will be a major issue if an at-grade rail crossing is introduced along 40<sup>th</sup> Avenue. Additional enhanced pedestrian features will be required to assure the crossing pedestrian friendly and safe.

Figure 3 depicts the future pedestrian connections to the transit station and TOD in the 40<sup>th</sup> Avenue and Salida Street corridors.



FIGURE 3. PEDESTRIAN CONNECTIONS



## 7.0 TRAFFIC OPERATIONS AND QUEUING ANALYSIS

Fehr & Peers analyzed the LOS operations and the queuing spillback at the 40<sup>th</sup> Avenue/Pena Blvd interchange using the micro-simulation program VISSIM. The VISSIM model included the two signalized intersections at 40<sup>th</sup> Avenue Pena Boulevard interchange. The model was calibrated to existing traffic conditions. Queuing and LOS analysis were performed for the AM and PM peak hours for the 2030 build-out conditions.

### ***Existing Conditions Model Calibration***

An existing conditions model was created for the study area. The following pieces of data were collected and included in the model to replicate existing traffic conditions at the two study intersections. The data collected included:

- 1) Existing intersection geometries were collected and used for the two study intersections.
- 2) Turning movement traffic counts for the AM and PM peak hour were conducted on October 4, 2006 to determine the peak hour vehicular traffic volume.
- 3) Existing signal timing plans were obtained from the city of Aurora.
- 4) Queue lengths for the westbound approach at 40<sup>th</sup> Ave/NB Pena Blvd were collected during the AM peak hour on October 4, 2006.

The model was then calibrated to match existing peak hour vehicular traffic turn volumes and the existing queues occurring today. Once the model was calibrated the future year scenario models were created.

### 2030 Peak Hour Model

The future year peak hour traffic volumes were calculated using a two step process. First, existing traffic volumes were grown by a one percent annual growth rate to account for growth in background traffic in the area between 2006 and 2030. Second, project traffic generated by the Gateway Park development was added to the background traffic. Trip generation volumes for the development were calculated in the *Aurora Gateway East TOD Transportation Study*. Since some of the development exists today, only the only traffic added to the background volumes were the trips generated by proposed development between 2006 and 2030.

New signal timing plans were developed for the 2030 AM and PM peak hours trying to best accommodate traffic. Signal timing was developed using *Synchro 6*. Cycle lengths were increase to 100 seconds in the AM peak and 150 seconds in the PM peak.

No geometric changes were made to the study intersections.

### 2030 Model Results

The LOS and queuing results were calculated from VISSIM and results were averaged over 10 model runs for the AM and PM peak hours. The LOS results are calculated in an HCM compliant format using a Fehr & Peers post-processor.

Table 6 reports the queuing results for the westbound approach and northbound approach at the 40<sup>th</sup> Ave/Pena NB Ramps intersection from VISSIM. VISSIM reports average queue length as the average queue over the entire hour as opposed to the average queue length for each cycle length.

TABLE 6. 2030 QUEUING ANALYSIS FROM VISSIM AT 40 <sup>TH</sup> AVE/PENA NB RAMP (FEET)				
Approach	AM Peak Hour		PM Peak Hour	
	Average Queue	Maximum Queue	Average Queue	Maximum Queue
Westbound	1459	1677*	1334	1678*
Northbound	457	832	557	938*

\* Represents the end of the modeled link. Queue is theoretically infinite.

The East Line Commuter Rail line crosses 40<sup>th</sup> Avenue approximately 700 feet east of the 40<sup>th</sup> Ave/Pena NB Ramp intersections. **In both the AM and PM peak hour, the average queue extends across the rail crossing, suggesting that the queue from this intersection would interfere with an at-grade rail crossing throughout most of the peak hour.**

The maximum queues for the westbound direction extended past the end of the modeled link. As a result, not all the demand volume was serviced during the peak hour. Table 7 displays the demand volume and the volume served for each intersection during the peak hour. This excess demand volume will have to be served in the adjacent hours before or after the peak hour.

TABLE 7. PERCENT DEMAND SERVED DURING PEAK HOUR (VPH)						
Intersection	AM Peak Hour			PM Peak Hour		
	Demand	Volume	%	Demand	Volume	%

	Volume	Served	Served	Volume	Served	Served
40 <sup>th</sup> Ave/Pena SB Ramps	4910	4313	88%	6112	4364	71%
40 <sup>th</sup> Ave/Pena NB Ramps	5346	4880	91%	7037	4948	70%

Turning traffic patterns are forecast to change in the future year when compared to existing conditions. In particular, the westbound left (WBL) from 40<sup>th</sup> Avenue to Airport Blvd are forecast to increase to 639 vph in the AM peak hour and 1218 vph in the PM peak hour.

Table 8 displays the LOS results from VISSIM for the two study intersections. Analysis indicates that both intersections will be at capacity and will not serve the forecast demand in their current geometric configuration. Operations reported by VISSIM reflect the effective operating capacity of the intersection. VISSIM does not calculate delay for vehicles that do not enter the network. Table 9 displays the corresponding *Synchro HCM* calculations for LOS, which accounts for the full demand volume in the LOS report.

TABLE 8. 2030 VISSIM PEAK HOUR INTERSECTION DELAY (SECONDS PER VEHICLE)		
Location	AM Peak Hour	PM Peak Hour
40 <sup>th</sup> Ave/Pena SB Ramps	50.3 (D)	60.7 (E)
40 <sup>th</sup> Ave/Pena NB Ramps	64.6 (E)	63.0 (E)

TABLE 9. 2030 SYNCHRO PEAK HOUR INTERSECTION DELAY (SECONDS PER VEHICLE)		
Location	AM Peak Hour	PM Peak Hour
40 <sup>th</sup> Ave/Pena SB Ramps	68.9 (E)	158.2 (F)
40 <sup>th</sup> Ave/Pena NB Ramps	23.0 (C)*	123.3 (F)

\* Synchro does not account well for queue spillback from downstream intersections.

## 8.0 GRADE CROSSING EVALUATION METHODOLOGY

Based on the review of the process other transit associated agencies use to evaluate grade crossings, Fehr & Peers believes the methodology adopted by RTD and CDOT is an appropriate tool for use in planning the RTD commuter rail system. In many aspects, the methodology exceeds the processes used by other agencies around the country.

Accordingly, Fehr & Peers applied the *Grade-Crossing Evaluation Methodology Report (DRAFT)* to evaluate the operations at the proposed crossing of the East Corridor rail line with 40<sup>th</sup> Avenue. The analysis is based on a projected daily vehicular volume of close to 50,000 vehicles on 40<sup>th</sup> Avenue at the crossing location. Using this estimate of daily traffic calculated in section 3.0, and assuming a four-lane cross section for 40<sup>th</sup> Avenue, the average total delay at the crossing is estimated to be approximately 133.6 seconds. This equates to Level of Service (LOS) F. The calculations are available in the appendix.

## 9.0 RECOMMENDATION

An at-grade crossing at 40<sup>th</sup> Avenue is projected to operate at poor level of service with the potential for frequent conflicts with queuing vehicles in the year 2030. **With this in mind, it is recommended that a feasibility study be conducted for the grade separation of the East Corridor rail line at 40<sup>th</sup> Avenue.** A feasibility study will allow for the assessment of impacts related to the grade separation, including station area impacts and development impacts.

## APPENDIX

### Grade Crossing Calculation Summary

#### *RTD Grade-Crossing Evaluation Methodology Report (DRAFT)*

**RTD Grade Crossing Evaluation Methodology - Average Approach Delay Estimation**

**LOS                      F                      Grade Separation Analysis?<sup>1</sup>                      Y**

**Vehicle Flow Rate (v)**

AADT	50,000 veh		
K	0.1		
DD	0.52	v=	1368 vph
PHF	0.95		
N	2 lanes		

**Effective Green Time (g)**

C	180 sec		
T <sub>BL</sub>	55 sec	g=	121 vph
T <sub>QC</sub>	4 sec	g/C=	0.672

**Heavy Vehicle Factor (F<sub>HV</sub>)**

%HV	5 %		
E <sub>T</sub>	2	F <sub>HV</sub> =	0.952

**Saturation Flow Rate (s)**

S <sub>0</sub>	1900 pcplph		
F <sub>LU</sub>	0.952	s=	1723 pcplph

**Volume to Capacity Ratio (v/c)**

v/c= 1.18

**Lane Group Capacity (c)**

c= 2316 vph

**Uniform Delay (d<sub>1</sub>)**

d<sub>1</sub>= 47.0 sec

**Incremental Delay (d<sub>2</sub>)**

T	0.25	d <sub>2</sub> =	86.5 sec
k	0.5		
l	1		

**Total Delay (d)**

d= 133.6 sec

**NOTES:**

---

<sup>1</sup> "Delays in excess of 35 seconds indicate that a more detailed [grade separation] analysis is warranted."

Assumptions made by Fehr & Peers

Variable value taken from RTD Grade Crossing Evaluation Methodology Report

Variable value taken from HCM 2000

Project specific variables





# AUROMA PLACES

planning tomorrow's city



**The Comprehensive Plan  
for the City of Aurora, Colorado**  
Adopted by Ordinance 2018-37  
Effective October 27, 2018



# Acknowledgments

Aurora Places would not have been possible without generous participation from the Aurora community. The unprecedented diversity of community stakeholders were integral to developing the city's vision and planning for its future. Additional information about public input into Aurora Places can be found in Chapter 3.

<b>City Council</b>	<b>Former City Council Members</b>	<b>Planning and Zoning Commission</b>	<b>City Manager and Staff</b>	<b>City Attorney's Office</b>	<b>Department Directors</b>
Bob LeGare Mayor	Stephen D. Hogan Mayor	Bob Bengen Chair	Jim Twombly City Manager	Michael Hyman City Attorney	George Adams Planning and Development Services
Crystal Murillo Ward I	Sally Mounier Ward I	Dennis Lyon Vice Chair	Jason Batchelor Deputy City Manager	Daniel L. Brotzman Interim City Attorney	Marshall Brown Aurora Water
Nicole Johnston Ward II	Renie Peterson Ward II	Dexter Harding	Nancy Freed Deputy City Manager	Dan Money Assistant City Attorney	Kim Stuart Communications
Marsha Berzins Mayor Pro Tem and Ward III	Barbara Cleland At-Large	Leigh Hettick	Michelle Wolfe Deputy City Manager		Terri Velasquez Finance
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Johnny Watson At-Large					Tom Barrett Parks, Recreation and Open Space
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Steering Committee**

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---

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---

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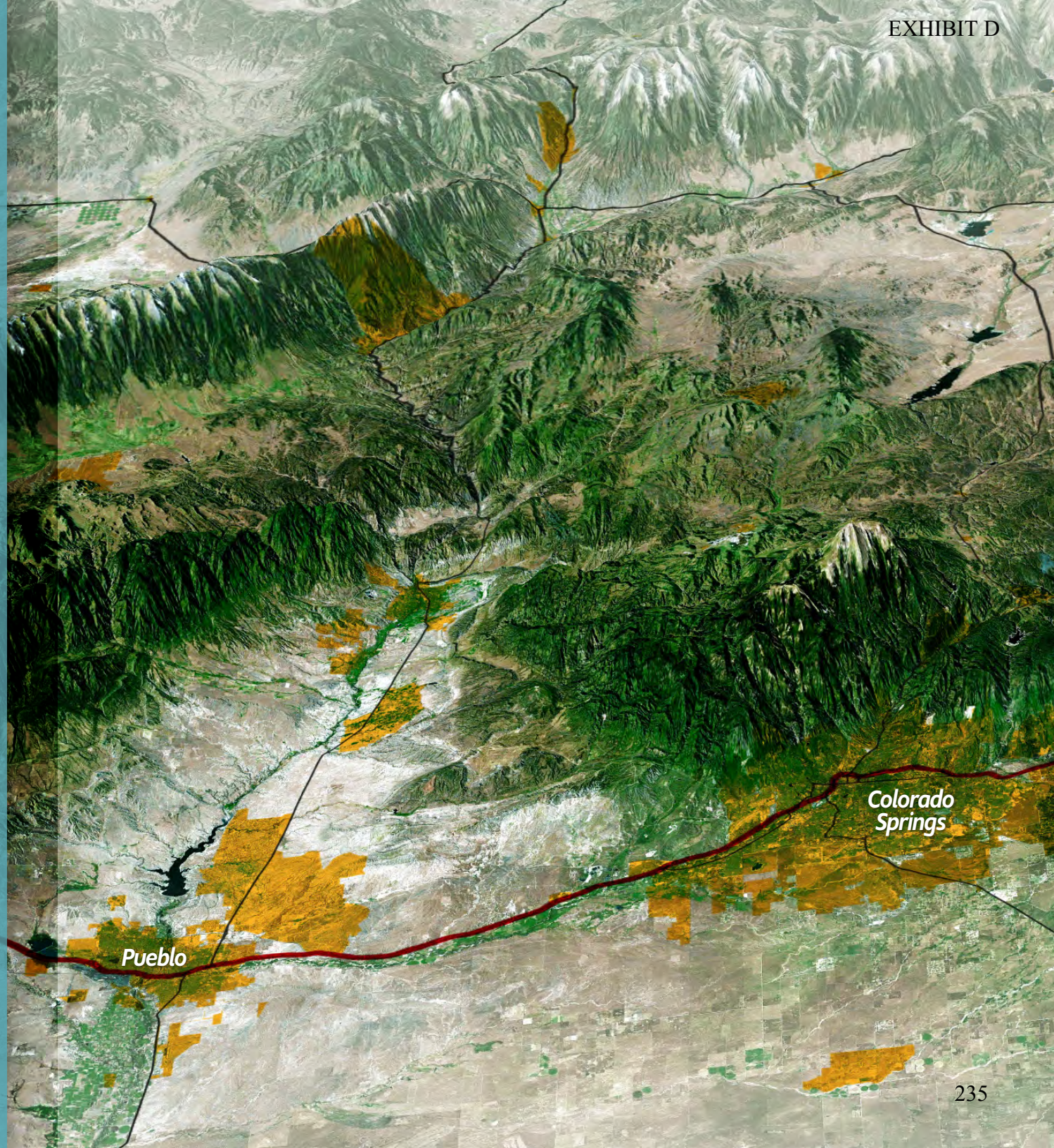
# Aurora Places in the Region and Nation

## Aurora Details

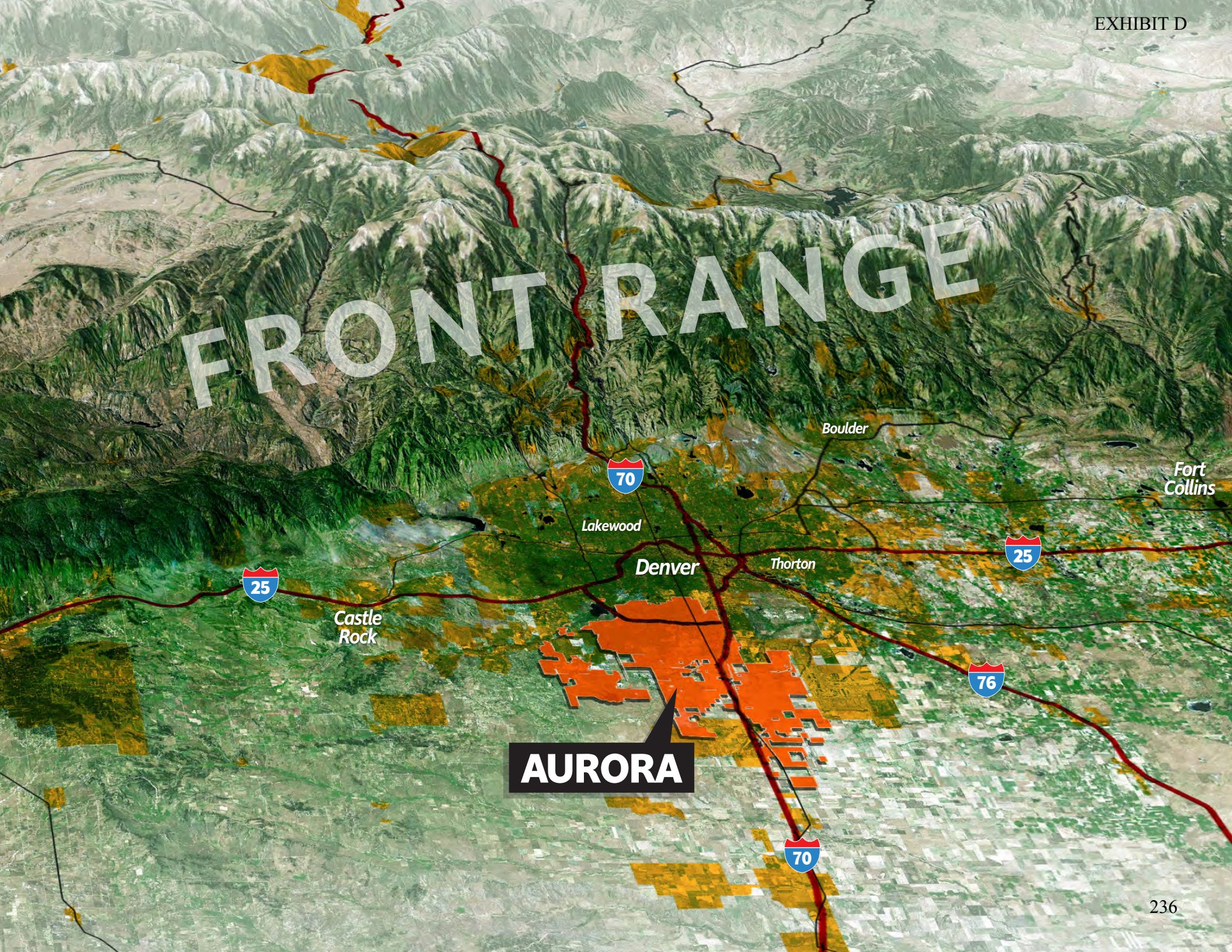
- ◆ 374,154 residents (2018)
- ◆ Third most populous city in Colorado
- ◆ 54th most populous city in the U.S.
- ◆ Part of the Denver-Aurora-Lakewood Metropolitan Statistical Area (19th largest in the U.S.)
- ◆ Approximately 160 square miles and only partially built out

## Highly Accessible to Regional Transportation Corridors

- ◆ Interstate 70 (east to west through northern Aurora)
- ◆ Interstate 225 (north to south through central Aurora)
- ◆ E-470 (north to south through central Aurora)
- ◆ Denver International Airport (DEN) and the Colorado Space Port (adjacent to Aurora's northeastern boundary)
- ◆ Regional Transportation District (RTD) Aurora Line (R Line) with 10 stations in Aurora
- ◆ RTD University of Colorado A Line, connecting to Denver International Airport and downtown Denver, with service through Aurora's Peoria Station and 40th / Airport - Gateway Park Station



# FRONT RANGE



Boulder

Fort Collins



**AURORA**



# THE RIGHT PLAN AT THE RIGHT TIME

**M**uch has happened in Aurora since the city's last comprehensive plan was adopted in 2009. The population has grown by 15 percent or 47,384 people, and the city has become even more diverse, with thousands of residents hailing from over 50 different countries. The Anschutz Medical Campus experienced recent exponential growth, becoming the most prominent academic health center in the Rocky Mountain region. The Regional Transportation District (RTD) opened the R Line light rail—our Aurora Line—adding seven new stations in Aurora, increasing mobility in the city and connecting the region to Aurora. Stanley Marketplace, Stapleton Aurora, the Gaylord Rockies Resort and Convention Center, the Hyatt Regency Aurora-Denver Conference Center, and numerous new projects at rail stations and on the eastern plains have been completed or are underway.

Together, these changes—and many yet to come—offer opportunities and challenges as Aurora rapidly evolves from a mid-size, suburban community to a large city. **Aurora Places will provide the foundation for these efforts by describing a general path forward** and identifying and addressing trends, needs and opportunities broadly and comprehensively. Aurora Places includes the following:

### **Chapter 1. The Right Place at the Right Time**

What is Aurora Places and how is it used? It is a **foundation for decision-making and focuses on planning and connecting places.**

### **Chapter 2. A City in Transition**

How is Aurora changing, and what are some of the key issues that need to be addressed? It describes challenges associated with the economy, housing, population and natural resources.

### **Chapter 3. A Community Conversation**

What did we hear from the community? Aurora Places engaged residents, businesses, officials and city staff in an extended conversation concerning important matters in the city and ways to successfully move forward. The conversation provided ideas concerning a strong economy, population diversity, housing variety, health, the environment, improved mobility, and an improved and authentic reputation.

### **Chapter 4. Placetypes**

What types of places need to be planned and developed or improved in Aurora? Aurora Places describes types of places and **principles to be employed in planning and developing** these places. It includes a map showing the proposed general locations for these placetypes.

### **Chapter 5. Connecting Places**

How does the city connect the different places? This chapter describes concepts for city form, transportation, water, parks and open space, cultural resources, strategic areas and other means for providing connection and choice in the community.

### **Chapter 6. Goals and Policies**

What are the detailed goals and recommended practices for Aurora? Both were formulated based on an understanding of issues facing the city, what we heard during the community conversation and a grasp of placetypes and connections.

### **Chapter 7. Action Strategies**

What are the immediate action steps that should be taken to implement the goals and policies in the plan? It describes some of the tools that can be used immediately, along with specific strategies and measurements for success.





## What is AURORA PLACES?

*Aurora Places is the plan for our city's future.*

It is designed to serve as a **foundation for decision-making related to growth and development in Aurora**. It presents a vision for the future, with long-range goals and recommended actions for a variety of public activities. The vision identified in Aurora Places is based on a public engagement and outreach process more extensive than that of any previous planning initiative. The information that residents, business owners, subject matter experts, city officials, staff and other stakeholders provided was critical to understanding the community's concerns, aspirations and priorities.

The plan emphasizes the importance of creating and improving the variety and types of places throughout the city. These placetypes include urban districts, neighborhoods, commercial and industrial areas and areas for innovation. Aurora Places also describes the systems that connect places citywide, including transportation, water and parks and open space.

Public outreach and engagement was key to the creation of Aurora Places. The information and feedback collected from residents, business owners, subject-matter experts and community stakeholders was critical in both understanding the community's concerns, aspirations and priorities and responding effectively to the city's needs. In addition, the city and its consultants conducted extensive inventory, analysis, research and assessment to fully understand the impact of the various conditions that influence planning and the context of the city as it exists today. This extensive inventory, outreach and engagement program also provided the feedback necessary to identify and establish a community vision and community principles.

## COMMUNITY PRINCIPLES

**A Strong Economy Principle:** A strong economy with active urban places is essential for the wellbeing of residents, businesses and the community.

**A Diverse and Equitable City Principle:** Diversity and equity are assets to be nurtured and promoted by the city.

**Housing for All Principle:** High-quality housing options enable people across all socioeconomic levels, cultural practices and stages of life to establish and manage households.

**A Healthy Community Principle:** Eating healthy food, walking and exercising, living in a clean and safe environment and having access to medical care improves the lives of all Aurorans.

**A Thriving Environment Principle:** Stewardship of water, energy and natural open spaces is essential to the wellbeing and success of residents and the community.

**Easy Mobility and Active Transportation Principle:** An easy-to-use transportation network with multiple choices for travel supports a strong economy, healthy community and flourishing environment.

**An Authentic Aurora Principle:** The creation of great places, the preservation of traditionally unique places, and effective marketing and promotion are essential to improving Aurora's image.



## A COMMUNITY VISION

Aurora is a welcoming and safe community and a city of opportunities where people of all backgrounds can prosper. Aurora is known for its unique places, strong economy, community involvement, quality and attainable housing, integrated and healthy neighborhoods, smart ways to get around and a thriving natural and cultural environment.

## How to Use AURORA PLACES

Aurora Places is general in nature—it cannot tackle every issue in sufficient detail to determine every type of necessary action. The plan’s intent is to **identify key areas of focus, define a vision** for future growth and development, and provide guidance for city actions and investments over the next 10 to 20 years. In areas where more detailed information and recommendations are needed, the plan may identify additional steps or actions to address those needs. The plan serves the following key functions:

### Telling Aurora’s Story and Sharing Its Vision

At its core, the plan should serve as a powerful statement of the community’s vision for how it grows and changes in the coming years. **The plan identifies the city’s priorities and charts a path for the city’s long-term growth.**

## Evaluate and Inform Development Proposals

The plan should guide and assist in the evaluation of public and private development proposals and help ensure that proposed developments support the city’s long-term objectives.

## Regulatory Framework

The plan should serve as a **foundation for zoning regulations**, subdivision regulations, the official zoning map, water planning and policy, flood hazard regulations, annexation decisions and other decisions guided by these regulations. Amendments to these regulations should be made as needed to support the long-term objectives of the plan.

## Coordinate Local and Regional Initiatives

The plan should inform and coordinate local and regional planning initiatives at the city, county and regional levels. The plan may aid and inform efforts related to housing, transportation, transit, trails, water and natural resources, economic development, annexation, conservation and more.

## CIP and Budgeting

The plan should inform the development of the city’s capital improvement program and budgeting process and help establish priority expenditures and the sequence of capital improvement programming.

## Identify Future Studies

The plan establishes a path forward, but cannot address every issue in sufficient detail. It should help identify additional studies and future action steps to address specific needs.

## Inform and Educate

The plan is a valuable source of information for policy makers, local boards and commissions, organizations, businesses and residents. This broad spectrum of interests should use the plan to inform members and stakeholders and provide important information that can assist with future initiatives.



# A CITY IN TRANSITION

**S**ituated on prairie grasslands, rolling hills and the Black Forest's northern tip, Aurora, Colorado started as a small collection of subdivisions that incorporated initially as the town of Fletcher in 1891. In 1907, the town was renamed Aurora and was officially incorporated as the City of Aurora in 1928. The city grew steadily throughout the 20th century as the largest city adjacent to Denver's eastern border. Today, with more than 361,000 people, Aurora is among the nation's largest cities—bigger than more well-known cities like St. Louis, Pittsburgh and Cincinnati.

Aurora welcomes and celebrates the growing diversity of its population. As an emerging economic leader within the Colorado Front Range, it is a city that supports and promotes the entrepreneurial spirit of its residents. Aurora forms the eastern edge of the metropolitan area, is conveniently located next to Denver International Airport and serves as a major transportation hub. Its residents enjoy a comfortable way of life and a wealth of opportunity, with access to quality education, family friendly neighborhoods and a strong job market. Aurora has the potential to become a global destination for residents and businesses because of its diversity, location and economic opportunity.

**It is a critical time for Aurora—a time that calls for bold planning and strategic thinking.**

The city's history as a suburb has resulted in obstacles that must be overcome. The city generally lacks urban places that will attract 21st-century jobs and the people who want to work in them. Housing options are not as diverse as other large cities and transportation options are increasing but need to expand citywide. Water is a critical resource that requires a strategy of planning, acquisition and conservation in order to meet future demands. The plan's name, Aurora Places, captures the essence of what Aurora needs most in its future—more options, high-quality public spaces and new urban places.

Building on a community conversation that engaged thousands of Aurorans, Aurora Places describes strategies for overcoming obstacles and forging a clear path to reach the city's full potential. This comprehensive plan will serve as a guide for decision making as the city navigates through this transitional period.

# Economy

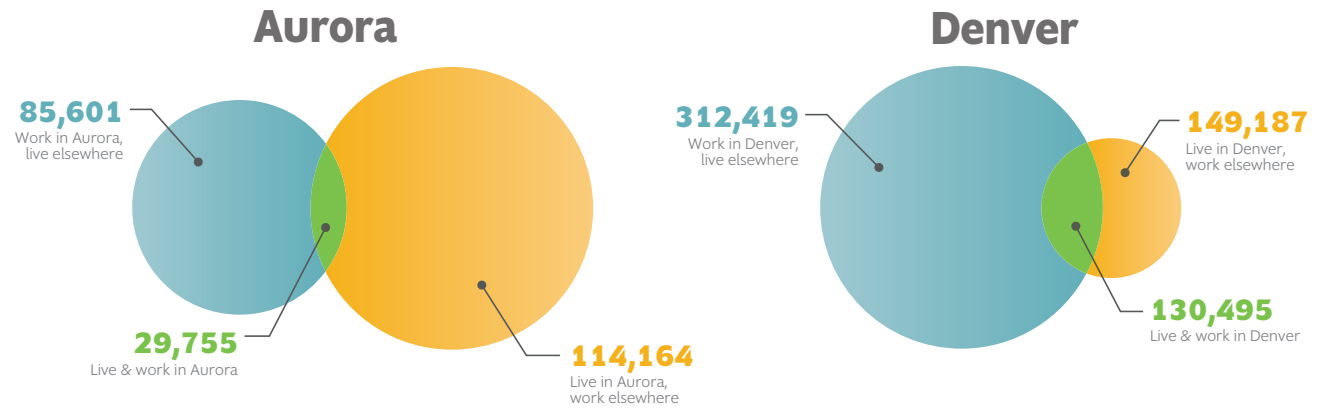
Our city needs new types of urban places and a greater variety of neighborhood experiences to attract employers and support new, higher-paid jobs and to draw the most talented workforce to fill those jobs.

For much of its history, the public viewed Aurora as a bedroom community and a suburb of Denver. But with the ever-growing prominence of key economic assets like the Anschutz Medical Campus, Buckley Air Force Base and related aerospace industries and recent additions such as Stanley Marketplace, the Amazon fulfillment center, and the Gaylord Rockies Resort and Conference Center, the city continues to be attractive to businesses and investment. Still, the majority of workers who live in our city commute to other communities to work.

Also, a majority (74 percent) of those who work in Aurora do not live in the city. Aurora is heavily dependent on its retail sales tax for revenues to support city services. In general, attracting more of its workers to live in Aurora will increase city revenues and boost the local economy.

## Inflow / Outflow

Most workers who live in Aurora work elsewhere, likewise, most people who work in Denver live elsewhere.



Source: U.S. Census Bureau, Center for Economic Studies

## Household Income and Annual Wage

Median Household Income and Average Annual Wage (2016)

**\$55,303**  
Aurora  
Median Household Income

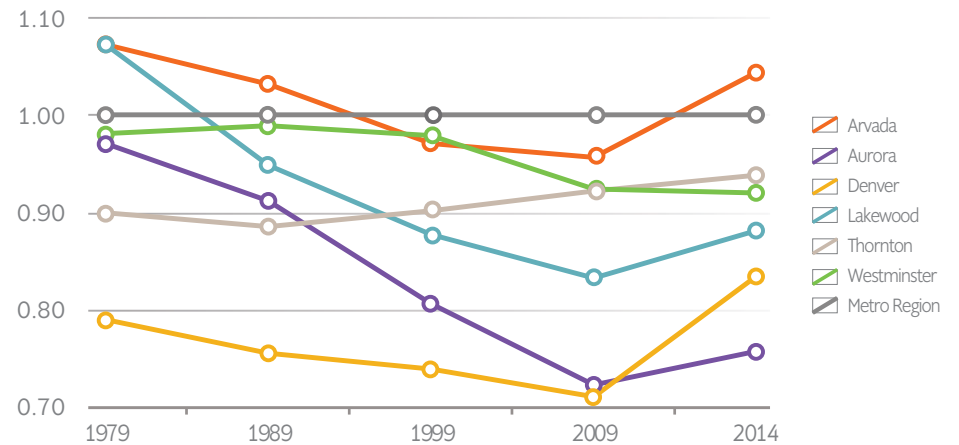
**\$68,173**  
Metro Area  
Median Household Income

**\$53,243**  
Average Annual Wage  
of Aurora-based Jobs

Source: American Community Survey (ACS), Colorado Department of Labor and Employment

## Relative Median Income

In comparison with the metropolitan area, Aurora's incomes have been low.



Source: Colorado Department of Labor and Employment

It is projected that the healthcare industry will continue to provide the greatest number of jobs in Aurora, followed by education services, retail trade and professional services. All together, these sectors account for over half the jobs in the city. While these sectors do offer some above-average and high-wage jobs—like doctors, researchers and professors—a large portion of the jobs in these fields tend to pay less. Average household and family incomes in our city are relatively low compared to neighboring communities. Families are sometimes challenged to meet their basic needs—including housing and transportation—leaving little extra spending money, which reduces the city’s sales tax revenues. Since the city of Aurora is primarily dependent on sales tax revenues to support basic services such as public safety and street maintenance, increasing average family incomes is critically important.

Aurora is home to many talented and hard-working residents, but to stay competitive in the regional and national employment markets, it is essential that Aurora’s workforce be equipped with the education, training and credentials needed in tomorrow’s economy. The quality and readiness of Aurora’s workforce can be a significant advantage in attracting and retaining growing businesses to the community.

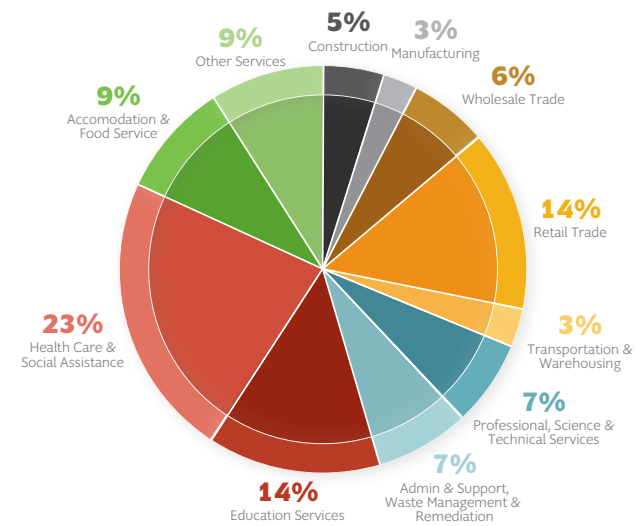
Increasingly, the quality of life and authentic, unique places in a community dictate where both employers and employees choose to locate. Our city needs new types of urban places and a greater variety of neighborhood experiences to attract employers and support new, higher-paid jobs and to draw the most talented workforce to fill those jobs. In addition, Aurora must continue to attract primary employers and higher-income jobs to complement the current workforce and grow Aurora’s economic base.

**38,017**  
**Projected Total Job Growth**  
 (2015-2025)

Source: Center for Economic Studies

### Industry Percentage

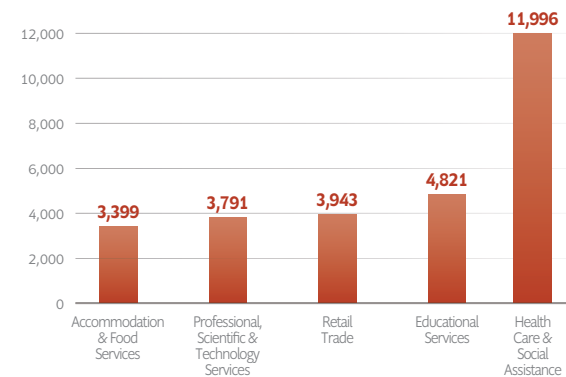
The majority of working Aurorans are employed in healthcare, education, retail trade, or accommodation and food services.



Source: U.S. Census Bureau

### Projected Increase in Employment

Employment will grow in Aurora and a large portion of that growth will be in healthcare.



Source: Colorado Department of Labor and Employment

# Population

The increasingly diverse population offers the opportunity for our city to grow its economy by developing a unique identity and culture within the metropolitan area.

While the city has seen a steady increase in population throughout its history, a long period of rapid growth began in 1950. Establishment of Aurora's own water utility in 1949 significantly expanded the water supply available to serve the community, allowing for substantial growth in the following decades. Aurora experienced its most dramatic population growth in the 1970s and 1980s when it added almost 150,000 people—tripling the population of the city. Although the population growth rate has slowed in recent decades, our city continues to add an average of 5,000 people each year—or roughly 50,000 people per decade—bringing the current population to over 360,000.

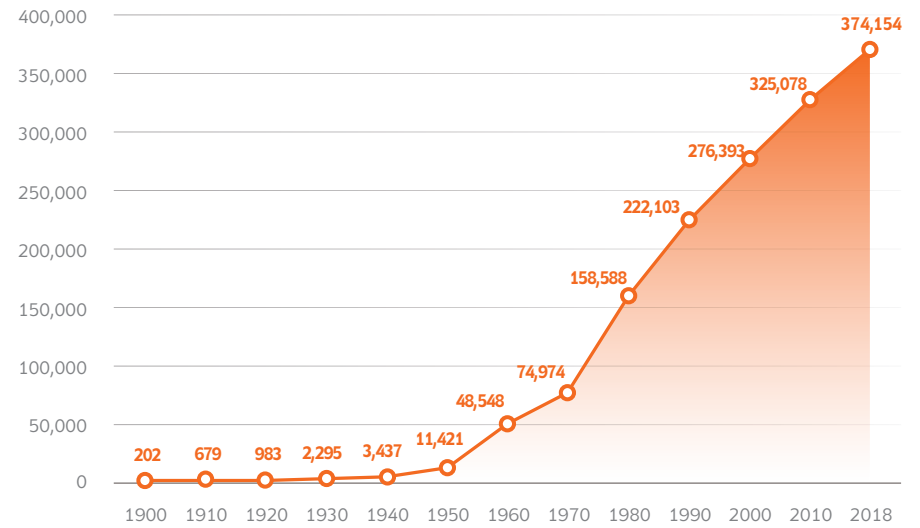
Aurora has become more culturally diverse and has become a majority-minority community. A fifth of Aurora's population was born in a foreign country, a number that has grown substantially over the past couple of decades. But Aurora isn't just known for being a place of many cultures. The city is also recognized for its racially and culturally integrated neighborhoods. Brown University research cited Aurora as the 9th most diverse at the neighborhood level and the 10th most integrated community among the 100 most populous cities in the United States.

Like other communities in the nation, Aurora is aging with a growing population of seniors. This life stage can usher in changes to housing and transportation needs, shopping habits, recreation and entertainment preferences, and health care and social service needs. New types of places will allow more residents to, "age in place" as their needs and preferences change, and continue to call Aurora their home.

Diversity extends beyond age, race or ethnicity, however. Aurora is home to households with very diverse incomes, employment, sizes and compositions. Single-person households, extended families, educational attainment, income levels and other unique personal situations can significantly affect a household's needs for housing, transportation, and other aspects.

## Population

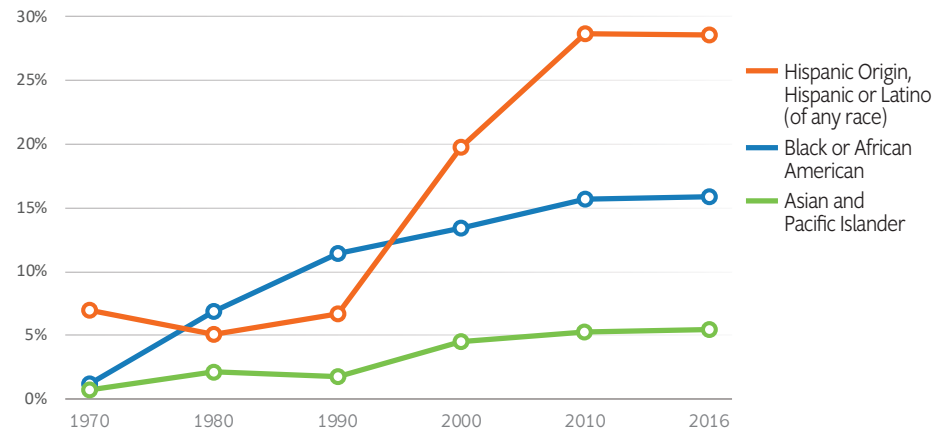
The population of Aurora has grown steadily with more recent periods of rapid growth.



Source: American Community Survey (ACS), City of Aurora

## Race / Ethnicity

The Hispanic, African American and Asian ethnic populations have been growing at a relatively rapid rate.



Source: Who is Aurora Report

## Foreign-Born

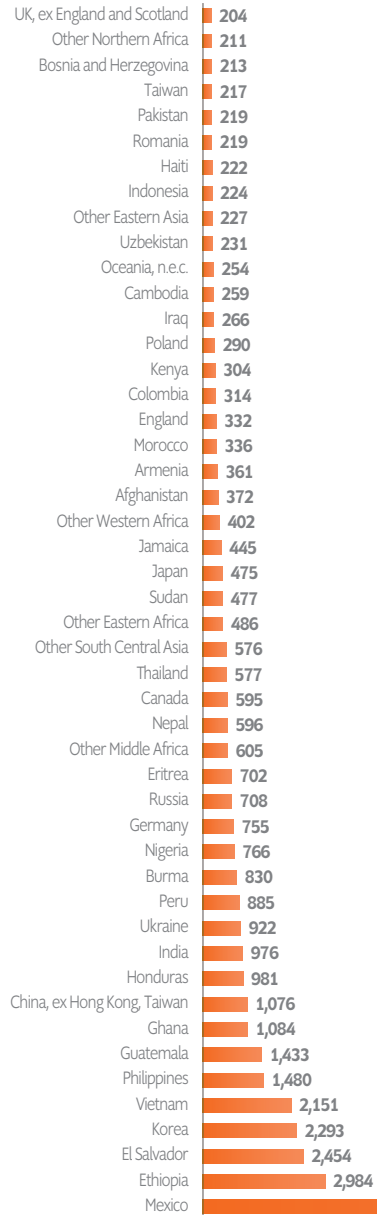
Large number of Aurora's residents were born in many different countries.

Being home to a diverse and inclusive community has broadened the city's cultural understanding, educational offerings and community life. As the city continues to welcome newcomers and adapt to meet the changing needs of long-time residents, it is challenged with ensuring that they can all enjoy everything that Aurora offers. That includes access to quality jobs and a local economy that rewards entrepreneurship and supports small-business success, safe neighborhoods, access to quality schools and ample opportunity to be active in civic life. The increasingly diverse population offers the opportunity for our city to develop a unique identity and culture within the metropolitan area, grow its economy and meet the changing needs of its residents.

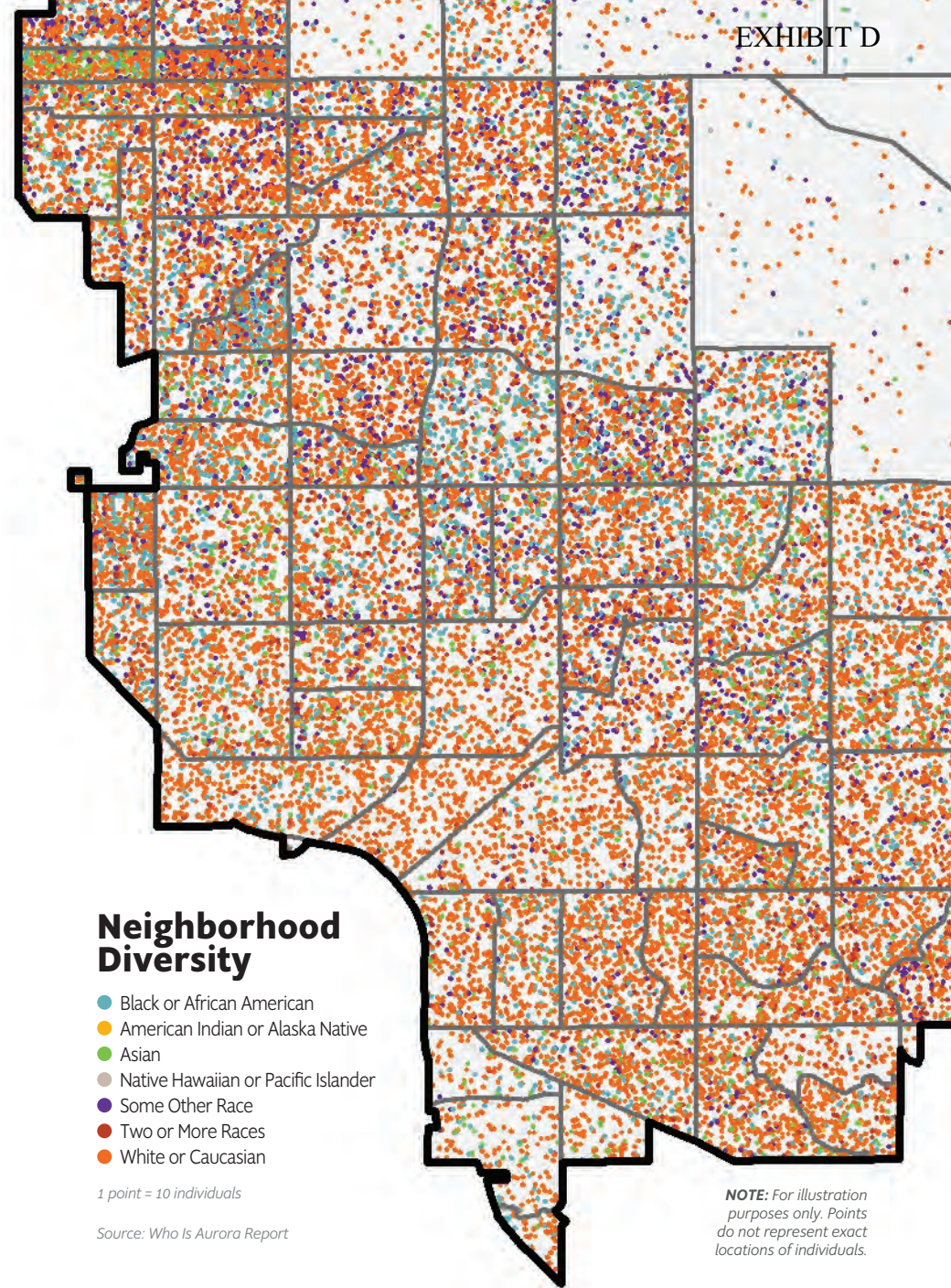
# 160

Over 160 languages spoken in the Aurora public school system

Source: Who Is Aurora Report



Source: Who is Aurora Report



## Neighborhood Diversity

- Black or African American
- American Indian or Alaska Native
- Asian
- Native Hawaiian or Pacific Islander
- Some Other Race
- Two or More Races
- White or Caucasian

1 point = 10 individuals

Source: Who Is Aurora Report

NOTE: For illustration purposes only. Points do not represent exact locations of individuals.



# Housing

By expanding the types of housing and neighborhoods that Aurora offers, the city can better meet the diverse preferences and needs of residents across the income spectrum.

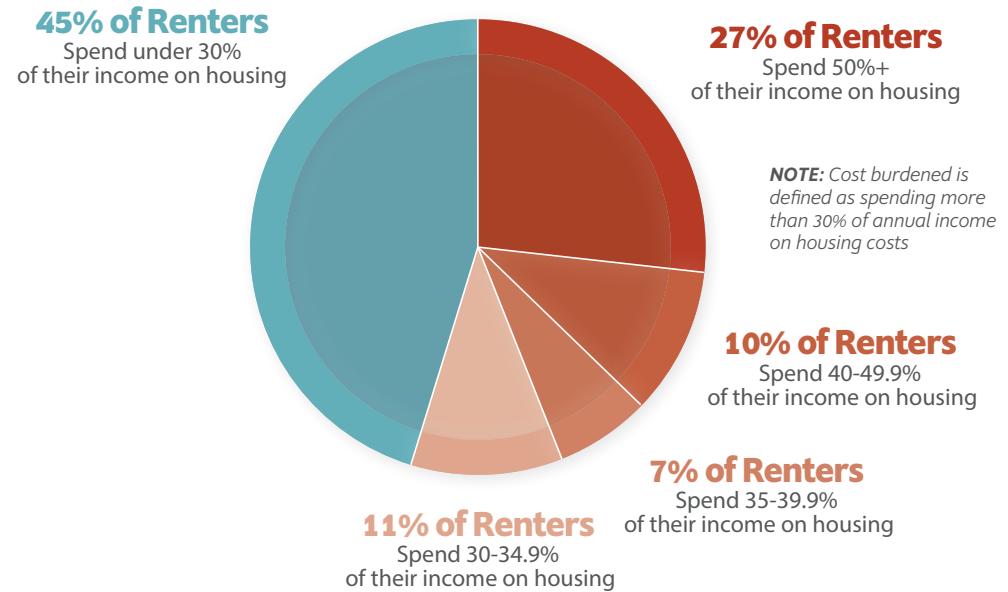
Moderately priced, single-family homes and smaller-scale apartment buildings have dominated housing construction in Aurora. Aurora now needs a much broader range of housing options. While our city contains a variety of housing products at various prices (both for-sale and rental), there is a supply-and-demand gap at many price levels. This discrepancy between supply and demand is strongest for both the lowest-and highest-income households.

Although Aurora’s single-family housing values are increasing at a rate similar to that of the metropolitan area, Aurora remains one of the most affordable communities in the region. According to Zillow, Aurora has one of the lowest median sale prices in the region, even though the median price is higher than the country’s median. However, for-sale housing is less affordable than in the past. Additionally, there is minimal higher-end, luxury housing in Aurora.

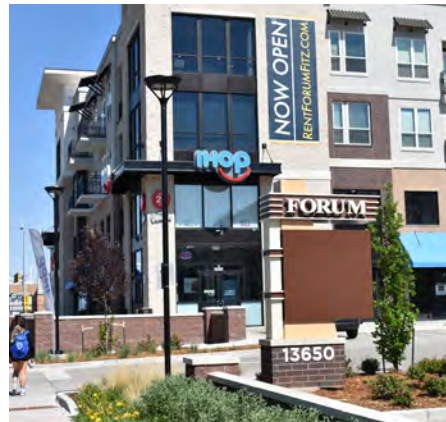
Aurora’s median rent is similar to the metropolitan area’s, yet, the city has fewer rentals below \$1,000 and more above \$1,000 than the region. Comparatively, in 2000 almost 60 percent of rentals in Aurora were priced lower than \$750 per month. Many renters in our city are being pushed out, becoming cost burdened, or are being forced to house together to afford to stay in their homes.

## The Percentage of Renter Households

The majority of renters in Aurora are burdened by high housing costs.



Source: American Community Survey (ACS)



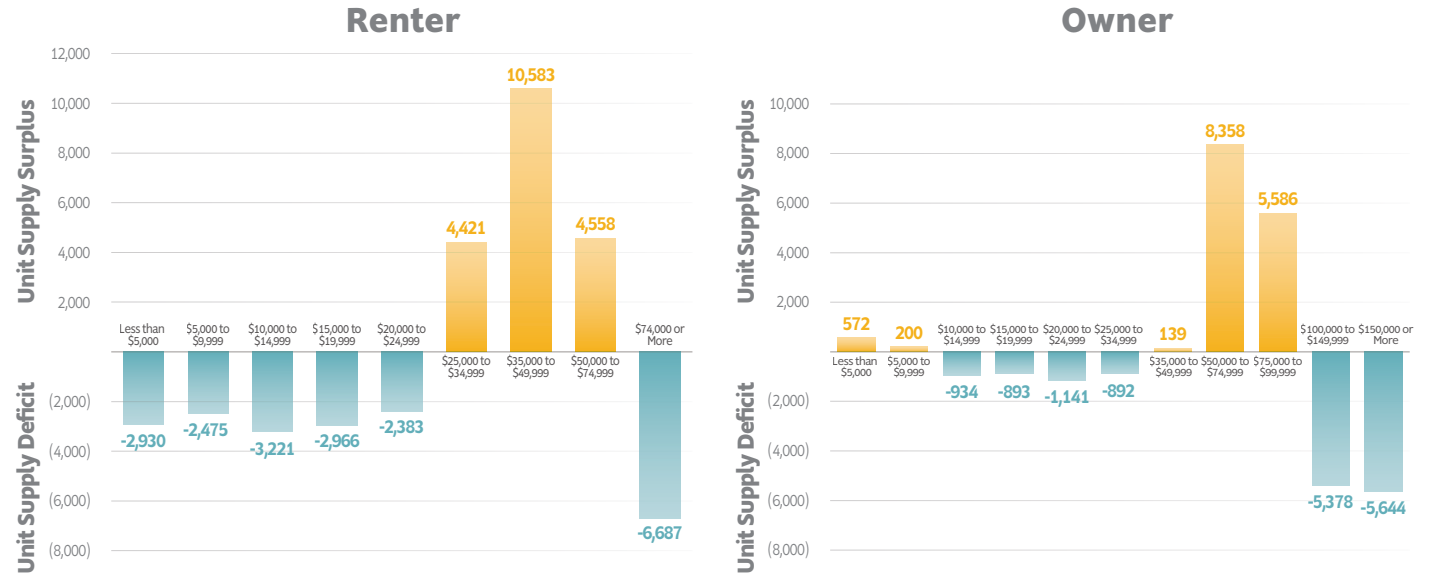
## Renter/Owner Unit Supply Discrepancy

Housing is available to meet the needs of moderate income households but is not adequately available for lower and higher income households.

Housing for low-income households in demand in Aurora. Currently, Aurora has an insufficient number of rental properties that low-income households can afford without experiencing a cost burden or spending more than 30 percent of annual income on housing. This forces potential disposable income to instead be spent on housing.

At the other end of the housing market, our city lacks sufficient higher-value units to meet the needs of higher-income households looking to live in Aurora. As the number of higher-income professional jobs increases, upper-end housing will be needed to accommodate these households within the city.

Expanding both affordable and higher-value housing will prevent the need for workers to look for a home in a neighboring community.



\*This chart measures the discrepancy between available supply of renter-occupied housing units and the households that earn incomes that can afford them comfortably, as measured by spending less than 30 percent of total annual income.

Source: American Community Survey (ACS)



# Natural Resources

Careful stewardship of water, energy and natural resources not only represents a commitment to protecting the natural environment, but is also essential to our city's ability to meet the growing needs of its residents and businesses as the city develops.

Aurora's natural environment contributes to the city's high quality of life by providing recreational opportunities, transportation and neighborhood connections, a unique identity, ecosystem preservation, and highly cost effective solutions for stormwater runoff and water conservation. As Aurora continues to grow, it will need to expand its outdoor and recreational opportunities and to conserve its valuable natural resources in order to balance future community needs.

With an incorporated land area of 164 square miles, Aurora is located in the rolling hills and high plains grasslands of Colorado, just to the east of the Rocky Mountain foothills.

## WATER-WISE LANDSCAPING

Water-wise landscaping (also known as xeriscaping) is sustainable and drought tolerant due to the low-water plants and specific techniques used to maximize water efficiency. When compared to grass, which requires about 28 inches of supplemental water annually, water-wise landscaping can thrive on 15 inches or less and weathers longer periods without water. Additionally, this type of landscape often requires less maintenance. The city operates a number of programs to promote the use of these techniques, including design assistance, plant suggestions, rebates, educational resources and a recognition program.



Aurora is more than a mile high at its lowest point of 5,285 feet above sea level. But then the city's elevation increases to more than 6,200 feet above sea level at its highest point in the southeast. Surface water in Aurora flows into several streams that eventually adjoin the South Platte River. Aurora enjoys a mild, semi-arid climate with an average annual precipitation of only 15 inches and an average of 300 sunny days per year. Its sweeping views of the Front Range mountains and its mild climate make it a pleasant place to live. The well-developed park and trail systems, coupled with large open space areas like the Plains Conservation Center and Aurora Reservoir, provide significant outdoor places for the community.

Water supply is critical to Aurora's future. Currently, our city's water supply comes from the Colorado River Basin, Arkansas River Basin, and Upper South Platte Basin. According to the 2016 Integrated Water Master Plan, the city's water demand is projected to more than double by 2070. In accordance, the city plans to obtain additional water supply and expand storage capacity.

The city's strong conservation program is crucial in addressing its water-supply challenges such as limiting outdoor watering to three days a week, water-wise landscaping rebates, and other programs. Conservation, water efficiency and demand management practices are incorporated into Aurora's land use planning and development standards. These programs have saved 528 million gallons of water between 2014 and 2016.

Aurora has undertaken several energy conservation efforts. The city has worked with partners to create the country's largest solar-technology test facility. The 74-acre Solar Technology Acceleration Center (SolarTAC) is located at the Aurora Campus for Renewable Energy (ACRE).

XCEL Energy operates six acres of community solar gardens that allow Aurora customers to buy renewable energy credits for their homes and businesses. The city also has photovoltaic systems at three of its public facilities. Aurora has sponsored several educational and outreach programs for schools and businesses to help them improve their energy efficiency. These initiatives provide an opportunity to integrate energy efficiency and economic development.

Careful stewardship of water, energy and natural resources represents a commitment to protecting the natural environment. The integration of water and land use planning will enable our city to conserve its resources and make strategic, cost-effective infrastructure with the highest level of reliability. As Aurora continues to evolve into a major city, stewardship of these natural assets becomes increasingly important to maintain Aurora's quality of life and provide both functional and environmental benefits.



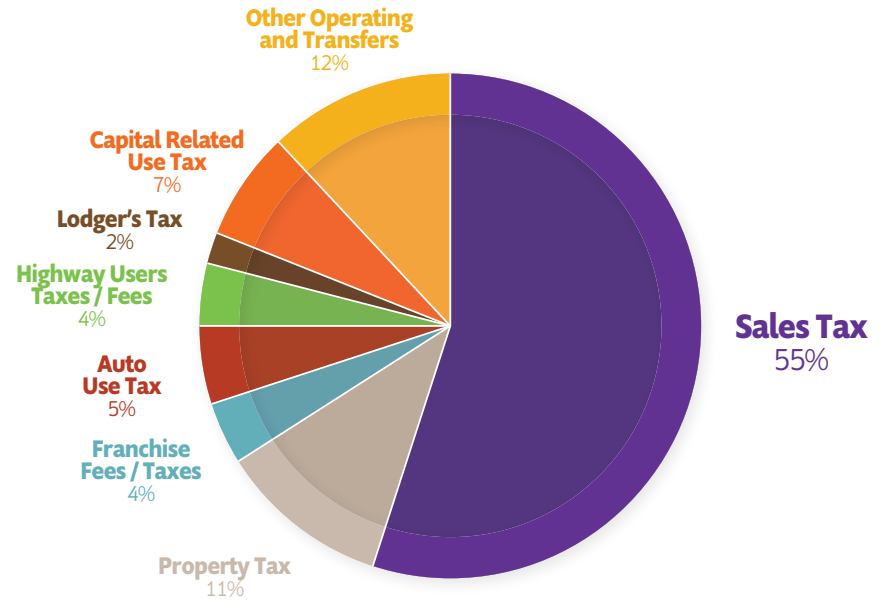
# Fiscal Health

The city's long-term fiscal health is strongly tied to how the city chooses to grow. All types of development and redevelopment have associated positive or negative fiscal impacts. It is critical to understand these implications when weighing growth decisions. Revenue is driven largely by consumer demographics and the type and intensity of development constructed in the city. The spending power of Aurora households or outside visitors who shop in the city drives sales tax revenues while the type of development drives both property tax revenue and required city services. Many of the city's largest budget appropriations are directly related to the growth and development of the city, such as transportation improvements, water and wastewater utilities, police and fire services, and parks and recreation.

Aurora is deeply dependent on local sales tax to support its budget. In the 2018 Adopted Budget, sales tax revenue is the largest operating source of revenue, contributing 55 percent of General Fund sources. This source of revenue is largely driven by population demographics the availability of disposable income of Aurora households. Consumer spending by daytime Aurora-based employees and spending by visitors to the city are other sales tax contributors. Aurora residents shopping outside the city, or "retail leakage"; growing popularity of online shopping; and a shifting proportion of spending on taxable goods toward non-taxable services can have a negative effect.

## Adopted General Fund

Sales provides the majority of revenues in the city of Aurora.



Source: City of Aurora 2018 Adopted Budget



Overall consumer spending is often cyclical, in large part based on regional or national economic trends; however, the city can take actions to capture its fair share-or more-of sales tax revenue in both strong and challenging economic times. One strategy is to create unique places that draw shoppers to Aurora and keep resident spending in the city is one strategy. These Aurora places can offer desirable experiences and retail and restaurant options that respond to changing consumer preferences.

The second largest revenue source is local property taxes, which comprises 11 percent of the General Fund revenue. The property tax revenue from new development will vary based on the type, quality and density of housing, and value of non-residential development. In large part, these factors are established when a new development is planned and built.

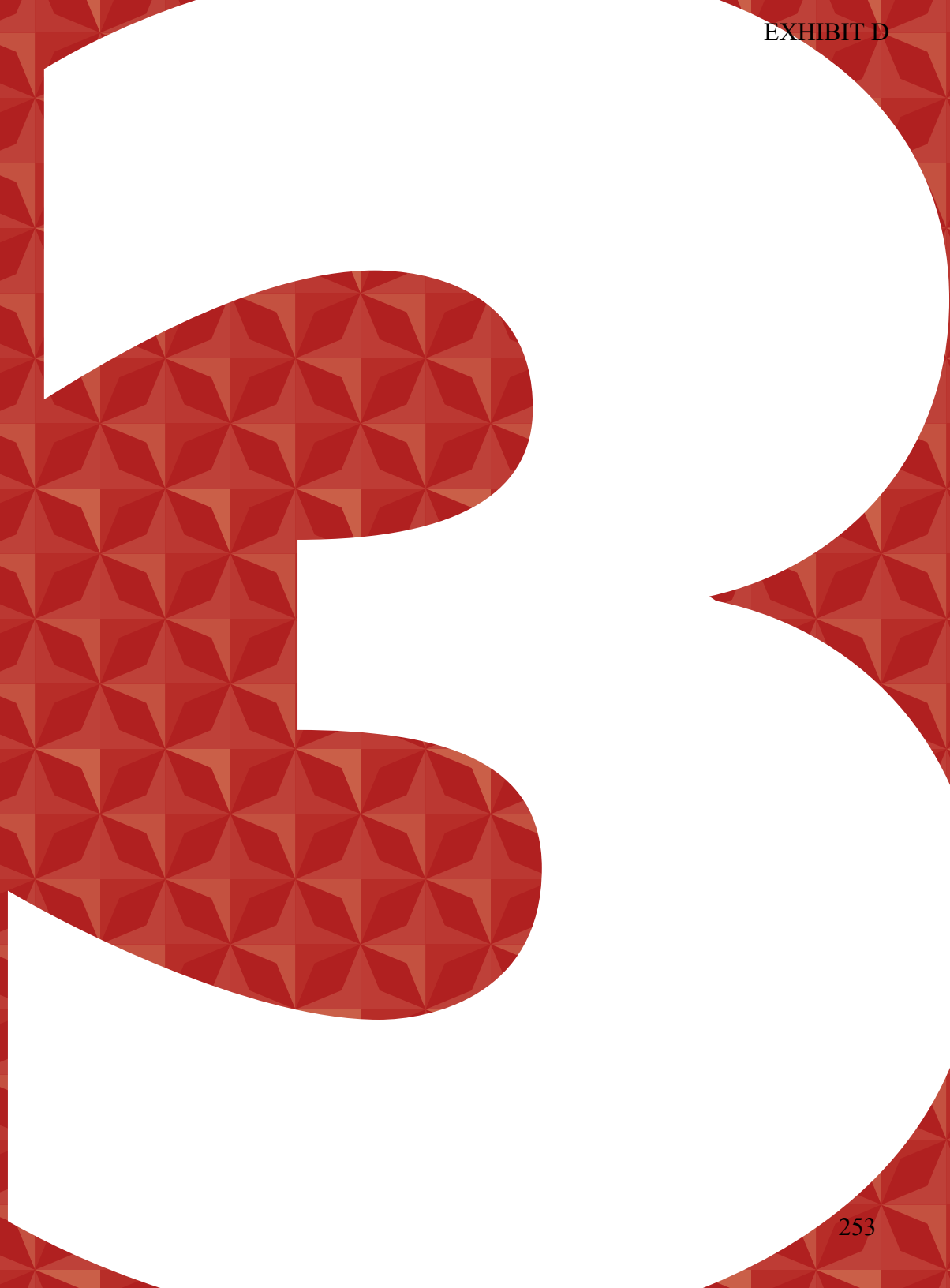
Furthermore, the city will continue to work within state legislative constraints, such as the TABOR (Tax Payer's Bill of Rights) and Gallagher Amendments, as they affect the growth and balance of commercial and residential property-tax revenues.

The 2006 Study of Revenues report found that the city will face budget challenges under various scenarios of growth and expenditure. This is described as the "structural gap" between ongoing service needs and the city's revenue capacity. Periods of strong revenue growth delay or reduce the size of the gap, while recessions cause the gap to grow.

In response to the study, the city has taken steps toward reducing the structural gap, such as judiciously funding service level needs with ongoing revenue, using one-time funds for one-time needs, and indexing service fees annually. The long-term General Fund financial outlook scenarios confirm a gap remains a risk. Closing the gap will likely require measures that address both expenditures and revenue.

Aurora Places aims to address the role of development and economic development in the city's overall health. The fundamental goal of the plan is to create a strong and stable city that meets the needs and desires of residents and continues to be attractive to investors and employers. Placemaking plays a unifying role in creating great destinations to live, work, invest, shop and play. This is an essential part of the community's future economic and fiscal success.





# COMMUNITY CONVERSATION

## Aurora Places is the community's plan.

The Aurora Places team engaged in in-depth conversations with the community to create a plan based on the aspirations of the people who live and work in Aurora. Aurora's diverse population made it even more essential to listen to the community's broad range of perspectives, including:

- ◆ Aurora City Council
- ◆ Residents and neighborhood organizations
- ◆ Business owners and major employers
- ◆ Local school districts and higher education providers
- ◆ Local advocacy organizations
- ◆ City boards and commissions
- ◆ City administration and staff

## Community Vision Statement

Aurora is a welcoming and safe community and a city of opportunities where people of all backgrounds can prosper.

Aurora is known for its unique places, strong economy, community involvement, quality and attainable housing, integrated and healthy neighborhoods, smart ways to get around and a thriving natural and cultural environment.



# COMMUNITY CONVERSATION

Aurora Places is built on a foundation of community input resulting from an ambitious outreach campaign.

The community and planning team collaborated in person and online, at events, in small groups, and community-wide workshops. In 2016 and 2017, the planning team interviewed individuals, held focus groups and community workshops, conducted online surveys, hosted the sMap interactive mapping tool, and distributed do-it-yourself (DIY) workshop kits to local outreach teams. To ensure that the city's non-English-speaking community had an opportunity to participate, the Aurora Places team conducted outreach in six languages.

In January 2017, local experts, representing a variety of community topics, participated in focus group discussions. In spring 2017, the Aurora Places team hosted community workshops focused on creating a vision for Aurora's future. The issues, opportunities and desired actions expressed in this chapter reflect the opinions and feedback from community residents and stakeholders. The discussions and comments from these groups were used to inform the planning process and develop insights into the key issues facing the Aurora community.

# 3,200+

Aurora Places team has engaged more than 3,200 residents, businesses and city staff in the making of this plan.

# 800

RESPONSES

The online surveys generated almost 800 responses.

# 500

MAP POINTS

The community mapped more than 500 assets, issues and concerns using sMap; a web-based application developed by Houseal Lavigne Associates.

# 6

LANGUAGES

Outreach was conducted in English, Spanish, Korean, Amheric, Somali and Burmese.

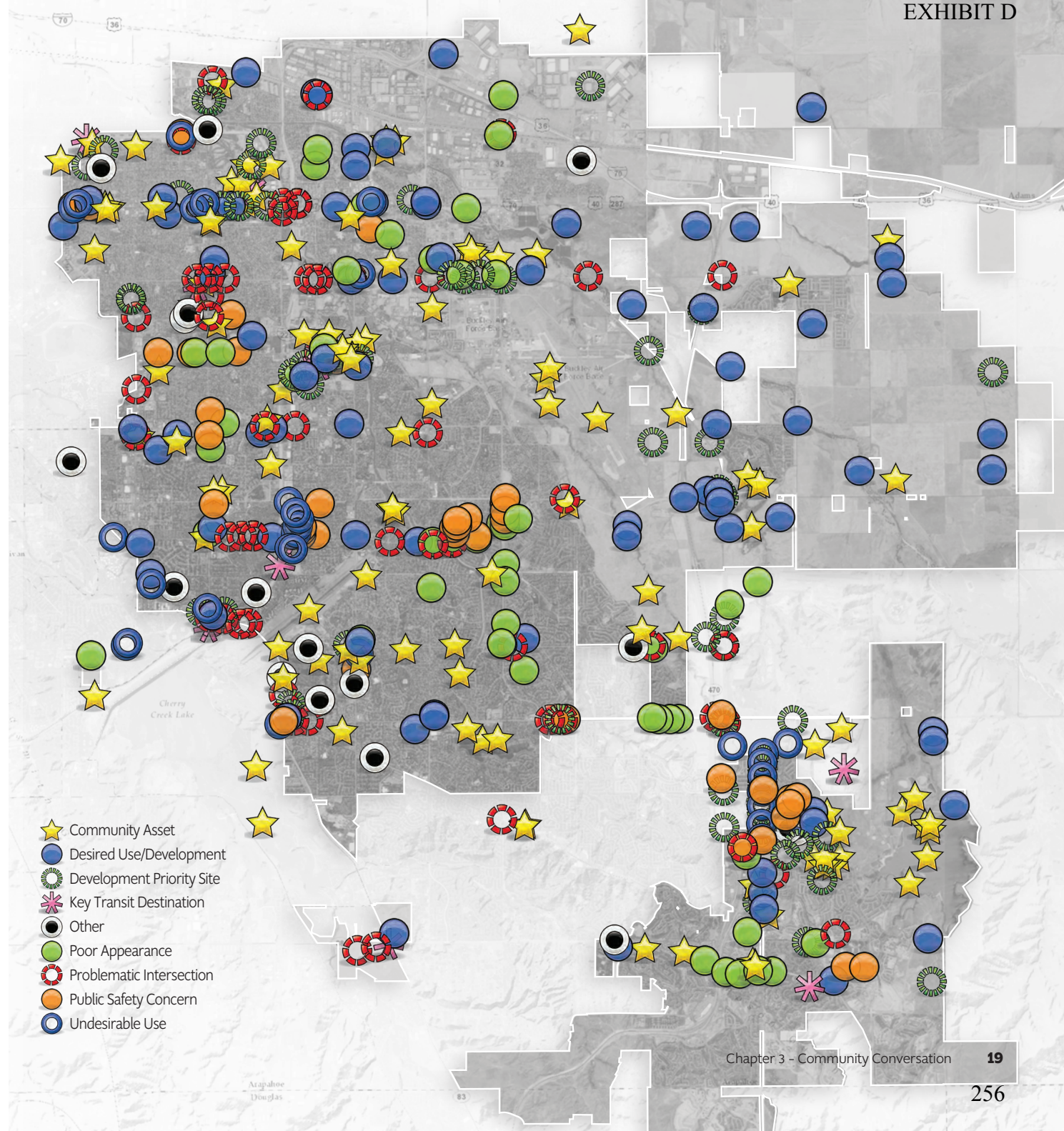
# 55

DIY + LOT

Do-it-Yourself (DIY) workshop kits distributed to local outreach teams (LOT) resulted input from 1,000+ residents.

### SMAP

As part of the planning process, sMap, a web-based outreach and engagement platform, was used by residents across Aurora to gather input on issues, concerns, opportunities and aspirations. In a later round of community outreach, sMap was used to prioritize the most important components related to community health, diversity, mobility, sense of place, local economy, housing and sustainability. Input provided helped to shape the vision, core principles and goals included in Aurora Places.



- ★ Community Asset
- Desired Use/Development
- ⊙ Development Priority Site
- ✳ Key Transit Destination
- ⦿ Other
- Poor Appearance
- ⊙ Problematic Intersection
- Public Safety Concern
- ⊙ Undesirable Use

# WHAT WE HEARD...



## COMMUNITY PRINCIPLES

Community members identified many issues and actions to make Aurora better. They described what they considered to be Aurora's most important assets and voiced concerns that will help determine how to best plan for our city's continued development. Through the community conversation, the Aurora Places team assisted the community in identifying and defining seven topic areas as priorities for Aurorans. These seven community principles served as the foundation for the development of the Aurora Places.

### A Strong Economy

The participants in the community conversation stressed the importance of economic growth for Aurora. The city has several community assets that provide a foundation for growing the local economy, including a major research center at the Anschutz Medical Campus, the Buckley Air Force Base and a new light rail line. According to participants, job creation and access to workforce training resources are very important. There is a strong desire to improve support for small and local businesses. There is also a need for unique urban places for employment, together with housing, daycare and locally grown businesses. Multiple modes of transportation should connect these urban places. Partnerships with institutions and the private sector will be critical for the economy, especially in relation to training and education.

### A Diverse and Equitable City

The population of Aurora is diverse in every way. Aurorans wanted to celebrate this diversity and make sure that services are provided to the people of Aurora, regardless of background, age, income or ability. Diverse populations should enjoy all of the opportunities and amenities that Aurora offers. Improved intercultural communication is needed, along with enhanced services for immigrants, people with disabilities, seniors and low-income families. Displacement of people from their homes and neighborhoods as development occurs around them is a critical issue to address. Participants also called for the city to continue to engage diverse communities and provide information and services in multiple languages.

### Housing for All

Participants described the need for more high-quality housing in a range of types and prices, including affordable housing. The lack of affordable housing options for low-income families, particularly for renters, must be addressed. Participants emphasized the need to end homelessness. There is a need for more housing choices and options, and existing affordable housing should be preserved and direct assistance should be provided to low-income families. Development regulations and processes should be improved to make housing development more efficient and less costly. Affordable housing should be located at accessible places such as at transit stations and close to job centers.



## Healthy Community

Participants identified the need for additional recreational opportunities and better access to healthy food. Participants also expressed desire for improved public safety and mental health resources. They also expressed interest in smoking cessation programs. There was strong support for community gardens, urban agriculture, and fresh and healthy food options available in every neighborhood. Our city should support health promotion events, inventory sidewalks and crossings and invest in street improvements to allow residents to walk and bike safely in their neighborhoods and across the city.



## Thriving Environment

Participants described the need for more water and energy conservation and improved recycling options and opportunities. They expressed concern for improving air quality to protect health and the environment, and preserving, enhancing and connecting open spaces, trails and waterways. They understood that planning for growth and water supply are inextricably connected and emphasized the need for water conservation education, the use of native vegetation, water-wise landscaping and green infrastructure. The city should promote construction of energy-efficient buildings, and educate the public about energy-efficient practices.



## Improved Mobility and Active Transportation

Aurora has significantly improved the mobility of Aurorans by providing new travel options for cyclists, pedestrians, drivers and public-transit users. Participants wanted to continue to increase and improve all types of travel connections. Aurorans are concerned about traffic congestion, safety, road maintenance and the need for additional bike routes. Improved walkability, public transit and transportation technology are needed. Participants expressed strong concerns for meeting the travel needs of the disabled, the elderly and families.



## Authentic Aurora

Participants frequently stated that Aurora's reputation does not reflect its actual high quality of life. In addition, participants wanted to make improvements to the city that will reflect well on it, particularly through the creation of new downtown areas as locations for jobs, entertainment and the arts.

Aurorans want to improve the community's image and perception. Part of that improvement will involve the creation of unique urban places where people can come together to work and enjoy entertainment, art and community events. Our city needs an improved image, reputation and appearance, along with more distinctive destinations for both residents and visitors. They were also concerned with eastward growth and its impact on city services and fiscal health.



# PLACETYPES

**F**rom the Havana District to Colfax Avenue to southeast Aurora and the northeast plains, Aurora is a city of individual places joined into a unified community. Like most large cities, Aurora has places with different histories and characters, separated by significant distances. Aurora currently has fewer types of places compared to cities of similar size. For instance, Aurora lacks an established central business district or downtown. If the city wants to build on its diversity and continue balancing growth and success, it is critical that it creates these and other places throughout Aurora.

In vibrant cities, great places most often take the form of unique neighborhoods and active mixed-use districts, designed around parks, plazas and main streets, with distinctive architecture and a diverse mix of activities. Such places allow people to meet, conduct business, exchange ideas and interact with one another. During the 20th century, most American city plans placed a focus on individual land uses, such as single-family homes, apartments, shopping centers and industry, without fully recognizing the dependency each of the uses had on the others. The most successful, sustainable and vibrant cities have recognized and organized their uses to create holistic places.

Great cities are  
composed of  
great places.

# PLACE-BASED APPROACH

## Placetypes help define Aurora by creating unique places with their own characteristics.

This plan describes future development and land use in terms of “placetypes.” Placetypes characterize specific areas based on defining character, scale, form and function. Aurora’s ten placetypes establish well-defined, unique and desirable places. Creating these placetypes will involve the maintenance or improvement of existing places and the development of entirely new places. The placetypes are created and strengthened through community involvement, neighborhood planning, land-use regulation, public investment and public-private partnerships. A significant portion of investment will come from property owners, investors, and businesses working to stimulate real estate market forces.

The placetypes provide a great deal of flexibility and potential for innovation. This place-based approach promotes the full potential of vacant and undeveloped properties by allowing them to draw on different types of land uses. The creation of places not only depends on the land uses but also on their specific design, functionality and access to infrastructure. The use of placetypes provides more inclusive, accessible and economically successful places and implements the seven community priorities described in Chapter 3.

## UNIQUE AURORA PLACES

While placetypes generally share defining features, each individual place is encouraged to take on its own unique character and specific mix of uses to meet local needs and desires. For example, while the Anschutz Campus, City Center area and Southlands Town Center are all designated as Urban Districts, based on the vision as walkable mixed-use urban environments, each place can have its own character and deliver a distinct experience to residents and visitors. Diversity is a strength of Aurora and that idea extends to diversity of places.

The following section outlines the 10 placetypes for the city of Aurora including a description of what they look like, the land uses that are compatible within them and the best practices to create them. The placetypes define Aurora by creating individual places with their own unique characteristics.

A cohesive community is created when placetypes appropriately connect to each other. Areas where placetypes adjoin create a transition area that integrates the each’s character. Adjacent uses should be compatible or appropriately buffered.

# PLACETYPE PLAN

There are 10 placetypes throughout the city that address common land uses, including residential, commercial, open space, and community facilities. This placetype map is intended to depict general locations of each placetype and not necessarily the land-use designation of specific parcels. Information is available in the Planning and Development Services Department concerning how placetypes might best correspond to individual districts in the Zoning Code.

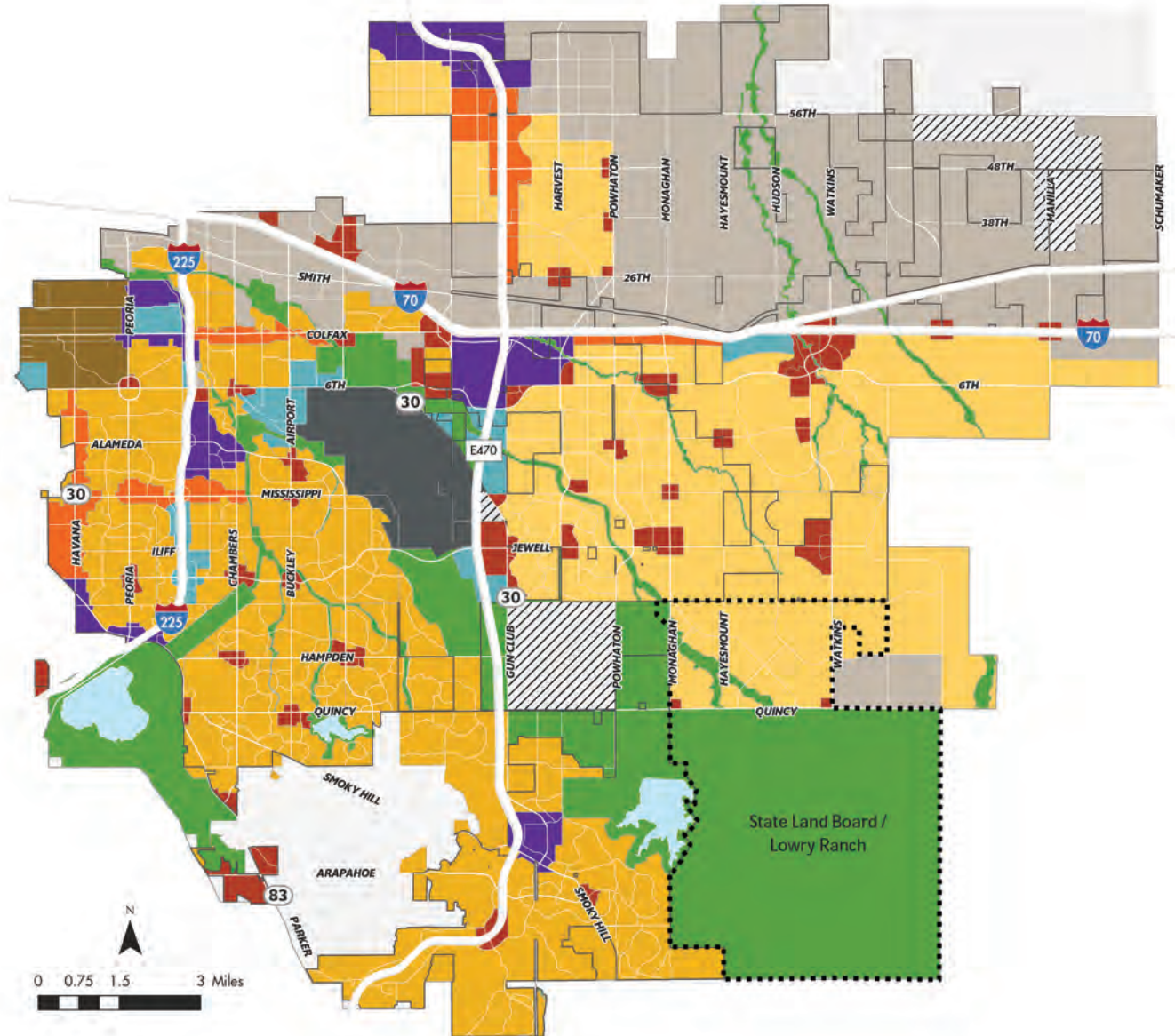
Areas designated as Special Use possess a unique land use or mix of uses, function, design or character. A significant change of land use or annexation into the city of these properties may necessitate amendment of the comprehensive plan.

## PLACETYPES

- Urban District
- Innovation District
- Industry Hub
- Buckley Air Force Base
- Urban Green Space
- City Corridor
- Established Neighborhood
- Emerging Neighborhood
- Original Aurora
- Commercial Hub
- Special Use
- State Land Boundary

*This map identifies placetype designations for all areas within the city of Aurora's adopted planning and annexation boundaries. See page 51 for additional information about these boundaries.*

*Placetype designations for areas outside of the city limits are for long-range planning purposes only. These properties are subject to rules and regulations of their appropriate jurisdiction(s). The city of Aurora does not enforce zoning, subdivision or development standards in unincorporated areas.*





# PLACETYPES AND LAND USE

The 10 placetypes consist of several typical land uses. Primary land uses are prominent and play a pivotal role in characterizing the placetype. Supporting land uses are less prevalent and strengthen the primary land uses. For example, an Established Neighborhood primarily consists of a mix of residential housing types, like single-family homes; however, the neighborhood also contains supporting uses such as schools and parks. The following pages include a list of typical land uses, their descriptions and how each land use fits into each placetype as a primary or supporting use.

Placetypes generally describe the overall character of a place. It includes a typical land uses mix, key urban design features, the mobility network, and other physical and functional elements that define each type of neighborhood or mixed-use district. Zoning is a regulatory tool used to implement the vision described by the placetypes. The Aurora Zoning Code provides detailed land use definitions, regulations, and development standards for all properties within the city.

Placetypes	Typical Land Uses														
	Single-Family Detached Residential	Single-Family Attached Residential	Multifamily Residential	Restaurant	Commercial Retail	Commercial Service	Office	Entertainment and Arts District	Light Industrial / Business Parks	Heavy Industrial	Buckley Air Force Base	Institutional (educational, religious, cultural)	Parks and Open Space	Urban Agriculture	Community Garden
Urban District	●	○	●	●	●	●	●	●	●	●	○	○	○	○	○
Innovation District	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry Hub	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Buckley Air Force Base	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Original Aurora	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Established Neighborhood	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Emerging Neighborhood	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Commercial Hub	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○

Primary Land Uses are more prominent and play a pivotal role in characterizing that placetype.  
 Supporting Land Uses are less prevalent and serve to support the primary land use.



## TYPICAL LAND USES

### Single-Family Detached Residential

Single-family detached residential areas consist primarily of homes on lots subdivided in an organized and planned manner. Single-family detached homes are the most prevalent residential building type in the city.

### Single-Family Attached Residential

Single-family attached structures include townhomes and row-houses. Single-family attached structures contain multiple units divided by common or shared walls, with each unit having their own direct access to outside.

### Multifamily Residential

Multifamily residential structures contain multiple housing units and are usually stacked vertically and attached horizontally, with each unit having its entrance on a common hallway or lobby. Examples of multifamily residential developments include apartments, condominiums, student housing, and senior housing.

### Commercial Services and Retail

All these areas permit “commercial” uses and include places where people shop, eat, work and receive professional and personal services. The uses can be low-intensity and small in scale, such as those found within a neighborhood. They also can be large and intense, like those found in regional shopping areas, or part of mixed-use environments such as a downtown.

### Light Industrial/ Business Parks

Light Industrial, Business Parks, and office space cover a wide range of uses that include storage, warehouse, research, light processing or assembly, office parks and others.

### Heavy Industrial

Heavy Industrial uses consist of large-scale industrial uses, including manufacturing, construction, waste and recycling services, and intense automobile repair and salvage services.

### Religious Institutions

Religious Institutions include churches, synagogues, mosques, other houses of worship and their related facilities. These institutions can be a key component of quality of life and tend to stabilize and help define individual neighborhoods.

### Parks and Schools

Parks and schools are located throughout the city and contribute significantly to the community's overall quality of life. Parks can include small neighborhood parks with playgrounds, as well as larger community-wide parks with ball fields and recreation programs.

### Urban Agriculture/ Community Gardens

These two land uses are related, but represent varying levels of intensity and compatibility. Urban agriculture is more intense and can include agricultural activities intended for the commercial-level production of crops and produce.

### Civic and Cultural

These land uses are publicly accessible places utilized by community members on a daily basis either directly or indirectly. They include necessary services such as utilities, police and fire as well as desired amenities like libraries and other municipal services.



# Aurora Placetypes

## Urban District

Urban Districts are Aurora's signature destinations that offer a unique, vibrant urban experience.

Urban Districts will be critical to the economic and fiscal health of the city because they will be the centers of employment, culture and activity. The Urban District is the city's most intensely developed area with mixed-use, entertainment, institutional, retail, restaurant and multifamily residential as defining uses. In the absence of a single "Downtown Aurora," this placetype creates a unique mix of uses in a relatively dense urban fabric, that provides a pedestrian-friendly environment and a place to live, work, shop, dine, recreate and more. It is distinguished from other placetypes by density, scale and the prioritization of multimodal transportation. Multifamily housing and employment opportunities abound, making Urban Districts the center of activity for Aurora.

Predominantly mixed-use developments accompanied by a small amount of stand-alone commercial and multifamily uses characterize the Urban District. Public facilities and institutions may be strategically located within the Urban District to anchor or support these diverse and active places. Urban parks provide green space for residents and workers and serve as locations for community activities. This mix and intensity of uses is intended to provide around-the-clock activity. Transit, pedestrian and bike connections are essential to its development and success.

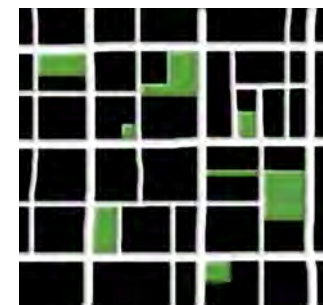
### Primary Land Use

- Multifamily Residential
- Restaurant
- Commercial Retail
- Commercial Service
- Entertainment and Arts District
- Office

### Supporting Land Use

- Single-Family Attached Residential
- Institutional
- Parks and Open Space

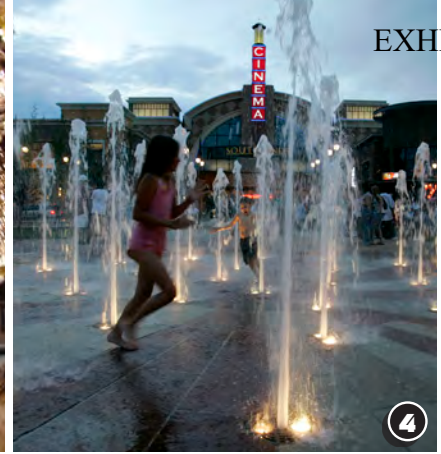
### Street and Open Space Network



Develop Urban Districts with a complete grid of streets creating relatively small urban blocks. Provide easy, short pedestrian and bicycle connections to surrounding districts and neighborhoods.



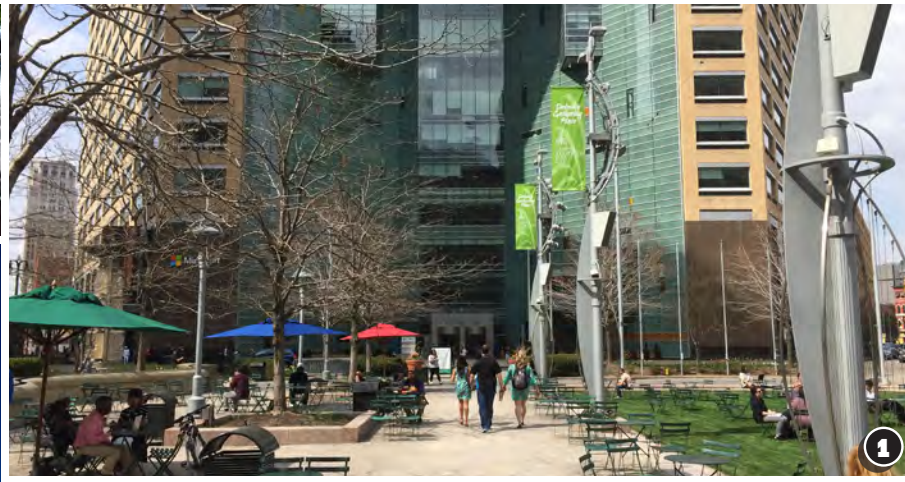
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4



4



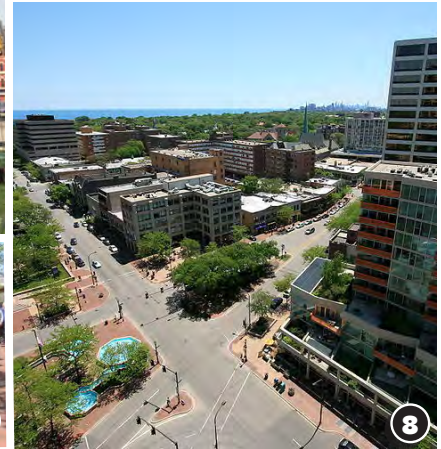
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5



3



8

**Defining Features**

- 1** Use Urban Districts as an opportunity to define Aurora’s image and aesthetic through high-quality design and architecture supporting active places and distinctive destinations.
- 2** Prioritize mixed-use buildings with ground-floor commercial and multistory residential housing above to bolster commercial and social activity.
- 3** Use attractive, connected and well-designed urban streetscapes throughout the district. Place buildings at or near the sidewalk to maintain a traditional streetwall effect.
- 4** Utilize civic plazas, courtyards, and parks and open space as gathering places for residents, employees and visitors.
- 5** Provide easy, short pedestrian and bicycle connections to surrounding districts and neighborhoods.
- 6** Integrate “water-wise” practices including water-efficient fixtures, native landscaping, water efficient streetscapes and medians and low-impact development BMPs.
- 7** Incorporate an accessible, well-connected transit hub to connect Urban Districts to the rest of the city and region.
- 8** Develop urban districts with a complete grid of streets creating relatively small urban blocks.



# Aurora Placetypes Innovation District

Innovation Districts foster new ideas and enterprises by bringing together people, companies and institutions.

The Innovation District is where leading-edge anchor institutions and businesses connect with start-ups and business incubators and accelerators. This placetype fosters new ideas and enterprises by bringing together different people, companies and institutions and are key to increasing employment within the city. Light industrial and business park uses are joined with educational and medical institutions to foster sought-after creativity. These primary uses interact horizontally to promote integration across the various industries that fill this placetype.

A high-quality, tech-centric space is critical to this placetype's success, including unique meeting spaces that encourage people and organizations to come together, learn from one another and exchange ideas. High-quality office space and jobs colocated with housing are necessary to keep Aurora's innovative and creative thinkers close to home, such as students and professors that live on campus. Urban agriculture and community gardens serve as secondary uses, particularly to various biological sectors that utilize them for research. Transit, pedestrian, and bicycle accessibility to and through the Innovation District is also critical.

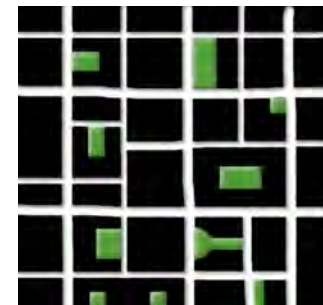
### Primary Land Use

- Office
- Light Industrial
- Institutional

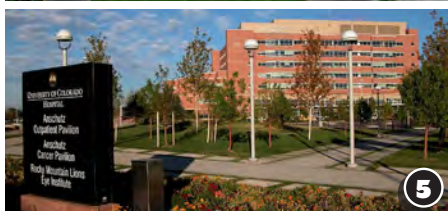
### Supporting Land Use

- Single-Family Attached Residential
- Multifamily Residential
- Restaurant
- Commercial Retail
- Commercial Service
- Parks and Open Space
- Urban Agriculture

### Street and Open Space Network



Connect the district through a highly-connected and walkable network of streets. Cluster buildings around gathering places or within a campus layout.



### Defining Features

- 1** Demonstrate highly innovative approaches to design and development through architecture, lighting, infrastructure, and innovative spaces.
- 2** Cluster or connect buildings around gathering places or within a campus layout to promote idea sharing and business collaboration.
- 3** Integrate affordable single-family attached and multifamily residential to support students, faculty and other employees.
- 4** Develop a fully connected network of sidewalks and bike paths to provide safe and efficient pedestrian access from nearby neighborhoods and adjacent placetypes.
- 5** Construct gateway treatments and wayfinding signs at key entrances to better direct residents, workers, and visitors to the numerous cultural and educational facilities.
- 6** Include uses such as coffee shops, restaurants, bars, plazas, libraries, conference centers and shared working spaces to facilitate bringing people together to exchange ideas.
- 7** Integrate “water-wise” practices including water-efficient fixtures, native landscaping, water efficient streetscapes and medians and low-impact development BMPs.
- 8** Identify opportunities for joint nonpotable cooling water reuse.



# Aurora Placetypes Industry Hub

Industry Hubs are primarily dedicated to a mix of commercial and industrial uses and can be a significant employment center.

The Industry Hub includes areas typically dedicated to manufacturing, warehousing, distribution, fulfillment centers, freight operations and renewable energy enterprises. This placetype plays an important role in the city's employment base and economy, but can sometimes create outdoor activity and should be appropriately buffered from residential and commercial areas. It can generate high volumes of traffic from both its employees and associated truck traffic. Adjoining roadways should accommodate traffic without negatively impacting quieter placetypes or traffic on local streets serving residential areas.

Large-scale alternative energy facilities are another use that may fit this placetype. Uses permitted only in Industry Hubs are manufacturing plants, factories, large open-air operations and heavy-equipment storage.

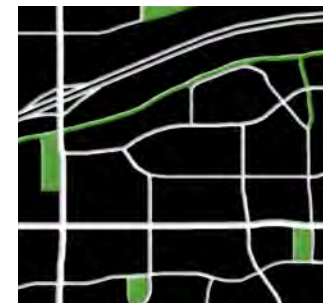
**Primary Land Use**

- Light Industrial
- Heavy Industrial
- Urban Agriculture

**Supporting Land Use**

- Restaurant
- Commercial Retail
- Commercial Service
- Office

**Street and Open Space Network**



Locate Industrial Hubs near major highways. Configure a street grid sufficient to accommodate large industrial facilities and truck traffic.



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**Defining Features**

- 1 Configure a street grid and roadway design of a width and layout sufficient to accommodate the safe and efficient circulation and access of a high volume of large-truck traffic.
- 2 Develop sites to accommodate large storage buildings and large paved areas required to facilitate the on-site maneuvering and loading of tractor trailers.
- 3 Utilize sustainable best practices to mitigate negative environmental impacts.
- 4 Locate Industrial Hubs near major highways and commercial rail lines to provide fast and convenient freight access. Avoid mixing industrial traffic with quieter neighborhood placetypes.
- 5 Integrate “water-wise” practices including water-efficient fixtures, native landscaping, water efficient streetscapes and medians and low-impact development BMPs.
- 6 Identify opportunities for joint nonpotable cooling water reuse.
- 7 Use attractive and durable architecture and landscape to help maintain the value of industry hubs over time.





# Aurora Placetypes Buckley Air Force Base

The continued success and viability of Buckley Air Force Base is a critical priority to Aurora.

Buckley Air Force Base (AFB), host unit of the 460th Space Wing, includes all areas directly involved in base operations. Buckley AFB is an Air Force Space Command base that serves more than 92,000 active-duty, National Guard, Reserve, retired military personnel, contractors, and other related tenants throughout Colorado's Front Range. Buckley AFB has air operations, space-based missile warning capabilities, space surveillance, communications operations, and support functions.

Buckley AFB is the most unique placetype as it essentially functions like a municipality with residential uses and all necessary commercial uses, including restaurants, retail and services, in addition to its core military functions. Residential uses are prohibited in key adjoining areas, and a range of uses are prohibited below flight paths. Noise mitigation measures are required for new buildings in a large area around the base. The city continues to partner with Buckley AFB to maintain a compatible use buffer adjacent to the base through open space protection and development restrictions.

### Primary Land Use

- Office
- Light Industrial
- Heavy Industrial
- Buckley Air Force Base

### Supporting Land Use

- Multifamily Residential
- Commercial Retail
- Commercial Service
- Parks and Open Space

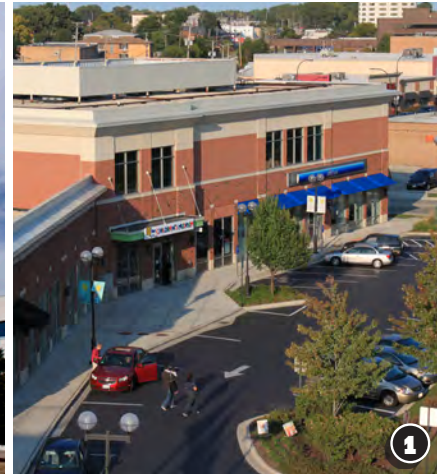
### Street and Open Space Network



*Open space acquisitions protect the base from urban encroachment and buffer surrounding neighborhoods.*



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### Defining Features

- 1 Encourage development of commercial or supporting services near the base to serve people that work or live on the base.
- 2 Work with Buckley AFB to mitigate its impacts on the surrounding neighborhoods, including noise pollution, air quality and visual appearance.
- 3 Upgrade public transportation routes to improve access to the base.
- 4 Support or collaborate on water conservation measures in partnership with Buckley AFB.
- 5 Continue to collaborate with Buckley AFB to buffer the base from urban encroachment.



# Aurora Placetypes

## Urban Green Space

Regionally significant areas of natural environment and developed parks define the Urban Green Space placetype.

Various forms of green space are integrated into all placetypes as supporting elements. What defines the Urban Green Space placetype is the regional importance, connectivity and scale of these signature parks, trails and open space assets. Aurora's Urban Green Spaces include large areas, such as the Plains Conservation Center and Aurora Reservoir, and smaller ones, such as Quincy Reservoir and the undeveloped land adjoining Aurora's major creeks and drainage ways. They include undeveloped areas with significant ecological value as well as programmed parks accommodating passive and active recreation, both of which may also function as stormwater-management facilities.

The Urban Green Space placetype is largely defined by three land uses: parks, trails and open space. These uses may be of many types, from developed and programmed parks, to protected natural areas. Recreational facilities, services and programming of green spaces activate these public gathering places.

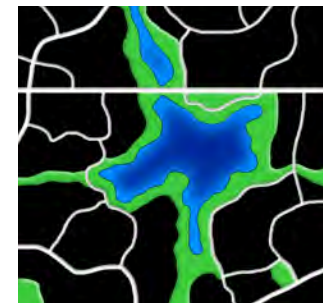
### Primary Land Use

- Parks and Open Space

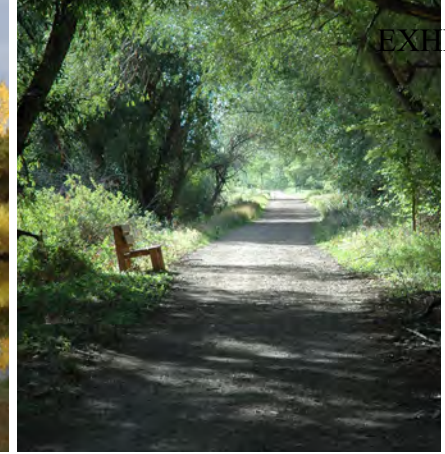
### Supporting Land Use

- Community Garden

### Street and Open Space Network



Connect parks and open spaces through a network of trails, sidewalks, bicycle routes and linear parks. Locate streets on the edge of green spaces to create public views and access.



**Defining Features**

- 1 Locate Urban Green Spaces within walkable distances of all neighborhoods to provide opportunities for all of Aurora's residents.
- 2 Provide Aurora's residents with recreation opportunities throughout the city by providing access to playgrounds, sports fields and large open spaces.

- 3 Preserve significant wooded areas, grasslands, and waterbodies to help mitigate negative environmental impacts and to enhance Aurora's natural beauty.
- 4 Consider the impact of non-local traffic in adjacent neighborhoods when building parking lots and access points for community parks.

- 5 Connect Aurora's residents with parks and open spaces through a comprehensive network of trails, linear parks, bicycle routes and sidewalks. Where appropriate, locate streets on the edge of green spaces to create public views and access.
- 6 Buffer creek and drainage corridors to protect private property from flood or erosion hazards, as well as to preserve opportunities for trails and recreation.

- 7 Activate Urban Green Spaces as important community gathering places through high-quality facilities and engaging programming.
- 8 Use water-wise practices, including limiting turf to active recreation uses, xeriscaping and identify opportunities for nonpotable water supply.



# Aurora Placetypes

## Original Aurora

Original Aurora is a traditional city neighborhood that retains its character, diversity and form, even as the neighborhood continues to evolve.

Original Aurora is the city's first neighborhood, characterized by a street grid, commercial corridors, established residential areas and an active arts district. As a placetype, it represents traditional neighborhood development, and includes East Colfax Avenue, a major commercial and transit corridor connecting the Anschutz campus to central Denver, and the emerging Westerly Creek area, anchored by the Stanley Marketplace.

The city seeks to maintain and strengthen the traditional character of Original Aurora, while accommodating targeted reinvestment through infill, redevelopment and adaptive reuse. The Colfax, Dayton, and Montview corridors offer a growing mix of restaurants, retail, entertainment and services.

The predominantly residential portions of the neighborhood offer an opportunity to provide a balanced mix of housing options and include convenient, neighborhood-scaled services for residents.

Arts venues, civic buildings and dining and entertainment options are featured in the Arts District and reinforce the area's tradition as a gathering place for the community and visitors. Mixed-use development along key corridors can help support the neighborhood, adding a new dimension of vitality to the area, and stimulating entrepreneurial growth and jobs. A walkable network of streets and ample transit service offer mobility options throughout the placetype.

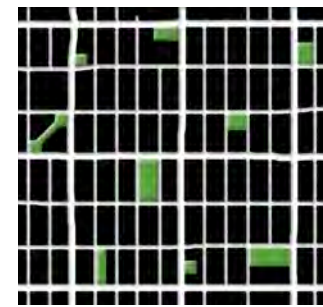
### Primary Land Use

- Single-Family Detached Residential
- Single-Family Attached Residential
- Multifamily Residential

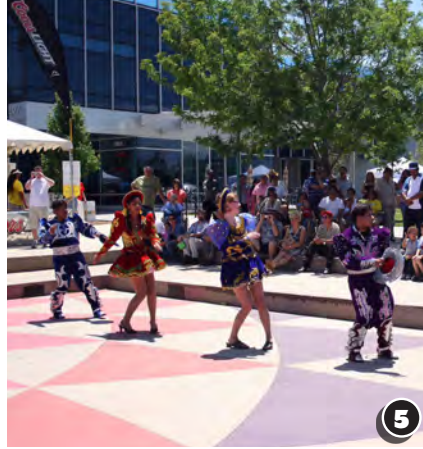
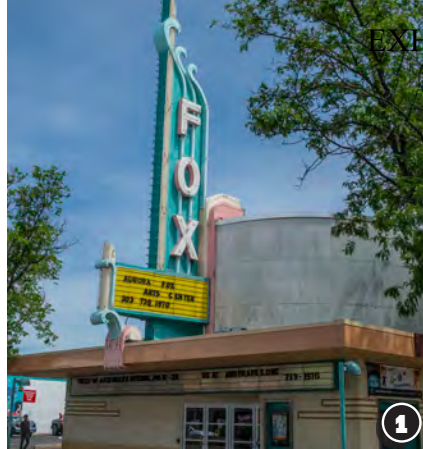
### Supporting Land Use

- Restaurant
- Commercial Retail
- Commercial Service
- Entertainment and Arts District
- Office
- Institutional
- Parks and Open Space
- Community Garden

### Street and Open Space Network



*Maintain or re-establish the traditional street grid network to maximize connectivity throughout the neighborhood.*



**Defining Features**

- 1 Blend new residential and mixed-use developments with the mid-20th-century commercial storefronts and residential areas.
- 2 Preserve, improve and augment existing housing stock retaining community character while encouraging investment and upgrading homes to meet current household and homebuyer preferences.

- 3 Support a thriving nightlife and restaurant scene by augmenting gathering places, like the Stanley Marketplace and Arts District, and developing places that serve area residents, Anschutz campus employees, arts patrons and visitors.
- 4 Use street trees and landscaping to outline Original Aurora's grid system to improve the appearance, air quality and general health of the placetype.

- 5 Strengthen MLK Jr. Library and Fletcher Plaza as a center of community events and gathering, public services and Aurora pride. Actively program events at the library and plaza to supplement activity in the Arts District and entertainment corridor.
- 6 Improve walking and bicycling connections throughout the neighborhood, including widening sidewalks and upgrading street crossings.

- 7 Protect and highlight Aurora's unique historic resources within the neighborhood.
- 8 Incorporate low-impact development and water quality practices and use appropriate systems to direct rainwater onto green spaces.



# Aurora Placetypes

## Established Neighborhood

Established Neighborhoods are predominantly residential, but supported by retail, services, multifamily and office uses along perimeter streets and intersections.

The Established Neighborhood placetype is characterized by predominantly residential areas with a variety of unit types, including single-family detached and attached, and multifamily, typically constructed between 1950 and 1990. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern. Although primarily a residential area, this placetype may also support limited retail, service and office uses located at intersections or along major perimeter streets.

Established Neighborhood primary land uses include: single-family detached and attached and multifamily residential of various densities, along with schools, parks and religious institutions. Supporting uses can include appropriately-scaled and located restaurants, retail, commercial services, community gardens and other neighborhood-serving gathering places.

### Primary Land Use

- Single-Family Detached Residential
- Single-Family Attached Residential
- Multifamily Residential

### Supporting Land Use

- Restaurant
- Commercial Retail
- Office
- Institutional
- Parks and Open Space
- Community Garden

### Street and Open Space Network



These neighborhoods typically feature a complex curvilinear pattern of streets. Established Neighborhoods should feature short, safe and protected bicycle and pedestrian routes throughout the neighborhood and connecting to adjacent placetypes.



**Defining Features**

- 1** Connect Established Neighborhoods to surrounding neighborhoods and commercial or mixed-use placetypes with short, safe, highly protected and attractive bicycle and pedestrian routes.
- 2** Use single-family detached and attached housing to establish the character of this placetype. Multifamily housing is another accepted housing type in Established Neighborhoods but is not as prominent and is often located along main streets or the edge of neighborhoods.
- 3** Locate full-service grocery stores and personal services in areas that are conveniently accessible from Established Neighborhoods to provide access to healthy foods and daily needs. Enhance pedestrian, bicycle and transit access to these important services.
- 4** In Established Neighborhoods, support inclusion in neighborhood gathering places, such as schools, parks, recreation centers and religious institutions, as many community events are centered around their activities.
- 5** Integrate “water-wise” practices including water-efficient fixtures, native landscaping, water efficient streetscapes and medians and low-impact development BMPs.





# Aurora Placetypes

## Emerging Neighborhood

Emerging Neighborhoods offer an opportunity for Aurora to redefine itself through highly-desirable, connected, and complete neighborhoods.

An Emerging Neighborhood placetype is a newer largely residential neighborhood in previously undeveloped areas. They are neighborhoods that have typically been built in the past 25 years and represent an opportunity to further diversify neighborhood choices. This placetype is more than just an isolated residential subdivision, but is instead a complete neighborhood with mixed residential housing types and pedestrian and bicycle infrastructure. This makes it walkable and well-connected throughout the neighborhood and to adjacent placetypes, with highly accessible parks and open space integrated into the neighborhood.

This placetype is similar to Established Neighborhoods with some important differences. These neighborhoods should offer a mix of housing types at various densities within the neighborhood fabric. Restaurants, retail and commercial services are supporting uses in this placetype and should be conveniently connected and accessible to residents of the neighborhood. Supporting uses also include a variety of neighborhood institutions and gathering places. Commercial uses should be located along main or perimeter streets rather than within primary residential areas.

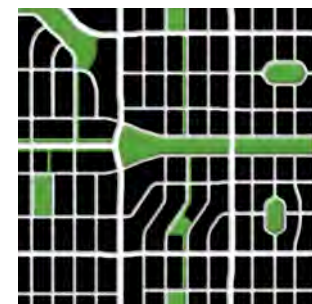
### Primary Land Use

- Single-Family Detached Residential
- Single-Family Attached Residential
- Multifamily Residential

### Supporting Land Use

- Restaurant
- Commercial Retail
- Office
- Institutional
- Parks and Open Space
- Community Garden

### Street and Open Space Network



The street pattern should balance vehicle, bicycle and pedestrian connectivity. Design new neighborhoods around a central organizing feature, such as a park or other gathering place.



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## Defining Features

- 1 Place supporting retail, restaurants, commercial services and small office uses along main streets or the perimeter of the neighborhood. These supporting uses should be directly accessible from the residential areas of the neighborhood by drivers, pedestrians, bicyclists and transit riders.
- 2 Intersperse a variety of housing types, sizes and prices throughout the neighborhood. Higher-density multifamily should be located on main streets or along the neighborhood's edge, yet still be integrated into the neighborhood street pattern.
- 3 Design new neighborhoods around a central organizing feature, such as a park, natural feature, school, or other neighborhood gathering place.
- 4 Build ADA-compliant sidewalks, crosswalks, and lighting, that help residents safely traverse their community.
- 5 Design a street pattern that balances traffic flow with pedestrian and bicycle connectivity, convenience and safety. Limit cul-de-sacs and dead ends and provide multiple connections to main streets and adjacent placetypes.
- 6 Integrate water-wise practices including water-efficient fixtures, native landscaping, water-efficient streetscapes and medians and low-impact development BMPs.
- 7 Limit turf to active recreation areas.
- 8 Encourage incorporation of nonpotable water systems in new development where appropriate and feasible.



# Aurora Placetypes City Corridor

The focus of the City Corridor is commercial activity along the main street, with connected mixed residential types supporting this vibrant district.

City Corridors are another placetype that will contribute to the economic and fiscal success of the city. Corridors are centered along the city's major roadways, home to a wide range of uses, including commercial, retail, institutional, service and some residential. This placetype is generally auto-oriented, but should also accommodate pedestrians, bicyclists and transit service. City Corridors should include amenities such as sidewalks, crosswalks, benches, pedestrian-scale lighting and landscaping that make it easy for pedestrians to safely and comfortably navigate the area.

Green space is typically limited within this placetype, but outdoor gathering areas—like pocket parks, common greens and plazas—are appropriate to enhance the experience. Integration of these amenities varies among the City Corridors throughout Aurora making each one unique. The focus of the City Corridor placetype is commercial activity, and as such, its primary uses are restaurants, retail, office and commercial services. Multifamily residential and institutional uses are secondary uses and allow for the development of mixed-use projects. Single-family attached residential is another potential secondary use, appropriate in areas not prioritized for commercial development.

### Primary Land Use

- Multifamily Residential
- Restaurant
- Commercial Retail
- Commercial Service

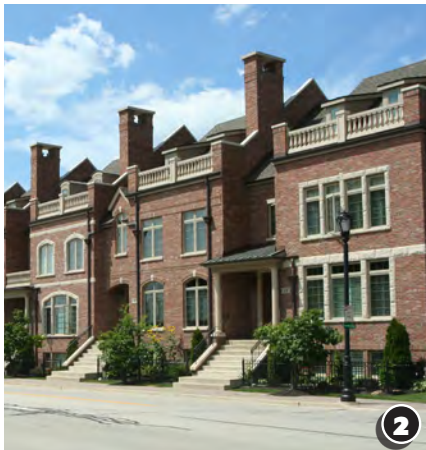
### Supporting Land Use

- Single-Family Attached Residential
- Office
- Institutional

### Street and Open Space Network



Design a street network along the primary commercial corridor to provide access for area residents and visitors to the area. Provide safe and convenient access to businesses by drivers, pedestrians, bicyclists and transit users.



## Defining Features

- 1** Wherever possible, front commercial buildings along primary streets to ensure visibility and accessibility. Avoid street frontages dominated by parking lots or buildings set back large distances from the street.
- 2** Use single-family attached units where the City Corridor abuts a residential placetype to promote an appropriate transition between the two placetypes.
- 3** Develop a road network along the City Corridor to provide quick and easy access to businesses for drivers, cyclists, transit riders and pedestrians.
- 4** Reposition or redevelop aging or obsolete shopping centers to more effectively compete in current and future retail markets, and deliver goods and services to the local community.
- 5** Design centers around a central organizing feature or gathering space, like a common green or plaza, promenade, natural feature, or other shared space. Programmed common spaces surrounded by active uses and buildings attract or retain customers and convey a sense of community.
- 6** Incorporate drainage swales, rain gardens, xeriscaping and water-efficient streetscapes and medians.
- 7** Size primary parking lots for typical and reasonable demand and provide for peak parking in overflow areas away from primary street frontages. Promote shared parking opportunities.



# Aurora Placetypes

## Commercial Hub

Commercial Hubs are centers of activity supporting adjacent neighborhoods with shopping, services, entertainment and community life.

Commercial hubs are especially critical to the future economic and fiscal health of Aurora. This placetype primarily contains uses that provide goods and services to nearby Established and Emerging Neighborhoods but can also serve other placetypes in the area. This placetype is characterized by shopping centers and areas that provide a cluster of compatible businesses. It may be located along the city's corridors, often at the intersection of two arterial streets. Although varying in size and intensity, this placetype is more than just a small neighborhood-scaled commercial use. Improvements to these centers should better connect them to surrounding neighborhoods and provide a broader array of services and experiences.

The Commercial Hub's primary uses are retail, commercial service and restaurant. Smaller community parks, trails, plazas, common greens and shared outdoor areas provide social gathering spaces as well. The Commercial Hub is intended to serve the needs of multiple nearby neighborhoods. Transit, pedestrian and bicycle connections should safely and conveniently link the Commercial Hub to other placetypes.

### Primary Land Use

- Restaurant
- Commercial Retail
- Commercial Service

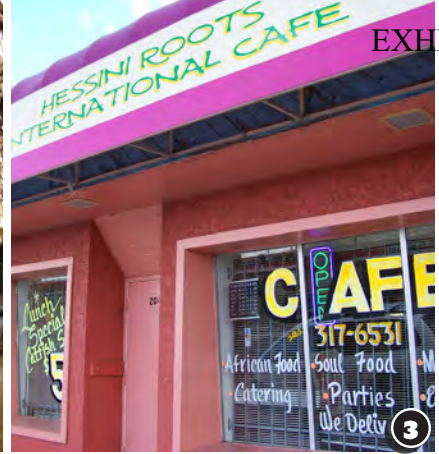
### Supporting Land Use

- Single-Family Attached Residential
- Multifamily Residential
- Office
- Institutional

### Street and Open Space Network



Connect Commercial Hubs to surrounding neighborhoods with safe and convenient pedestrian and bicycle connections. Improve street crossings to enhance walkability.



**Defining Features**

- 1** Include medium- or high-density housing to expand the local customer base. Use mixed-use buildings to create an active and diverse experience.
- 2** Provide a wide range of neighborhood-serving retail uses, such as a pharmacy, grocery store, home goods, personal services and restaurants, among others.
- 3** Celebrate and promote local businesses owned by diverse populations from adjacent residential neighborhoods in the Commercial Hub.
- 4** Locate Commercial Hubs at the intersection of two arterial streets to be more accessible to the neighborhoods they serve, particularly by public transit.
- 5** Incorporate drainage swales, rain gardens, xeriscaping, water-efficient streetscapes and medians and nonpotable water systems in new development.
- 6** Connect Commercial Hubs to surrounding neighborhoods with safe and convenient pedestrian and bicycle connections. Improve street crossings to enhance walkability.
- 7** Design centers around a central organizing feature or gathering space, like a common green, plaza, promenade, natural feature or other shared space. Programmed common spaces surrounded by active uses and buildings attract or retain customers and convey a sense of community.



# CONNECTING PLACES

**C**hapter 4 describes the placetypes that serve as the building blocks for Aurora, but the city is more than just a collection of individual locations. Aurora is a connected community of people and places working together to create a cohesive and connected community.

Aurora is a connected community of people and places working together to create a cohesive and connected community.

This chapter identifies the policies, infrastructure and external organizations that help shape and define the varied places that make up the city. These are key components or building blocks of how the city grows, the quality and experience of different placetypes and how different parts of the city are integrated and connected to each other.

Places are physically connected by the streets, sidewalks, open space, waterways, rail, trails and utilities that serve them. Residents and visitors rely on a safe and convenient way to move throughout the community—from home, work and school to shopping, services and entertainment. Likewise, businesses need an effective mobility network to move both people and goods. Cost-effective, efficient and reliable utilities are essential to all activity in Aurora. The community is also connected through a network of city services, including parks, public safety, recreation facilities, transit and libraries. Shared assets, highlighted by public art, distinct neighborhoods, historic places and cultural events, also work together to create a cohesive community.

The local economy links all parts of Aurora, and joins the city with the rest of the region. Private-sector investment is often based on factors beyond municipal boundaries or individual properties. Employers consider many factors in locating their operations, including the availability of skilled local workforce, convenient access to the region's transportation network, desirable neighborhoods for their employees and vibrant mixed-use districts to locate their facilities. No single placetype can meet all of these needs, but the network of places Aurora offers can. A strong local economy is defined by the network of people and places within a community.



## CITY FORM

Each neighborhood has its own unique population and needs.

Aurora was founded in 1891 as the town of Fletcher on four square miles of prairie bounded by Yosemite and Peoria Streets and Sixth and 26th Avenues. The beginnings of a water system and 14 new brick homes made up its earliest neighborhood. Much of Aurora is located on prairie grasslands with few topographic or natural obstacles to development. As a result, the city has expanded substantially to the east and southeast over the last few decades.

Over the decades, Aurora has grown to encompass 163.5 square miles although significant areas are still undeveloped. The city provides adequate and sustainable public services and infrastructure to these areas of future development, most of which are on the city's eastern edge. The city's future revenue, cost to provide services and long-term maintenance, among other impacts, is greatly affected by how the areas are developed. Planning for this development is vital for balancing the costs of providing these essential services with the continuation of the city's and region's projected growth.

## Neighborhoods

Aurora's neighborhoods have diverse forms, from the traditional urban blocks in Original Aurora and the winding streets of central Aurora to the more suburban neighborhoods of central Aurora and the winding streets of central Aurora's more suburban neighborhoods, to the golf courses and hilltop views of the city's southeastern neighborhoods. As Aurora continues to develop, new neighborhoods and urban mixed-use districts will further diversify the options available to current and future Aurora residents. There is a great opportunity for each neighborhood to take on its own image and identity.

Each neighborhood has its own unique population and needs. Neighborhood-level planning can help address the service and development needs of its residents by engaging them in the development process and creating conversation to determine their vision and priorities.



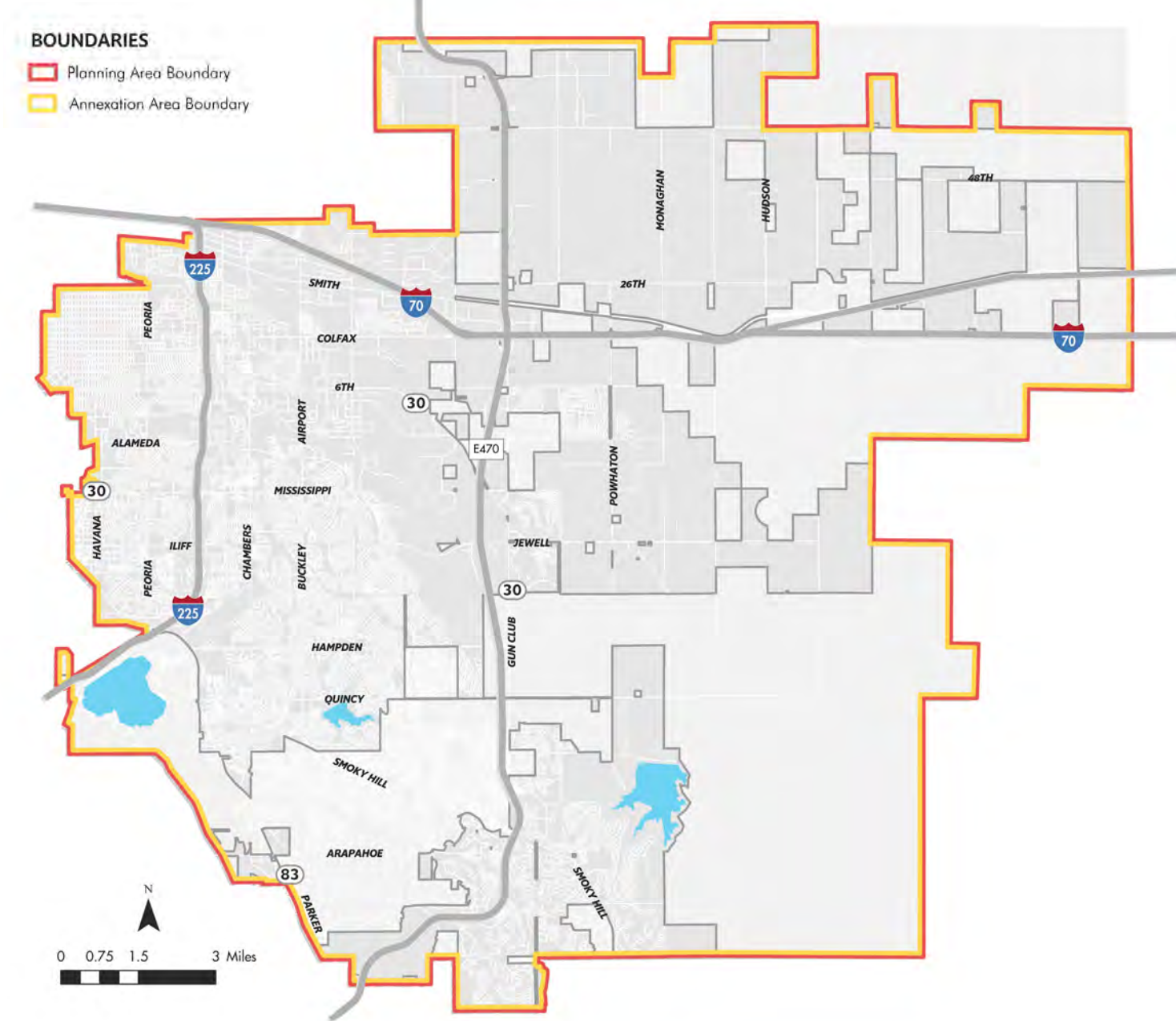
**AURORA NEIGHBORHOODS**

## Planning and Annexation Boundaries

The city has traditionally built its Comprehensive Plan around a geographic area referred to as the “Planning Area.” It comprises the area within the city’s municipal boundaries along with some adjacent land outside city limits. The reason for the Planning Area being multi-jurisdictional is two-fold:

- ◆ Aurora’s boundaries, particularly on the east and southeast, are not contiguous and substantial acreage lies between city boundaries.
- ◆ Development impacts that occur in the same geographic area transcend jurisdictional boundaries. Given this, the city has always been concerned about land use and infrastructure planning in areas adjacent to its boundaries.

Since 2018, the city’s “Annexation Area,” a boundary within which the city will consider annexation requests during the life of the current comprehensive plan, largely coincides with the Planning Area boundary. City Council will consider whether to adopt such annexation requests based on its established procedures and policies.





## REGIONAL GROWTH AND DEVELOPMENT

Aurora will play an instrumental role in achieving regional goals and participating in regional benefits.

The Denver-Aurora-Lakewood metropolitan region has a long history of cooperation and coordination regarding regional growth and development and has experienced unprecedented change in recent years. The region has been among the nation's fastest growing, with the population increasing from 2.1 million in 2000 to 2.7 million in 2016. This expansion has brought opportunities and challenges to its metro-area communities.

While rapid population growth can strain local services, transportation infrastructure and housing, it also presents opportunities for cities to offer a greater diversity of jobs, neighborhoods and experiences to both current and future residents. Rapid growth presents both challenges and opportunities for regional coordination.

Aurora is the region's second largest city (374,154 people), home to 133,595 jobs spanning 163.5 square miles. The city recognizes that many future challenges must be addressed through regional cooperation. Aurora will play an instrumental role in achieving regional goals and participate in regional benefits, which can have significant positive impact on the quality of life within Aurora and the metro region.

## DRCOG Mile High Compact and Metro Vision

Aurora is a signatory of the Mile High Compact, an intergovernmental agreement to manage and coordinate metro-area growth in accordance with the regional Metro Vision plan. This includes the most recent Metro Vision 2040 plan that the Denver Regional Council of Governments (DRCOG) adopted in 2017. The city reaffirms its support of the Mile High Compact and adopted Metro Vision plan and will continue to serve in influential and leadership roles within DRCOG to provide a leading voice on important regional issues.

The Metro Vision plan describes the future extent of urban development and regional support for efficient use of available land and existing and planned infrastructure, especially on the edges of the metro area. The city will continue to develop ongoing population and employment forecasts to support capital planning and funding programs and use these forecasts to assess the city's appropriate share of regional growth under Metro Vision.

### Urban Growth Area

To implement this regional growth policy, DRCOG developed the Urban Growth Boundary/Area (UGB/A) program which periodically allocates growth area to all municipalities and counties in the region. Local jurisdictions designate and manage the specific location of their allocations.

Aurora’s undeveloped area is vast, including thousands of acres stretching from Denver International Airport and the Colorado Air and Space Port (formerly Front Range Airport) to Douglas County. The sequence and timing of development of this area is unpredictable, so Aurora has chosen to identify areas of future growth and designate portions of the city’s allocation of development under the UGB/A program. In Aurora, this allocation is distributed among nine subareas and is used by property owners on a first-come, first-served basis. The urban growth allocation in the UGA is only considered to have been used when land is subdivided or new construction has occurred.

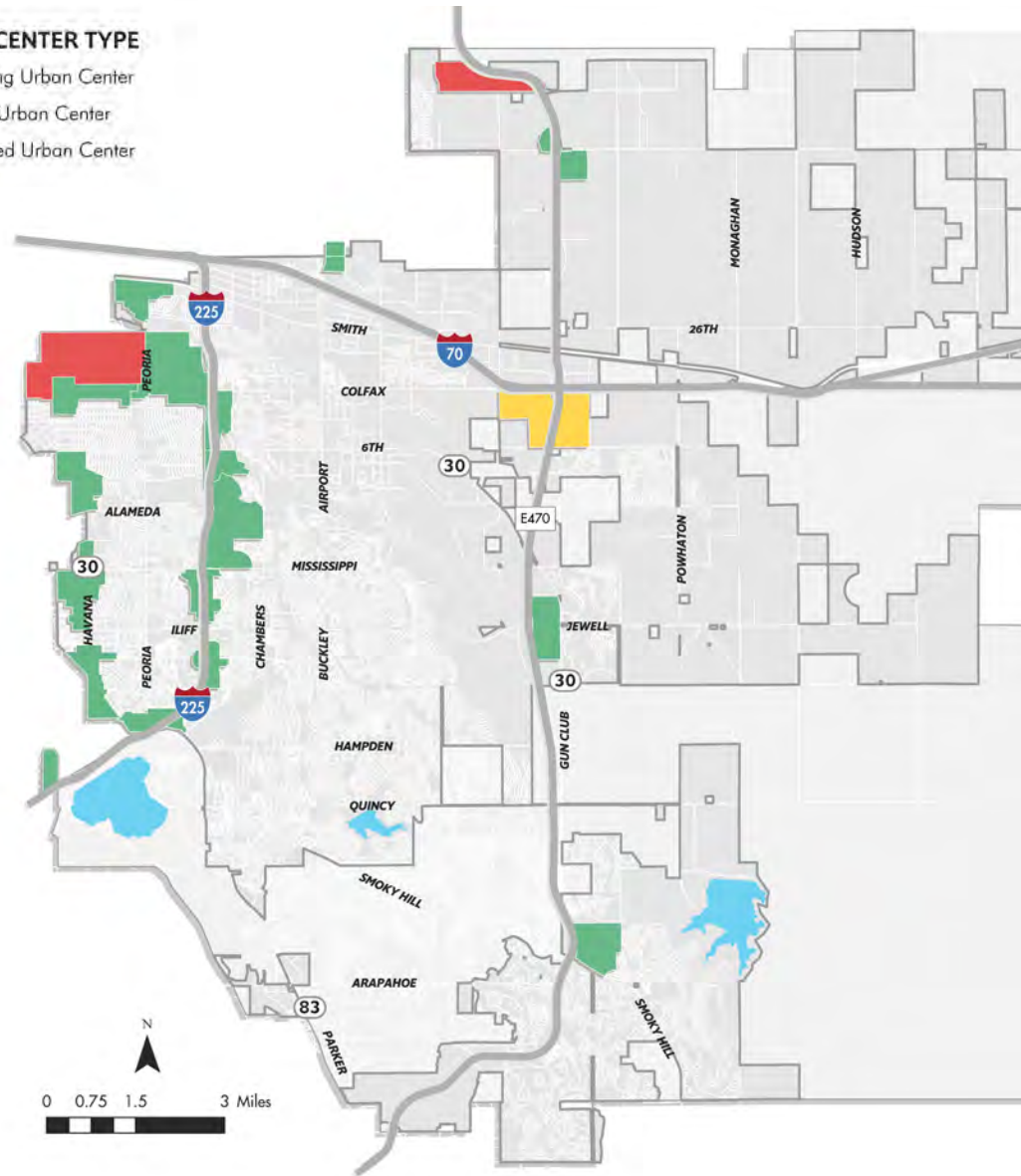
### Designated Urban Centers

DRCOG’s Metro Vision plan also describes the “urban centers” concept as a model for healthy, livable communities. These designated centers are intended to feature a multimodal travel network within a mixed-use, urban district with diverse housing, employment and service opportunities accessible without sole reliance on automobiles. Metro Vision establishes a goal of having 25 percent of new housing and 50 percent of new employment in urban centers by 2040. By focusing growth into strategic areas, the city can capitalize on valuable development opportunities and build upon existing transportation networks and infrastructure.

Urban centers are identified by local decision-makers and submitted to DRCOG for formal review and approval. There are currently 18 designated centers in Aurora. The adjacent map shows the city’s designated urban centers.

#### URBAN CENTER TYPE

- Existing Urban Center
- New Urban Center
- Revised Urban Center





# City Connections

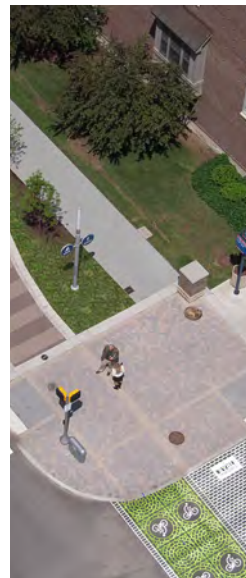
To create great places in Aurora, it is critical that these systems be well planned and developed.

Chapter 4 identifies the different placetypes that define the development pattern of Aurora. Public systems and networks, including multimodal transportation, parks and open space and water utilities (water, wastewater and stormwater), connect these placetypes. Cultural resources, including libraries, public art and art venues, connect the community through shared culture and pride. To create great places in Aurora, it is critical that these systems be well planned and developed.

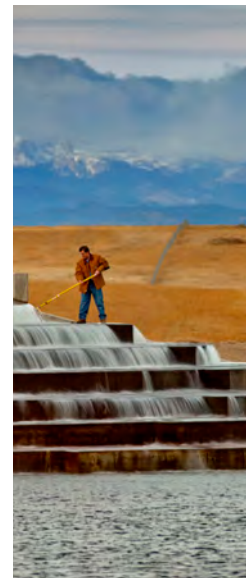
## PUBLIC SYSTEMS



*Economic Development System (page 56)*



*Transportation and Mobility System (page 66)*



*Water, Wastewater and Stormwater Systems (page 78)*



*Parks, Trails, Recreation, and Open Space System (page 82)*



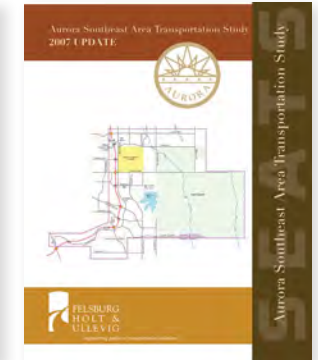
*Arts and Cultural Resources System (page 84)*

## PREVIOUSLY ADOPTED OR COMPLETED PLANS AND STUDIES

Over the past 20 years, the city has commissioned a number of studies and plans that support city goals and objectives. When projects are proposed, these documents should be referenced alongside this plan when relevant and appropriate.

The following plans are adopted by reference in the Aurora Places Plan.

- ◆ Station Area Plans
- ◆ Urban Renewal Plans
- ◆ Westerly Creek Village Community Plan, 2003
- ◆ Public Art Master Plan, A Vision for the Future, 2009
- ◆ Northeast Area Transportation Study (NEATS) Refresh, 2018
- ◆ Southeast Area Transportation Study (SEATS), 2007
- ◆ Bicycle and Pedestrian Master Plan, to be updated in 2019





# Economic Development System

Building a vibrant, successful local economy is a shared effort and economic development embodies this pursuit.

Economic growth is spurred by all businesses, residents and organizations that bring money into the city of Aurora. Any and all contributors to the economy share resources both intentionally and unintentionally to prosper individually and holistically as a city. As such, they all must work together to create a fully functional economic development system.

## Partners and Partnerships

Building a vibrant, successful local economy is a shared effort and economic development embodies this pursuit. More jobs and more investment within a community means more opportunities and increased choices. Economic development practices are growing more comprehensive. It is not only about attracting corporate headquarters, but addressing the growth and expansion needs of existing businesses, engaging with firms across the globe, encouraging entrepreneurship and small business development, supporting the surrounding community as a place for employees and companies to call home, and aligning education and training to meet current and future workforce trends.

Partners with important roles to play in Aurora's economic growth and success include:

- ◆ Adams County Economic Development (ACED)
- ◆ Adams County Workforce and Business Center
- ◆ Arapahoe/Douglas Works! Workforce Development Center
- ◆ Aurora Chamber of Commerce
- ◆ Aurora Economic Development Council (AEDC)
- ◆ Aurora Public Schools
- ◆ Aurora-South Metro Small Business Development Center (SBDC)
- ◆ Aurora Urban Renewal Authority (AURA)
- ◆ City of Aurora
- ◆ Colorado Office of Economic Development and International Trade (OEDIT)
- ◆ Community College of Aurora and other higher education providers
- ◆ Major local employers and institutions, including Buckley AFB and Anschutz Medical Campus
- ◆ Public School Districts
- ◆ U.S. Small Business Administration
- ◆ Visit Aurora



## Small Business Development and Entrepreneurship

The SBDC's mission is to help existing and new businesses grow and prosper.

The Aurora Municipal Center is home to the Aurora-South Metro Small Business Development Center (SBDC). The center is one of 14 SBDCs statewide, and serves not only Aurora, but also all of Arapahoe County, portions of Douglas County and southern parts of Jefferson and Adams counties.

The SBDC's mission is to help existing and new businesses grow and prosper. The center offers high-quality, confidential and no-cost, one-on-one consulting with business experts, niche programs and free or low-cost business workshops. The city of Aurora serves as host to the SBDC, offering services five days a week during regular business hours. Additionally, several programs are offered either during the evening or on weekends. In addition to the main office at the Aurora Municipal Center, the Aurora-South Metro SBDC has satellite offices at Innovation Pavilion in Centennial and the Englewood Civic Center.

The SBDC systematically tracks its quality of service through a variety of methods, including citizen evaluations after each consulting session and workshop and evaluating economic impact in terms of jobs created, jobs retained and business starts. Capital formation, contracts awarded, and the involvement with cluster industries like retail, restaurant, energy and bioscience also provide measurement metrics for SBDC.

Aurora uses the resources provided by the SBDC to leverage small business development and expansion and foster vitality in the development of all placetypes.

## Redevelopment and Reinvestment

Like many communities that developed substantially since the mid-20th century, Aurora's aging neighborhoods and commercial centers face a growing need for revitalization. Housing, commercial buildings, infrastructure and public facilities are aging and in need of repair or replacement to return those areas to a place of vibrancy and desirability. While most of this reinvestment will come from the private sector, the city has an active role to play in planning, initiating and supporting reinvestment in key areas and projects.





## Urban Renewal

This tool is intended to help guide public and private investment toward catalytic development projects.

Urban Renewal is one tool that has been used to address blighted areas by initiating and supporting private reinvestment and redevelopment of aging and obsolete properties and returning them to an active, revenue-generating space. The City of Aurora established the Aurora Urban Renewal Authority to pursue and facilitate redevelopment of blighted and strategically located properties within the city. The authority serves as a governmental entity under state law separate from the city of Aurora. While being a legal entity separate from the city, the authority's board of directors is primarily comprised of the mayor and city council members. Three additional members representing the school districts, county governments and other property taxing entities will likely join the board in the near future to bring it into compliance with current state law.

The authority's mission is to plan for, recruit, promote and support development and redevelopment projects that revitalize blighted, strategic and economically challenged areas, and provide technical assistance and financial resources to make projects viable. Each area has a plan that offers a vision and framework for future development and includes mechanisms by which the Authority will achieve high priority goals, including:

- ◆ Pursuit of higher density development and redevelopment within designated TOD areas and urban centers
- ◆ Pursuit of redevelopment and revitalization projects within the oldest sections of Aurora
- ◆ Enhancement of funding capabilities to better assist small-site, infill development and neighborhood supporting businesses in economically challenged neighborhoods

The authority's primary means of meeting these goals is through the creation of urban renewal and tax increment areas that generate tax increments resulting from increased property tax, sales tax and other local taxes generated from redevelopment activity. As a result of tax increment revenue generation, significant funding can be made available to provide needed public improvements and to help make projects financially viable to the public sector by helping close financial gaps.

Urban renewal areas have been identified and prioritized, with plans to address land use, transportation, infrastructure, recreational facilities and urban design. They are intended to help guide public and private investment toward catalytic development projects. New areas may be established as needs and opportunities arise.

## Federally Designed Investment Zones

Aurora is home to a number of federally-designed investment zones under the Enterprise Zone, Foreign Trade Zone, and Opportunity Zones programs. While these are federal programs, the benefits are intended to support local communities, like Aurora. The purpose of these zones is to encourage private investment and job creation.

While the specific function and benefits from these zones are unique to each program, generally these zones aim to attract private investment into targeted areas by offering some type of tax incentive. The zones offer tax credits, deferrals or other benefits to private investors who commit to funding employment growth, real estate projects or infrastructure improvements.



## Employment

**A skilled and educated workforce is critical to economic growth.**

The majority of Aurora's eligible workers leave the city every day to work in another community. Community outreach and research determined that Aurora companies, as well as those outside the city, note that the local skilled workforce does not fully match their evolving business needs. A skilled and educated workforce is critical to economic growth, necessary to attract large-scale, well-paying employers and imperative to diversifying our economy. Significant efforts must be made to expand the city's workforce and retain at least a portion of its existing workers by leveraging its existing businesses, strong industries and other assets.

## Targeted Industries

The city and its partners work to attract and expand key industries in order to broaden and deepen the diverse local economy. These businesses may be growth industries with a strong long-term outlook, complementary or support industries to existing job sectors, or emerging industries in which Aurora offers a competitive advantage. However, Aurora's employment is diverse, and opportunities in other sectors will be pursued as well. Targeted industries include:

- ◆ Advanced manufacturing
- ◆ Aerospace and defense
- ◆ Bioscience
- ◆ Creative industries
- ◆ Healthcare
- ◆ Hospitality
- ◆ Energy
- ◆ Transportation and logistics

## Retail Strategy

A robust local retail economy is especially important in a community like Aurora, which receives over half of its revenue from sales and use taxes. Changing consumer preferences, competition from adjacent communities, and continued growth in online shopping will continue to reshape the local retail environment. Identifying growth sectors, marketing the city to the retail community, keeping up with industry trends and encouraging reinvestment in aging retail destinations are part of the city's retail strategy and need to be supported.

The retail sector is constantly evolving. The continued growth of online commerce is reshaping how people shop, with direct impacts on brick-and-mortar stores and the city's tax revenue. Retailers are rethinking the role of their physical stores and in many cases decreasing their footprints and seamlessly connecting their stores with their online services.

As an approach, placemaking adds value to the retail environment. Increasingly, consumers are seeking diverse experiences as part of their shopping preferences, not simply a one-store-and-done trip. Aurora can offer places with unique identity and at various scales—from a bustling "downtown" experience to a neighborhood center that serves as a true gathering place for area residents. Mixing shopping with housing, entertainment, dining, recreation, services, events and employment in a comfortable, safe and conveniently accessible place is a strategy that will draw and keep customers in Aurora.



## Education and Workforce Development

An educated and talented workforce is a critical asset to Aurora and essential to a growing local economy.

This talent can either be acquired by attracting educated and trained residents to relocate to Aurora, or it can be “home-grown” by equipping local residents with the skills and certifications needed to compete for stable and well-paying jobs. Aurora’s strategy is to pursue both opportunities.

A strong local workforce provides two-fold benefits to the community. A stable and well-paying job is foundational to a family’s ability to provide for itself. Many positions in the competitive and changing economy over the next two decades will require both a solid educational foundation and job-specific skills, training or certifications. If residents are able to access appropriate education and training locally, they will be well-equipped to meet the needs of the local job market, and in turn, meet the needs of their own family to rent or purchase a home, purchase everyday goods and services, and provide a stable and comfortable lifestyle.

Secondly, employers need qualified and skilled employees to fill jobs. The strength and stability of the local economy is in large part built upon a company’s ability to acquire and retain talented employees to succeed and grow in their industry. Additionally, firms seeking to relocate or expand their operations will weigh their location decisions based in large part on the availability and readiness of the workforce pool available to them in a community.



## Education

A strong education system, from K-12 through higher education and career training, is essential to creating a steady and continuous pipeline of talent to local employers and providing opportunities for Aurora residents to earn and maintain stable and well-paying jobs.

Aurora is served with a continuum of education and training providers. The majority of Aurora is served by Aurora Public Schools and Cherry Creek School District, while small portions of the city fall within the Brighton, Bennett and Douglas County school districts. The Aurora and Cherry Creek districts operate K-12 schools, as well as preschool, charter, magnet, vocational, gifted and talented schools and other support programs. The districts emphasize career and college readiness through concurrent credit courses with the Community College of Aurora and other local colleges, career and technical education opportunities and college preparation resources.

Aurora is also well-served by a variety of higher education institutions. The University of Colorado Anschutz Medical Campus, Pima Medical Institute and Concorde Career College offer a spectrum of medical education and health care training programs. The Community College of Aurora offers a diversity of degree programs at two campuses and online. Pickens Technical College provides classes in variety of fields, including engineering and technology, health, transportation, business technologies and human services. Both CCA and Pickens have associations with Aurora's school districts to provide concurrent education and joint programs.

Aurora is also home to Platt College, Colorado Technical University South Denver Campus and the Ecotech Institute, the first college entirely focused on preparing graduates for careers in the fields of renewable energy and energy efficiency, and other educational institutions.

## Workforce Development

Aurora is served by the Arapahoe/Douglas Works! workforce center and the Adams County Workforce and Business Center. Both offer a variety of free services to individual job seekers, including those looking for training or retraining, new employment and employment counseling. Youth programs offer assistance with obtaining a high school diploma or GED, training and support services through the Workforce Innovation and Opportunity Act. The centers also provide services for employers seeking skilled and trained employees through hiring events, job listings, and connecting employees with training and certification programs.

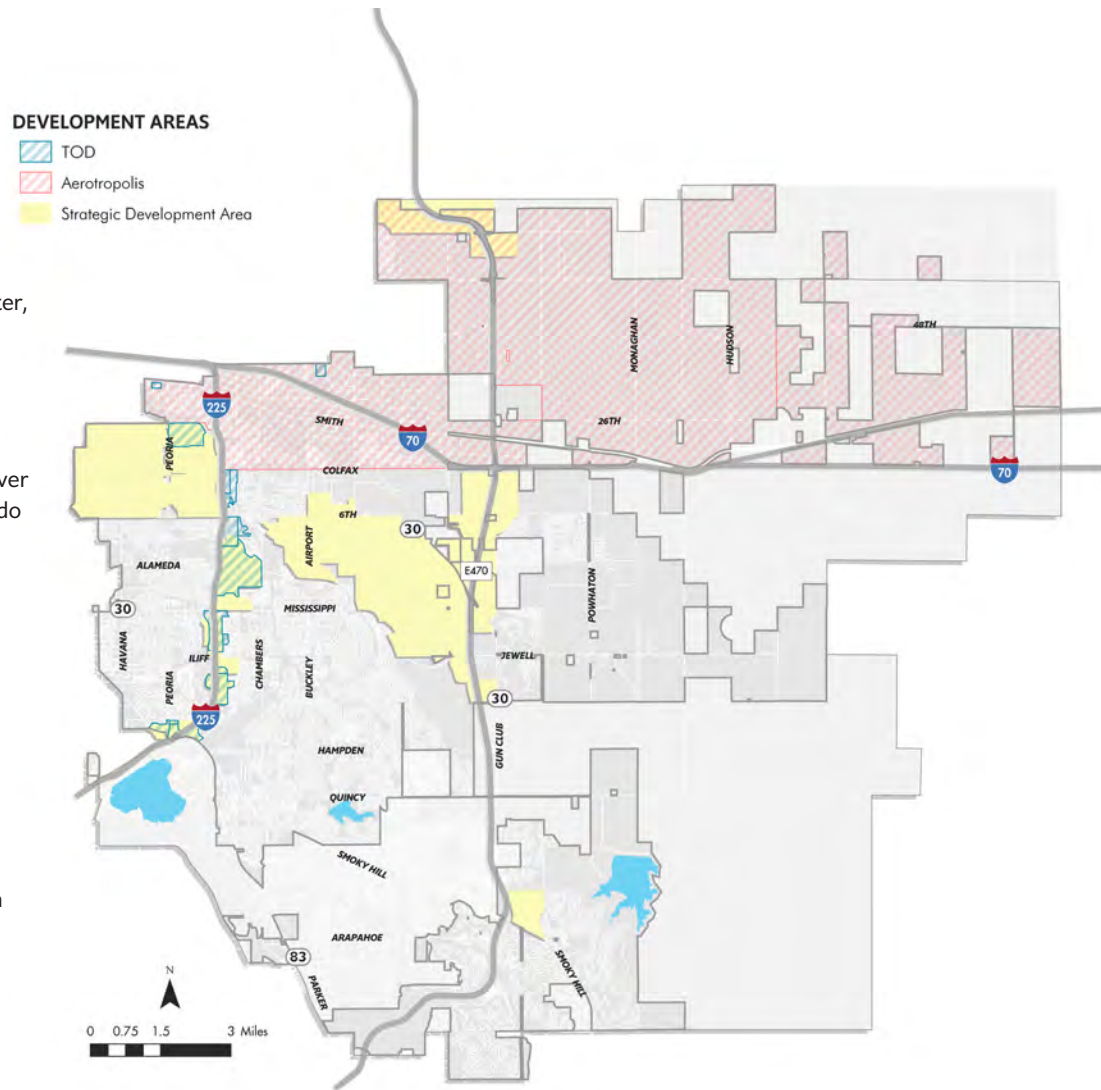
The city cooperates on programs with all these agencies and supports cooperative efforts that improve the economic well-being of Aurora and its residents.

## STRATEGIC DEVELOPMENT AREAS

While the city provides services and encourages investment and job creation across the community, Aurora Places identifies locations within Aurora that have been identified as particularly suitable for significant investment or needing ongoing focus and intervention. Each has its own unique conditions, opportunities and challenges to be addressed through a set of strategies specific to the area. Strategic areas include:

- ◆ Urban Districts placetypes (City Center, Anschutz/Fitzsimons, I-225/Parker/Havana, Southlands, I-70/E-470, and Gaylord/Far North E-470)
- ◆ Innovation Districts placetypes
- ◆ Aerotropolis area supported by Denver International Airport and the Colorado Air and Space Port (formerly Front Range Airport)
- ◆ Station area transit-oriented development
- ◆ Original Aurora, including the Arts District and Colfax Avenue corridor
- ◆ Buckley Air Force Base and nearby employment areas

These strategic areas often have additional plans, including station area, neighborhood, transportation or urban renewal plans that outline strategies specific to that area.



*Conceptual Rendering of the Space Port  
Courtesy HDR in association with Luis Vidal + Architects*

## AEROTROPOLIS

Aurora's close proximity to the Denver International Airport (DEN), one of the busiest and fastest growing airports in the country, and several main transportation corridors in Colorado, positions it to take advantage of a key opportunity in the region. Furthermore, the future Colorado Air and Space Port (formerly Front Range Airport) offers even more opportunities for transportation, research and development. An aerotropolis, which includes thousands of acres of land on and around DEN in multiple jurisdictions, including Aurora, will demonstrate how collaborative, responsible development enhances Aurora's ability to compete for world-class companies who will create jobs, invest in the community and strengthen the economy.

An aerotropolis is a dynamic, urban place in which the layout, infrastructure, and economy center around the airports. An aerotropolis is more than any single development, it is largely characterized by a collection of transportation-linked businesses and supporting industrial and commercial development. However, appropriately-located residential, retail and restaurants will also be included.

Airport-centered development seeks to take advantage of the connectivity and synergy created by the people and industries in the area. Within its boundaries, it will deliver the opportunity for innovation to flourish, drive a forward-looking strategy for important planning, like infrastructure and transportation, and bring together the public and private sectors to grow existing and new industries.

## Best Practices

- ◆ Develop cooperative partnerships between the public and private sectors, ensuring strategic planning and development.
- ◆ Focus on prioritized infrastructure and transportation opportunities that will benefit the area's development..
- ◆ Leverage key anchor assets within the aerotropolis' influence areas that are already spurring activity and prioritize catalytic projects that will do the same.
- ◆ Continue to support efforts related to the Colorado Air and Space Port. Explore transportation, employment and development opportunities related to the establishment of this unique facility.
- ◆ Balance job creation with residential, commercial services and entertainment uses in the area.



*Photographs provided courtesy of  
Denver International Airport.*

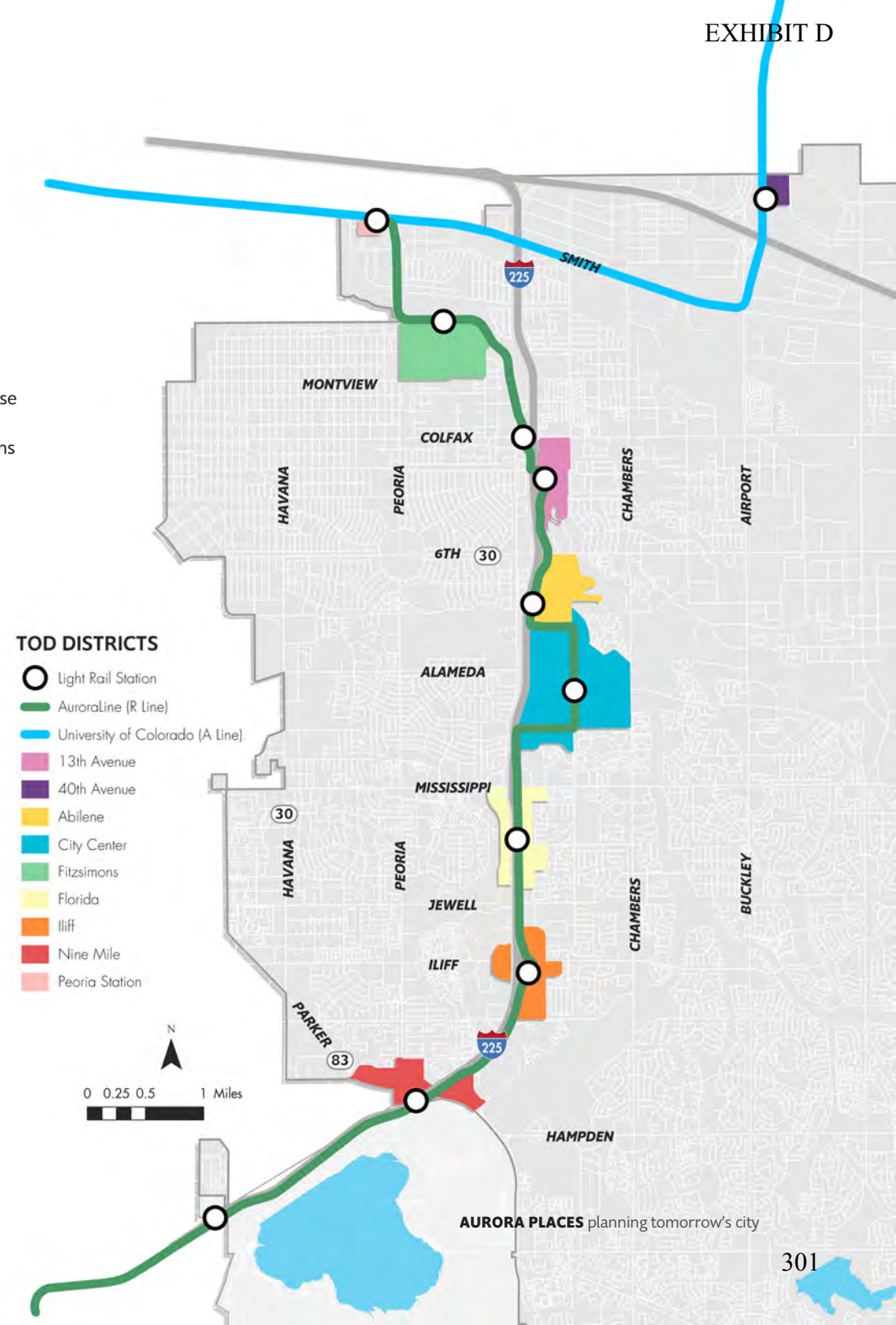
# TRANSIT-ORIENTED DEVELOPMENT (TOD)

The Aurora Line, RTD's R Line, opened service in early 2017, connecting nine stations from Nine Mile Station in the southwest to Peoria Station in the northwest. Two stations on the University of Colorado A Line are located in Aurora, connecting to Downtown Denver and Denver International Airport. These station areas represent a unique and valuable opportunity for significant investment surrounding transit.

Beginning in 2006, the city initiated planning for the light rail stations in anticipation of transit service and interest from the private sector. These plans are intended to promote TOD by identifying opportunities for compact, mixed-use development that is transit-supportive and to develop public-private strategies to implement a shared vision.

While the plans offer a vision and land use framework that is powerful yet flexible, these plans may be updated as conditions change or opportunities materialize. Adopted station area plans include:

- ◆ Nine Mile Station Area Plan
- ◆ Iliff Station Area Plan
- ◆ Florida Station Area Plan
- ◆ Fitzsimons Station Area Plan
- ◆ City Center Station Area Plan
- ◆ Abilene Station Area Plan
- ◆ 40th Avenue and Airport Boulevard Gateway Station Area Plan
- ◆ 13th Avenue and Fitzsimons-Colfax Station Area Plan
- ◆ Peoria Station Area Plan





This mixed-use, pedestrian-oriented development type is a compact, walkable and bikeable area positioned around a transit station. They focus on providing visibility and accessibility to transit users and connecting them to developments near the transit center. Although varying in size and intensity, this overlay contains higher residential densities; niche retail, dining, and entertainment opportunities; office spaces and service uses; and gathering spaces. Although the mix, intensity, and makeup of uses in this overlay may vary, the intent is to create a condensed mixed-use area that provides a place for urban living, employment and necessary and convenient access to transit, all in a pedestrian-friendly environment.

Transit-Oriented Development (TOD) best practices include:

- ◆ Include areas that are within reasonable walking distance (within ½ mile) of transit stations that also include high-quality cyclist connections.
- ◆ Provide density and intensity of development that promotes high levels of activity and transit ridership and is appropriate in relation to Aurora's evolving real estate market.
- ◆ Integrate public art and creative architecture so that transit-oriented developments have a unique characters.
- ◆ Ensure an appropriate mix of housing, employment, entertainment and services focused around gathering places, such as a central plaza or main street.
- ◆ Confirm development in TOD areas to the adopted station area plans.







# Transportation and Mobility System

## TRANSPORTATION FRAMEWORK PLAN

An efficient, safe and multimodal transportation system is essential for the livability and success of the city.

The transportation and mobility system made up of roadways, transitways, and bicycle and pedestrian facilities and programs, is a critical and highly visible infrastructure element that shapes and connects Aurora's places. It determines how we move back and forth from home to our daily activities and how particular areas or districts are experienced. An efficient, safe and multimodal transportation system is essential for the livability and success of the city.

The city actively plans maintenance and improvements to Aurora's growing mobility network. These plans are updated periodically and new plans are created to address specific needs.

The city of Aurora has adopted, accepted or completed the following transportation and mobility plans and studies. Please refer to these resources for additional system detail beyond which is represented in this section.

- ◆ Northeast Area Transportation Study (NEATS), updated 2018
- ◆ Southeast Area Transportation Study (SEATS), 2007
- ◆ Bicycle and Pedestrian Master Plan, 2012
- ◆ Northwest Aurora Mobility Study, 2018
- ◆ Fitzsimons Area Wide Multi-Modal Transportation Study
- ◆ 2009 Parker Road Corridor Study

- ◆ South Aurora Regional Improvement Authority (SARIA) Plan and Program, 2018
- ◆ Street Construction Priority Program
- ◆ Aerotropolis Regional Transportation Authority, 2018
- ◆ Aurora Regional Transportation Authority Plan, 2018

The city also collaborates with outside agencies, like CDOT, RTD, DRCOG and surrounding municipalities, on various planning and infrastructure projects. The resulting plans and policies have not been formally adopted by the city, but do have value as reference resources.

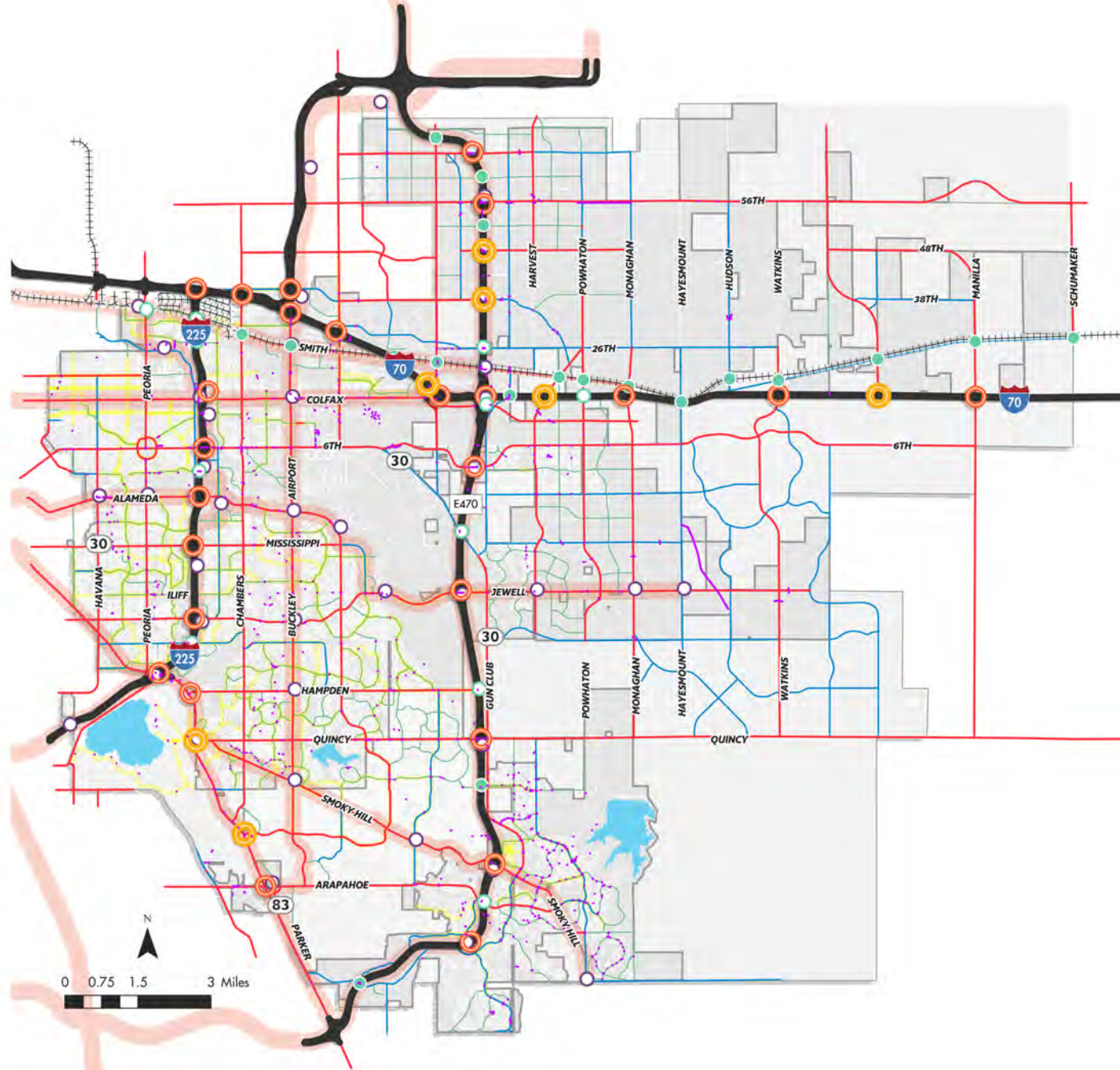
## Freight System

Aurora has designated truck routes for large delivery trucks going through the city to local destinations or landfills, as well as through-haul traffic. With the potential for a significant increase in freight traffic due to the increasing ecommerce activities, including major fulfillment centers and home/business delivery services, appropriate measures and controls should be undertaken for freight transportation. Areas within the Aerotropolis overlay or Industry Hub placetype should prioritize a safe, efficient freight system.

# TRANSPORTATION FRAMEWORK

## ROADWAY HIERARCHY & INTERCHANGES

- Existing Grade Separation
- Future Grade Separation
- Existing Interchange
- Future Interchange
- Transit Stations
- Highway
- Major Arterial
- Minor Arterial
- Collector
- Primary Bike Routes
- Grade Separated Bike Crossing
- Existing/Future High Frequency Transit Corridors
- Railroads

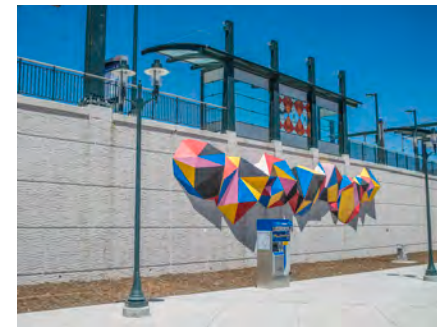




## TRANSIT SYSTEM

The Regional Transportation District (RTD) is the public agency that provides public transportation services and delivers transit infrastructure to the region. The University of Colorado A Line offers commuter rail transit service between Denver International Airport and Denver Union Station, connecting via two stations in Aurora. The Aurora Line, or R Line, offers light rail transit service between Peoria Station and Dayton Station within Aurora, with continuing service to Lincoln Station in Lone Tree. The existing H Line between downtown Denver and Nine Mile Station was also extended to Florida Station in Aurora.

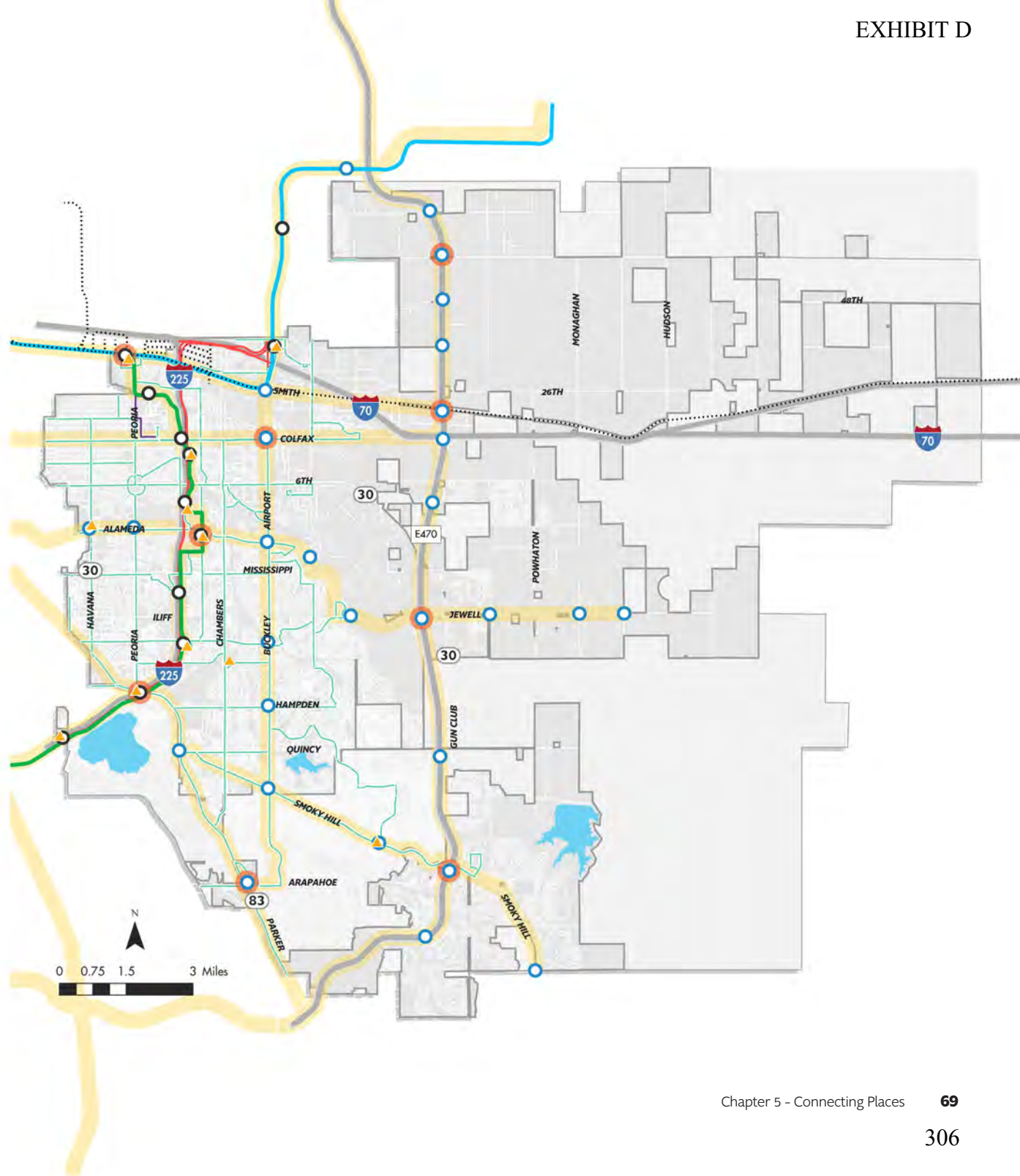
With the opening of these lines, Aurora has achieved significant improvements in transit mobility, accessibility and regional connectivity. In addition, RTD has developed a comprehensive transit service plan to realign many existing bus routes and add new ones that will enhance access and connections to the rail stations. These bus service improvements will maximize travel benefits provided by the rail transit services. The city will continue to work with RTD to identify various transit improvements for bus services along the Colfax Avenue corridor and with other stakeholders on other significant transit corridors.



# TRANSIT SYSTEM

## TRANSIT SYSTEM

-  Park N Ride Facility
-  Existing Transit Station
-  Future Transit Station
-  Mobility Hub
-  Railroad
-  University of Colorado A Line
-  Auroraline (R Line)
-  Local Bus Route
-  Regional Bus Route
-  Airport Bus Route
-  Existing/Future High Frequency Transit Corridors





### First and Last Mile Solutions

The city will work with its partners to improve access within areas surrounding transit stations. These “first and last mile” solutions may include enhanced bicycle or pedestrian connections, park-and-ride facilities, circulator shuttles, bikeshare and rideshare, and new technologies, like autonomous or connected vehicles.

Transit service to neighborhoods may be provided through use of neighborhood shuttles or smaller community vehicles to reduce walking distance to stations and high-frequency transit corridors. Local transit services may transition from fixed routes to flexible, on-demand routes using autonomous vehicles or ride-hailing services. Partnership arrangements or the private sector may provide such services.

### Priority Transit Corridors and Mobility Hubs

Priority transit corridors will be serviced by a high frequency transit (HFT) network. This network will consist of multiple features that may include fixed guideway, dedicated right-of-way, frequent all-day or extended hours service, enhanced station amenities and convenient payment options.

HFT lines will provide efficient service at a relatively affordable cost, serve developable land and encourage transit-oriented development. These corridors should connect Urban Districts, Innovation Districts and other placetypes. The city should acquire rights-of-way in new developments as applications for development plans are reviewed and approved by the city. HFT corridors have been identified to serve current and future neighborhoods and employment centers, to connect to regional networks and to reduce travel time.

To support multimodal travel, reduce dependence on the automobile, and to create successful places, mobility hubs will be identified throughout the city located in high intensity, vibrant, mixed-use transit-oriented developments. These hubs will have higher densities, multiple transit lines, ridesharing, bike sharing, secured bike parking and enhanced pedestrian facilities. These locations should be integrated into Urban Districts, Innovation Districts and the most urban examples of TOD. The specific locations of individual mobility hubs will be further refined and identified in the sub-area planning and development processes.



## COMPLETE STREETS

Complete streets enhance Aurora's quality of life over the long-term with a well-balanced and connected transportation system

While all placetypes benefit from a safe, walkable and connected street network, complete streets are a defining and critical feature in Urban Districts, Transit-Oriented Development areas, and other placetypes. Complete streets are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. These complete streets should be designed according to the city's adopted urban street standards and other context-sensitive designs. These standards provide safe, accessible, livable and complete street spaces for all users, with a primary focus on pedestrians.

A "complete streets" approach helps to create exceptional places, enhance residents' quality of life, create better economic value for the city and provide safe and accessible streets for all users. Complete streets enhance Aurora's quality of life over the long-term with a well-balanced and connected transportation system that creates better economic value and connected, mixed-use development patterns. It also improves public health and safety, equity and excellence in urban design and community characters. Complete streets are especially critical within Urban Districts, Innovation Districts, TOD areas and other mixed-use districts that promote the highest mix of uses and mobility options.



## BICYCLE AND PEDESTRIAN SYSTEM

Priority areas for pedestrians and bicyclists include Urban Districts or other mixed-use placetypes, as well as areas surrounding and within one-half mile of transit stations.

Aurora developed a new Bicycle and Pedestrian Master Plan in 2012. The focus of the plan is to accommodate and encourage bicycling and walking as viable and desirable transportation modes in the city. The plan seeks to complement and extend the reach of the city's extensive and well-used off-street trail network by further establishing a network of on-street bicycle facilities. The plan's primary goal is to create a community in which residents safely and conveniently bike throughout the city for recreation, shopping and commuting.

### *Bicycle and Pedestrian Network*

A long-distance, low-stress, high-comfort bicycle and pedestrian infrastructure network separates users from motor vehicles. This may include but is not limited to separated bike lanes, off-street trails and neighborhood boulevards that prioritize bike and pedestrian travel. The city works closely with its partners to ensure the local network connects with regional bicycle and trail routes and facilities.

### *Pedestrian Priority Areas*

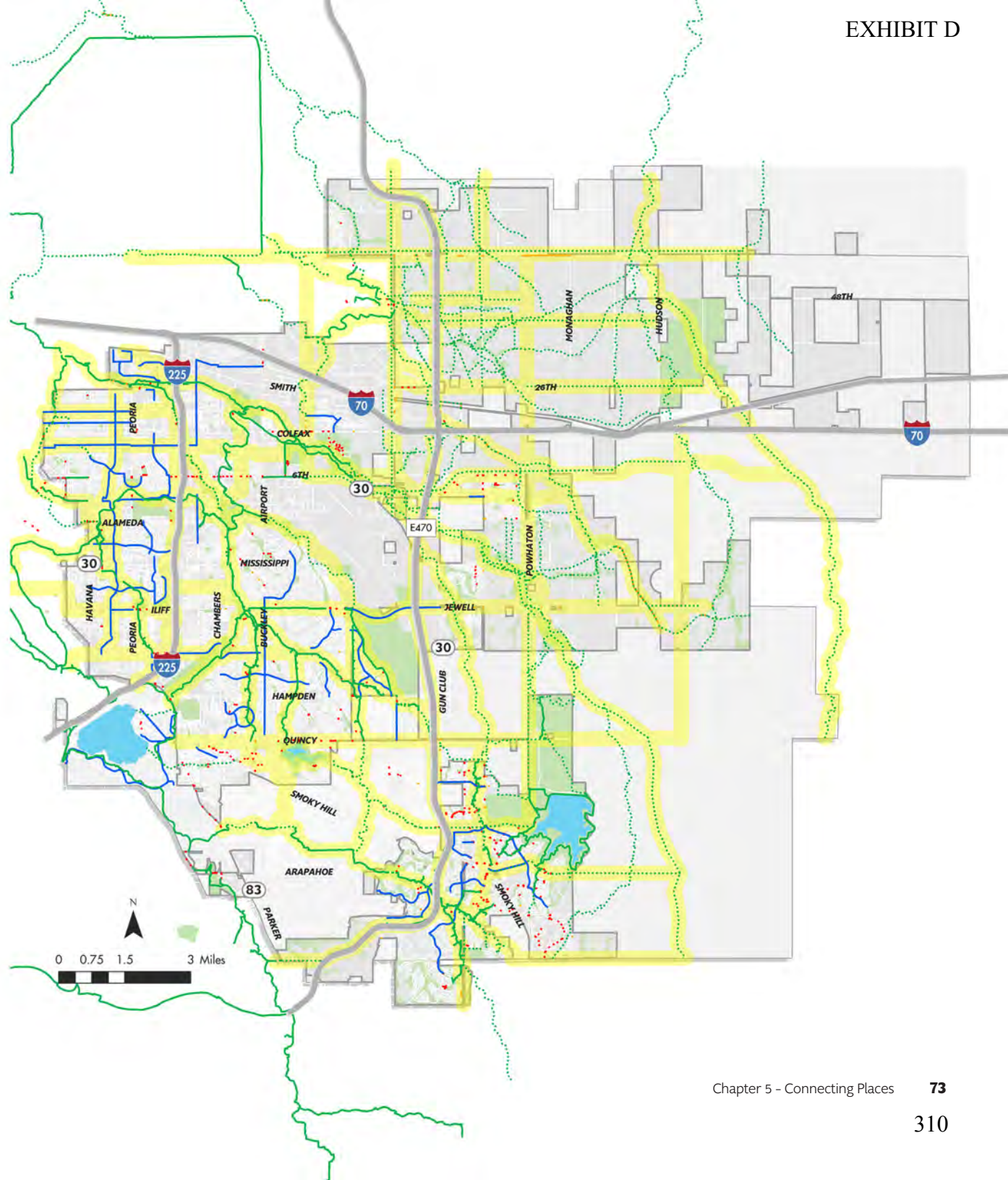
Areas with the highest level of pedestrian traffic should be identified and designed with this purpose in mind. Priority areas for pedestrian may include Urban Districts or other mixed-use placetypes, as well as areas surrounding and within one-half mile of transit stations. Commercial centers and other activity centers should be designed pedestrian friendly as well.

The city has adopted special street standards for urban districts and transit-oriented development. These areas typically feature narrow travel lanes for automobile traffic, engineered for low maximum and turning speeds. Wide sidewalks are featured, including a frontage zone, through zone, street furniture zone and enhancement/buffer zone. Pedestrian crossing locations should feature designs that make them as short and comfortable as possible. Vehicle loading and access to off-street parking should be located elsewhere to limit interference with street frontage pedestrian areas.

# BICYCLE AND PEDESTRIAN SYSTEM

## TRAILS

- Existing Off-Street Bike Facility
- ⋯ Future Off-Street Bike Facility
- Existing On-Street Bike Facility
- Existing Grade Separated Bike Crossing
- Future Grade Separated Bike Crossing
- Primary Bike Corridor
- Parks & Open Space







## AIRPORT INFLUENCE DISTRICTS

Growth and development in Aurora is significantly shaped by the location and operation of four airports.

These include Denver International Airport, Buckley Air Force Base and the two general aviation facilities, the Colorado Air and Space Port (formerly Front Range Airport) and Centennial Airport. Each airport has an Airport Influence District that reflects operations specific to that airport and which may prohibit or limit certain types of development. Planning and zoning tools are implemented to assure that development proposed around airports is compatible with airport operations and reduces environmental impacts.

The city has taken a proactive approach to reduce impacts from aircraft noise by implementing zoning restrictions that are more protective than federal standards. Although federal standards specify that residential uses are compatible with the 60 day-night average sound level (DNL) for Federal Aviation Administration (FAA) airports and the 65 DNL noise contour for Department of Defense airports, Aurora requires that compatible residential uses only be constructed with noise mitigation in the 55 DNL contour. In addition, the city continues to work closely with Buckley Air Force Base to ensure proposed land uses are compatible with the Accident Potential Zone.

The zoning ordinance defines various areas subject to development restrictions because of their proximity to airport noise corridors. The following map illustrates airport noise contours for the airports located in and around Aurora, as well as the Accident Potential Zones near Buckley Air Force Base.

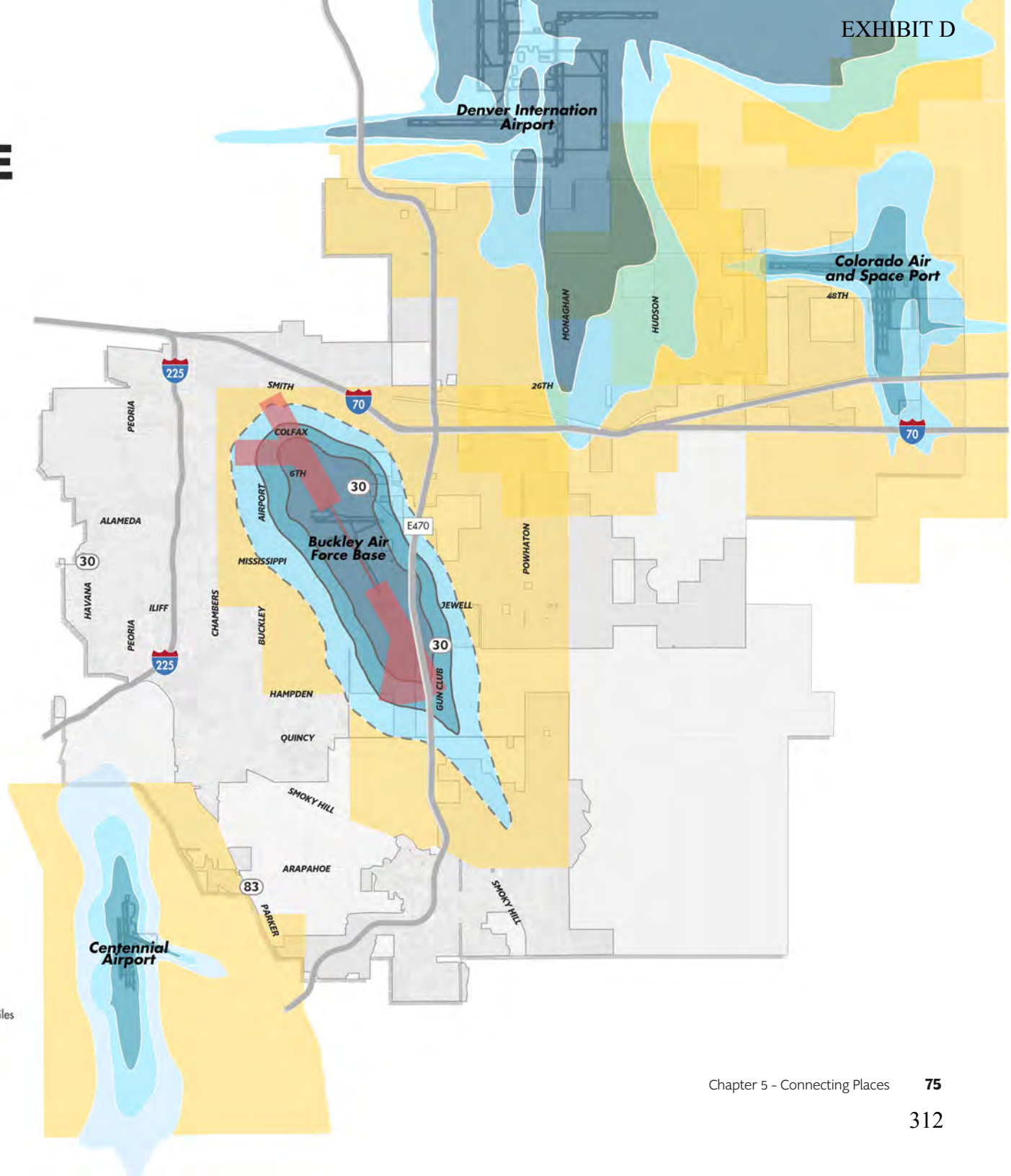
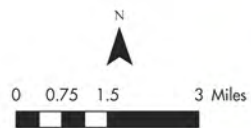


Bottom photograph provided courtesy of Denver International Airport.

# AIRPORT INFLUENCE DISTRICTS

## AIRPORT NOISE AND APZ

- Accident Potential Zone (APZ)
- Noise Impact District
- Special Noise Impact District
- 55 Ldn
- 60 Ldn
- 65 Ldn
- 65-80 Ldn
- Airport Influence Zone





## INNOVATIONS AND EMERGING TRENDS AND TECHNOLOGIES

Aurora should prepare for an entirely new era in transportation.

Artificial intelligence and recent innovations in information and communication technologies will significantly impact transportation and travel infrastructure. Aurora should prepare for an entirely new era in transportation. The city should be a regional and national leader in exploring partnership opportunities for potential pilot projects involving autonomous and connected vehicles, data sharing, and other related applied-technology initiatives.

## Growth of Shared Mobility

Shared mobility is a collection of transportation services that are shared among users, including public transit, taxis and limos, bike sharing, ridesharing, ride-sourcing companies like Uber and Lyft, shuttle services and commercial delivery services. These services provide flexible transportation options on demand. Recent advancements in electronic and wireless technologies have made mobility easier and more efficient. These new services could transform Aurora's transportation environment by providing new travel options, offering a broader array of mobility choices and providing better access to transit stations and hubs.

## Travel Demand Management

Due to limited financial resources and environmental constraints, it is more difficult and takes longer to add new infrastructure to meet the significant growth in passenger and freight travel demand. Therefore, strategies to manage travel demand are more critical to transportation operations than strategies to increase capacity.

With the advancement of technologies, managing demand should use more comprehensive approaches, beyond merely encouraging single-occupancy vehicle commuters to use carpool, vanpool or public transit for their commute. The focus of contemporary travel demand management (TDM) is to optimize the transportation system performance by providing real-time information on incidents, congestion and weather conditions to all travelers to help them make smart decisions about location, route, travel time and mode.

## Impact of Delivery Services and Growth of E-commerce

As more people shop online, e-commerce and its associated delivery services will have a significant impact on the transportation system and land usage. Like other American cities, Aurora is experiencing a growth in warehouses and fulfillment centers. Such fulfillment centers have different transportation needs and trip patterns. Changing shopping habits will likely create a mismatch between retail and industrial space as fewer stores and more storage facilities are needed.

Furthermore, freight transport will increase, resulting in more dispersed transport patterns as home delivery becomes more widespread. There is also a potential conflict between consumer pressure for fast home deliveries of goods bought online and current approaches to addressing problems associated with freight vehicles and traffic.



## Connected and Autonomous Vehicles

Connected vehicles and self-driven, autonomous vehicles will greatly influence how people travel, how Aurora's transportation system evolves and how land develops. Traffic signals, street signs and even lane striping may take very different forms due to the real-time communication capabilities among vehicles and between vehicles and roadway infrastructure.

Autonomous vehicles will likely be smaller and capable of traveling in closer proximity to one another. As a result, less roadway may be needed to accommodate more vehicles; therefore, some roadways may be reconfigured to better accommodate pedestrians and cyclists. Pedestrians and bicyclists will need to be accommodated in a street network dominated by free-flowing autonomous motor vehicles, especially at intersections and drop-off and pick-up points.

New development should be designed to accommodate decreases to on-site parking demand in response to new mobility technologies and options. In some cases, there may be an increased demand for drop-off and pick-up points at destinations, such as bus stations, train stations, airports and retail, office and entertainments sites. Curbside management will become an increasingly important function to consider in designing and operating businesses and other facilities.

## Transportation Infrastructure and Fiscal Challenges

As Aurora's population and employment levels grow, traffic congestion will increase. At the same time, transportation infrastructure begins to age or becomes obsolete and the need for repair or replacement intensifies. Keeping up with necessary transportation projects have and will stretch the city's capital and operating budgets.

As the city continues to expand its boundaries for future growth, the obligations for new capital projects and ongoing maintenance escalates. Costs to build and service new development, whether at the city's edge or in established areas, must be taken into account when considering approval of new development projects.

Title 32 Metropolitan Districts, or "Metro Districts," are a financing tool for the provision of infrastructure that remains important to sustaining growth and development within the city. These districts have been used extensively to finance needed transportation improvements. However, the city should continue to explore additional finance tools and funding sources to meet a growing need. Balancing the city's desire to grow despite the fiscal impacts of this growth is a challenge that decision-makers will continue to face in the future.

# Water, Wastewater and Stormwater Systems

## WATER SUPPLY

Water supply is paramount to the continued prosperity and future growth of Aurora.

Safe, convenient and affordable water and wastewater services are a core public utility for homeowners, businesses, visitors and others in the community. The city's capacity for continued growth and development is tied to its ability to continue to provide high-quality water service, through a strategy of acquisition, reuse and conservation, as well as wastewater and stormwater management services.

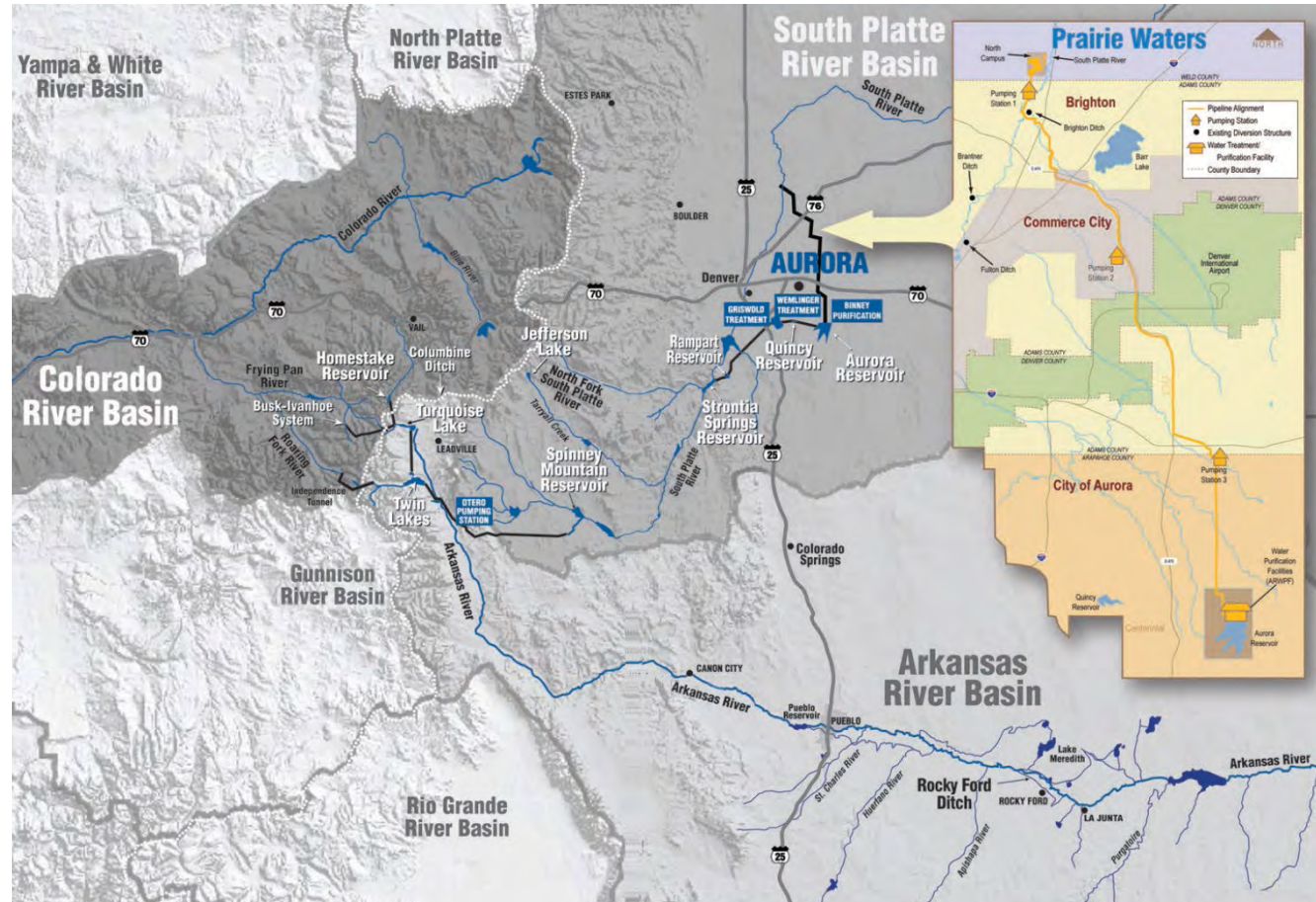
Aurora Water provides full-service water, wastewater and stormwater utility services to the community. The water utility department relies largely on renewable surface water sources to meet needs and continues to identify and acquire new water resources to meet growing demand. The scale of cost and complexity of managing such a system requires planning, budgeting and thoughtful coordination with regional partners. As the city continues to evolve through easterly growth and new urban infill development and redevelopment, Aurora Water is challenged to continue to meet rising demands, retain regionally competitive utility rates and remain a leader in the development of water policy in Colorado.



# AURORA'S WATER AND WASTEWATER SYSTEMS

Aurora's water is supplied largely by snowmelt and transported through an extensive system to the city and storage facilities. The city's raw water is collected and stored in 12 reservoirs, including the Aurora Reservoir, Quincy Reservoir and others outside of Aurora, which when filled to capacity can store more than 156,000-acre feet of water.

Aurora Water operates a distribution system that includes over 1,600 miles of pipe and 12 potable water pump stations. Three drinking water treatment facilities have a capacity of 210 million gallons per day. The Sand Creek Water Reuse Facility has received national awards and can process five million gallons per day while the new and innovative Prairie Waters facility has extended Aurora's water supply. There are 1,050 miles of wastewater pipeline in Aurora. The city's stormwater system includes 384 miles of pipe, 76.4 miles of open channel, 98 city-owned ponds and three stormwater pump stations.



Source: Illustration from the Aurora Water (2040 Water Plan)



## INFRASTRUCTURE AND SERVICE PLANNING

Aurora Water has adopted a strong water conservation ethic for local water use.

### Water and Wastewater Master Plans

To prepare for future growth, Aurora maintains an Integrated Water Master Plan (IWMP) which projects the future city water demands and identifies near-term and long-term water supply, treatment and transmission pipeline capital projects. The IWMP planning horizon is 2070, and the plan is updated every five years.

Like water planning, Aurora maintains a citywide Wastewater Master Plan to project future wastewater loading, identify undersized pipes and locate and define pipeline diameters for future growth. Because wastewater conveyance is predominantly a gravity-based system, it is important to plan on a drainage basin level and coordinate across multiple developments.

### Stormwater Master Plan

The city also maintains a comprehensive Stormwater Master Plan that combines the results of over 20 master drainage plans and outfall system plans. These plans are typically completed with assistance from the Urban Drainage and Flood Control District (UDFCD). They identify projects that alleviate or reduce flooding risk and enhance water quality throughout the city.

The city's preferred approach is to maintain open drainage systems serving multiple public purposes, including flood protection, stormwater management, recreation, open space, habitat, parks and trails. However, where the development placetype or challenging physical conditions warrant a more mixed approach, other techniques and technologies may be used. Aurora Water maintains a digital stormwater master plan that combines all the projects identified in various basin master plans and prioritizes them based on criteria for incorporation into the 20-year capital improvement program.

### Urban Drainage and Flood Control District

The city coordinates with the UDFCD to plan for future growth in the stormwater system. The district manages basin-wide master plans (which often cross multiple jurisdictions), maintains criteria manuals for design and water quality, manages some stormwater construction and design projects and works directly with state and federal agencies on behalf of its members. The city, in conjunction with UDFCD, has studied the Aurora stormwater basins to identify future floodplains and related detention and water quality needs.



## Colorado Water Plan

In 2015, the state completed the Colorado Water Plan, a statewide strategy that sets forth measurable goals, objectives and actions to address projected water needs. The plan's objectives include reducing the municipal and industrial water supply-demand gap, initiating conservation measures to supplement supply, supporting local efforts to incorporate water-saving actions into land use planning, adding storage capacity, protecting watersheds, and securing financial resources to support these actions. Collaboration between the state and local jurisdictions is critical to achieving these goals.

## The Role of Water Conservation

As the costs and complexity of acquiring new water sources continues to grow, stretching existing supply becomes more essential to meeting Aurora's growing demand. Conservation efforts can mitigate the public costs of water and infrastructure, as well as provide homeowners and businesses savings on their water bills.

Aurora Water has adopted a strong water conservation ethic for local water use, which they have supported through a range of planning, programs, and innovative projects. Programs include conservation education and outreach, water-wise demonstration gardens, water budgets and conservation pricing, financial rebates and incentives and collaboration and coordination with peer agencies. The Long Range Conservation Plan provides guidance for future water conservation programs so that as water supply planning progresses, decision-makers can determine the best programs for the community.

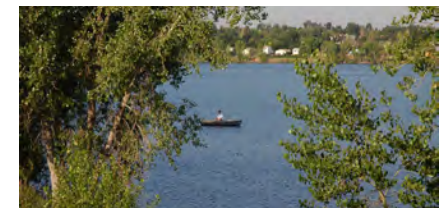


# Parks, Trails, Recreation and Open Space System

Parks and recreation facilities can serve as centers of neighborhood activity.

There are few physical features more essential to quality of life and the appearance of a community than parks, trails, open spaces and the recreation system. Parks and recreation facilities can serve as centers of neighborhood activity and as places for sports, exercise, community events and gathering places. Protected open spaces support healthy living by connecting residents and visitors to Aurora's natural amenities, while a robust and interconnected network of trails and bicycle ways serve commuters and recreational users alike.

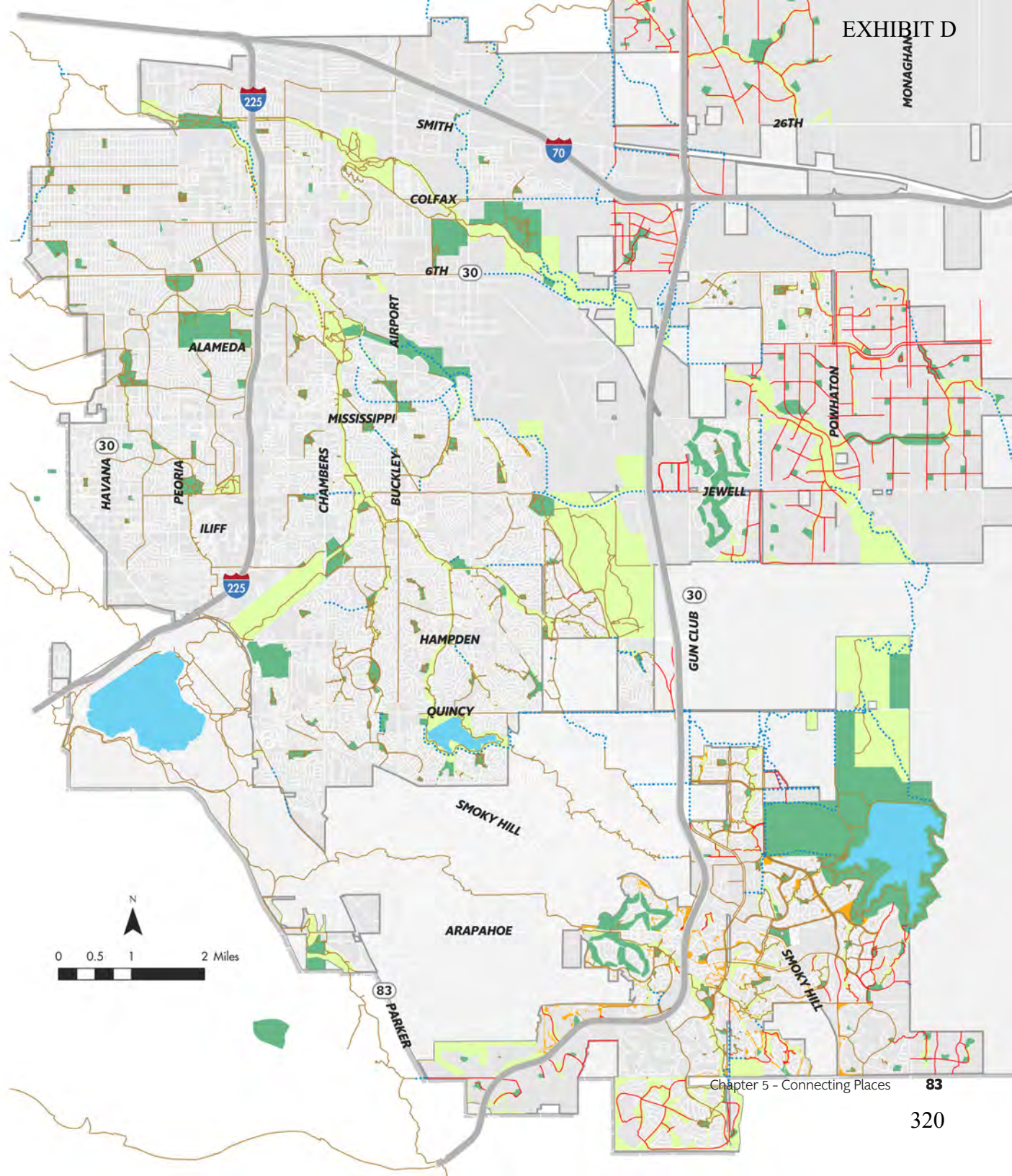
The city of Aurora maintains 97 developed parks and over 5,000 acres of open space. The system includes a broad range of facilities including parks, recreation centers, golf courses, dog parks, park shelters, playgrounds, sports fields, nature centers, swimming pools and a variety of outdoor activities at Quincy and Aurora reservoirs. The city provides over 90 miles of local and regional trails across Aurora, many of which connect to the larger regional network and provide access connecting neighborhoods, mixed-use districts and other destinations. The city also supports those with mobility disabilities by enabling use of assistive technologies and services in its parks, trails and open space system.



# PARKS, TRAILS, RECREATION AND OPEN SPACE

## PARKS AND TRAILS

-  Existing Park Trail
-  Programmed Park Trail
-  Proposed Park Trail
-  Planned Park Trail
-  Common Land
-  Parks
-  Open Space





# Arts and Cultural Resources System

**A sense of community is defined by the connections among people and shaped by shared culture, experiences and history.**

The city's urban history began in Original Aurora, in the city's far northwest, with a small town that has since grown to become the state's third largest city. Aurora's recent history is in many ways defined by a growing diversity of people, cultures and experiences. The city's art, historic places and cultural resources are one way this rich history is expressed and experienced. Arts and cultural facilities are important elements of the fabric of a vibrant city and can anchor community activity and support economic activity and development.

## Libraries and Museums

The Aurora Public Library system offers an opportunity to serve as a center of neighborhood or community life, a place for all ages to gather and interact. The city operates six library locations, including the large main library and satellite libraries, and offers computer lab and pick-up/drop-off services at other facilities around the city. The Aurora History Museum collects and exhibits artifacts and documents pertaining to the history of Aurora and Colorado. It provides in-house research and educational programs and oversees the city's historic preservation program. The libraries and museum also collaborate with other agencies and organizations, including local school districts, to provide access to a growing number of educational resources and develop exhibits of interest to the community.

## Historic Resources and Preservation

The city recognizes that preservation of its historic and cultural resources is important to the community at large, and that the city should play an active role in the protection and preservation of Aurora's heritage through education, advocacy, training and partnerships. The Historic Preservation Ordinance, first adopted in 1985, creates a process for establishing historic landmarks, both historical and archeological.

Historic preservation is achieved through a partnership among the City Council, the Historic Preservation Commission, various city departments, the Aurora History Museum, the Aurora Historical Society, private property owners and others in the community. These partnerships provide shared cultural and economic benefits to the Aurora community.

Many of the city's designated historic resources can be found in Original Aurora and contribute to that neighborhood's unique character and local interest. The city values protection of these resources, even as revitalization or redevelopment occurs in the area. However, historic sites and landmarks are located throughout the city. These include DeLaney Farm and Round Barn adjacent to the Aurora Municipal Center, the Smoky Hill Trail landmark and Melvin School in south Aurora, and Centennial House and Lowry Building 880 in northwest Aurora.



## Arts in Aurora

### The Arts District draws talented artists and visitors to the area and contributes to the overall vitality of Original Aurora.

The Aurora Cultural Arts District is located in Original Aurora along Colfax Avenue and is home to visual and performing arts facilities and festivals. The city has invested in programming, facilities and attracting visitors to the area. The district's goals are to support arts and creative businesses, create a vibrant arts destination, and embrace the urban context of Original Aurora. The Aurora Fox Theater and recently renovated People's Building are among the city-owned arts venues in the area. Theater, dance, visual arts and other creative endeavors can be found in the district.

The Arts District draws talented artists and visitors to the area, which in itself is a source of community pride and an economic asset; however, the district also contributes to the overall vitality of the greater Colfax Avenue corridor and Original Aurora neighborhood. Fletcher Plaza offers a public venue for community events, interaction and recreation, and potential for even more. The adjacent Martin Luther King Jr. Library and Municipal Services Center is an important community asset for learning and services for diverse nearby neighborhoods. Public and private development of new housing in the area has grown the area, while growing choices of new restaurants, shopping and entertainment options complement the arts scene.

However, the arts in Aurora extend well beyond the Arts District. The city's Art in Public Places program has selected, funded and installed art throughout the city in parks, commercial centers and public facilities. The Art in Public Places Commission governs the program and a robust public participation process supports it. The city's zoning code requires dedication of construction project fees for projects in Metro Districts. The city's transit stations feature a variety of amazing works by diverse artists.

## SUMMARY

Different types of networks connect people and places across the city of Aurora. From transportation to arts and entertainment to strategic economic opportunities to water, every person is connected to one another and every neighborhood both directly and indirectly. To achieve sustainable growth and continued success the city must support these systems through targeted planning efforts and supplemental support of private and nonprofit stakeholders. Ensuring that all three sectors work together is the key to connecting places in Aurora.



# GOALS, POLICIES AND PRACTICES

Goals, Policies and Practices incorporate the main ideas and recurring themes discussed throughout the planning process. They are centered on the seven Core Principles identified through the community engagement activities. Each principle sets forth a standard for Aurora within its specific topic area. The goals are statements of the community's aspirations and the recommended practices are the means to realize those goals. The practices should be used by city staff, the business community and the public on a daily basis to guide the implementation of Aurora Places.

## A Strong Economy

**Principle:** A strong economy with active urban places is essential for the wellbeing of residents, businesses and the community.

## A Diverse and Equitable City

**Principle:** Diversity and equity are assets to be nurtured and promoted by the city.

## Housing for All

**Principle:** High-quality housing options enable people across all socioeconomic levels, cultural identities and stages of life to establish and manage households.

## A Healthy Community

**Principle:** Eating healthy food, walking and exercising, living in a clean and safe environment and having access to medical care improves the lives of all Aurorans and contributes to a stable community.

## A Thriving Environment

**Principle:** A thriving natural environment - including stewardship of water, energy and natural resources - is essential to the physical and mental wellbeing of residents and the city's ability to support future growth.

## Easy Mobility and Active Transportation

**Principle:** An easy-to-use transportation network with multiple travel choices supports a strong economy, healthy community and flourishing environment.

## An Authentic Aurora

**Principle:** The creation of great places, the preservation of traditionally unique places and effective marketing and promotion are essential to improving Aurora's image.

**GOALS:**

1. Support a growing availability of job opportunities for people with a variety of skill levels and experience.
2. Achieve greater balance between the number of residents and jobs in Aurora.
3. Continue to support the growth of primary employment to bolster the local economy.
4. Create new and unique retail areas that match changing trends.
5. Create partnerships with major institutions and businesses to encourage economic growth.
6. Support locally grown businesses along with business startups and expansions.
7. Continue to provide high-quality and reliable city and utility services throughout the city.

# A STRONG ECONOMY

**Principle:** A strong economy with active urban places is essential for the wellbeing of residents, businesses and the community.

**RECOMMENDED PRACTICES:**

## Placetypes

- ♦ Create highly active urban districts as locations for knowledge-based businesses, desired retail, unique entertainment and local entrepreneurs and for people who desire convenient urban areas to live and work. Create these areas as intensely developed, mixed-use places to attract talented workers and higher-paying jobs.
- ♦ Work with the development community to encourage construction of high-quality office space in urban districts, innovation districts and other placetypes.
- ♦ Partner with institutions, such as the Fitzsimons Redevelopment Authority and the Community College of Aurora to create innovation districts where new ideas and enterprises can flourish, leading to economic innovation and growth.
- ♦ Identify and reserve ideal locations for significant and strategic commercial and employment uses in Urban District, Innovation District, City Corridor, Commercial Hub and Industry Hub placetypes.
- ♦ Continue to use zoning designations to locate industry hubs, particularly along the I-70 corridor and in the Aerotropolis area, in large land areas well-suited for industrial and distribution operations.
- ♦ Continue to support Buckley Air Force Base's success as a major employer in Aurora.
- ♦ Develop and redevelop city corridors and commercial hubs as places for retail, services, offices and entertainment.
- ♦ Create transit-oriented development (TOD) to provide better access to employment centers, particularly for residents that do not have easy access to a personal vehicle.
- ♦ Support quality urban design through capital improvement projects and special districts to create stronger and more attractive business environments.
- ♦ Strengthen city zoning and development standards to improve the quality of commercial and office development for redeveloping and reinvesting in targeted locations while also providing appropriate flexibility.

## Connecting Places

- ♦ Provide complete car, transit, pedestrian and bicycle connections between and within urban districts, as well as to residential neighborhoods, including gridded urban blocks, to promote better access to business and employment for both employers and employees.

## Partnerships

- ♦ Work with community partners to promote Aurora as a creative, efficient and productive international business hub.
- ♦ Coordinate efforts among potential public, private and nonprofit partners based on shared priorities and strategies.
- ♦ Share data and information within the city's partnership network to help inform decisions based on a shared understanding of the current and projected economy.
- ♦ Support the use of business improvement districts (BIDs) and similar development tools to engage the community.

## Economic Growth and Sustainability

- ◆ Adaptively reuse underutilized properties and strive to retain low-cost commercial properties to provide affordable space for local businesses and maintain community character.
- ◆ Continue to nurture a culture of customer service to represent Aurora as one of the best cities in which to conduct business.
- ◆ Support Aurora's multicultural and global influences to strengthen and expand the city's economy.
- ◆ Serve as a resource for up-to-date and relevant demographic, real estate and economic data to support public- and private-sector decision-makers.
- ◆ Evaluate comprehensive economic indicators to identify economic strengths and challenges and measure the city's progress toward economic development goals.
- ◆ Support political, legal and legislative efforts to provide and protect important revitalization tools and funding sources.
- ◆ Integrate land use and water planning and policies in order to meet the needs of future growth and development.

## Business Attraction, Retention and Expansion

- ◆ Attract businesses that connect Aurora to the global marketplace with an emphasis on science, technology, research and healthcare.
- ◆ Encourage and support growth and expansion of existing businesses, including major employers and institutions, smaller businesses and other employers.
- ◆ Take advantage of Aurora's proximity to Denver International Airport for new economic opportunities. Focus on job creation and industrial development opportunities in those areas.
- ◆ Work with existing and potential businesses to support a vibrant local economy with increasing numbers and a diversity of high-quality, high-paying jobs at all skill levels, particularly at employment centers.

## Small Business and Entrepreneurship

- ◆ Encourage targeted, systematic financing approaches for startup enterprises.
- ◆ Continue to provide assistance and incentives for the creation of local and small businesses and support of existing ones.
- ◆ Promote affordable and appropriate work and meeting spaces to encourage startup enterprises.

- ◆ Promote and support the success of immigrant- and refugee-owned businesses. Actively connect these diverse communities with small business and entrepreneurship resources.
- ◆ Support the creation of local job opportunities within businesses owned or led by people of historically marginalized or disadvantaged groups.

## Workforce Development

- ◆ Collaborate with the private sector on job creation and training, including training and jobs for Aurora residents who are underemployed, with an emphasis on technology and job readiness in industries with high-growth potential.
- ◆ Connect immigrant and diverse ethnic communities to education, training resources and accepted credentials to integrate their skills and ambitions into the local workforce.
- ◆ Identify opportunities for seniors or recently retired individuals to contribute to the local business environment, including as mentors, leaders, volunteers or other roles that capitalize on their skills and experience.

## Development and Redevelopment

- ◆ Continue to use urban renewal for infill and redevelopment in targeted areas. Explore additional funding mechanisms for development and supporting infrastructure improvements.
- ◆ Proactively attract developers who will provide innovative, urban, infill development at key sites.
- ◆ Effectively use a capital improvement program (CIP) to strategically provide appropriate infrastructure to major employment centers and redevelopment areas.
- ◆ Create comprehensive redevelopment plans that consider and mitigate impacts on housing supply.



# A DIVERSE AND EQUITABLE CITY

**Principle:** Diversity and equity are assets to be nurtured and promoted by the city.

## GOALS:

1. City services should be available and accessible to all residents.
2. Create safe and welcoming public spaces throughout the city that are designed to increase communication and understanding and reduce conflict among cultures.
3. Embrace and promote multiculturalism in education, communication, celebration, and commerce.
4. Further strengthen Aurora's reputation as an international city that recognizes the value and contributions of immigrants and refugees and supports opportunities for these communities to thrive.

## RECOMMENDED PRACTICES:

### Placetypes

- ◆ Locate libraries, recreation centers and other public facilities in urban districts to act as anchors and to ensure that such facilities are well connected to neighborhoods for all residents to use.
- ◆ Provide public spaces in urban districts and other placetypes for celebration and to bring people of different backgrounds and cultures together. Design and program these spaces to increase interaction between people and encourage the creation of new ideas by them.

### Connecting Places

- ◆ Serve neighborhoods with public transit, bicycle and pedestrian routes.
- ◆ Develop transportation programs for those who are non-able-bodied, aging or who do not have easy access to cars.

### Government Services

- ◆ Monitor changing socioeconomic trends to understand population and economic changes of the city to adjust programs to effectively adapt to those trends.
- ◆ Use equity measures to evaluate city programs' availability and effectiveness in serving residents in diverse communities across the city.

- ◆ Engage residents, neighborhood organizations, and diverse communities in planning and development efforts and decision-making.
- ◆ Promote educational opportunities designed to address cross-cultural communication, discrimination, language learning, history, citizenship and job training to promote cultural understanding.
- ◆ Evaluate the extent to which new development, redevelopment and capital projects result in the displacement of current residents and develop and refine a set of proactive strategies to mitigate such impacts.
- ◆ Communicate planning, development and city services matters in multiple languages and manners to promote accessibility by all Aurorans.
- ◆ Strengthen trust between the city and diverse communities by promoting inclusion and the celebration of cultural differences.
- ◆ The city will continue to expand its efforts focused on immigrant and refugee integration into the Aurora community.

### Aging Population

- ◆ Provide recreation services and facilities for active adults throughout the city.
- ◆ Work with community partners, including the Anschutz Medical Campus, to provide services for seniors.
- ◆ Encourage "Meals on Wheels" type programs, county programs and other types of programs for seniors.
- ◆ Improve the communication and timeliness of information to seniors regarding programs and services.
- ◆ Work with educational institutions to provide opportunities for continuous learning among seniors.
- ◆ Provide or encourage volunteer and service opportunities for seniors.
- ◆ Encourage service providers that aid senior immigrants and refugees to operate in Aurora.

**GOALS:**

1. Increase high-quality housing options of all types and at all price levels throughout the city through ongoing collaboration with the development community.
2. Work with partners to better understand specific needs for affordable housing and to develop new, creative housing options.
3. Locate affordable and senior housing throughout the city and at locations with a variety of transportation options.
4. Address barriers to the development of diverse housing variety and neighborhood choices across the city.
5. Decrease barriers to homeownership.

**HOUSING FOR ALL**

**Principle:** High-quality housing options enable people across all socioeconomic levels, cultural practices and stages of life to establish and manage households.

**RECOMMENDED PRACTICES:****Placetypes**

- ◆ Provide appropriate locations for multiple housing types in urban districts, including both affordable and luxury options, because the concentration of services, retail, entertainment and employment and the multiple transportation choices are desired by households of all incomes.
- ◆ Integrate housing of varying types and prices into placetypes throughout the city to create lively and diverse neighborhoods.
- ◆ Create vibrant and highly desirable neighborhoods through superior housing design and neighborhood layout, with varied design along streets and quality landscaping and architecture throughout.
- ◆ Focus primarily residential placetypes around neighborhood gathering places, such as parks, trails, neighborhood-serving commercial centers or other spaces.
- ◆ Apply planning processes in individual neighborhoods to invite resident involvement and address neighborhood needs.
- ◆ Encourage and support renovation or rehabilitation of existing housing stock to meet minimum standards and appeal to changing household needs and preferences.

**Diverse Housing**

- ◆ Enforce fair housing policies and practices and code compliance.
- ◆ Work with partners to identify demand and development opportunities for affordable housing throughout Aurora.
- ◆ Provide homeless and low-income housing programs to address housing security.
- ◆ Preserve and improve existing housing to retain community character and meet housing demand.
- ◆ Proactively attract developers to provide innovative neighborhood designs that feature diverse housing options.
- ◆ Allow accessory dwellings to accommodate extended family arrangements or generate income to accommodate rising housing prices.
- ◆ Consider all household costs, including acquisition or move-in costs and ongoing costs, such as utilities and home maintenance, when evaluating affordable housing needs.
- ◆ Continue to assess zoning and development regulations and processes to reduce ineffective regulations or unnecessary barriers to quality development.
- ◆ Create comprehensive redevelopment plans that consider and mitigate impact on housing supply.

**Connecting Places**

- ◆ Ensure that neighborhoods are effectively connected to safe, attractive pedestrian, bicycle and public transit routes, especially those with affordable and senior housing.

**Aging Population**

- ◆ Work with the Aurora Housing Authority, the private sector and others to ensure that sufficient, affordable housing is available for seniors throughout the city.
- ◆ Use CDBG and other funding to improve existing housing for use by seniors and work with partners to develop programs to support home maintenance.
- ◆ Encourage the construction or rehabilitation of homes for downsizing households, including single-story, shared housing, multigenerational and other senior-friendly housing types.
- ◆ Encourage local organizations to support seniors living in mobile homes, including maintenance assistance, legal rights and relocation.
- ◆ Use neighborhood and area plans to support the construction or rehabilitation of senior housing throughout Aurora.
- ◆ Promote and support the inclusion of senior housing options in urban districts, transit-oriented developments and other walkable neighborhoods.

**GOALS:**

1. Make active transportation, such as walking and biking, a viable alternative to driving.
2. Maintain, improve and expand parks, open space, trails and recreation facilities throughout Aurora.
3. Neighborhoods should have safe and convenient access to retail outlets that offer healthy and/or fresh food choices.
4. Support the expansion of healthcare facilities to locations that conveniently serve neighborhoods throughout the city.
5. Ensure that Aurora is a safe environment for all community members.
6. Provide safe, effective and high-quality water, wastewater and stormwater services.

# A **HEALTHY** COMMUNITY

**Principle:** Eating healthy food, walking and exercising, living in a clean and safe environment and having access to medical care improves the lives of all Aurorans.

**RECOMMENDED PRACTICES:**

## Placetypes

- ◆ Support the establishment of retail outlets that provide healthy and/or fresh foods that are conveniently accessible to neighborhoods across the city.
- ◆ Provide sufficient parks, open space and recreation facilities safely and conveniently accessible to neighborhoods.
- ◆ Retrofit existing neighborhoods with parks, trail connections and access to public and private recreation facilities.

## Connecting Places

- ◆ Ensure that neighborhoods are well connected by enjoyable pedestrian and bicycle routes to urban districts, commercial hubs and other placetypes.

## Community Health

- ◆ Enhance Aurora's quality of life by increasing access to natural areas and incorporating vegetation and natural features in streetscapes and buildings.
- ◆ Encourage grocery stores and healthcare facilities to locate at easily accessible locations and provide goods and services to meet local needs and preferences.
- ◆ Support programs that improve access to healthy food systems and food security such as HEAL Cities and LiveWell Colorado.
- ◆ Increase opportunities for neighborhood gardening and urban agriculture.
- ◆ Partner with medical institutions and related organizations to provide better access to healthcare and education concerning healthy lifestyles and better health outcomes.
- ◆ Work with partners to identify and address public health problems.
- ◆ Partner with healthcare providers, including those at the Anschutz Campus, to promote health and fitness.
- ◆ Support community events and activities that foster community building and enhance the quality of life for Aurorans.

## Public Safety

- ◆ Continue to support public safety through responsive police, fire and code enforcement services.
- ◆ Improve safety through neighborhood planning, resident involvement and enforcement of city codes and ordinances.
- ◆ Consider public safety and health when designing public spaces, facilities or other community gathering places.
- ◆ Maintain a high level of community resilience by planning and preparing for natural and manmade disasters or events.

**GOALS:**

1. Implement water supply and storage projects, as well as conserve and protect existing water resources.
2. Conserve and efficiently use energy resources.
3. Protect valuable open space and natural areas.
4. Require that new development or redevelopment provides and maintains attractive, healthy and water-efficient landscaping.
5. Implement water-wise land use practices in all new development.

# A **THRIVING** ENVIRONMENT

**Principle:** A thriving natural environment - including stewardship of water, energy and natural area resources - is essential to the physical and mental wellbeing of residents and the city's ability to support future growth.

**RECOMMENDED PRACTICES:****Placetypes**

- ◆ Pursue opportunities to use district-wide approaches to water and energy conservation in all placetypes.
- ◆ Encourage transit-oriented development to provide alternatives to auto traffic and improve air quality.

**Connecting Places**

- ◆ Concentrate development and provide walking, bicycling and transit choices to reduce distances between destinations and mitigate automobile traffic.
- ◆ Preserve, enhance and connect open space corridors to increase green space, connect habitats, enhance the trail system and improve drainage.
- ◆ Use trails and linear parks to connect placetypes.

**Environmental Improvement**

- ◆ Improve the community's understanding and acknowledgment of the role a healthy environment plays in creating a successful community.
- ◆ Protect sensitive lands, wildlife habitats, and unique natural areas, such as Black Forest in southeast Aurora.
- ◆ Use neighborhood- or district-wide approaches for energy, water, and resource conservation.
- ◆ Promote resource-efficient development by incorporating energy and water conservation and renewable energy.
- ◆ Utilize innovative environmental practices to reduce the amount of water used for landscaping while providing quality landscaping and shade trees.
- ◆ Use green stormwater infrastructure to slow and clean stormwater while providing the benefit of green drainage facilities and corridors.
- ◆ Encourage net-zero approaches to development. In net-zero development, the energy used after development does not exceed the energy used before development.
- ◆ Incentivize renewable energy generation, storage and efficiency in new buildings, neighborhoods and development. The city can lead by example by integrating these best practices into public facilities.
- ◆ Plant water-wise shade trees to provide shade to people and property.

# EASY **MOBILITY** AND **ACTIVE** TRANSPORTATION

**Principle:** An easy-to-use transportation network with multiple choices for travel supports a strong economy, healthy community and flourishing environment.

## GOALS:

1. Establish and maintain an integrated, multimodal transportation system.
2. Concentrate development in urban districts to connect them to neighborhoods and other nearby placetypes by public transit, bicycling and walking.
3. Provide new street connections and alleviate the most critical points of congestion in developed areas.
4. Provide completely connected street networks in developing areas to avoid excessive traffic congestion and maximize mobility choices.
5. Develop and extend the local transit network, connecting concentrations of activity.
6. Provide comfortable and safe walking and biking routes connected to key locations.
7. Provide sidewalks and walking routes that meet the needs of senior and mobility challenged individuals and promote good access to a variety of transit services.

## RECOMMENDED PRACTICES:

### Placetypes

- ◆ Strategically focus transportation investments in urban districts, transit-oriented development areas, and other walkable districts.
- ◆ Promote TOD and prioritize intense development at those locations to encourage transit ridership.
- ◆ Ensure that TOD conforms with adopted station area plans.
- ◆ Locate industry hubs near major highways, rail lines and street networks that can accommodate trailer trucks for quick and easy shipping that does not disrupt noncommercial traffic.
- ◆ Locate industry hubs in the Aerotropolis area to capitalize on immediate access to the airports.
- ◆ Discourage or disallow parking lots along major street frontages, particularly in city corridors, commercial hubs and urban districts.

### Connecting Places

- ◆ Connect urban districts to neighborhoods and other placetypes using transit and safe and comfortable pedestrian and bicycle routes.
- ◆ Connect transit stations to surrounding placetypes with a complete street grid and other nonmotorized transportation modes.
- ◆ Provide easy walking, bicycle and transit connections both between and within Aurora neighborhoods.
- ◆ Develop street grids with blocks small enough to encourage walking and to maximize the potential for development, particularly in urban districts and TOD areas.
- ◆ Design street networks to separate industrial traffic from local traffic.
- ◆ Incorporate vehicle, pedestrian and bicycle connections to connect between adjacent placetypes. Provide alternative routes for local traffic than through major roads and intersections.

### Transportation and Development

- ◆ Provide regularly located, safe and comfortable crossings on major streets.
- ◆ Install new sidewalks and widen existing sidewalks as part of redevelopment or capital improvement projects. Pursue grant funding to support these improvements.
- ◆ Add bike lanes to appropriate streets, separated from automobiles, to create a fully connected bicycle system.
- ◆ Utilize parking best practices, such as shared parking, lot sizing and peak parking overflow areas to conserve valuable land and reduce development costs.

- ◆ Require that parking lots are attractive and efficient by including walkways, landscaping and appropriate lighting.
- ◆ Support the installation of enhanced public lighting and technologies in select commercial or mixed-use districts, especially urban districts and TOD areas.
- ◆ Integrate traffic calming design improvements into new development or redevelopment as part of its original construction to mitigate the needs for expensive or challenging post-development installation.
- ◆ Consider impacts of private and/or limited-access streets on overall street connectivity goals.

## An Integrated Transportation System

- ◆ Develop citywide transportation plans that include analytical approaches to identifying the most critical investments that can be made to improve the function of the overall transportation system.
- ◆ Identify and adopt dependable revenue sources for transportation maintenance and improvements.
- ◆ Promote transportation improvements that benefit diverse users, including families, the non-able bodied and the elderly.
- ◆ Research and prepare for technological advances in transportation, including autonomous vehicles and intelligent transportation systems.
- ◆ Require that new development provides complete street connections with frequent connections to major streets.
- ◆ Continue to maintain strong partnerships with the Regional Transportation District (RTD) and the Colorado Department of Transportation (CDOT).
- ◆ Provide a range of economically viable transit and shuttle services, such as those with flexible routes and schedules, for high-activity areas.
- ◆ Advocate for affordable fares, refined transit connection timings, adequate bus shelters, and other transit improvements.
- ◆ Work with RTD to expand various forms of transit to unserved or underserved areas of Aurora.
- ◆ Update and adopt transportation plans, including the bicycle plan, area plans, corridor plans and transit plans.
- ◆ Proactively design and update transportation improvements for technological advances in transportation, including autonomous vehicles and intelligent transportation systems.
- ◆ Support improvements to create safe routes to schools.

## Aging Population

- ◆ Develop incremental programs for the improvement of deficient sidewalks. Ensure that sidewalks can accommodate wheelchairs and walkers.
- ◆ Identify street crossings that are difficult for seniors and prioritize improving signal timing and crossing design.
- ◆ Provide improved pedestrian access to transit stations and bus stops that meet the needs of seniors with appropriate seats and shelter.

# AN **AUTHENTIC** AURORA

**Principle:** The creation of great places, the preservation of traditionally unique places and effective marketing and promotion are essential to improving Aurora's image.

## GOALS:

1. Create distinctive destinations that attract people from around the region and the world.
2. Protect the character and quality of established neighborhoods and districts throughout Aurora. Proactively prevent decay, decline or disinvestment within the community.
3. Use high-quality community design to create vibrant and active places where people choose to live and work.
4. Promote Aurora's welcoming, diverse neighborhoods and parks and open space system as key reasons to live in or visit Aurora.
5. Use Aurora's heritage and historic resources as a basis for community events, urban design and community pride.
6. Use diverse cultural resources and the arts in urban districts and other placetypes to create destinations.

## RECOMMENDED PRACTICES:

### Placetypes

- ◆ Create intensively developed urban districts with a mix of residential and commercial uses focused around great public spaces where people can live, work and come together.
- ◆ In urban districts, innovation districts, commercial hubs and city corridors, use coffee shops, restaurants, outdoor spaces, recreation centers, shared work spaces and community gathering places to promote natural interaction between people.
- ◆ In urban districts, commercial hubs and other placetypes create outdoor spaces that are appropriately sized and surrounded by active uses to create around-the-clock places.
- ◆ In urban districts, innovation districts and other placetypes, create design themes based on diverse culture, art or other themes in order to create recognizable identity.
- ◆ Program community events and entertainment in public spaces.
- ◆ Emphasize the unique character of neighborhoods with community spaces, neighborhood commercial centers, art and design.
- ◆ Treat TOD areas as key entry points to the city with quality urban design, public art and innovative businesses.
- ◆ Use high-quality and innovative architecture and design to create interesting and valuable places.
- ◆ Create active destinations and districts in Aurora for arts, high-quality entertainment and nightlife. Pursue opportunities to attract or enhance regionally recognized public or private venues for arts, culture, recreation and entertainment.
- ◆ Support and celebrate Aurora's strong international and cultural restaurants and shopping districts. Protect and leverage these unique resources to support reinvestment and development within Urban Districts, Commercial Hubs and City Corridors.
- ◆ Protect and highlight Aurora's cultural and historic resources and places.
- ◆ Continue to support the inclusion of public art throughout the community. Incorporate distinctive art and design as a defining feature of community gathering places.

## Connecting Places

- ◆ Enact standards that require streets that are safe, comfortable and attractive by including quality landscaping and pedestrian design.
- ◆ Continue to limit the numbers of signs on major streets to avoid a cluttered appearance and continue to require quality design for sign structures.
- ◆ Locate buildings close to streets and public spaces to create high levels of pedestrian activity.

## The Image of the City

- ◆ Build upon the city's successful marketing campaign touting Aurora's superior quality of life to attract businesses, new residents, professionals, developers and investors.
- ◆ Promote the parks and open space system as a great reason to live, work and play in Aurora.
- ◆ Attract major regional sports, entertainment or tourism destinations to Aurora.
- ◆ Promote and encourage local and independent businesses that reflect Aurora's unique community identity.
- ◆ Support and partner with Aurora's school districts, institutions of higher education and other education providers to assist with the provision of high-quality education.
- ◆ Survey, evaluate, preserve and enhance historical resources to add special character to urban districts, neighborhoods and other districts.
- ◆ Encourage high-quality public events throughout the city.





# ACTION STRATEGIES

**I**t is not sufficient to simply prepare and adopt a new plan for our city. Actions and procedures need to be established to ensure that the plan's recommendations are carried out and the community's vision is realized. An actions program should be created and trends should be measured over time to ensure that it achieves the desired results.

City staff within appropriate departments should provide regular reports to city management, the Planning and Zoning Commission, City Council and the community describing trends and program results. Based on these reports the Commission and City Council may direct changes in policies and programs.

Our city continues to change as it grows and develops. Plans, recommendations and strategies will need to be adjusted over time. City staff will accept the responsibility to undertake the recommended actions and policies, evaluate results and recommend adjustments to strategies. This chapter describes tools that can be used to implement the recommendations of Aurora Places and a specific program of actions to be undertaken immediately.



## TOOLS

Aurora Places is the policy guidebook for growth and development throughout the city for the next 20 years. Chapter 6 outlines recommended policies and practices to achieve the goals outlined in the plan. This chapter lays out a framework that can be used as a first step in implementing the policies.

This chapter also defines tools the city and its partners can use to implement the plan and realize the community's vision for Aurora.

## Capital Improvements Planning

To ensure that the city is planning ahead for its infrastructure and facility needs, it is common practice for cities to maintain a five-year capital improvement plan (CIP). The CIP provides the basis for capital expenditures in the current budget. The plan should be reviewed and updated annually to assess changing conditions, priorities and how the identified projects address the vision and goals of the comprehensive plan. According to the Aurora City Charter, the Planning and Zoning Commissions should review and provide recommendations regarding the CIP to ensure it supports the goals and recommendations of the comprehensive plan.

In Aurora, the Capital Projects Fund (CPF) provides support for general government capital projects. Additionally, an enterprise fund for water, wastewater and stormwater funds some utility infrastructure projects.

## Partnerships

There are limits to what the city can afford to finance. At the same time, there are often special costs associated with the types of development that the city needs to attract. Targeting a variety of new types of development to provide job growth, revenue-generating retail, affordable housing, renewable energy and transportation improvements will help create urban places. The special costs associated with these beneficial projects can include transportation improvements, land acquisition, building rehabilitation, environmental work or special aesthetic enhancement. The city can more effectively meet its goals by leveraging capital improvement funding, urban renewal financing, grants and other sources with private funding. The city should pursue and maintain special partnerships with property owners, developers, businesses, nonprofit organizations, government agencies, large institutions and other parties.

## Neighborhood and Area Planning

Aurora continues to plan for smaller areas of the city, including neighborhoods, urban centers and mixed-use districts, strategic urban renewal areas and transit station areas. By creating neighborhood and area plans, the city can address more specific or local issues associated with particular neighborhoods and areas. Using this method, goals and programs can address the needs of specific areas.

Neighborhood and area planning will include more methods to involve residents and businesses of all cultures and backgrounds in planning for their locations. This involvement may be through workshops, local events or the establishment of local committees. Such methods can support continued citizen involvement in development processes and in programs for the areas. The city should continue to initiate plans in areas that do not currently have a plan and regularly review and update existing plans.



## Land Use Regulation

Like other cities, Aurora regulates the use and development of land. The city's zoning code includes the zoning designations that describe which uses of land are allowed in different portions of the city. The code also includes standards governing various aspects of development, including building heights and spacing, street construction, the design of public spaces, and overall site or neighborhood layout. Additional codes and regulations also govern the construction of buildings or integrate water or energy best practices with land use planning and development review.

The ordinance should be used to implement the goals and policies described in the Aurora Places plan, including the availability of urban places for job creation, increasingly diverse housing options, resource conservation, improved transportation, an attractive appearance and an improved image. Building regulations require that structures are safe, durable and energy efficient.

## Technology and Data Solutions

The city will leverage data and technology solutions to achieve goals and efficiently meet policy objectives. Aurora is a "smart city" that uses data strategically to inform decisions, understand challenges, and effectively identify solutions in the areas of transportation, engineering, communication, public services and economic development. Advanced technology offers new opportunities for managing the city's key functions, delivering services to the community and connecting with residents.

## Infrastructure Planning

The city is responsible for providing adequate streets, water and sewer facilities, parks and open space and other public facilities. In many cases, this responsibility is assigned by land use regulations to new developments. Aurora can use the provision of infrastructure to support the goals and policies in this plan.



## Urban Renewal

Aurora creates urban renewal areas in the city to eliminate blight and plan to prevent its reoccurrence in identified locations throughout the city. Urban renewal plans are created for each area describing how blight conditions will be alleviated and creating a neighborhood vision to guide future development. The Aurora Urban Renewal Authority, primarily composed of the mayor and Aurora City Council members, governs urban renewal efforts in Aurora. Three additional members representing the school districts, county governments and other property taxing entities are expected to be added in the near future to bring the board into compliance with current state law.

An urban renewal project is a public/private partnership intended to stimulate a development project that would not otherwise happen without public support. The private sector funds the majority of the investments required to redevelop urban renewal areas. Funding for public investment comes from tax increment financing (TIF) revenue, which is the increased amount of property tax or municipal sales tax revenue collected within the Urban Renewal Area resulting from redevelopment projects. This public financing is used to address particular needs associated with redevelopment such as infrastructure improvements, public spaces and parking.

## Aurora Places Report and Review

The Planning and Development Services Department will regularly prepare a report for the Planning and Zoning Commission, city management and the Aurora City Council outlining progress toward the goals and aspirations of the plan. The report should include the following:

- ◆ Information on key community trends and changing conditions.
- ◆ A progress report on each of the key actions below, including improvements in the related measurements.
- ◆ Identification of new actions to be undertaken.
- ◆ Recommendations on amendments to the Aurora Places Plan.

## Measurements

To effectively meet the goals, the city will need to monitor various performance measurements concerning the state of the city and adjust its policies and programs in accordance with changing conditions and trends. These measurements should be employed to determine whether the actions recommended are effective in achieving the goals of the city. It will be increasingly critical to measure trends, including average incomes, job growth, development, the composition of the population, energy and water use, traffic safety and congestion. Each project employed to achieve the goals of this plan should include recommended measurements.



## IMPLEMENTATION ACTION MATRIX

The following Implementation Action Matrix suggests actions and projects that may be taken in the near term to implement Aurora Places recommendations. The matrix recommends specific actions and projects to be undertaken in the next several years. This matrix should be reviewed, updated and revised periodically as a part of the annual Aurora Places report. Most of the actions described will be multi-departmental.

Priorities identified during the planning process are focused around key topics:

- ◆ Strong Economy
- ◆ Diverse and Equitable City
- ◆ Housing for All
- ◆ Healthy Community
- ◆ Thriving Environment
- ◆ Improved Mobility and Active Transportation
- ◆ Authentic Aurora

Principle	Action Title	Action Description
All	<b>Aurora Indicators</b>	Develop and monitor a system of community indicators concerning changes in demographics, the economy, health, transportation, the environment and other issues described in Aurora Places. Use the indicators, to measure overall success and to refine strategies when necessary. Include this information in the annual Aurora Places report.
All	<b>Area Planning Program</b>	Enhance Area Planning Programs. Develop studies, analysis and plans for neighborhoods, urban districts, commercial corridors, employment centers and other subareas of the city where plans do not currently exist. Existing area plans should be updated to account for changes in conditions and opportunities. Each program will identify and prioritize target areas for future planning and development based on agreed upon criteria.
All	<b>Smart City Initiative</b>	Launch a Smart City Aurora initiative to embrace technology and data-supported decision-making to address the city's challenges and achieve its goals. Technology offers new ways to connect with the public, manage traffic and transportation systems, monitor and maximize the efficiency water and utilities, partner with local businesses and provide quality city services to the community.
All	<b>Neighborhood Wellness Action Plans</b>	Establish a Neighborhood Wellness Action Plan program for neighborhoods across the city. Identify and address opportunities provided to residents and city departments to ensure a comprehensive and effective response to neighborhoods through coordination of a variety of neighborhood-based city services, recognizing each neighborhood's special and unique needs and respective responses by city staff. Work with residents, businesses and property owners in the neighborhoods to develop the plans.
All	<b>Zoning Code Update</b>	Complete and implement the city's updated zoning code to ensure quality development throughout the city and guide development to realize Aurora's newly defined placetypes.
<b>Strong Economy</b>	<b>Economic Development Strategic Plan</b>	Work with economic development partners to develop a strategic plan to further refine the city's economic development policies and practices and to pursue the goals of the Aurora Places plan. The plan may incorporate market analyses; assessment of development capacity; available sites and targeted areas and economic sectors; retail strategies; best practices in coordinated or cooperative partnerships; incentives tools and policies; and other critical considerations.
<b>Strong Economy</b>	<b>Fiscal Impact Analysis Modeling Tool</b>	Update the city's tools for providing fiscal impact analyses for use by City Council to evaluate requests for annexation, zoning changes, development incentives or other development proposals. Evaluate inclusion of a housing impact element as part of the analysis.
<b>Strong Economy</b>	<b>Citywide Capital Improvements Plan</b>	Develop a Capital Improvements Plan to define priority capital projects and to leverage financial resources more efficiently.
<b>Healthy Community</b>	<b>Public Safety Facilities Plan</b>	Develop a public safety capital improvement plan to support budgeting for future police and fire facilities as part of the capital improvement plan process. Evaluate options for placing such facilities in shared-use and consolidated city facilities. Define general locations for these facilities.
<b>Healthy Community</b>	<b>Parks, Recreation and Open Space Strategic Plan</b>	Develop a strategic plan that, among other objectives, evaluates land dedication standards and policies, land management policies and practices, inventory and benchmark analyses and programming recommendations. An implementation strategy should address the study's findings and support key principles and recommendations of the comprehensive plan.
<b>Housing for All; Strong Economy</b>	<b>Housing Strategic Plan</b>	Develop a comprehensive set of recommendations and strategies to address the short- and long-term housing needs of the community, including, but not limited to: homelessness, displacement, transitional housing, workforce housing, mobile or manufactured housing, condominium development, executive housing and other homeownership opportunities. Integrate opportunities in future neighborhood or area plans.
<b>Authentic Aurora</b>	<b>Public Art in Design and Development</b>	Identify opportunities to further integrate public art into the city's design and planning structure and processes to help support the development of high quality urban design and great places that utilize Aurora's rich and diverse cultural resources.

**NOTE:** Items listed above are recommended actions. Prioritization, funding, and initiation of these activities are subject to future direction by City Council or city management.

Principle	Action Title	Action Description
Improved Mobility and Active Transportation	<b>AuroraLine (R Line) Transportation Management Association</b>	Work with DRCOG, RTD and major businesses along the Aurora Line (R Line) to evaluate the establishment of a corridor-wide Transportation Management Association (TMA). Focus on promoting the R Line, including marketing the service, reducing congestion, fine tuning service and connection times, increasing transit ridership and providing first-mile, last-mile mobility options such as bike sharing and car sharing to various stations along the line.
Improved Mobility and Active Transportation	<b>Bicycle and Pedestrian Master Plan</b>	Update the citywide Bicycle and Pedestrian Master Plan, focusing on identifying a functional classification of the bicycle network that includes primary and secondary bicycle routes, appropriate facility design standards and street crossing treatments.
Improved Mobility and Active Transportation	<b>Complete Streets Policy and Guidelines</b>	Develop policies and guidelines that foster mobility improvements to create a safe and inviting transportation network for all users including bicyclists, motorists, transit operators and users, and pedestrians of all ages and abilities.
Improved Mobility and Active Transportation	<b>Northeast Area Mobility and Accessibility Program</b>	Identify and pursue funding sources for improving mobility and accessibility in the northeast area, with a specific focus on connectivity. Construction of the I-70/Picadilly interchange to support the economic activities of e-commerce, fulfillment centers, warehousing and logistic industries in the area.
Authentic Aurora; Diverse and Equitable	<b>Arts and Arts-Supportive Facilities</b>	Complete a comprehensive evaluation of the needs and opportunities for arts and cultural venues, and supporting facilities, in the Arts District and throughout the city.
Thriving Environment	<b>Urban Drainage</b>	Review and revise standards for protecting and restoring the city's floodplains and floodways with a goal for making these system maintenance eligible by the region's Urban Drainage and Flood Control District.
Thriving Environment	<b>Irrigation Water Conservation</b>	Undertake an effort to reduce water used for irrigation while maintaining a well-vegetated and natural city. This should be a multi-department effort which addresses multiple objectives including water conservation, city appearance, air and water quality and attractive and effective site development.
Thriving Environment; Healthy Community	<b>Low Impact Development Standards</b>	Further develop guidelines and standards to encourage use of low impact development or green infrastructure techniques which reduce stormwater runoff, foster water conservation, protect or enhance water quality and provide landscape and urban amenities. Evaluate adoption of Aurora Water's Low Impact Development guidelines as development standards. Pursue opportunities for grants, partnerships or other funding options for implementation of regional drainage and water quality improvements.
Thriving Environment	<b>Energy Efficiency and Innovation</b>	Identify and pursue potential strategies, programs and partnerships to improve energy efficiency and to leverage city resources for innovative energy sources. Review energy efficiency standards and practices related to the construction and maintenance of city facilities.
All	<b>Aurora Places Review and Report</b>	Prepare a report for the Planning and Zoning Commission, city management and the Aurora City Council outlining progress in plan implementation. The report should include the following: information on key community trends and changing conditions; a progress report on each of the key actions in Chapter 6, including improvements in the related measurements; identification of new actions to be undertaken and recommendations on amendments to the Aurora Places Plan.

**NOTE:** Items listed above are recommended actions. Prioritization, funding, and initiation of these activities are subject to future direction by City Council or city management.





# APPENDIX

# APPENDIX #1: ENLARGED MAPS

## PLACETYPE PLAN

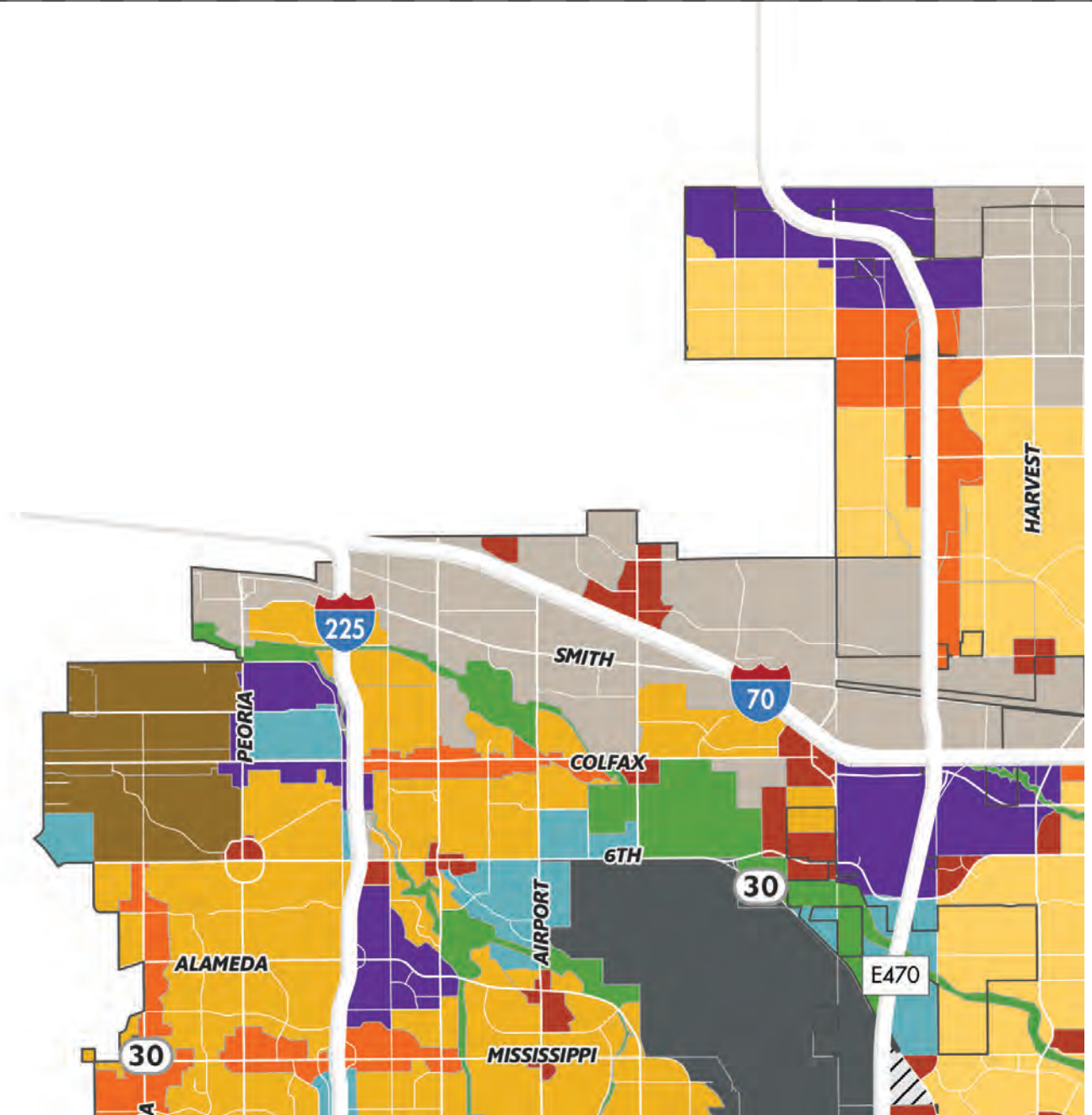


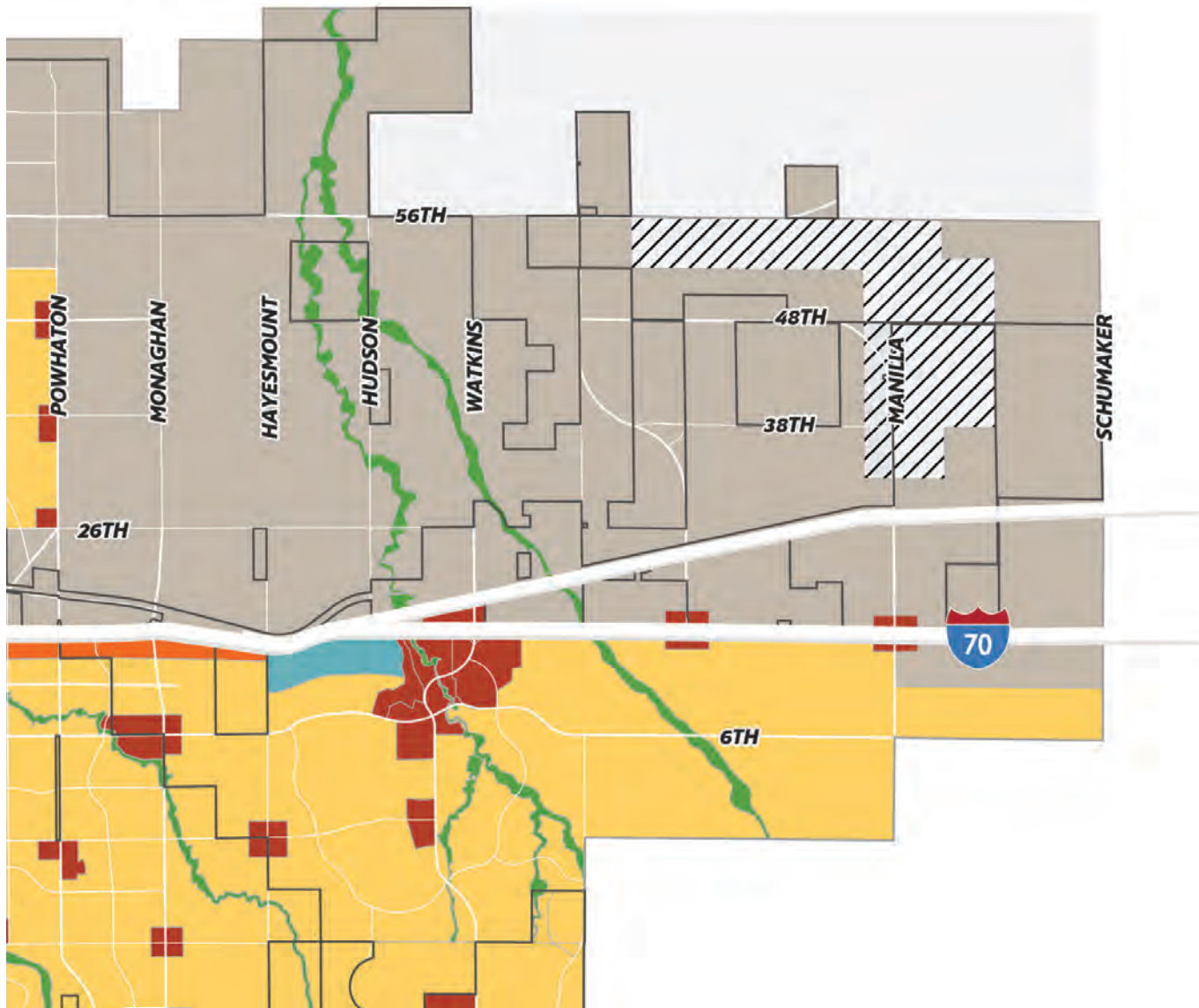
### PLACETYPES

-  Urban District
-  Innovation District
-  Industry Hub
-  Buckley Air Force Base
-  Urban Green Space
-  City Corridor
-  Established Neighborhood
-  Emerging Neighborhood
-  Original Aurora
-  Commercial Hub
-  Special Use
-  State Land Boundary

*This map identifies placetype designations for all areas within the city of Aurora's adopted planning and annexation boundaries. See page 51 for additional information about these boundaries.*

*Placetype designations for areas outside of the city limits are for long-range planning purposes only. These properties are subject to rules and regulations of their appropriate jurisdiction(s). The city of Aurora does not enforce zoning, subdivision or development standards in unincorporated areas.*





**PLACETYPES**

- Urban District
- Innovation District
- Industry Hub
- Buckley Air Force Base
- Urban Green Space
- City Corridor
- Established Neighborhood
- Emerging Neighborhood
- Original Aurora
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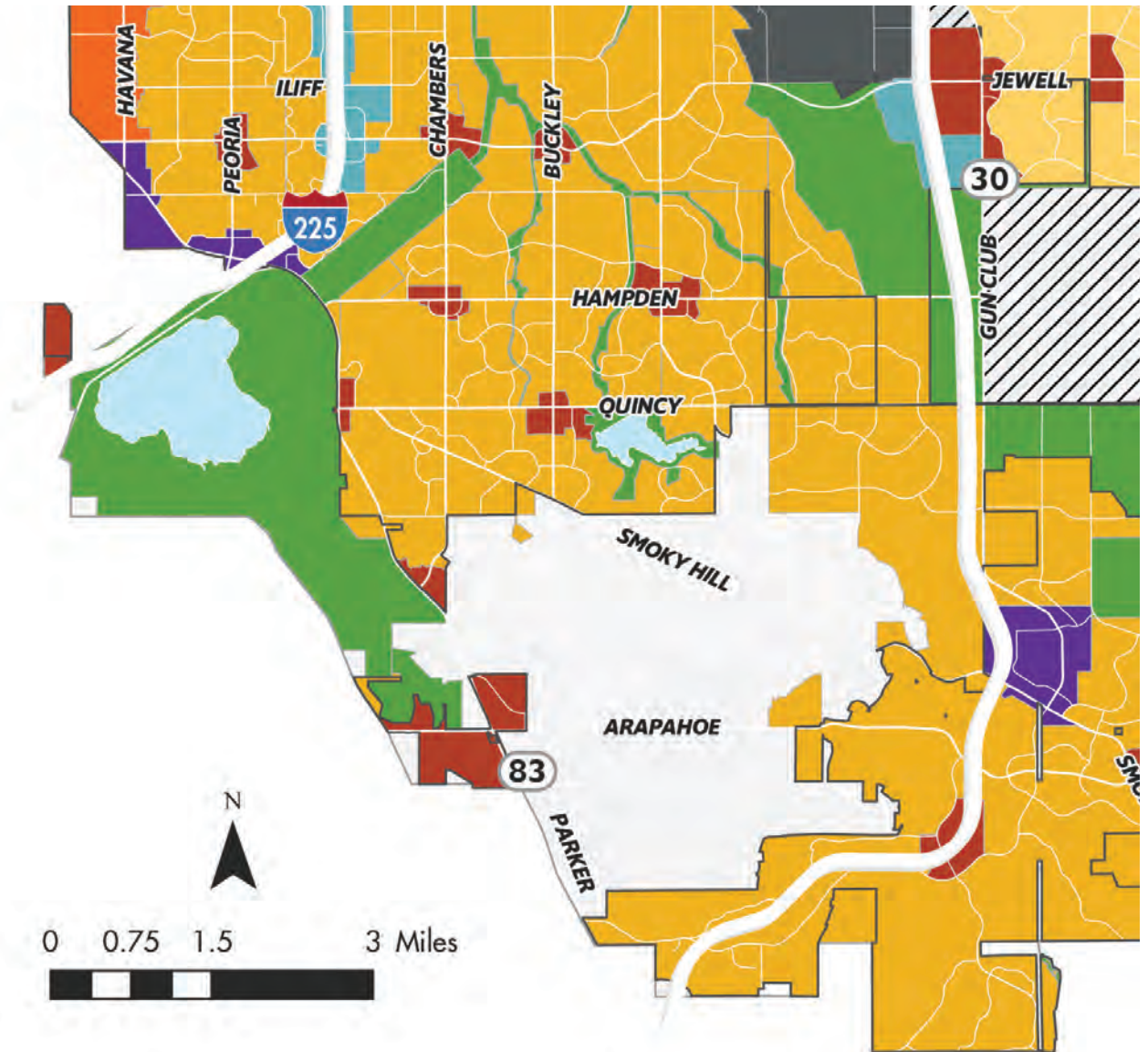
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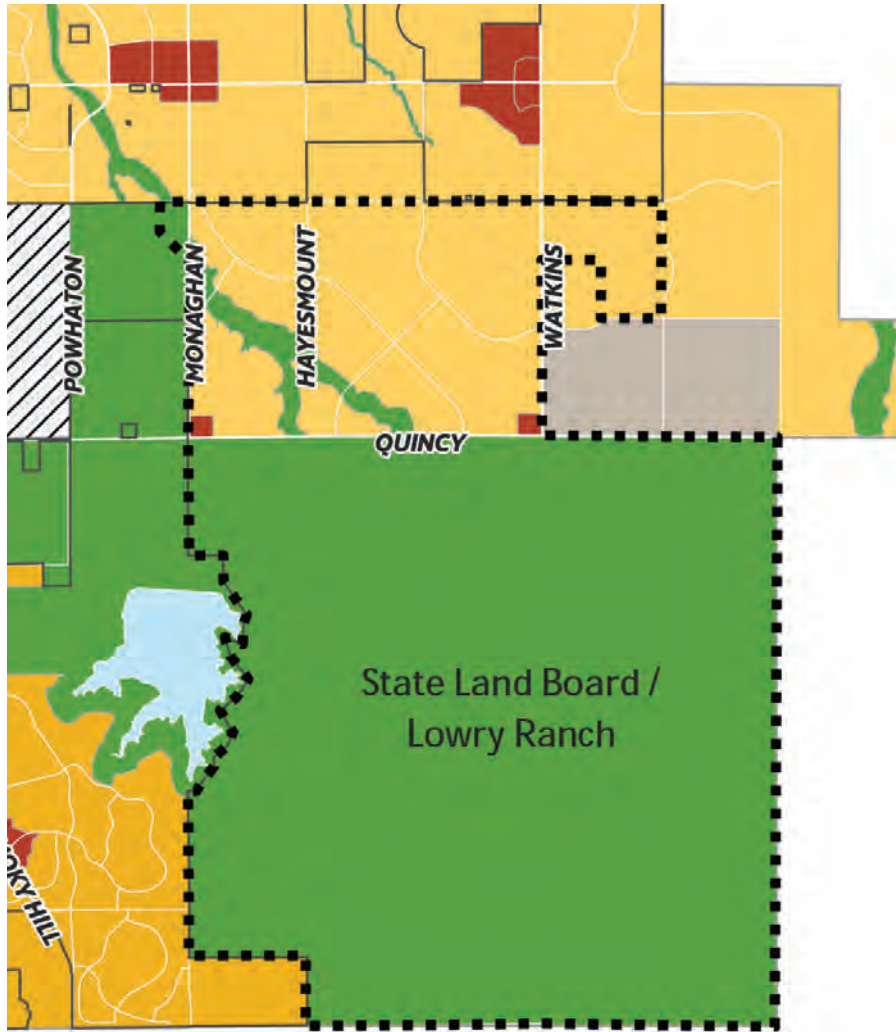
PLACETYPE PLAN



PLACETYPES

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**PLACETYPES**

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- Innovation District
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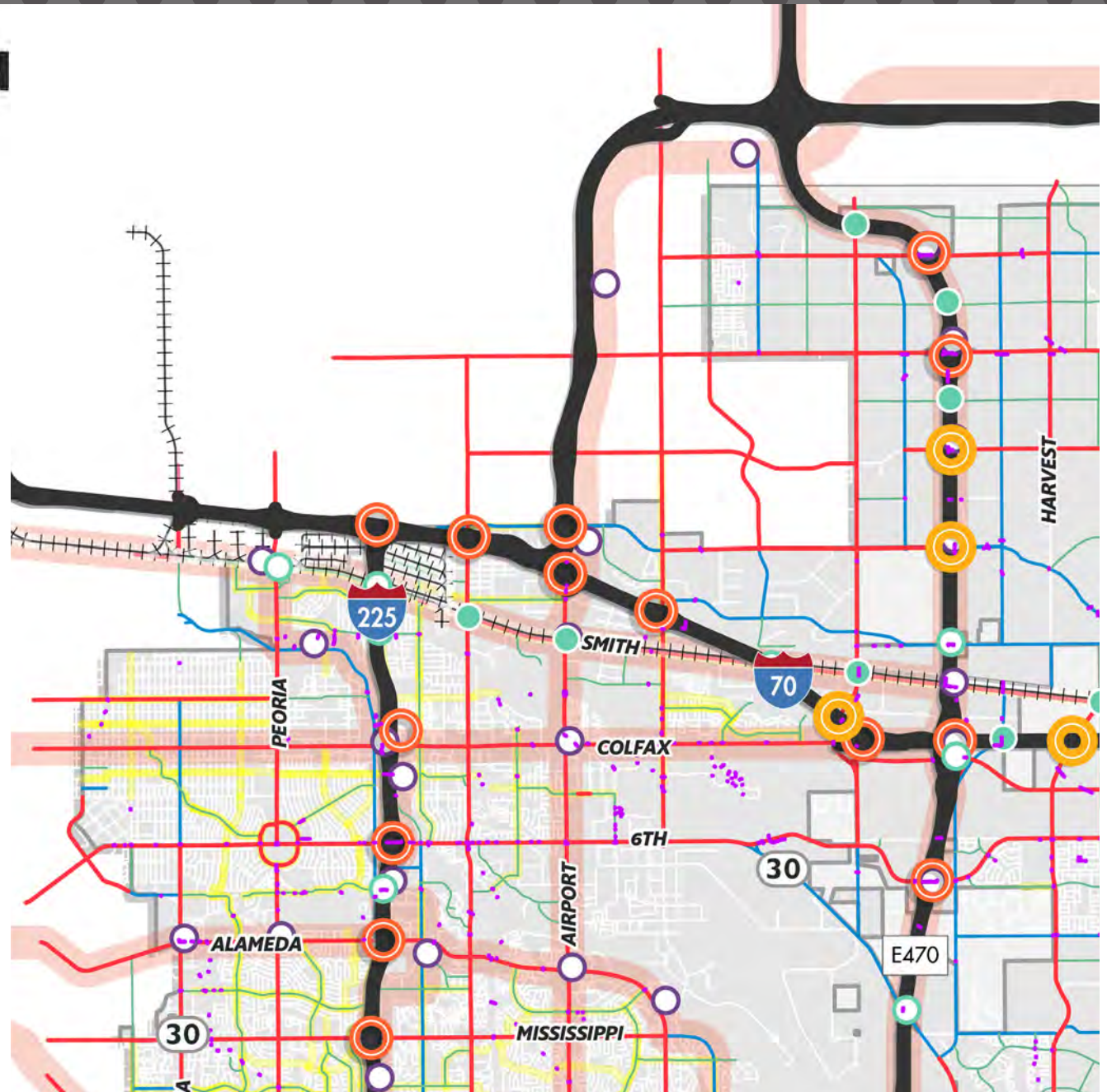
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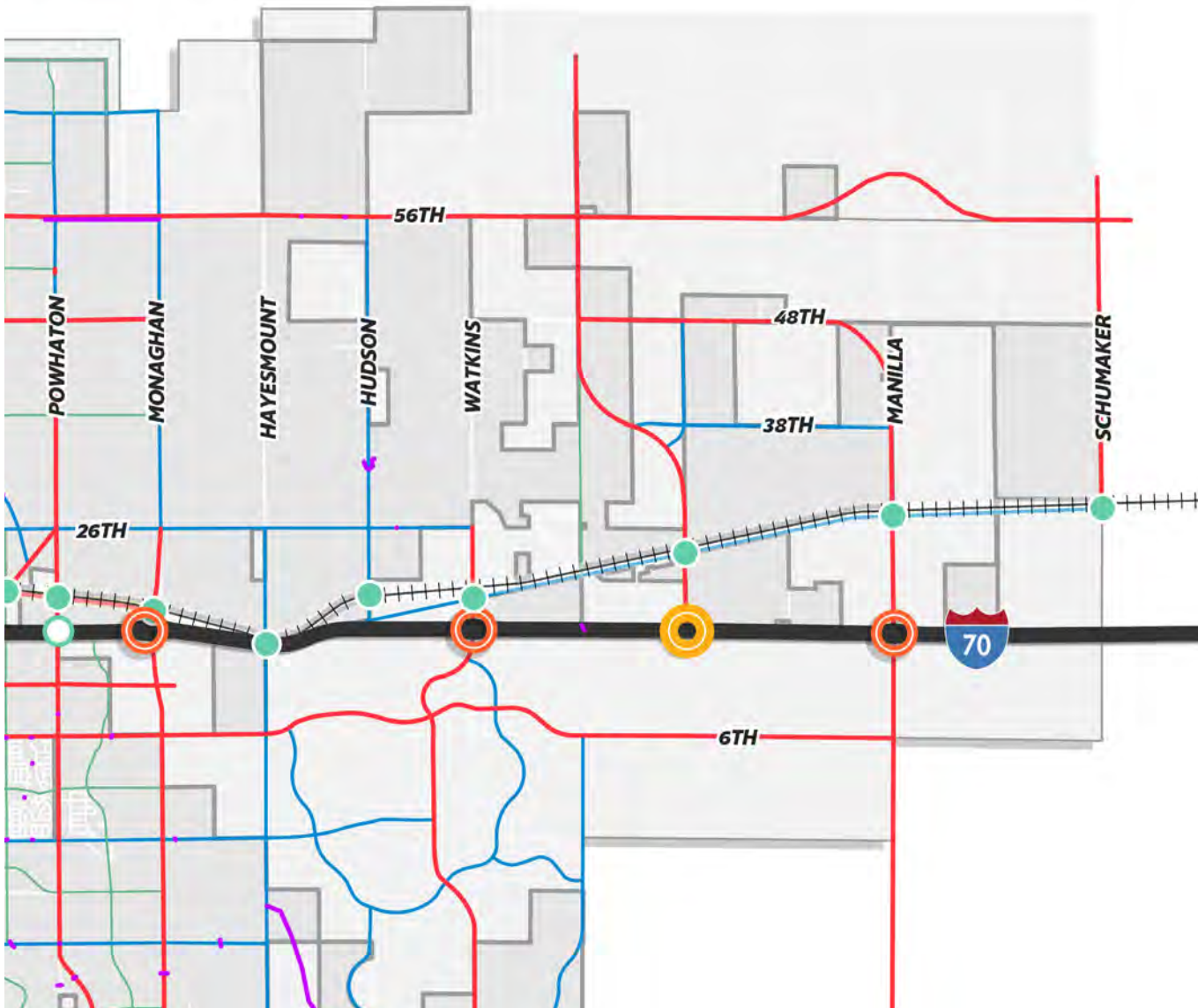
# TRANSPORTATION FRAMEWORK



### ROADWAY HIERARCHY & INTERCHANGES

- Existing Grade Separation
- Future Grade Separation
- Existing Interchange
- Future Interchange
- Transit Stations
- Highway
- Major Arterial
- Minor Arterial
- Collector
- Primary Bike Routes
- Grade Separated Bike Crossing
- Existing/Future High Frequency Transit Corridors
- Railroads





**ROADWAY HIERARCHY & INTERCHANGES**

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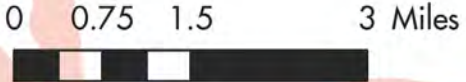
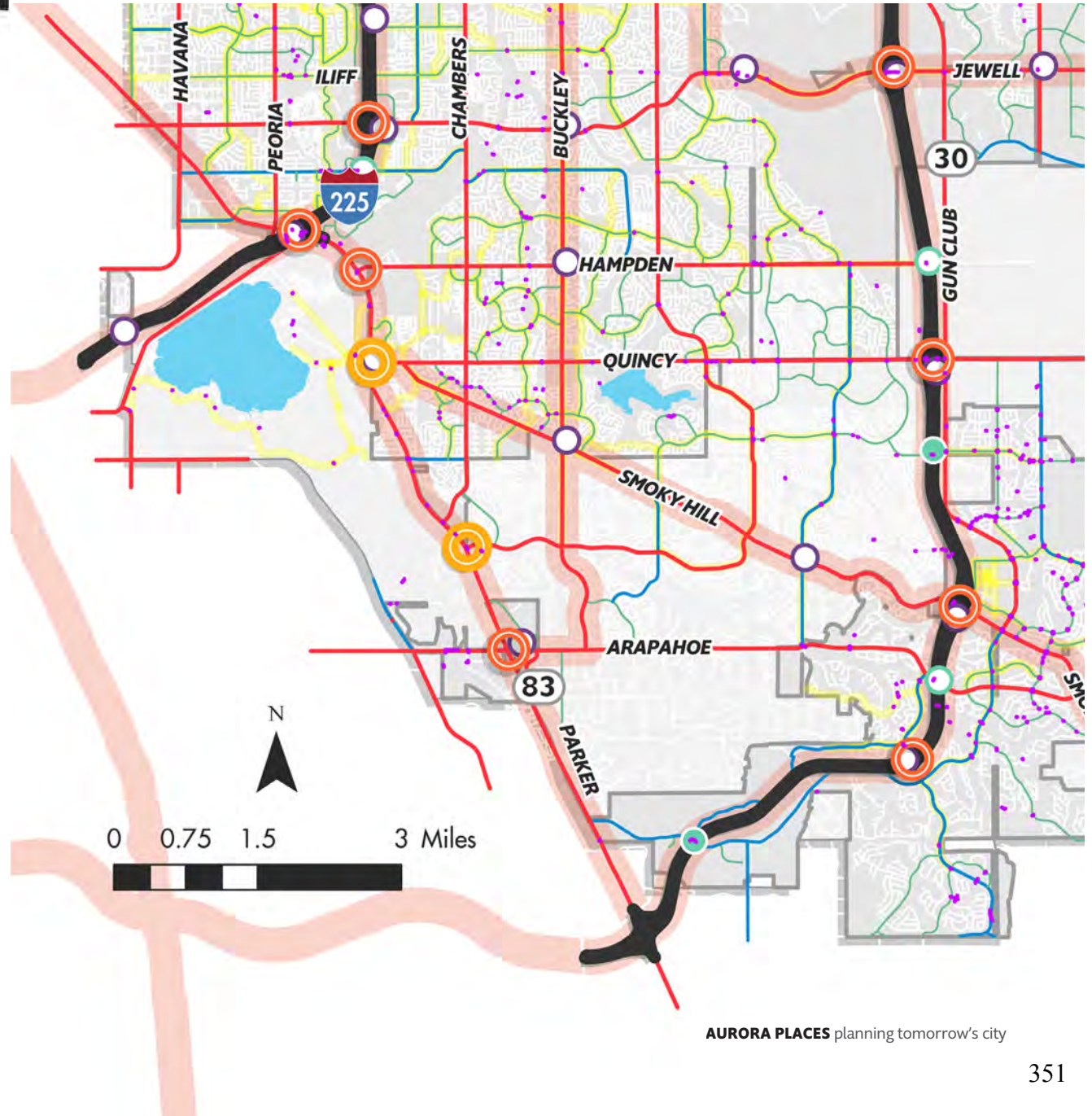
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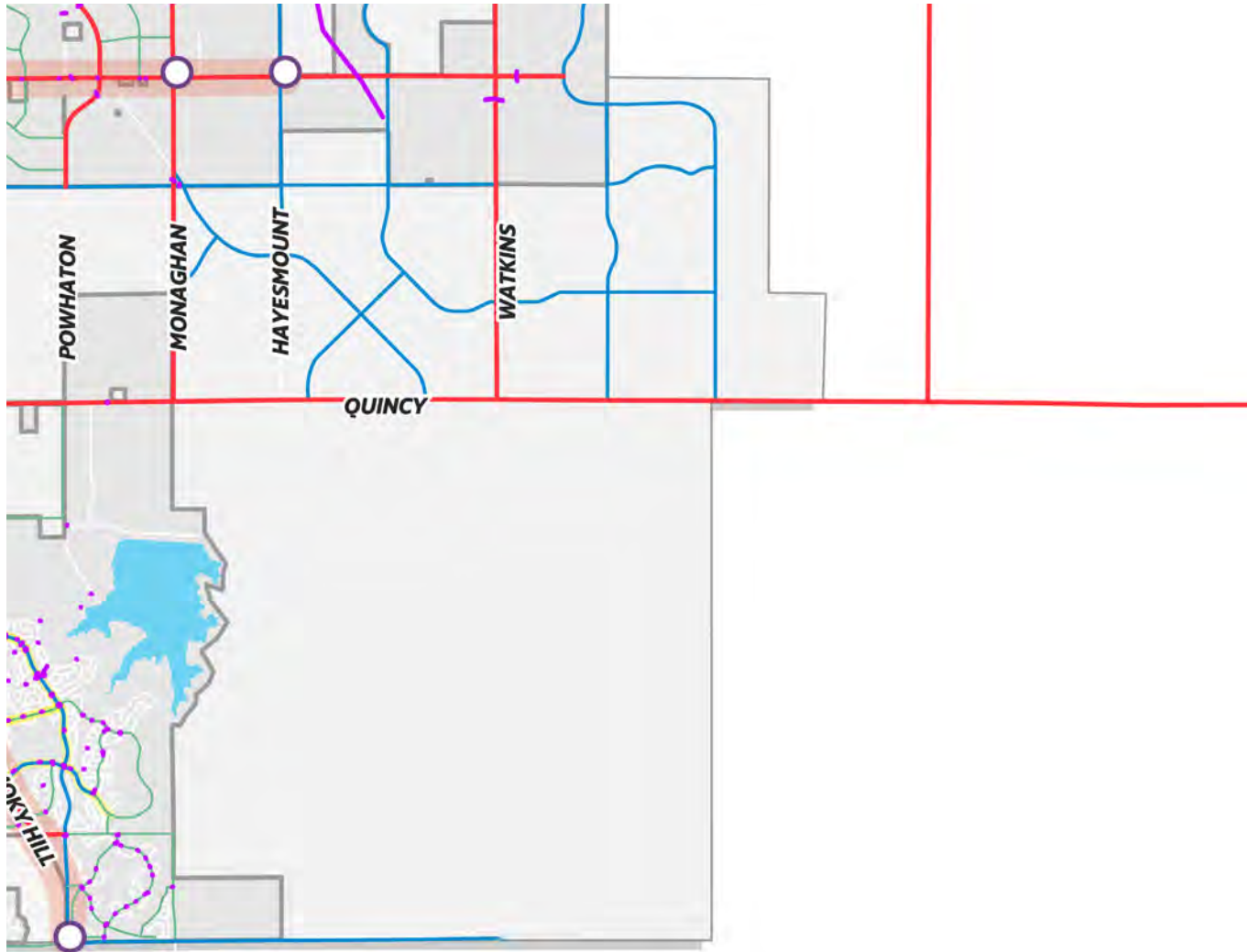
## TRANSPORTATION FRAMEWORK
















### ROADWAY HIERARCHY & INTERCHANGES

- Existing Grade Separation
- Future Grade Separation
- Existing Interchange
- Future Interchange
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- Highway
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**ROADWAY HIERARCHY & INTERCHANGES**

-  Existing Grade Separation
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-  Transit Stations
-  Highway
-  Major Arterial
-  Minor Arterial
-  Collector
-  Primary Bike Routes
-  Grade Separated Bike Crossing
-  Existing/Future High Frequency Transit Corridors
-  Railroads

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<b>Energy and Energy Conservation</b>	2,12-13,21,32,59,93,104
<b>Environment/Natural Resources</b>	2,12-13,21,36,93
<b>Established Neighborhood</b>	26,40-41,96
<b>Federal Investment Zones</b>	58
<b>Finances/Fiscal Health</b>	14-15,77,103
<b>Freight</b>	32-33,66
<b>Front Range Airport</b>	See Colorado Air and Space Port
<b>Gaylord</b>	6,62
<b>Havana District</b>	62
<b>Health</b>	2,21,92
<b>History of Aurora</b>	5,38-39,84-85
<b>Historic Preservation</b>	38-39,84-85,96
<b>Homelessness</b>	20,103
<b>Housing</b>	2,5,7-8,10-11,20,27,53,89,91,103
<b>Industry Hub</b>	32-33,66,94
<b>Image and Reputation</b>	2,21,29,50,96-97

<b>Topic</b>	<b>Pages</b>
<b>Innovation Districts</b>	30-31,62,88
<b>Libraries and Museums</b>	31,84-85,90
<b>Metro Vision/UGA/Urban Centers</b>	52-53
<b>MLK Library/Fletcher Plaza</b>	39,85
<b>Mobile Homes</b>	91,103
<b>Neighborhoods</b>	3,8,10-11,38-39,40-41,42-43,50,91,100,103
<b>Non-able Bodied</b>	90,95
<b>Original Aurora</b>	38-39,62,84-85
<b>Parking</b>	45,77,94-95
<b>Parks, Open Space and Recreation</b>	27,36-37,82-83,92,103
<b>Partnerships</b>	20,56,63,88,100
<b>Pedestrians and biking</b>	21,70-71,72-73,94-95
<b>Placetypes</b>	22-47
<b>Population</b>	8-9
<b>Public Lighting</b>	95
<b>Public Outreach</b>	2,16-21
<b>Public Safety</b>	21,92,103
<b>Quincy Reservoir</b>	36,79
<b>Recycling</b>	21
<b>Retail</b>	14-15,26-27,59
<b>Signs</b>	97
<b>Small Business</b>	57,89

<b>Topic</b>	<b>Pages</b>
<b>Southeast Aurora</b>	93
<b>Stanley Marketplace</b>	38-39
<b>Strategic Development Areas</b>	62-65
<b>Target Industries</b>	59
<b>Trails</b>	21,36-37,72,80,82-83,91-93
<b>Traffic Congestion</b>	21,94
<b>Transit</b>	21,28-29,30,64-65,68-69,70,76-77,88,94-95,104
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<b>Transportation</b>	66-77
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<b>Urban Green Space</b>	36-37
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## City of Aurora Planning and Zoning Commission Case Report

### Gateway Park Comprehensive Plan Map Amendment Development Application Number: DA-2149-01 Case Manager: Deborah Bickmire

August 11, 2021

#### Project Summary:

The City of Aurora Planning and Development Services Department is requesting a Comprehensive Plan Amendment to change the Placetype designation from Industrial Hub to Commercial Hub for approximately 165 acres centered on the light rail station at 40<sup>th</sup> Avenue. The subject area is located between I-70 and 40<sup>th</sup> Avenue, is bounded by development on Airport Circle to the west and extends to approximately 1,000 feet east of Salida Street. The amendment area includes land adjacent to Pena Boulevard, which is owned by Denver International Airport (DEN). This proposed change to Commercial Hub supports mixed used development around the light rail station and the Industrial Hub designation does not. This conversion is supported by the existing station area plan and the Transit Oriented Development (TOD) section of Aurora Places.

The current Comprehensive Plan placetype designation is “Industrial Hub” which supports a variety of industrial and commercial development and is consistent with the current Industrial District (I-2) zoning designation. The primary uses in the proposed Commercial Hub placetype include shopping centers, retail, restaurants, and commercial services; with supporting land uses including multi-family residential and office.

Figure 1 - Existing Placetypes



Figure 2 - Proposed Placetypes



The underlying zoning is primarily Industrial District (I-2) with a small area within the Pena Boulevard right-of-way zoned Mixed Use Corridor (MU-C).

The eastern half of the amendment area is included in the Gateway Park East Station Area Plan, which presents the long-term vision for transportation-oriented development around the 40<sup>th</sup> Ave & Airport Blvd-Gateway Park (Light Rail) Station. The western half of the amendment areas is adjacent to existing Commercial Hub Place Types.

**Item History:**

In 2008 the City of Aurora collaborated with Paul’s Corporation to articulate the vision for future development at Gateway Park East as the Regional Transportation District (RTD) was completing its FasTracks plan and the 40<sup>th</sup> Avenue & Airport Boulevard Station, which would be located in the center of Gateway Park. The study identified the proposed TOD “core” area and the areas surrounding the core. The recommended vision was to create pedestrian oriented, mixed use development around the station area (see Exhibit C) and proposed uses for the site included residential and mixed-use development within convenient walking distance of the station.

Paul’s Corporation and Gateway Park have also entered into agreements with DEN for access and development adjacent to Pena Boulevard and are developing plans for a mixed-use project in Denver, north of 40<sup>th</sup> Avenue. Land surrounding the light rail station is poised for higher density residential and mixed-use development.

**Applicant’s Request:**

Comprehensive Plan Map Amendment from Industrial Hub to Commercial Hub

**Aurora Places:**

The Aurora Places Comprehensive Plan, approved in 2018, is a strategic document that is the foundation for decision making and focuses on planning and connecting places in Aurora. The updated Comprehensive Plan incorporated Placetypes for identifiable types of neighborhoods, business centers and mixed-use districts. Each placetype is described in detail, addressing that place’s typical land uses, transportation modes, design and function.

The Industrial Hub is typically characterized by warehousing, distribution, fulfillment centers, freight operations, with supporting commercial uses. This placetype plays an important role in the city’s employment base and economy. The uses can generate high volumes of traffic from both its employees and associated truck traffic. Adjoining roadways should accommodate traffic without negatively impacting quieter placetypes or traffic on local streets serving residential areas. Uses permitted only in Industrial Hubs are manufacturing plants, factories, large open-air operations and heavy-equipment storage.

The proposed Commercial Hub is characterized by typified by restaurants, commercial retail and commercial service, with single-family attached residential, multi-family residential, office and institutional as supporting land uses. Commercial Hub is intended to serve the needs of multiple nearby neighborhoods. Transit, pedestrian and bicycle connections should safely and conveniently link the Commercial Hub to other placetypes.

Aurora Places, TOD section supports mixed-use commercial and high-density residential areas around light rail stations.

## Detailed Case Analysis

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### Public Notification:

Legal notice appeared in the Aurora Sentinel on July 29, 2021 and on the City of Aurora website.

### Conformance with Code Criteria:

**Comprehensive Plan Approval Criteria:** Section 5.4.1A(3) of the Unified Development ordinance states that when considering a Comprehensive Plan Amendment, the Planning and Zoning Commission and City Council shall use the following criteria to determine whether the proposed amendment shall be approved:

*a) A Comprehensive Plan Amendment shall be recommended for approval, and shall be approved, only if it promotes the long term economic, social, and environmental health of the City and protects the public health, safety, and welfare of the citizens of Aurora.*

**Conformance with the Approval Criteria:** The subject area unites the east and west sides of the Pena Boulevard corridor and furthers the vision of the Gateway Park East Station Plan to promote TOD development. The amended placetype is consistent with Transit Oriented Development (TOD) section in the Aurora Places Comprehensive Plan and will facilitate transportation-oriented development that furthers the Aurora Places recommended practice for “Easy Mobility and Active Transportation” to promote TOD and prioritize intense development at those locations to encourage transit ridership.

### Applicant Information:

Applicant: City of Aurora, Planning and Development Services  
Project Manager: Daniel Krzyzanowski, Long Range Planning Supervisor

### Exhibits:

Exhibit A Vicinity Map  
Exhibit B Placetypes Exhibit  
Exhibit C Gateway Park East Station Area Plan  
Exhibit D Aurora Places Comprehensive Plan

### Project Statistics:

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### Land Use Analysis

Item	Existing
Zoning	Industrial District (I-2) and Mixed Use-Corridor (MU-C)
Land Use	40 <sup>th</sup> & Airport Station at Gateway Park, Pena Blvd. Right-of-Way, Vacant
Parcel Size	165 acres

**Surrounding Properties**

Direction	Zoning	Placetype	Land Use
North	Urban Center - Mixed Use 8 (C-MX-8), Denver International Airport (DIA), Gateway Airport Gateway Zone District (GTWY) City and County of Denver	N/A	Vacant/Proposed Mixed Use (Gateway Park)
East	Industrial District (I-2)	Industrial Hub	Warehouse/Distribution (Gateway Park East)
West	Mixed Use-Corridor (MU-C)	Commercial Hub	Hotels (Residence Inn, Aloft, Wooley's), Office and Commercial Uses (Gateway Park IV – West)
South	Industrial District (I-2) Business/Tech District (I-1) Airport District (AD)	Industrial Hub	Truck Service Center (Flying J), Hotels (Quality Inn & Red Lion), Light Industrial and Commercial Uses (Gateway Park III)

**Summary of Staff Recommendation:**

Recommend to City Council the approval of the Comprehensive Plan Amendment to change the placetype from Industrial Hub to Commercial Hub. Staff finds the proposed amendment is consistent with the Gateway Park East Station Area Plan, the Aurora Places Comprehensive Plan, supports transportation-oriented development and furthers the “Easy Mobility and Active Transportation” recommended practice to promote TOD and prioritize intense development at those locations..



## **Staff Recommendation:**

### **Agenda Item 5b: Comprehensive Plan Amendment from Industrial Hub to Commercial Hub**

Recommend to City Council the approval of the Comprehensive Plan Amendment because the proposal complies with the requirements of Code Section 5.4.1A(3) of the Unified Development Ordinance for the following reasons:

- It is consistent with the Gateway Park East Station Area Plan;
- It is consistent with the Aurora Places Comprehensive Plan; and
- It supports transportation-oriented development and furthers the Comprehensive Plan recommended practices for “Easy Mobility and Active Transportation”



# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING TWO SEPARATE PARCELS OF LAND MEASURING 17.763 ACRES MORE OR LESS AT THE NORTHEAST CORNER OF SOUTH AIRPORT BOULEVARD AND EAST ALAMEDA PARKWAY FRO

**Item Initiator:** Deborah Bickmire, Senior Planner

**Staff Source/Legal Source:** Deborah Bickmire / Daniel Money, Senior Assistant City Attorney

**Outside Speaker:** N/A

**Council Goal:** 2012: 5.2--Plan for the development and redevelopment of strategic areas, station areas and urban centers

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

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### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item as proposed at Study Session  Information Only
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Approve Item with Waiver of Reconsideration

Why is a waiver needed? [Click or tap here to enter text.](#)

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Planning and Zoning Commission

**Policy Committee Date:** 8/11/2021

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval  Does Not Recommend Approval
- Forwarded Without Recommendation  Recommendation Report Attached
- Minutes Attached  Minutes Not Available

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The Planning and Zoning Commission heard the applicant's request for a Zoning Map Amendment in a public hearing on August 11, 2021 and voted unanimously (6-0) to recommend approval to City Council. Commissioner Turcios was absent.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

The applicant, Paul's Corporation, is requesting a Zoning Map Amendment (Rezone) for 17.76 acres from I-2 (Industrial District) to MU-TOD, Edge Subdistrict (Mixed Use-Transportation Oriented Development). The subject property is located in the southeast quadrant of 40<sup>th</sup> Avenue and Salida Street, between Pena Boulevard and Tower Road. The site is bounded by industrial development to the south and east, the 40<sup>th</sup> Ave & Airport Blvd-Gateway Park (Light Rail) Station and vacant land to the west; and vacant land in the City of Denver to the north zoned for a mix of uses. The site is within Subarea B and is currently undeveloped.

The site is directly across the street from the existing 40th Ave & Airport Blvd-Gateway Park light rail station and the rezone is requested to address changes to the surrounding area, including the development of the light rail station, which is adjacent to an Urban Center as identified by DRCOG, and is intended to implement the transportation-oriented vision of the Gateway Park East Station Area Plan.

A separate application for the "Flats on the A at Gateway Park" Site Plan with Adjustments for multi-family development is currently under review. The proposed site plan includes 374 units in 3, four-story, multi-family buildings and a clubhouse on 12.5 acres.

The proposed Zoning Map Amendment (Rezone) complies with the criteria of Code Section 146-5.4.1.C because it is consistent with the spirit and intent of the Gateway Park East Station Area Plan; the applicant has demonstrated that the size, scale, height, density, and impacts of the change in zoning are compatible with surrounding development. The land is currently vacant and there will not be any dislocation of occupants.

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**QUESTIONS FOR COUNCIL**

Does the City Council wish to approve the proposed zoning map amendment?

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**LEGAL COMMENTS**

An application for initial zoning, rezoning, and changes to the Zoning Map for individual parcels or small areas shall only be recommended if the Planning Director and the Planning and Zoning Commission finds that the following criteria have been met, and shall only be approved if City Council, after a public hearing, finds that the following criteria have been met.

(1) The change to the Zoning Map is needed to correct an error (change in the character of surrounding areas does not constitute an error in the map); or

(2) The change to the Zoning Map is required because of changed conditions or circumstances on the property or in the surrounding area and:

(a) The applicant has demonstrated that the proposed initial zoning or rezoning is consistent with the spirit and intent of the Comprehensive Plan, with other policies and plans adopted by the City Council, and with the purpose statement of the proposed new zone district(s);

(b) The applicant has demonstrated that the size, scale, height, density, and multi-modal traffic impacts of the proposed initial zoning or rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions; and

(c) The application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application.

City Code Sec. 146-5.4.1.C

(Money)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:**

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:**

ORDINANCE NO. 2021 - \_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REZONING TWO SEPARATE PARCELS OF LAND MEASURING 17.763 ACRES MORE OR LESS AT THE NORTHEAST CORNER OF SOUTH AIRPORT BOULEVARD AND EAST ALAMEDA PARKWAY FROM INDUSTRIAL DISTRICT (I-2) TO MIXED-USE TRANSIT-ORIENTED DEVELOPMENT DISTRICT (MU-TOD) AND AMENDING THE ZONING MAP ACCORDINGLY (FLATS AT GATEWAY PARK)

WHEREAS, the applicant has requested to rezone a parcel of land currently zoned Industrial District (I-2) to Mixed-Use Transit-Oriented Development District (MU-TOD); and

WHEREAS, the proposed rezone is intended to foster special, sustainable and urban places near transit stations that include places to live, work, shop and recreate; and

WHEREAS, Section 146-5.4.1.C of the Aurora City Code provides that all applications for the rezoning of property shall be presented at a public hearing to the Planning and Zoning Commission for recommendation and to City Council for final decision; and

WHEREAS, on August 11, 2021, following a public hearing, the Planning and Zoning Commission voted to recommend approval of the rezoning of the parcel; and

WHEREAS, based upon the evidence presented at tonight's public hearing, the applicant has demonstrated that the rezoning of the parcel is consistent with the spirit and intent of the City's Comprehensive Plan and with other policies and plans adopted by the City Council, that it is compatible with the surrounding development, and that the rezoning will not create significant dislocations of tenants or occupants of the property; and

WHEREAS, accordingly, the City Council finds and determines that it is appropriate to accept the recommendation of the Planning and Zoning Commission and approve the rezoning of the parcel.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The parcel, as more particularly described in "Exhibit A" attached hereto and incorporated herein, is rezoned from Industrial District (I-2) to Mixed-Use Transit-Oriented Development District (MU-TOD).

Section 2. The City zoning map is hereby amended in accordance with said rezoning.

Section 3. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict.

Section 4. Pursuant to Section 5-5 of the City Charter, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the City Clerk.

INTRODUCED, READ, AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ORDERED PUBLISHED BY REFERENCE this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM: *CMC*

*Daniel L Money*  
\_\_\_\_\_  
DANIEL L. MONEY, Senior Assistant City Attorney

**EXHIBIT A**  
**SHEET 1 OF 6**

**LAND DESCRIPTION**

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS MONUMENTED AT THE SOUTH SIXTEENTH CORNER BY A CDOT 3.25 INCH ALUMINUM CAP IN A RANGE BOX STAMPED "1/16 20|21 T3S R66W 1994 PLS 23524" AND AT THE CENTER-SOUTH SIXTEENTH CORNER BY A FOUND 3.25 INCH ALUMINUM CAP STAMPED "LS38162", AS BEARING NORTH 89°47'46" EAST, WITH ALL BEARINGS SHOWN HEREIN RELATIVE THERETO.

**COMMENCING** AT THE NORTHEAST CORNER OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 21; THENCE SOUTH 73°21'11" EAST, A DISTANCE OF 404.58 FEET TO THE NORTHWEST CORNER OF GATEWAY PARK IV EAST SUBDIVISION FILING NO. 22, RECORDED MARCH 22, 2018 AT RECEPTION NO. 2018000023280 OF SAID ADAMS COUNTY RECORDS AND THE **POINT OF BEGINNING**;

THENCE SOUTH 19°52'13" WEST ALONG THE WEST LINE OF SAID GATEWAY PARK IV EAST SUBDIVISION FILING NO. 22 A DISTANCE OF 1,161.39 FEET;

THENCE SOUTH 19°52'13" WEST, A DISTANCE OF 9.15 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 11.99 FEET, SAID CURVE HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 15°06'04", AND A CHORD WHICH BEARS NORTH 57°15'42" WEST A CHORD DISTANCE OF 11.96 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 18.51 FEET, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 05°18'10", AND A CHORD WHICH BEARS NORTH 45°53'30" WEST A CHORD DISTANCE OF 18.50 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 287.34 FEET, SAID CURVE HAVING A RADIUS OF 398.17 FEET, A CENTRAL ANGLE OF 41°20'52", AND A CHORD WHICH BEARS NORTH 69°47'27" WEST A CHORD DISTANCE OF 281.15 FEET;

THENCE SOUTH 89°54'51" WEST, A DISTANCE OF 134.10 FEET TO A POINT OF CURVATURE;

**EXHIBIT A**  
**SHEET 2 OF 6**

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 7.75 FEET, SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 17°45'24", AND A CHORD WHICH BEARS SOUTH 81°02'09" WEST A CHORD DISTANCE OF 7.72 FEET;

THENCE SOUTH 72°09'27" WEST, A DISTANCE OF 14.66 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 18.71 FEET, SAID CURVE HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 26°48'25", AND A CHORD WHICH BEARS SOUTH 83°18'48" WEST A CHORD DISTANCE OF 18.54 FEET;

THENCE NORTH 83°16'59" WEST, A DISTANCE OF 2.23 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 12.70 FEET, SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 48°30'59", AND A CHORD WHICH BEARS NORTH 59°01'30" WEST A CHORD DISTANCE OF 12.33 FEET;

THENCE NORTH 34°46'00" WEST, A DISTANCE OF 11.78 FEET;

THENCE NORTH 40°33'04" WEST, A DISTANCE OF 2.24 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 9.49 FEET, SAID CURVE HAVING A RADIUS OF 11.00 FEET, A CENTRAL ANGLE OF 49°26'56", AND A CHORD WHICH BEARS NORTH 65°16'32" WEST A CHORD DISTANCE OF 9.20 FEET;

THENCE NORTH 90°00'00" WEST, A DISTANCE OF 5.52 FEET;

THENCE NORTH 00°29'04" WEST, A DISTANCE OF 17.70 FEET;

THENCE SOUTH 89°47'46" WEST, A DISTANCE OF 13.19 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SALIDA STREET AS DEDICATED BY THE PLAT OF GATEWAY PARK IV EAST SUBDIVISION FILING NO. 1 RECORDED ON NOVEMBER 17, 1999 IN PLAT FILE 18 AT MAP NO. 142 AND AS DESCRIBED BY DEED RECORDED AT RECEPTION NO. C0810232 OF SAID ADAMS COUNTY RECORDS;



**EXHIBIT A**  
**SHEET 3 OF 6**

THENCE THE FOLLOWING THREE (3) COURSES ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SALIDA STREET:

1. THENCE NORTH 00°12'14" WEST, A DISTANCE OF 503.52 FEET;
2. THENCE NORTH 04°05'07" EAST, A DISTANCE OF 113.65 FEET;
3. THENCE NORTH 00°12'14" WEST, A DISTANCE OF 296.33 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND AS DESCRIBED BY DEED RECORDED ON DECEMBER 18, 2015 AT RECEPTION NO. 2015000105475 OF SAID ADAMS COUNTY RECORDS;

THENCE THE FOLLOWING THREE (3) COURSES ALONG THE SOUTHEASTERLY LINE OF SAID RECEPTION NO. 2015000105475:

1. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17°55'22", A RADIUS OF 198.50 FEET AND AN ARC LENGTH OF 62.09 FEET, WHOSE CHORD BEARS NORTH 17°52'21" EAST A DISTANCE OF 61.84 FEET TO A POINT OF COMPOUND CURVATURE;
2. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 34°56'56", A RADIUS OF 68.50 FEET AND AN ARC LENGTH OF 41.78 FEET, WHOSE CHORD BEARS NORTH 44°18'30" EAST A DISTANCE OF 41.14 FEET TO A POINT OF COMPOUND CURVATURE;
3. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 07°31'09", A RADIUS OF 198.50 FEET AND AN ARC LENGTH OF 26.05 FEET, WHOSE CHORD BEARS NORTH 65°32'33" EAST A DISTANCE OF 26.03 FEET TO THE NORTHEAST CORNER OF SAID RECEPTION NO. 2015000105475, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID 40TH AVENUE;

THENCE NORTH 89°47'46" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 40TH AVENUE, A DISTANCE OF 443.24 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 40TH AVENUE, HAVING A CENTRAL ANGLE OF 18°31'32", A RADIUS OF 1218.24 FEET AND AN ARC LENGTH OF 393.90 FEET, WHOSE CHORD BEARS SOUTH 81°03'59" EAST A DISTANCE OF 392.18 FEET TO THE **POINT OF BEGINNING**;

**EXHIBIT A**  
**SHEET 4 OF 6**

SAID PARCEL CONTAINS 773,767 SQUARE FEET OR 17.763 ACRES, MORE OR LESS.

PREPARED BY:  
SHAWN D. CLARKE, PLS  
CO #38061  
FOR AND BEHALF OF HARRIS KOCHER SMITH  
1120 LINCOLN STREET  
SUITE 1000  
DENVER, COLORADO 80203  
AUGUST 19, 2021

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

Plotted: THU 08/19/21 10:36:12A By: Shawn Clarke Filepath: k:\201009survey\plat-legl.dwg Layout: s4

FOUND 3.25" ALUMINUM  
CAP IN RANGE BOX  
"CDOT 1/16 S20|21 T3S  
R66W 1994 PLS 23524"

**E. 40TH AVE**

**POINT OF COMMENCEMENT**

CS 1/16 SEC 21  
FOUND #6 REBAR  
FOUND 3.25" ALUM. CAP  
STAMPED "LS 38162"

**BASIS OF BEARINGS**  
N89°47'46"E 2644.14'  
N89°47'46"E 443.24'

S73°21'11"E 404.58'

**POINT OF BEGINNING**

N. LINE S1/2  
SW1/4 SEC. 21

UNPLATTED LAND  
GATEWAY EAST  
AMENITIES, LLC  
REC. NO. C1053239

**PARCEL CONTAINS**  
773,767 SQ. FT.  
OR 17.763 AC.±

**SALIDA ST**

E. LINE S1/2 SW 1/4 SEC. 21  
W. LINE SE 1/4 SEC. 21

LOT 1, BLOCK 1  
GATEWAY PARK IV EAST  
SUBDIVISION FILING NO. 22

TRACT A  
GATEWAY PARK  
IV EAST  
SUBDIVISION  
FILING NO. 25

1/4 COR. SECTION 21/28  
CALC. POSITION FROM C-S1/16  
COR. OF SEC. 21



SCALE: 1" = 200'

**NOTE:**  
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.  
IT IS INTENDED TO DEPICT ONLY THE ATTACHED DESCRIPTION.

ISSUE DATE: 8-18-2021		PROJECT #: 201009	
DATE	REVISION COMMENTS		

**HKS**  
**HARRIS KOCHER SMITH**  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303.623.6300 F: 303.623.6311  
HarrisKocherSmith.com

**ILLUSTRATION FOR EXHIBIT A**  
**GATEWAY PARK IV EAST SUBDIVISION FILING NO. 26**

PROJECT #: 201009  
CHECKED BY: SDC  
DRAWN BY: DJH  
SHEET NUMBER  
**5**  
OF 369

Plotted: THU 08/19/21 10:36:12A By: Shawn Clarke Filepath: k:\201009survey\plat-legl.dwg Layout: s5

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S19°52'13"W	1161.39'
L2	S19°52'13"W	9.15'
L3	S89°54'51"W	134.10'
L4	S72°09'27"W	14.66'
L5	N83°16'59"W	2.23'
L6	N34°46'00"W	11.78'
L7	N40°33'04"W	2.24'
L8	N90°00'00"W	5.52'
L9	N00°29'04"W	17.70'
L10	S89°47'46"W	13.19'
L11	N00°12'14"W	503.52'
L12	N04°05'07"E	113.65'
L13	N00°12'14"W	296.33'

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	45.03'	15°15'22"	11.99'	N57°15'42"W	11.96'
C2	200.00'	5°18'10"	18.51'	N45°53'30"W	18.50'
C3	398.17'	41°20'52"	287.34'	N69°47'27"W	281.15'
C4	25.00'	17°45'24"	7.75'	S81°02'09"W	7.72'
C5	40.00'	26°48'25"	18.71'	S83°18'48"W	18.54'
C6	15.00'	48°30'59"	12.70'	N59°01'30"W	12.33'
C7	11.00'	49°26'56"	9.49'	N65°16'32"W	9.20'
C8	198.50'	17°55'22"	62.09'	N17°52'21"E	61.84'
C9	68.50'	34°56'56"	41.78'	N44°18'30"E	41.14'
C10	198.50'	7°31'09"	26.05'	N65°32'33"E	26.03'
C11	1218.24'	18°31'32"	393.90'	S81°03'59"E	392.18'

ISSUE DATE: 8-18-2021		PROJECT #: 201009
DATE	REVISION COMMENTS	



ILLUSTRATION FOR EXHIBIT A

GATEWAY PARK IV EAST SUBDIVISION FILING NO. 26

PROJECT #: 201009
CHECKED BY: SDC
DRAWN BY: DJH
SHEET NUMBER
6
6 OF 370

Point of Beginning : North: 707903.53' East: 204854.44'

Segment #1 : Line

Course: S19°52'13"W Length: 1170.54'  
North: 706802.68' East: 204456.58'

Segment #2 : Curve

Length: 11.99' Radius: 45.03'  
Delta: 015°15'22" Tangent: 6.03'  
Chord: 11.96' Course: N57°15'42"W  
Course In: N25°06'37"E Course Out: S40°21'59"W  
RP North: 706843.46' East: 204475.69'  
End North: 706809.15' East: 204446.52'

Segment #3 : Curve

Length: 18.51' Radius: 200.00'  
Delta: 005°18'10" Tangent: 9.26'  
Chord: 18.50' Course: N45°53'30"W  
Course In: N41°27'25"E Course Out: S46°45'35"W  
RP North: 706959.04' East: 204578.94'  
End North: 706822.03' East: 204433.24'

Segment #4 : Curve

Length: 287.34' Radius: 398.17'  
Delta: 041°20'52" Tangent: 150.25'  
Chord: 281.15' Course: N69°47'27"W  
Course In: S40°52'59"W Course Out: N00°27'53"W  
RP North: 706520.99' East: 204172.63'  
End North: 706919.15' East: 204169.40'

Segment #5 : Line

Course: S89°54'51"W Length: 134.10'  
North: 706918.95' East: 204035.30'

Segment #6 : Curve

Length: 7.75' Radius: 25.00'  
Delta: 017°45'24" Tangent: 3.91'  
Chord: 7.72' Course: S81°02'09"W  
Course In: S00°05'09"E Course Out: N17°50'33"W  
RP North: 706893.95' East: 204035.34'  
End North: 706917.75' East: 204027.68'

Segment #7 : Line

Course: S72°09'27"W Length: 14.66'  
North: 706913.25' East: 204013.72'

Segment #8 : Curve

Length: 18.71' Radius: 40.00'  
Delta: 026°48'25" Tangent: 9.53'  
Chord: 18.54' Course: S83°18'48"W  
Course In: N20°05'24"W Course Out: S06°43'01"W  
RP North: 706950.82' East: 203999.98'  
End North: 706911.09' East: 203995.30'

Segment #9 : Line

Course: N83°16'59"W Length: 2.23'  
North: 706911.36' East: 203993.08'

Segment #10 : Curve

Length: 12.70' Radius: 15.00'  
Delta: 048°30'59" Tangent: 6.76'  
Chord: 12.33' Course: N59°01'30"W  
Course In: N06°43'01"E Course Out: S55°14'00"W  
RP North: 706926.25' East: 203994.84'  
End North: 706917.70' East: 203982.51'

Segment #11 : Line

Course: N34°46'00"W Length: 11.78'  
North: 706927.38' East: 203975.79'

Segment #12 : Line

Course: N40°33'04"W Length: 2.24'  
North: 706929.08' East: 203974.34'

Segment #13 : Curve

Length: 9.49' Radius: 11.00'  
Delta: 049°26'56" Tangent: 5.07'  
Chord: 9.20' Course: N65°16'32"W  
Course In: S49°26'56"W Course Out: N00°00'00"E  
RP North: 706921.93' East: 203965.98'  
End North: 706932.93' East: 203965.98'

Segment #14 : Line

Course: N90°00'00"W Length: 5.52'  
North: 706932.93' East: 203960.46'

Segment #15 : Line

Course: N00°29'04"W Length: 17.70'  
North: 706950.63' East: 203960.31'

Segment #16 : Line

Course: S89°47'46"W Length: 13.19'  
North: 706950.58' East: 203947.12'

Segment #17 : Line

Course: N00°12'14"W Length: 503.52'  
North: 707454.10' East: 203945.33'

Segment #18 : Line

Course: N04°05'07"E Length: 113.65'  
North: 707567.46' East: 203953.42'

Segment #19 : Line

Course: N00°12'14"W Length: 296.33'  
North: 707863.79' East: 203952.37'

Segment #20 : Curve

Length: 62.09' Radius: 198.50'  
Delta: 017°55'22" Tangent: 31.30'  
Chord: 61.84' Course: N17°52'21"E  
Course In: S81°05'20"E Course Out: N63°09'58"W  
RP North: 707833.04' East: 204148.47'  
End North: 707922.64' East: 203971.35'

Segment #21 : Curve

Length: 41.78' Radius: 68.50'  
Delta: 034°56'56" Tangent: 21.56'  
Chord: 41.14' Course: N44°18'30"E  
Course In: S63°09'58"E Course Out: N28°13'02"W  
RP North: 707891.72' East: 204032.47'  
End North: 707952.08' East: 204000.08'

Segment #22 : Curve

Length: 26.05' Radius: 198.50'  
Delta: 007°31'09" Tangent: 13.04'  
Chord: 26.03' Course: N65°32'33"E  
Course In: S28°13'02"E Course Out: N20°41'53"W

RP North: 707777.17' East: 204093.94'  
End North: 707962.86' East: 204023.78'

Segment #23 : Line

Course: N89°47'46"E Length: 443.24'  
North: 707964.44' East: 204467.01'

Segment #24 : Curve

Length: 393.90' Radius: 1218.24'  
Delta: 018°31'32" Tangent: 198.68'  
Chord: 392.18' Course: S81°03'59"E  
Course In: S00°19'45"E Course Out: N18°11'47"E  
RP North: 706746.21' East: 204474.01'  
End North: 707903.53' East: 204854.44'

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Perimeter: 3619.03' Area: 773769.04 Sq. Ft.





Subject Site

### Flats on the A at Gateway Park Site Plan with Adjustments



Aurora is  
Worth Discovering!



## City of Aurora, Colorado

**Planning &  
Development Services**

15151 E. Alameda Parkway  
Aurora CO 80012 USA  
AuroraGov.org  
303.739.7217  
GIS@aurora.gov



May 28, 2021

**City of Aurora – Planning & Development Services Department**

**Debbie Bickmire**

15151 E. Alameda Pkwy

Aurora, CO 80012

**Re: Flats on the A at Gateway Park – Letter of Introduction**

Dear Ms. Bickmire:

On behalf of the Applicant, Pauls Corp, I am pleased to submit this letter of introduction for the Site Plan application for Flats on the A at Gateway Park.

The following team of consultants has been assembled to complete this application:

<b>Owner :</b> Gateway East Amenities LLC 100 Saint Paul Street Denver, CO 80206	<b>Applicant:</b> Pauls Corp Joe Wilson 100 Saint Paul Street, Ste 300 Denver, CO 80206	<b>Architect:</b> Godden Sudik Kelsey Dague 5975 S Quebec Street, Ste 250 Centennial, CO 80111
<b>Civil Engineer:</b> Harris Kocher Smith (HKS) Michael Moore, PE 1120 Lincoln Street, Ste 1000 Denver, CO 80203	<b>Planner:</b> Norris Design Samantha Crowder 1101 Bannock Street, Denver, CO 80204	<b>Landscape Architect:</b> Norris Design Patrick Hannon 1101 Bannock Street, Denver, CO 80204
<b>Traffic Engineers:</b> Harris Kocher Smith (HKS) Mike Kibbee 1120 Lincoln Street, Ste 1000 Denver, CO 80203	<b>Surveyor:</b> Harris Kocher Smith (HKS) Aaron Murphy 1120 Lincoln Street, Ste 1000 Denver, CO 80203	

**Context**

Flats on the A at Gateway Park is a planned mixed-use multi-family residential community and future commercial and retail development located immediately south of the East 40<sup>th</sup> Avenue right-of-way and east of Salida Street in Aurora, Colorado. The project is just north of I-70, near the intersection of Pena Boulevard and east of the 40<sup>th</sup> and Airport Blvd. RTD railway station. Due to the site's proximity to the 40<sup>th</sup> and Airport Blvd. Station, the community is considered a Transit Oriented Development (TOD) and is consistent with the goals and intent for the station area. The project is currently within an Industrial zone district within the Gateway Park East Station Area Plan. To further the intent of TOD development, and provide higher density housing options among easily accessible commercial and neighborhood-level services, the site is proposed for rezoning to the MU-TOD District. The MU-TOD district is intended to provide immediate access to RTD stations, I-70, I-225, E-470 and Denver International Airport. As part of the larger Gateway Park community, the site's location in proximity to these major travel arteries offers excellent access to all areas of both the Denver metropolitan and the Rocky Mountain Regions.



The approximately 17.62-acre site is currently undeveloped and surrounded by vacant land to the north and west, light industrial development to the east, and detention to the south. Parking for the 40<sup>th</sup> and Airport Blvd. RTD railway station is immediately southwest of the site.

### **Rezoning**

The Applicant is requesting an amendment to the zoning of the property from Industrial District (I-2) to Mixed Use – Transit Oriented Development (MU-TOD). The project is located within the Gateway Park East Station Area Plan and proposes higher-density residential and future commercial land uses consistent with the vision for the Edge Subdistrict. Located within the TOD edge, the proposed residential community provides accessibility to nearby commercial, retail, and industry through walking connections via access-controlled gates. Convenient and walkable access is prioritized to nearby transit options with the opportunity for multi-modal circulation to local and regional attractions, creating a transitional urban character to the adjacent core TOD area. Prominent pedestrian corridors, sheltered by street-screening residential buildings, provide comfortable paths for on-site and off-site pedestrian movement. Small, pop-up, landscape seating and bike parking areas throughout the community create rest areas and places of congregation. Parking will be effectively screened by the building layout in addition to landscape buffering. The proposed site plan will foster a unique and sustainable blend of transitional-urban character that includes nearby opportunities to live, work, shop, and recreate. The property will create an attractive and enticing residential and future commercial point of interest and initiate the transitional growth near the 40<sup>th</sup> and Airport Blvd. station. Flats on the A provides residents and visitors the opportunity for modern housing and lifestyle choices with a high level of amenities and social interaction all while promoting RTD ridership, job creation and economic growth through proximity to multi-modal local and regional transportation.

### **Site Plan**

Flats on the A at Gateway Park will continue the high level of design existing today across Gateway Park. The project contributes to the compact, mixed-use vision intended for the area by utilizing 4-story, L-shaped buildings to screen internal surface parking and create space for private community amenities interior to the site while future commercial and neighborhood-level retail are located to the north along E. 40<sup>th</sup> Avenue. This future commercial will provide a buffer between the proposed multi-family residential and the busier 40<sup>th</sup> Avenue. The development also helps enforce a consistent streetscape along this corridor by establishing a streetscape of turf and evenly spaced trees that complies with Gateway Park design standards and will continue to the future commercial character to the north. Specific design of the commercial/retail parcel will be coordinated with the City of Aurora as part of a future Site Plan application.

The community will have a total of 374 dwelling units in three buildings over 12.4 acres (residential parcel) for a density of 30.2 du/acre. Apartments include a mix of studio, 1-bedroom, 2-bedroom and 3-bedroom units ranging in size from 510 sf to 1,290 sf. Apartment buildings will be 4-stories in height (+/-48 ft) and are intended to reflect simple, rectangular forms with flat roofs, utilizing industrial materials such as brick, stucco, metal panel, and glass to create a color palette consistent with the Gateway Park standards. Buildings are situated to run parallel with proposed existing perimeter and internal roadways to enforce a transitional-urban edge along these corridors, where possible. In addition, building faces shall be broken up visually through a mix of contrasting materials both horizontally and vertically. Segmentation of the buildings are created every 50 linear feet through both material change and façade articulation and building entrances are pronounced with two-story glass feature walls coupled with programmed plaza spaces. These plaza spaces are designed to encourage engagement of the buildings with the adjacent pedestrian corridors and promote social interaction.

### **Amenities**

A variety of amenities are provided on-site for residents and their guests. On-site amenities include a private clubhouse and pool-deck located along the western-central portion of the site, adjacent to Salida Street and between the three proposed residential buildings. The 9,447 sf clubhouse is designed as a free-standing, primarily masonry, painted siding, and metal-paneled, single-story structure with a primarily flat roof that becomes sloping with a painted



metal cap near the main entrance. Its design programming will contain mini-bowling, a fitness room, co-working space, and a club room with kitchen and gaming area. The building will also provide a covered exterior space. The pool and outdoor activity zone will include a pool deck, spa, outdoor kitchen, lounge areas and gaming lawn. In addition, each residential building provides its own mail room as well as bike maintenance and storage. Residents will have access to outdoor bench seating, bike racks, pet waste stations, and trash receptacles throughout.

Other on-site amenities include a designated east-west detached pedestrian corridor, an on-site parklette in the southeast corner of the site, and an enhanced landscape buffer along the northern and eastern perimeters to aid in screening the future commercial parcel and parking lot, as well as the existing industrial/warehouse building to the east. The landscape buffer includes a variety of deciduous and evergreen landscape materials. Landscape materials shall be provided at a rate of 1 tree and 5 shrubs per 25 linear feet with fifty percent of shrubs being evergreen. The buffer shall meet City of Aurora UDO requirements.

With an emphasis on industrial elements and character the landscape design will foster this intent through linear forms at high impact areas and adjacent to the architecture while transitioning to a more native/natural landscape palette in lower impact areas. The plant material itself will be chosen for their native low water usage and designed to a pedestrian oriented and visually interesting landscape that will provide color, texture and structure all year round. Streetscape landscape design will comply with Gateway Park design standards of regimented trees and turf.

### **Parking**

Resident parking is provided through a combination of tuck-under garage, carport, and surface parking spaces for a total of 527 spaces. 311 spaces are provided for residents and guests via surface lot spaces, and 216 are provided via covered spaces (84 attached, tuck-under garage spaces and 132 detached carport spaces). 14 surface lot spaces are provided for guests at the clubhouse.

To further emphasize the transitional-urban character of the community, the majority of parking is located internal to the site and screened by buildings, where possible. This helps further enforce the intent of the station area and zoning district, while providing quick and accessible parking to each residential building.

Parking requirements within the TOD zone district recommend parking at a rate of 0.85 spaces per unit. Due to the transitional nature of this development and its location within the fringe of the station area, additional parking is provided in excess of that recommendation. Although the station is within walking distance of the community, many residences still rely on personal vehicles to commute to-and-from their jobs as well as weekend activities where multi-modal transportation may not currently serve. In addition, on-street parking nearby the community is limited as it is bordered by roadways prohibiting on-street parking and a warehousing development on the majority of its perimeter.

Flats on the A provides as mixture of unit types tailored to a variety of lifestyles and to best meet the needs of the residents. Parking is provided based on number of bedrooms within the community versus the number of units. The following assumptions for parking include:

- 1 space / Studio & 1 Bedroom Units
- 2 spaces / 2 Bedroom & 3 Bedroom Units

A total of 527 spaces are provided on site for both residents and guests, averaging to approximately 1.41 spaces per unit and 1.01 spaces per bedroom.

In other similar developments completed by the Applicant nearby, parking has been noted as an issue by residents and managing staff. For example, Station A is a similar multi-family community located approximately  $\frac{3}{4}$  mile from the Flats on the A community and is located three blocks west of Pena and 2 blocks north of 40<sup>th</sup> Avenue. This community was developed 1  $\frac{1}{2}$  years ago and includes 400 units with a similar mix of unit types. Station A provided approximately 1.65 spaces per unit and 1.23 spaces per bedroom.



### Circulation

Vehicular access to the site is provided through one primary entrance located on the south-west edge of the site, adjacent to the clubhouse/leasing building and a secondary access is provided on the northwest corner of the site, adjacent to the future commercial development. Internal vehicular circulation is provided by private drives. Fire access is also served through these private drives with designated fire lanes looping within the internal parking lots. Fire lanes shall be a minimum 26' in width.

Pedestrian circulation is facilitated through a combination of attached and detached sidewalks. Pedestrian gates will be provided for easy pedestrian movement through the access-restricted fence surrounding the residential buildings. A north-south pedestrian spine moves residents and guests through the site connecting them from the future commercial area south of E 40th Avenue to the clubhouse and southern residential building. Strong pedestrian circulation corridors are also proposed to facilitate east-west movement through both the northern and southern portions of the site. This allows easy pedestrian navigation through the internal parking lots to the clubhouse and the RTD station to the west.

### Adjustments

The Applicant is requesting the following adjustment from the City of Aurora Unified Development Ordinance:

Code Section 146-4.8.5.D Maximum Building Length | *"The maximum building length of any multifamily or mixed-use building shall be 200 feet in Subareas B and C."*

Request: The Applicant requested the allowance for an increase in the maximum building length to 432 ft.

Justification: To best provide a transition of character across the site, building faces are proposed to vary in length from west to east. Buildings along the Salida ROW are proposed with facades which parallel the ROW, encouraging an urban character along the street frontage. As buildings transition to the east toward the existing industrial, building facades are encouraged to lengthen. The maximum length of a proposed building façade of the multi-family buildings is +/-432 LF. While in excess of maximums outlined by the UDO, the building is an appropriately scaled transition from the adjacent existing industrial building measured at +/- 870' LF. In addition, future commercial buildings near the transit station as well as the to the north may be up to 400' in length. In comparison to existing and anticipated adjacent building lengths, the proposed building length provides a desirable transition in scale. In addition, all multi-family building will provide visual variety by creating segmentation of the facades every 50' by use of contrasting materials as well as horizontal articulation. These architectural elements will help reduce the visual scale of the façade as well as create visual interest.

Code Section 146-4.7.9.M Fences and Walls for Other Development

*Maximum height permitted for "front yard : fencing : 48 inches*

*Maximum setback from back of walk : 4 feet*

Request: The Applicant requests the increase of front yard fencing height permitted from 48 inches to 6 feet and a reduction in the setback of fencing from back of walk from 4 feet to 24 inches.

Justification: A maximum height of 6 feet is permitted for both side and rear fencing in the same condition. Allowing for 6 ft in height creates a consistent aesthetic along the perimeter of the development, while also aiding in control access and safety of the residents. In addition, a request to reduce the setback of the fencing from the back of walk is requested along the Salida Street frontage so as to permit additional usable open space within the interior of the site. Amenitized walking paths are proposed for residents in these areas.



Code Section 146-4.7.9.J.2 Fences and Walls Along Interior Property Boundaries and Alleys – Locations  
*“Fences and walls shall not be placed in required lot buffer areas but shall be located on the inner edge of interior buffer line with landscaping located along the exterior of the fence or wall.”*

Request: The Applicant requests fencing and walls be located on the exterior buffer line.

Justification: Due to unique site conditions, inclusive of an existing landscape buffer provided on the adjacent property, the Applicant requests that the fence/wall be placed on the exterior edge of the landscape buffer required for the development, thereby locating the fence/wall half-way between the existing buffer to the east and the future buffer to the west. This will allow for landscaping to be provided between the parking lot and the property line as well as allow for ease of maintenance in the future.

### Approval Criteria

Flats on the A at Gateway Park is in compliance with the Unified Development Ordinance's following approval criteria for Site Plan.

- A. The application complies with the applicable standards in this UDO, other adopted City regulations, any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning and Zoning Commission or City Council in a prior decision affecting the property.

*Response: The project is recommended to be rezoned from I-2 to MU-TOD (Mixed-Use – Transportation Oriented Development) District, Subdistrict Edge to allow for the proposed residential and future commercial land uses. The proposed high-density living, accessibility to nearby commercial, retail, and industry, as well as the emphasis on connection to the 40<sup>th</sup> and Airport Station will foster a special and sustainable blend of transitional-urban character that include nearby opportunities to live, work, shop, and recreate. The project gives residents and visitors the option for modern housing and lifestyle choices with a high level of amenities and social interaction while striving to reduce reliance on the automobile and encourage the use of public transit, encourage job creation and economic growth through proximity to multi-modal local and regional transportation.*

*The site is located within Gateway Park IV East and is subject to the Gateway Park Design Review Requirements. The project will meet or exceed the standards of the design requirements and will create a high standard for future building sites and a basis for consistent architectural and landscape treatments throughout the Gateway Park plan area.*

- B. The City's existing infrastructure and public improvements, including but not limited to its water, wastewater, street, trail, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable.

*Response: Public improvements proposed for this development include a 6' detached sidewalk on Salida Street and updated curb ramps to meet current standards. The curb ramps at the existing access will be updated as well as the ramps on the south side of the intersection of 40<sup>th</sup> Avenue and Salida Street and sidewalk improvements along the 40<sup>th</sup> Avenue frontage.*



*A traffic signal will be installed at the intersection of Salida St and access (to be named). The traffic signal will be properly installed and operating prior to issuance of a Certificate of Occupancy.*

*The site plan proposes a channelized right turn into a drop lane giving access to the main clubhouse and resident amenity areas. The lane will be marked with "Right Turn Only" signs at the 40th Avenue western access and shall be installed per the most current editions of The Manual on Uniform Traffic Control Devices (MUTCD) and City Standards.*

*With these public improvements, among others, the proposed development shall comply with the master drainage, utility and infrastructure plans and will not induce any additional burden on the existing surrounding development.*

- C. Major Site Plans shall be designed to preserve and protect natural areas, ridgelines, swales, natural landforms, water quality and wildlife habitat of riparian corridors, wetlands, and floodplains affected by the proposed development and to integrate those areas into site design where practicable.

*Response: The site does not include existing natural or riparian areas, ridgelines, swales, or natural landforms. Water Quality conservation measures will be taken into account at the time of Site Plan submittal.*

- D. The application will improve or expand multi-modal connections with adjacent sites, neighborhoods, and urban centers.

*Response: This project will encourage the development of a higher density residential and future commercial area adjacent to the transit station. The automobile-oriented character of the existing industrial zoned lands in the core of the study area will be changed to a shared vehicular/ pedestrian-oriented, high density mixed-use area that will promote bicycle, transit, car-sharing and pedestrian transportation. The project will promote multi-modal local transportation to larger transportation networks located near the site such as Denver International Airport, additional RTD stations, and I-70, I-225, and E-470.*

- E. The application is compatible with surrounding uses in terms of size, scale and building façade materials.

*Response: The land uses proposed high density multi-family and commercial/retail, will create a transition in building height, development density, and range of uses, between the Core subdistrict to the west and south, the adjacent non-TOD developments such as industrial/warehousing to the east and future and existing neighborhoods to the north.*

*The project will also create a more walkable, pedestrian-friendly context for the 40<sup>th</sup> and Airport Blvd. RTD Station and buffer the Industrial land uses to the east. Residential and commercial buildings will be designed to emphasize the modern, industrial context of the site and promote the lifestyle associated with MU-TOD districts and multi-modal transportation opportunities. Building facades will incorporate material changes and architectural features such as glazing, textured surfaces, projections, color, overhangs, and changes in parapet height to improve the façade and create an inviting and attractive street presence. Buildings will be designed to create a clear base, middle, and cap as well as horizontal and vertical articulation. The ground floor designs, and adjacent site and landscape design will support a positive resident experience, create a pedestrian-friendly environment, and provide visual interest.*

- F. The application mitigates any adverse impacts on the surrounding area to the degree practicable.



*Response: No major adverse impacts are created with the proposed land uses and proposed site plan. However, landscape buffers are proposed to mitigate impacts on the resident experience from the proposed commercial uses to the north and industrial use to the east of the multi-family buildings. In addition, the proposed channelized right turn into a drop lane for access to the site and clubhouse will mitigate any adverse impacts on traffic flow on Salida Street.*

#### Additional Standards in MU-TOD District

- A. Any new exterior construction or landscaping, or any exterior changes to existing development including changes to building façades, signage, streetscape, landscaping, public rights-of-way, parking areas, drives, or other Site Plan changes shall meet the building and site design standards of Section 146-4.8 (Building Design Standards) subject to the Touch Rule defined in Article 146-6.

*Response: New buildings and landscape will meet the standards outlined in Section 146-4.8, Building Design Standards. There are no modifications to existing buildings or designed landscape.*

- B. To allow greater intensity in the MU-TOD district over time:
- I. Buildings and surface parking (if allowed) shall be located on the lot so that the layout will accommodate future structured parking garages.

*Response: The site does not anticipate any future structured parking with this development. All parking is accommodated through tuck-under garages, cover surface and open surface parking. All parking is shielded by nearby development by proposed multi-family buildings or landscape buffering, where possible.*

- II. Drives within commercial parking lots shall be located so they can conform to urban street standards in the future.

*Response: Adaptation of drives within surface parking lots on the northern commercial lot will be addressed in future Site Plan applications.*

- III. Both sides of major pedestrian streets shall be developed to establish the streetscape character and pedestrian connections.

*Response: Private drives servicing the multi-family residential building will be developed to foster positive pedestrian experiences and streetscape character by providing deciduous street trees, adjacent attached and detached sidewalks, and pedestrian gates for easier pedestrian access on and off-site. Pedestrian sidewalks will be installed on Salida Street and E 40<sup>th</sup> Avenue and will also include the streetscape enhancements mentioned above.*

- IV. Important public parks and plazas shall be constructed in the initial phase of development to establish a public amenity and the area's identity.

*Response: Parks and plazas are not proposed with this development. Private amenities serving the residents of the Flats on the A at Gateway Park are proposed in addition to improvements to the public ROW and connections provided therein.*





Flats on the A at Gateway Park is in compliance with the Unified Development Ordinance's following approval criteria for Zoning Map Amendment.

- I. The change to the Zoning Map is needed to correct an error (change in the character of surrounding areas does not constitute an error in the map); or

*Response: Not applicable.*

- II. The change to the Zoning Map is required because of changed conditions or circumstances on the property or in the surrounding area and:
  - a. The applicant has demonstrated that the proposed initial zoning or rezoning is consistent with the spirit and intent of the Comprehensive Plan, with other policies and plans adopted by the City Council, and with the purpose statement of the proposed new zone district(s);

*Response: The proposed re-zoning of the property to MU-TOD (Mixed-Use – Transportation Oriented Development) District, Subdistrict Edge is consistent with the spirit and intent of the Comprehensive plan as the proposed re-zone is purposed for development including high-density residential and future commercial/retail, functioning as a suitable transition from the Industrial District to the 40<sup>th</sup> and Airport Blvd. RTD Station context. The proposed re-zone emphasizes reduced reliance on the automobile and encourages the use of nearby public transit, stimulating job creation and economic growth through proximity to multi-modal local and regional transportation.*

*Re-zoning the property to MU-TOD allows for the creation of an opportunity at Flats on the A for residents and visitors to experience the accessibility to nearby commercial, retail, and industry, connection to the 40th and Airport Blvd. station, and option for modern housing and lifestyle choices with a high level of amenities and social interaction demonstrated in the Site Plan proposed for this property.*

- b. The applicant has demonstrated that the size, scale, height, density, and multi-modal traffic impacts of the proposed initial zoning or rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions; and

*Response: The re-zoning and associated proposed high density multi-family and commercial/retail, will create a transition in building height, development density, and range of uses, between the Core subdistrict to the west and south, the adjacent non-TOD developments such as industrial/warehousing to the east and future and existing neighborhoods to the north. This transition minimizes the impacts of the existing industrial district on future development of the TOD context intended for the Gateway Park East Station Area Plan. The urban and sustainable character of MU-TOD zoning will create a more walkable, pedestrian-friendly context for the 40th and Airport Blvd. RTD Station and promote urban buildings, designed to emphasize the modern, industrial context of the site and promote the lifestyle associated with MU-TOD districts and multi-modal transportation opportunities.*

*Re-zoning to MU-TOD (Mixed-Use – Transportation Oriented Development) District, Subdistrict Edge allows for the flexibility necessary for a property adjacent to industrial land*



*uses and important multi-modal local and regional transportation systems that is also in close proximity to neighborhood-level commercial and residential.*

c. The application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application.

*Response: No occupants of the property will be dislocated due to the site's existing vacant land conditions and the vacant land conditions of the surrounding properties to the north and west. Impacts to the industrial property to the east are justified by the progress the re-zoning will accomplish in fulfilling the vision of the Gateway Park East Station Area Plan.*

### **Gateway Park Design Review Committee**

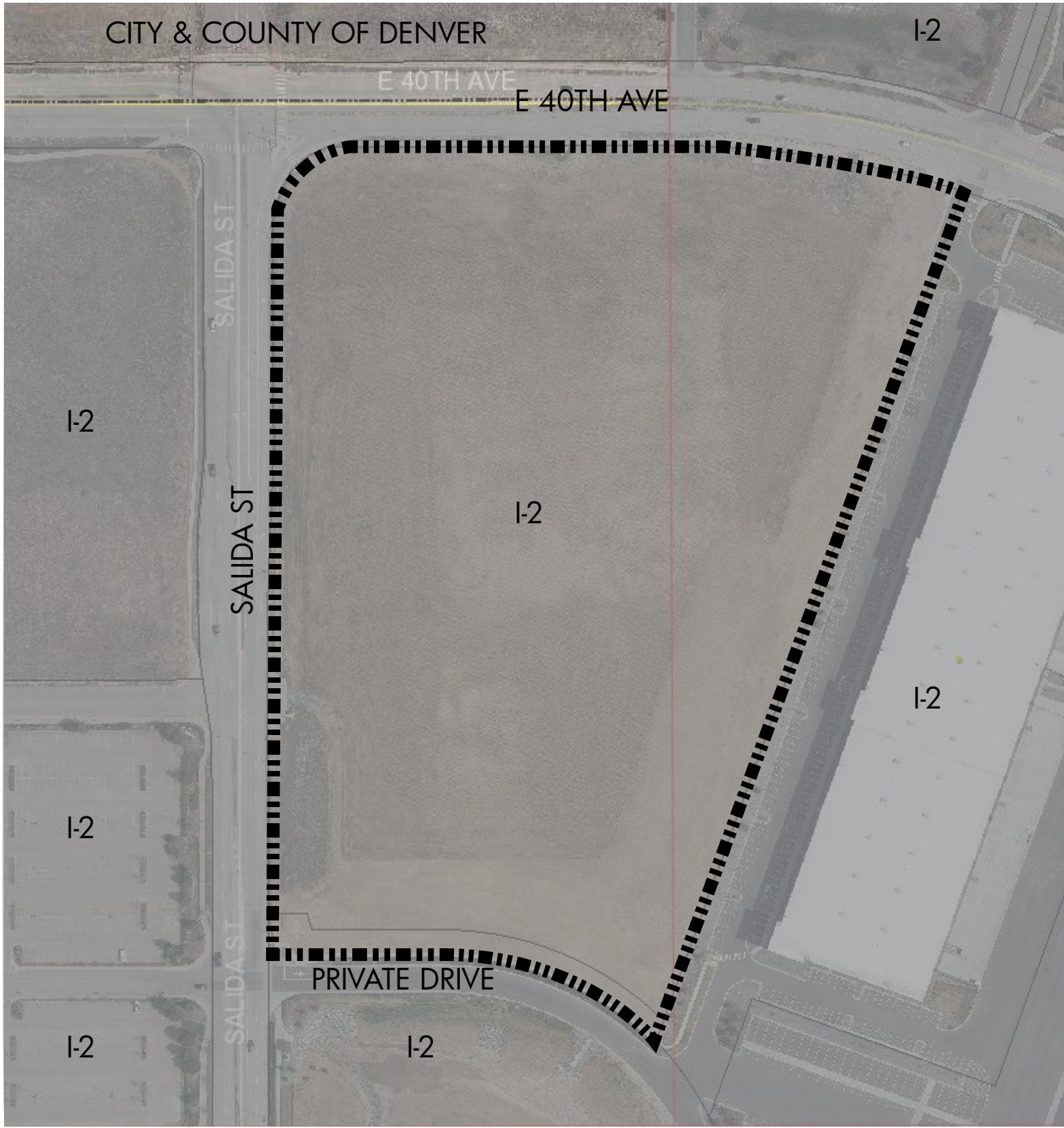
As required by the Gateway Park community, an application to the Gateway Park IV Design Review Committee (DRC) is required for review and approval prior to approval by the City. The Applicant is currently working with the DRC regarding the application and is under review concurrent with this Site Plan and Rezoning application. A letter from the DRC has been provided with this application to confirm coordination in progress.

We look forward to working with the City of Aurora on the review and approval of this next phase of the Gateway Park community. Feel free to contact me directly should you have any comments, questions, and/or requests for additional information.

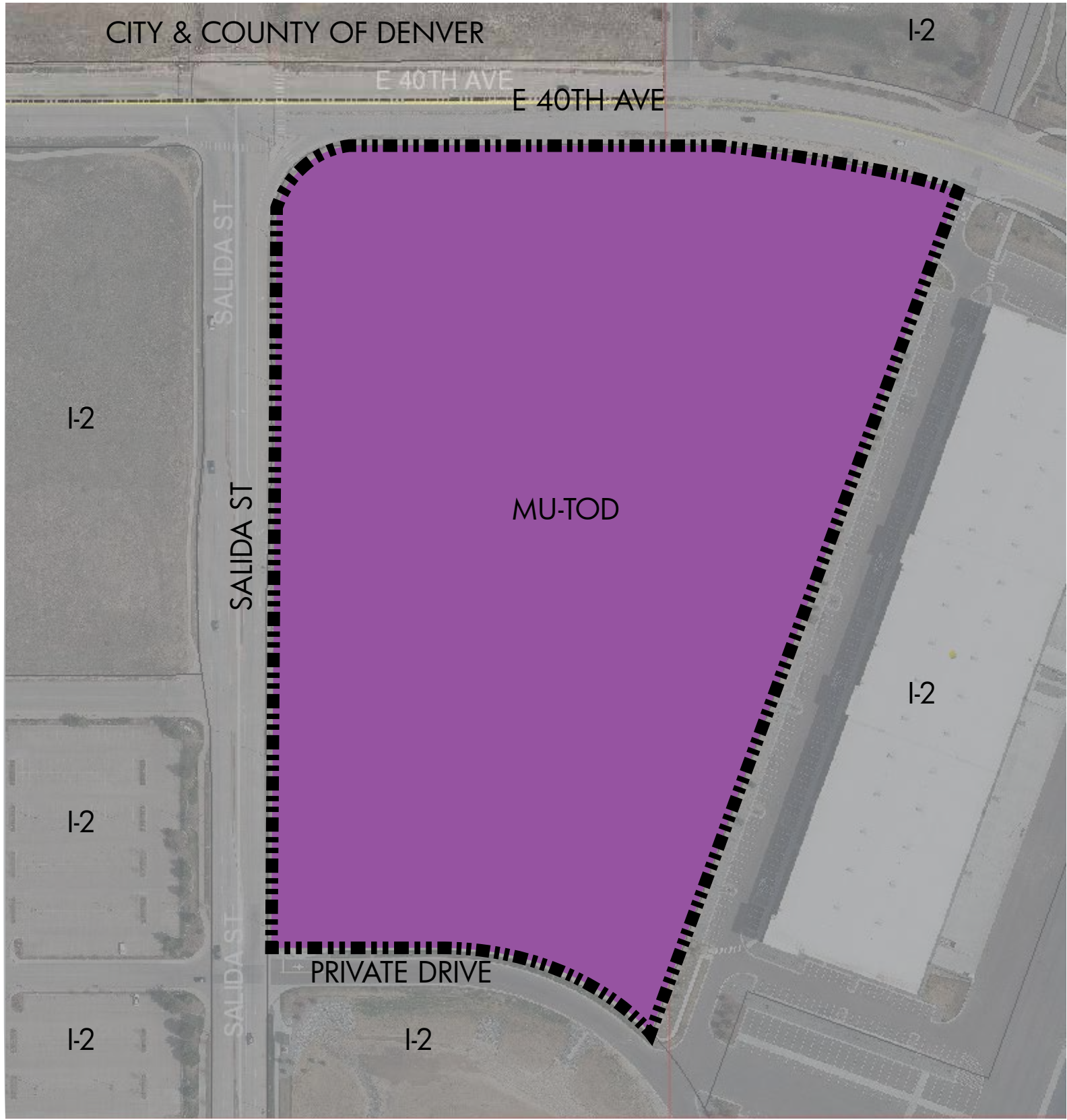
Sincerely,  
**Norris Design**

Samantha Crowder  
Senior Associate

EXISTING ZONING



PROPOSED ZONING



**EXHIBIT A**  
**SHEET 1 OF 6**

**LAND DESCRIPTION**

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS MONUMENTED AT THE SOUTH SIXTEENTH CORNER BY A CDOT 3.25 INCH ALUMINUM CAP IN A RANGE BOX STAMPED "1/16 20|21 T3S R66W 1994 PLS 23524" AND AT THE CENTER-SOUTH SIXTEENTH CORNER BY A FOUND 3.25 INCH ALUMINUM CAP STAMPED "LS38162", AS BEARING NORTH 89°47'46" EAST, WITH ALL BEARINGS SHOWN HEREIN RELATIVE THERETO.

**COMMENCING** AT THE NORTHEAST CORNER OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 21; THENCE SOUTH 73°21'11" EAST, A DISTANCE OF 404.58 FEET TO THE NORTHWEST CORNER OF GATEWAY PARK IV EAST SUBDIVISION FILING NO. 22, RECORDED MARCH 22, 2018 AT RECEPTION NO. 2018000023280 OF SAID ADAMS COUNTY RECORDS AND THE **POINT OF BEGINNING**;

THENCE SOUTH 19°52'13" WEST ALONG THE WEST LINE OF SAID GATEWAY PARK IV EAST SUBDIVISION FILING NO. 22 A DISTANCE OF 1,161.39 FEET;

THENCE SOUTH 19°52'13" WEST, A DISTANCE OF 9.15 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 11.99 FEET, SAID CURVE HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 15°06'04", AND A CHORD WHICH BEARS NORTH 57°15'42" WEST A CHORD DISTANCE OF 11.96 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 18.51 FEET, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 05°18'10", AND A CHORD WHICH BEARS NORTH 45°53'30" WEST A CHORD DISTANCE OF 18.50 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 287.34 FEET, SAID CURVE HAVING A RADIUS OF 398.17 FEET, A CENTRAL ANGLE OF 41°20'52", AND A CHORD WHICH BEARS NORTH 69°47'27" WEST A CHORD DISTANCE OF 281.15 FEET;

THENCE SOUTH 89°54'51" WEST, A DISTANCE OF 134.10 FEET TO A POINT OF CURVATURE;

**EXHIBIT A**  
**SHEET 2 OF 6**

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 7.75 FEET, SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 17°45'24", AND A CHORD WHICH BEARS SOUTH 81°02'09" WEST A CHORD DISTANCE OF 7.72 FEET;

THENCE SOUTH 72°09'27" WEST, A DISTANCE OF 14.66 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 18.71 FEET, SAID CURVE HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 26°48'25", AND A CHORD WHICH BEARS SOUTH 83°18'48" WEST A CHORD DISTANCE OF 18.54 FEET;

THENCE NORTH 83°16'59" WEST, A DISTANCE OF 2.23 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 12.70 FEET, SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 48°30'59", AND A CHORD WHICH BEARS NORTH 59°01'30" WEST A CHORD DISTANCE OF 12.33 FEET;

THENCE NORTH 34°46'00" WEST, A DISTANCE OF 11.78 FEET;

THENCE NORTH 40°33'04" WEST, A DISTANCE OF 2.24 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 9.49 FEET, SAID CURVE HAVING A RADIUS OF 11.00 FEET, A CENTRAL ANGLE OF 49°26'56", AND A CHORD WHICH BEARS NORTH 65°16'32" WEST A CHORD DISTANCE OF 9.20 FEET;

THENCE NORTH 90°00'00" WEST, A DISTANCE OF 5.52 FEET;

THENCE NORTH 00°29'04" WEST, A DISTANCE OF 17.70 FEET;

THENCE SOUTH 89°47'46" WEST, A DISTANCE OF 13.19 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SALIDA STREET AS DEDICATED BY THE PLAT OF GATEWAY PARK IV EAST SUBDIVISION FILING NO. 1 RECORDED ON NOVEMBER 17, 1999 IN PLAT FILE 18 AT MAP NO. 142 AND AS DESCRIBED BY DEED RECORDED AT RECEPTION NO. C0810232 OF SAID ADAMS COUNTY RECORDS;

**EXHIBIT A**  
**SHEET 3 OF 6**

THENCE THE FOLLOWING THREE (3) COURSES ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SALIDA STREET:

1. THENCE NORTH 00°12'14" WEST, A DISTANCE OF 503.52 FEET;
2. THENCE NORTH 04°05'07" EAST, A DISTANCE OF 113.65 FEET;
3. THENCE NORTH 00°12'14" WEST, A DISTANCE OF 296.33 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND AS DESCRIBED BY DEED RECORDED ON DECEMBER 18, 2015 AT RECEPTION NO. 2015000105475 OF SAID ADAMS COUNTY RECORDS;

THENCE THE FOLLOWING THREE (3) COURSES ALONG THE SOUTHEASTERLY LINE OF SAID RECEPTION NO. 2015000105475:

1. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17°55'22", A RADIUS OF 198.50 FEET AND AN ARC LENGTH OF 62.09 FEET, WHOSE CHORD BEARS NORTH 17°52'21" EAST A DISTANCE OF 61.84 FEET TO A POINT OF COMPOUND CURVATURE;
2. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 34°56'56", A RADIUS OF 68.50 FEET AND AN ARC LENGTH OF 41.78 FEET, WHOSE CHORD BEARS NORTH 44°18'30" EAST A DISTANCE OF 41.14 FEET TO A POINT OF COMPOUND CURVATURE;
3. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 07°31'09", A RADIUS OF 198.50 FEET AND AN ARC LENGTH OF 26.05 FEET, WHOSE CHORD BEARS NORTH 65°32'33" EAST A DISTANCE OF 26.03 FEET TO THE NORTHEAST CORNER OF SAID RECEPTION NO. 2015000105475, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID 40TH AVENUE;

THENCE NORTH 89°47'46" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 40TH AVENUE, A DISTANCE OF 443.24 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 40TH AVENUE, HAVING A CENTRAL ANGLE OF 18°31'32", A RADIUS OF 1218.24 FEET AND AN ARC LENGTH OF 393.90 FEET, WHOSE CHORD BEARS SOUTH 81°03'59" EAST A DISTANCE OF 392.18 FEET TO THE **POINT OF BEGINNING**;

**EXHIBIT A**  
**SHEET 4 OF 6**

SAID PARCEL CONTAINS 773,767 SQUARE FEET OR 17.763 ACRES, MORE OR LESS.

PREPARED BY:  
SHAWN D. CLARKE, PLS  
CO #38061  
FOR AND BEHALF OF HARRIS KOCHER SMITH  
1120 LINCOLN STREET  
SUITE 1000  
DENVER, COLORADO 80203  
AUGUST 19, 2021

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

FOUND 3.25" ALUMINUM  
CAP IN RANGE BOX  
"CDOT 1/16 S20|21 T3S  
R66W 1994 PLS 23524"

**E. 40TH AVE**

**POINT OF COMMENCEMENT**

CS 1/16 SEC 21  
FOUND #6 REBAR  
FOUND 3.25" ALUM. CAP  
STAMPED "LS 38162"

**BASIS OF BEARINGS**  
N89°47'46"E 2644.14'  
N89°47'46"E 443.24'

S73°21'11"E 404.58'

**POINT OF BEGINNING**

N. LINE S1/2  
SW1/4 SEC. 21

UNPLATTED LAND  
GATEWAY EAST  
AMENITIES, LLC  
REC. NO. C1053239

**PARCEL CONTAINS**  
773,767 SQ. FT.  
OR 17.763 AC.±

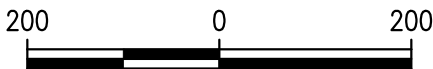
**SALIDA ST**

E. LINE S1/2 SW 1/4 SEC. 21  
W. LINE SE 1/4 SEC. 21

LOT 1, BLOCK 1  
GATEWAY PARK IV EAST  
SUBDIVISION FILING NO. 22

TRACT A  
GATEWAY PARK  
IV EAST  
SUBDIVISION  
FILING NO. 25

1/4 COR. SECTION 21/28  
CALC. POSITION FROM C-S1/16  
COR. OF SEC. 21



SCALE: 1" = 200'

**NOTE:**  
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.  
IT IS INTENDED TO DEPICT ONLY THE ATTACHED DESCRIPTION.

ISSUE DATE: 8-18-2021		PROJECT #: 201009	
DATE	REVISION COMMENTS		

**HKS**  
**HARRIS KOCHER SMITH**  
1120 Lincoln Street, Suite 1000  
Denver, Colorado 80203  
P: 303.623.6300 F: 303.623.6311  
HarrisKocherSmith.com

ILLUSTRATION FOR EXHIBIT A  
GATEWAY PARK IV EAST SUBDIVISION FILING NO. 26

PROJECT #: 201009  
CHECKED BY: SDC  
DRAWN BY: DJH  
SHEET NUMBER  
**5**  
OF 390

Plotted: THU 08/19/21 10:36:12A By: Shawn Clarke Filepath: k:\201009survey\plat-legl.dwg Layout: s4



Plotted: THU 08/19/21 10:36:12A By: Shawn Clarke Filepath: k:\201009survey\plat-legl.dwg Layout: s5

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S19°52'13"W	1161.39'
L2	S19°52'13"W	9.15'
L3	S89°54'51"W	134.10'
L4	S72°09'27"W	14.66'
L5	N83°16'59"W	2.23'
L6	N34°46'00"W	11.78'
L7	N40°33'04"W	2.24'
L8	N90°00'00"W	5.52'
L9	N00°29'04"W	17.70'
L10	S89°47'46"W	13.19'
L11	N00°12'14"W	503.52'
L12	N04°05'07"E	113.65'
L13	N00°12'14"W	296.33'

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	45.03'	15°15'22"	11.99'	N57°15'42"W	11.96'
C2	200.00'	5°18'10"	18.51'	N45°53'30"W	18.50'
C3	398.17'	41°20'52"	287.34'	N69°47'27"W	281.15'
C4	25.00'	17°45'24"	7.75'	S81°02'09"W	7.72'
C5	40.00'	26°48'25"	18.71'	S83°18'48"W	18.54'
C6	15.00'	48°30'59"	12.70'	N59°01'30"W	12.33'
C7	11.00'	49°26'56"	9.49'	N65°16'32"W	9.20'
C8	198.50'	17°55'22"	62.09'	N17°52'21"E	61.84'
C9	68.50'	34°56'56"	41.78'	N44°18'30"E	41.14'
C10	198.50'	7°31'09"	26.05'	N65°32'33"E	26.03'
C11	1218.24'	18°31'32"	393.90'	S81°03'59"E	392.18'

ISSUE DATE: 8-18-2021		PROJECT #: 201009
DATE	REVISION COMMENTS	



1120 Lincoln Street, Suite 1000  
 Denver, Colorado 80203  
 P: 303.623.6300 F: 303.623.6311  
 HarrisKocherSmith.com

ILLUSTRATION FOR EXHIBIT A

GATEWAY PARK IV EAST SUBDIVISION FILING NO. 26

PROJECT #: 201009  
 CHECKED BY: SDC  
 DRAWN BY: DJH  
 SHEET NUMBER  
6  
 6 OF 391

Point of Beginning : North: 707903.53' East: 204854.44'

Segment #1 : Line

Course: S19°52'13"W Length: 1170.54'  
North: 706802.68' East: 204456.58'

Segment #2 : Curve

Length: 11.99' Radius: 45.03'  
Delta: 015°15'22" Tangent: 6.03'  
Chord: 11.96' Course: N57°15'42"W  
Course In: N25°06'37"E Course Out: S40°21'59"W  
RP North: 706843.46' East: 204475.69'  
End North: 706809.15' East: 204446.52'

Segment #3 : Curve

Length: 18.51' Radius: 200.00'  
Delta: 005°18'10" Tangent: 9.26'  
Chord: 18.50' Course: N45°53'30"W  
Course In: N41°27'25"E Course Out: S46°45'35"W  
RP North: 706959.04' East: 204578.94'  
End North: 706822.03' East: 204433.24'

Segment #4 : Curve

Length: 287.34' Radius: 398.17'  
Delta: 041°20'52" Tangent: 150.25'  
Chord: 281.15' Course: N69°47'27"W  
Course In: S40°52'59"W Course Out: N00°27'53"W  
RP North: 706520.99' East: 204172.63'  
End North: 706919.15' East: 204169.40'

Segment #5 : Line

Course: S89°54'51"W Length: 134.10'  
North: 706918.95' East: 204035.30'

Segment #6 : Curve

Length: 7.75' Radius: 25.00'  
Delta: 017°45'24" Tangent: 3.91'  
Chord: 7.72' Course: S81°02'09"W  
Course In: S00°05'09"E Course Out: N17°50'33"W  
RP North: 706893.95' East: 204035.34'  
End North: 706917.75' East: 204027.68'

Segment #7 : Line

Course: S72°09'27"W Length: 14.66'  
North: 706913.25' East: 204013.72'

Segment #8 : Curve

Length: 18.71' Radius: 40.00'  
Delta: 026°48'25" Tangent: 9.53'  
Chord: 18.54' Course: S83°18'48"W  
Course In: N20°05'24"W Course Out: S06°43'01"W  
RP North: 706950.82' East: 203999.98'  
End North: 706911.09' East: 203995.30'

Segment #9 : Line

Course: N83°16'59"W Length: 2.23'  
North: 706911.36' East: 203993.08'

Segment #10 : Curve

Length: 12.70' Radius: 15.00'  
Delta: 048°30'59" Tangent: 6.76'  
Chord: 12.33' Course: N59°01'30"W  
Course In: N06°43'01"E Course Out: S55°14'00"W  
RP North: 706926.25' East: 203994.84'  
End North: 706917.70' East: 203982.51'

Segment #11 : Line

Course: N34°46'00"W Length: 11.78'  
North: 706927.38' East: 203975.79'

Segment #12 : Line

Course: N40°33'04"W Length: 2.24'  
North: 706929.08' East: 203974.34'

Segment #13 : Curve

Length: 9.49' Radius: 11.00'  
Delta: 049°26'56" Tangent: 5.07'  
Chord: 9.20' Course: N65°16'32"W  
Course In: S49°26'56"W Course Out: N00°00'00"E  
RP North: 706921.93' East: 203965.98'  
End North: 706932.93' East: 203965.98'

Segment #14 : Line

Course: N90°00'00"W Length: 5.52'  
North: 706932.93' East: 203960.46'

Segment #15 : Line

Course: N00°29'04"W Length: 17.70'  
North: 706950.63' East: 203960.31'

Segment #16 : Line

Course: S89°47'46"W Length: 13.19'  
North: 706950.58' East: 203947.12'

Segment #17 : Line

Course: N00°12'14"W Length: 503.52'  
North: 707454.10' East: 203945.33'

Segment #18 : Line

Course: N04°05'07"E Length: 113.65'  
North: 707567.46' East: 203953.42'

Segment #19 : Line

Course: N00°12'14"W Length: 296.33'  
North: 707863.79' East: 203952.37'

Segment #20 : Curve

Length: 62.09' Radius: 198.50'  
Delta: 017°55'22" Tangent: 31.30'  
Chord: 61.84' Course: N17°52'21"E  
Course In: S81°05'20"E Course Out: N63°09'58"W  
RP North: 707833.04' East: 204148.47'  
End North: 707922.64' East: 203971.35'

Segment #21 : Curve

Length: 41.78' Radius: 68.50'  
Delta: 034°56'56" Tangent: 21.56'  
Chord: 41.14' Course: N44°18'30"E  
Course In: S63°09'58"E Course Out: N28°13'02"W  
RP North: 707891.72' East: 204032.47'  
End North: 707952.08' East: 204000.08'

Segment #22 : Curve

Length: 26.05' Radius: 198.50'  
Delta: 007°31'09" Tangent: 13.04'  
Chord: 26.03' Course: N65°32'33"E  
Course In: S28°13'02"E Course Out: N20°41'53"W

RP North: 707777.17' East: 204093.94'  
End North: 707962.86' East: 204023.78'

Segment #23 : Line

Course: N89°47'46"E Length: 443.24'  
North: 707964.44' East: 204467.01'

Segment #24 : Curve

Length: 393.90' Radius: 1218.24'  
Delta: 018°31'32" Tangent: 198.68'  
Chord: 392.18' Course: S81°03'59"E  
Course In: S00°19'45"E Course Out: N18°11'47"E  
RP North: 706746.21' East: 204474.01'  
End North: 707903.53' East: 204854.44'

-----

Perimeter: 3619.03' Area: 773769.04 Sq. Ft.

LEGAL DESCRIPTION

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE UNDERSIGNED WARRANT IT IS THE OWNER OF A PARCEL OF THAT PART OF THE SOUTH HALF OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 21; THENCE SOUTH 00°15'27" WEST ALONG THE EAST LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 21 A DISTANCE OF 55.00 FEET TO A POINT OF CURVE ON THE SOUTH RIGHT-OF-WAY LINE OF 40TH AVENUE AS DESCRIBED BY DEED RECORDED IN BOOK 5870 AT PAGE 406 OF SAID ADAMS COUNTY RECORDS, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 40TH AVENUE, HAVING A CENTRAL ANGLE OF 18°31'25", A RADIUS OF 1218.24 FEET AND AN ARC LENGTH OF 393.85 FEET, WHOSE CHORD BEARS SOUTH 81°03'50" EAST A DISTANCE OF 392.14 FEET TO THE NORTHWEST CORNER OF GATEWAY PARK IV EAST SUBDIVISION FILING NO. 22, RECORDED MARCH 22, 2018 AT RECEPTION NO. 201800023280 OF SAID ADAMS COUNTY RECORDS; THENCE SOUTH 19°52'13" WEST ALONG THE WEST LINE OF SAID GATEWAY PARK IV EAST SUBDIVISION FILING NO. 22 A DISTANCE OF 1161.39 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 44°45'34", A RADIUS OF 411.50 FEET AND AN ARC LENGTH OF 321.46 FEET, WHOSE CHORD BEARS NORTH 67°54'21" WEST A DISTANCE OF 313.35 FEET, THENCE SOUTH 89°42'52" WEST A DISTANCE OF 165.00 FEET; THENCE NORTH 16°16'34" WEST A DISTANCE OF 23.37 FEET; THENCE SOUTH 89°47'46" WEST A DISTANCE OF 50.68 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SALIDA STREET AS DEDICATED BY THE PLAT OF GATEWAY PARK IV EAST SUBDIVISION FILING NO. 1 RECORDED ON NOVEMBER 17, 1999 IN PLAT FILE 18 AT MAP NO. 142 AND AS DESCRIBED BY DEED RECORDED AT RECEPTION NO. C0810232 OF SAID ADAMS COUNTY RECORDS; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SALIDA STREET:

- 1. THENCE NORTH 00°12'14" WEST A DISTANCE OF 503.52 FEET;
2. THENCE NORTH 04°05'07" EAST A DISTANCE OF 113.65 FEET;
3. THENCE NORTH 00°12'14" WEST A DISTANCE OF 296.33 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND AS DESCRIBED BY DEED RECORDED ON DECEMBER 18, 2015 AT RECEPTION NO. 2015000105475 OF SAID ADAMS COUNTY RECORDS;

THENCE THE FOLLOWING THREE (3) COURSES ALONG THE SOUTHEASTERLY LINE OF SAID RECEPTION NO. 2015000105475:

- 1. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17°55'22", A RADIUS OF 198.50 FEET AND AN ARC LENGTH OF 62.09 FEET, WHOSE CHORD BEARS NORTH 17°52'21" EAST A DISTANCE OF 61.84 FEET TO A POINT OF COMPOUND CURVE;
2. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 34°56'56", A RADIUS OF 68.50 FEET AND AN ARC LENGTH OF 41.78 FEET, WHOSE CHORD BEARS NORTH 44°18'30" EAST A DISTANCE OF 41.14 FEET TO A POINT OF COMPOUND CURVE;
3. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 07°31'09", A RADIUS OF 198.50 FEET AND AN ARC LENGTH OF 26.05 FEET, WHOSE CHORD BEARS NORTH 65°32'33" EAST A DISTANCE OF 26.03 FEET TO THE NORTHEAST CORNER OF SAID RECEPTION NO. 2015000105475, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID 40TH AVENUE;

THENCE NORTH 89°47'46" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 40TH AVENUE A DISTANCE OF 443.24 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 40TH AVENUE, HAVING A CENTRAL ANGLE OF 00°00'07", A RADIUS OF 1218.24 FEET AND AN ARC LENGTH OF 0.04 FEET, WHOSE CHORD BEARS NORTH 89°47'50" EAST A DISTANCE OF 0.04 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 767,641 SQUARE FEET OR 17.622 ACRES, MORE OR LESS.

HAVE BY THESE PRESENTS LAID OUT, PLATED AND SUBDIVIDED THE SAME INTO LOTS AND BLOCKS AS SHOWN ON THIS PLAT UNDER THE NAME AND STYLE OF GATEWAY PARK IV EAST SUBDIVISION FILING NO. 26 AND BY THESE PRESENTS DO HEREBY DEDICATE TO THE CITY OF AURORA, COLORADO, FOR THE PERPETUAL USE OF THE PUBLIC, THE STREETS, AND EASEMENTS, AS SHOWN HEREON AND NOT PREVIOUSLY DEDICATED TO THE PUBLIC, OR SHOWN AS PRIVATE HEREON.

THE UNDERSIGNED AS MORTGAGE HOLDERS ON PART OR ALL OF THE HEREON SHOWN REAL PROPERTY, DO HEREBY AGREE AND CONSENT TO THE PLATTING OF SAID PROPERTY AS SHOWN HEREON.

EXECUTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, AD 20\_\_

OWNER:

MORTGAGE OR LIEN HOLDER(S) SIGNATURE(S) AND PRINTED NAME(S)

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS MONUMENTED AT THE SOUTH SIXTEENTH CORNER BY A CDOT 3.25-INCH ALUMINUM CAP IN A RANGE BOX STAMPED "1/2 20|21 T3S R66W 1994 PLS 232524" AND AT THE CENTER-SOUTH SIXTEENTH CORNER BY A FOUND 3.25 INCH ALUMINUM CAP STAMPED "LS38162", AS BEARING NORTH 89°47'46" EAST.

BENCHMARK

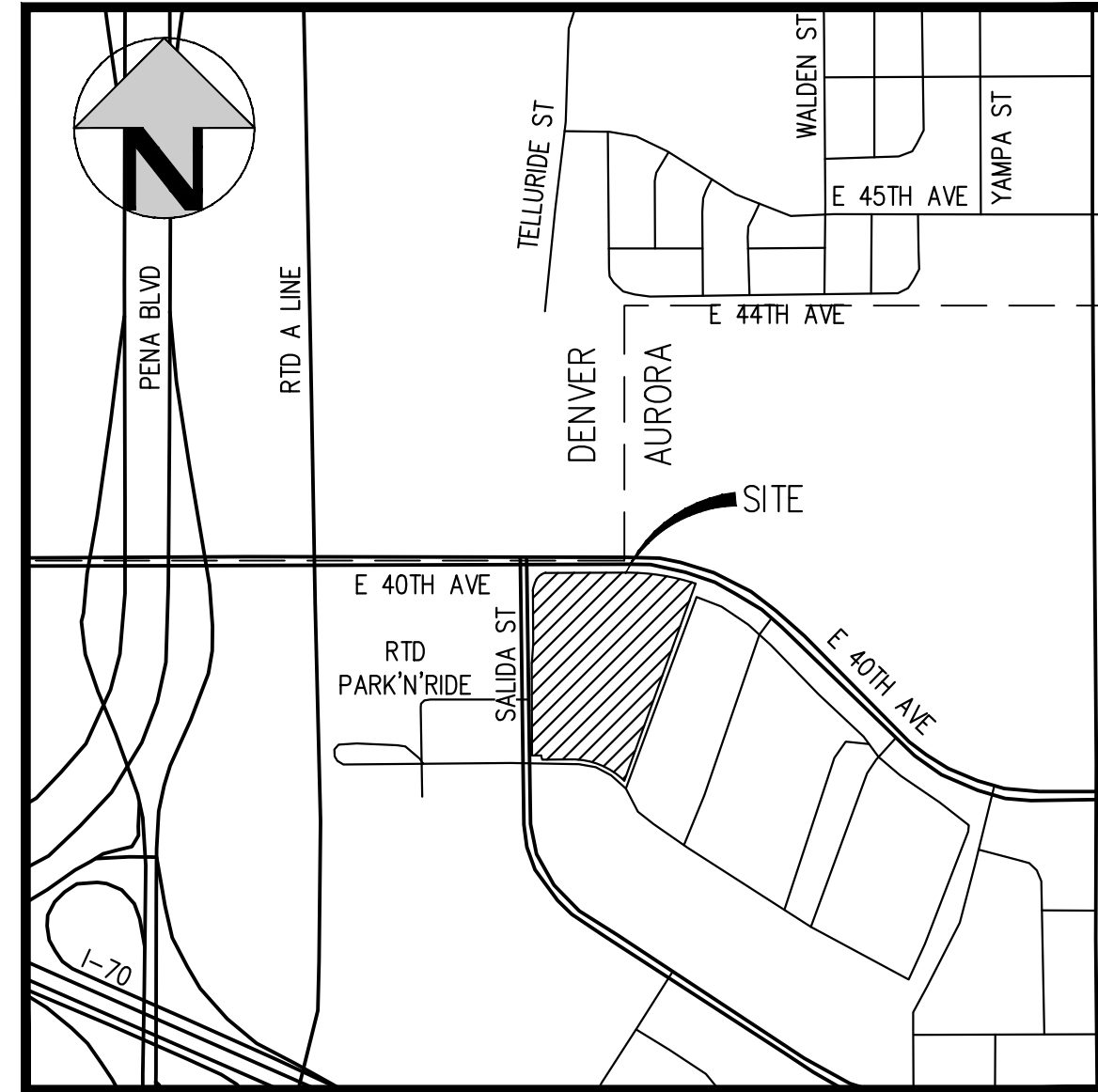
BENCHMARK IS A CITY OF AURORA BRASS CAP 356621SW005 AT THE NORTH SIDE OF EAST 40TH AVENUE CORNER 445 FEET EAST OF EAST 40TH AVENUE AND SALIDA STREET ON BACK OF A TYPE R STORM INLET, ELEVATION=5395.05, NAVD 88.

SITE DATA TABLE

Table with 3 columns: Category, Value, and Unit. Includes rows for Land Area, Building Count, Parking Spaces, etc.

FLATS ON THE A AT GATEWAY PARK
SITE PLAN WITH ADJUSTMENTS

SITUATED IN THE SOUTHWEST 1/2 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH P.M.
CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO



VICINITY MAP
SCALE: 1" = 1000'

SHEET INDEX

- 1 COVER SHEET
2 NOTES
3 SITE PLAN - NORTH
4 SITE PLAN - SOUTH
5 OVERALL UTILITY PLAN - NORTH
6 OVERALL UTILITY PLAN - SOUTH
7 GRADING PLAN - NORTH
8 GRADING PLAN - SOUTH
9 CLUBHOUSE ELEVATIONS
10 CLUBHOUSE ELEVATIONS
11 BUILDING 1 ELEVATIONS
12 BUILDING 2 ELEVATIONS
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14 CARPORT ELEVATIONS
15 MATERIAL BOARD
16 MATERIAL BOARD
17 LANDSCAPE COVER SHEET
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19 OVERALL LANDSCAPE PLAN
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21 LANDSCAPE PLAN
22 LANDSCAPE PLAN
23 LANDSCAPE PLAN
24 LANDSCAPE PLAN
25 LANDSCAPE PLAN
26 LANDSCAPE ENLARGEMENT
27 LANDSCAPE ENLARGEMENT
28 LANDSCAPE DETAILS
29 LANDSCAPE DETAILS
30 LANDSCAPE DETAILS
31 LANDSCAPE DETAILS
32 LANDSCAPE DETAILS
33 LANDSCAPE DETAILS
34 SITE PHOTOMETRIC PLAN
35 LIGHT FIXTURE SCHEDULE & SPECIFICATIONS
36 LIGHT FIXTURE SCHEDULE & SPECIFICATIONS
37 LIGHT FIXTURE SCHEDULE & SPECIFICATIONS

ADJUSTMENTS:

CODE SECTION 146-4.8.4.D MAXIMUM BUILDING LENGTH
THE MAXIMUM BUILDING LENGTH OF ANY MULTIFAMILY OR MIXED-USE BUILDING SHALL BE 200 FEET IN SUBAREAS B AND C.
REQUEST: THE APPLICANT REQUESTED THE ALLOWANCE FOR AN INCREASE IN THE MAXIMUM BUILDING LENGTH TO 432 FT.
JUSTIFICATION: TO BEST PROVIDE A TRANSITION OF CHARACTER ACROSS THE SITE, BUILDING FACES ARE PROPOSED TO VARY IN LENGTH FROM WEST TO EAST. BUILDINGS ALONG THE SALIDA ROW ARE PROPOSED WITH FACADES WHICH PARALLEL THE ROW, ENCOURAGING AN URBAN CHARACTER ALONG THE STREET FRONTAGE. AS BUILDINGS TRANSITION TO THE EAST TOWARD THE EXISTING INDUSTRIAL, BUILDING FACADES ARE ENCOURAGED TO LENGTHEN. THE MAXIMUM LENGTH OF A PROPOSED BUILDING FAÇADE OF THE MULTI-FAMILY BUILDINGS IS +/- 432 LF. WHILE IN EXCESS OF MAXIMUMS OUTLINED BY THE UDO, THE BUILDING IS AN APPROPRIATELY SCALED TRANSITION FROM THE ADJACENT EXISTING INDUSTRIAL BUILDING MEASURED AT +/- 870' LF. IN ADDITION, FUTURE COMMERCIAL BUILDINGS NEAR THE TRANSIT STATION AS WELL AS THE TO THE NORTH MAY BE UP TO 400' IN LENGTH. IN COMPARISON TO EXISTING AND ANTICIPATED ADJACENT BUILDING LENGTHS, THE PROPOSED BUILDING LENGTH PROVIDES A DESIRABLE TRANSITION IN SCALE. IN ADDITION, ALL MULTI-FAMILY BUILDING WILL PROVIDE VISUAL VARIETY BY CREATING SEGMENTATION OF THE FACADES EVERY 50' BY USE OF CONTRASTING MATERIALS AS WELL AS HORIZONTAL ARTICULATION. THESE ARCHITECTURAL ELEMENTS WILL HELP REDUCE THE VISUAL SCALE OF THE FAÇADE AS WELL AS CREATE VISUAL INTEREST.

CODE SECTION 146-4.7.9.M FENCES AND WALLS FOR OTHER DEVELOPMENT
MAXIMUM HEIGHT PERMITTED FOR FRONT YARD : FENCING : 48 INCHES
MAXIMUM SETBACK FROM BACK OF WALK : 4 FEET
REQUEST: THE APPLICANT REQUESTS THE INCREASE OF FRONT YARD FENCING HEIGHT PERMITTED FROM 48 INCHES TO 6 FEET AND A REDUCTION IN THE SETBACK OF FENCING FROM BACK OF WALK FROM 4 FEET TO 24 INCHES.
JUSTIFICATION: A MAXIMUM HEIGHT OF 6 FEET IS PERMITTED FOR BOTH SIDE AND REAR FENCING IN THE SAME CONDITION. ALLOWING FOR 6 FT IN HEIGHT CREATES A CONSISTENT AESTHETIC ALONG THE PERIMETER OF THE DEVELOPMENT, WHILE ALSO AIDING IN CONTROL ACCESS AND SAFETY OF THE RESIDENTS. IN ADDITION, A REQUEST TO REDUCE THE SETBACK OF THE FENCING FROM THE BACK OF WALK IS REQUESTED ALONG THE SALIDA STREET FRONTAGE SO AS TO PERMIT ADDITIONAL USABLE OPEN SPACE WITHIN THE INTERIOR OF THE SITE. AMENITIZED WALKING PATHS ARE PROPOSED FOR RESIDENTS IN THESE AREAS.

CODE SECTION 146-4.7.9.J.2 FENCES AND WALLS ALONG INTERIOR PROPERTY BOUNDARIES AND ALLEYS - LOCATIONS
FENCES AND WALLS SHALL NOT BE PLACED IN REQUIRED LOT BUFFER AREAS BUT SHALL BE LOCATED ON THE INNER EDGE OF INTERIOR BUFFER LINE WITH LANDSCAPING LOCATED ALONG THE EXTERIOR OF THE FENCE OR WALL.
REQUEST: THE APPLICANT REQUESTS FENCING AND WALLS BE LOCATED ON THE EXTERIOR BUFFER LINE.
JUSTIFICATION: DUE TO UNIQUE SITE CONDITIONS, INCLUSIVE OF AN EXISTING LANDSCAPE BUFFER PROVIDED ON THE ADJACENT PROPERTY, THE APPLICANT REQUESTS THAT THE FENCE/WALL BE PLACED ON THE EXTERIOR EDGE OF THE LANDSCAPE BUFFER REQUIRED FOR THE DEVELOPMENT, THEREBY LOCATING THE FENCE/WALL HALF-WAY BETWEEN THE EXISTING BUFFER TO THE EAST AND THE FUTURE BUFFER TO THE WEST. THIS WILL ALLOW FOR LANDSCAPING TO BE PROVIDED BETWEEN THE PARKING LOT AND THE PROPERTY LINE AS WELL AS ALLOW FOR EASE OF MAINTENANCE IN THE FUTURE.

OWNER'S SIGNATURE:

FLATS ON THE A AT GATEWAY PARK
THIS SITE PLAN AND ANY AMENDMENTS HERETO, UPON APPROVAL BY THE CITY OF AURORA AND RECORDER, SHALL BE BINDING UPON THE APPLICANTS THEREFORE, THEIR SUCCESSORS AND ASSIGNS. THIS PLAN SHALL LIMIT AND CONTROL ISSUANCE AND VALIDITY OF ALL BUILDING PERMITS, AND SHALL RESTRICT AND LIMIT THE CONSTRUCTION, LOCATION, USE, OCCUPANCY AND OPERATION OF ALL LAND AND STRUCTURES WITHIN THIS PLAN TO ALL CONDITIONS, REQUIREMENTS, LOCATIONS AND LIMITATIONS SET FORTH HEREIN. ABANDONMENT, WITHDRAWAL OR AMENDMENT OF THIS PLAN MAY BE PERMITTED ONLY UPON APPROVAL OF THE CITY OF AURORA.

IN WITNESS WHEREOF, \_\_\_\_\_ HAS CAUSED THESE \_\_\_\_\_ (OWNER)

PRESENTS TO BE EXECUTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, AD. \_\_\_\_\_

BY: \_\_\_\_\_ COPROPRATE SEAL (PRINCIPAL OR OWNERS)

STATE OF COLORADO \_\_\_\_\_ )SS COUNTY OF \_\_\_\_\_ )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, AD, \_\_\_\_\_ BY \_\_\_\_\_ (PRINCIPAL OR OWNERS)

WITNESS MY HAND AND OFFICIAL SEAL \_\_\_\_\_ NOTARY SEAL (NOTARY PUBLIC)

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY BUSINESS ADDRESS: \_\_\_\_\_

CITY OF AURORA APPROVALS:

CITY ATTORNEY: \_\_\_\_\_ DATE: \_\_\_\_\_

PLANNING DIRECTOR: \_\_\_\_\_ DATE: \_\_\_\_\_

PLANNING AND ZONING COMMISSION: \_\_\_\_\_ DATE: \_\_\_\_\_ (CHAIRPERSON)

CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_ (MAYOR)

ATTEST: \_\_\_\_\_ DATE: \_\_\_\_\_ (CITY CLERK)

DATABASE APPROVAL DATE: \_\_\_\_\_

RECORDER'S CERTIFICATION:

ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF \_\_\_\_\_ COLORADO AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M, THIS \_\_\_\_ DAY OF \_\_\_\_\_, AD, \_\_\_\_\_

CLERK AND RECORDER: \_\_\_\_\_ DEPUTY: \_\_\_\_\_

AMENDMENTS

Table with 2 columns: DATE, REVISION COMMENTS. Includes dates 03-26-2021 and 05-27-2021.

Table with 2 columns: ISSUE DATE, PROJECT #. Includes issue date 01-22-2021 and project # 201009.

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Filepath: <PATH> Layout: <LAYOUT> Number: <NUMBER> Project: <PROJECT> Date: <DATE> By: <NAME>

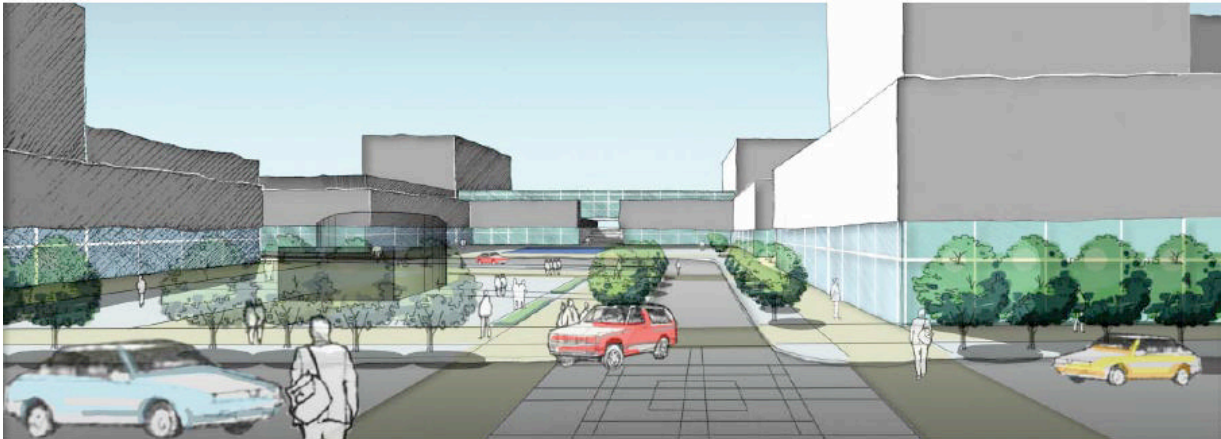
PROJECT #: 201009











# Gateway Park East Station Area Plan

A Framework for Transit-Oriented Development

City of Aurora  
David Owen Tryba Architects  
Fehr & Peers  
EDAW, Inc.

in consultation with

Regional Transportation District  
The Pauls Corporation  
City and County of Denver  
Denver International Airport

DECEMBER 2008

## Acknowledgements

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Steve Gordon, Comprehensive Planning Manager  
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 Ki-woo Kim

#### Fehr & Peers Transportation

Jeremy Klop, Transportation Planner

#### EDAW, Inc.

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 Mike Barber, Barber Architecture  
 Mike Turner, RTD

Derek Crider, RTD  
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# 1 Introduction

# 1 Introduction

## Purpose of the Gateway Park East Station Area Plan

This is an exciting time for Aurora – a time of change and opportunity. The Gateway Park East Station Area Plan is a product of the City of Aurora's commitment to create urban activity centers along the city's future commuter and light rail transit corridors.

FasTracks is the Regional Transportation District's (RTD) plan to complete a regional rapid transit system by 2017. Commuters throughout the metro region endorsed the \$4.7 billion investment in November, 2004 in order to have the transportation infrastructure in place to provide for the projected growth and transportation needs in the metro region. This comprehensive system will consist of commuter rail, light rail, bus rapid transit, circulator bus service, and park-n-Ride facilities. The FasTracks program includes 119 miles of new light rail and commuter rail, 18 miles of bus rapid transit service, 21,000 new parking spaces at rail and bus stations throughout the system, and expanded bus service.

The East Corridor will be a 23.6 mile commuter rail line connecting the intermodal transit hub at Denver Union Station and Denver International Airport (DIA). The transit line will connect employment areas, neighborhoods, and new development areas with these two destinations as well as with the I-225 light rail corridor and destinations in Aurora such as the Anschutz Fitzsimons medical campus, the Colorado Science and Technology Park, Aurora City Center, and Gateway Park.

There will be five FasTracks stations on the East Corridor, two of which are located in Aurora. The Peoria-Smith station will be the transfer station from the I-225 light rail line to the East Corridor commuter rail. The station at 40th Avenue and Airport Boulevard will be located in the center of the Gateway Park development as shown in Figure 1.

Gateway Park is a mixed-use development comprised of 1,300 acres at I-70 and Peña Boulevard, and is within the borders of Aurora and the City and County of Denver. Gateway Park lies on the east and west sides of Peña Boulevard, and this station area plan focuses on the eastern side, known as Gateway Park East, and the mostly undeveloped land surrounding the future 40th Avenue and Airport Boulevard station.

## East Corridor Environmental Impact Statement

The East Corridor Environmental Impact Statement (EIS) process assessed several transit technologies and decided upon electrical multiple unit (EMU) commuter rail.

These EMU cars are longer and heavier than the light-rail trains and will require

a 1,000 foot long raised platform. Electric power will be supplied through overhead wires. The proposed frequency of service will be at 15 minute intervals and the expected daily ridership in 2030 is projected to be 37,500 passengers per day. It is planned that the trip from Denver Union Station to DIA will take approximately 30 minutes.

The draft EIS is expected to be ready for public review and comment by early 2009 and completed by August of 2009. Construction of the East Corridor is scheduled to begin in 2011 with the opening of the line planned for 2015.

## Why Plan for Transit-Oriented Development

Transit-oriented development (or TOD) refers to the clustering of offices, homes, shops, lodging, and



Electric Motorized Unit (EMU)

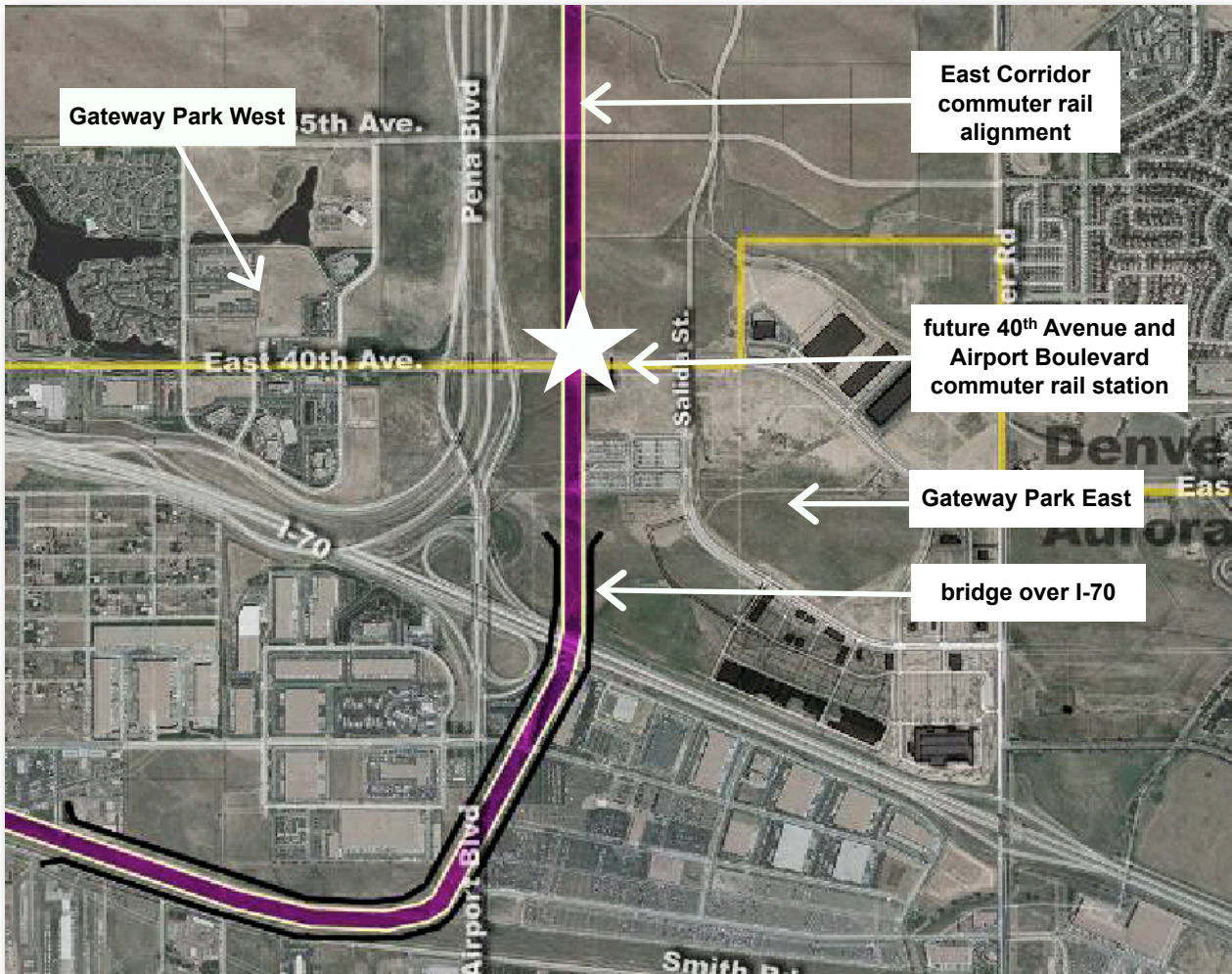


Figure 1. Proposed Alignment of East Corridor Commuter Rail at Gateway Park

services in close proximity to a rail station. This pattern typically involves compact development and a mixing of different land uses, along with amenities such as pedestrian-friendly streets, parks and plazas.

To be successful, TODs must serve a significant portion of trips by public transit, walking and biking, rather than by private automobile. While this does

not mean that residents in a TOD will give up owning a car, they are likely to own fewer cars and to drive less than residents living farther from transit. The result is that while not car free, they have more options to conduct the trips necessary in their daily lives.



The entire Gateway Park area benefits from good visibility from its location at the regional crossroads of I-70 and Peña Boulevard. Gateway Park has been evolving for 11 years with development occurring initially along both sides of E. 40th Avenue in Gateway Park IV West, and more recently in Gateway Park IV East adjacent to Tower Road. With its extraordinary highway and future rail transit infrastructure, Gateway Park East is a highly strategic development site. Gateway Business Park and the Pauls Corporation have responded to the opportunity for TOD through a two-step approach by developing commercial uses responding to the market now, and by planning for a future denser,

compact urban form occurring adjacent to the future station.

The goal of this station area plan is to articulate the vision developed through the planning process that recognizes Gateway Park's strategic location and maximizes the use and benefits of the commuter transit. The station at 40th Avenue and Airport Boulevard station has the potential to create a mixed-use hub for Gateway Park, the City of Aurora, and the City and County of Denver. Figure 1 shows the location of Gateway Park East, the proposed alignment of the commuter rail along Smith Road and Peña Boulevard, the elevated track over I-70, and the lowered 40th Avenue.

### Purpose

While TOD offers housing, travel, retail and commercial opportunities, it also presents its own set of challenges. For the Gateway area, it is how to best integrate the commuter station into a compact urban form and allow all the competing uses such as commuter parking and new development in a sequential and beneficial manner.

The Gateway Park East Station Area Plan is the outcome of a planning process undertaken by the City of Aurora in partnership with Gateway Business Park to:

1. **Inform the East Corridor EIS of the desired location for the 40th and Airport station and recommend infrastructure improvements;**
2. **Establish common goals for Gateway Business park, the City and County of Denver and the City of Aurora;**
3. **Establish a sequential and comprehensive framework for the development of the land adjacent to the 40th and Airport station;**
4. **Determine the scope of proposed transportation and other infrastructure improvements associated with transit-oriented development and identify implementation strategies; and**
5. **Guide the character of development within the TOD area through timely rezoning.**

## Objectives

This plan presents the long term vision for the station area, showing concepts on the intensity of development that can occur adjacent to and on both sides of E. 40th Avenue. This guiding document defines planning principles, planning concepts, land use recommendations, general design guidelines, and implementation strategies for the defined TOD study area.

All Aurora's station area plans further articulate the policies of the 2003 Aurora Comprehensive Plan. They outline guiding planning principles together with the neighborhood character and identity. Development principles, concepts and guidelines together with TOD zoning provisions are the result.

The objectives of the Station Area Plan are to:

---

### 1. Transit-Oriented Development

- Identify the extent of an area that should be planned for transit-oriented development;
- Establish a clear identity for Gateway Park at the future transit station;
- Allow for high density and flexibility in development options for the land within the station area plan;
- Provide open space amenities that serve the new land uses and establish a comfortable, attractive and lively public realm;
- Concentrate office and lodging uses within walking distance of the station; and
- Provide a safe pedestrian and bicycle access as part of the grade-separated station over E. 40th Avenue.

---

### 2. Transportation

- Present concepts that incorporate development and locate the 40th Avenue and Airport boulevard station so that they benefit transit riders, RTD operations, and development opportunities;
- Minimize the impact of the commuter rail operations on E. 40th Avenue pedestrian and vehicular traffic; and
- Investigate alternate locations for commuter parking from that now available on the existing RTD park-n-Ride lot.

---

### 3. Urban Design

- Develop a station identity that represents Aurora and Gateway Park since it is the first FasTracks station encountered when leaving DIA (funding for two other intervening stations are not part of the FasTracks program); and
  - Create a compact, mixed-use development with flexible block sizes and pedestrian-oriented activities adjacent to public spaces.
-

### Project Partners and the Planning Process

The property around the station is under one ownership and the property owner worked closely with the city and the station area plan consultants. In January of 2006, the City of Aurora and Gateway Business Park retained a consultant team lead by David Owen Tryba Architects to develop a station area plan for the proposed FasTracks station at 40th Avenue and Airport Boulevard.

One of the first questions that arose was where the most appropriate location of the station should be to create a compact, transit-oriented development area. Since the site around the proposed station is undeveloped and within Gateway Business Park, the planning process involved two stakeholder workshops and a series of regular planning meetings. The planning team consisted of the staff from the City of Aurora, representatives from the Gateway Business Park and the Pauls Corporation, RTD, DIA, and the City and County of Denver.

The first stakeholder workshop was held on February 23, 2006 with representatives from the Pauls Corporation, Gateway Business Park, Denver International Airport, RTD East Corridor team, City and County of Denver, and City of Aurora. The key ideas that surfaced in this workshop have provided the basis for the concepts developed in this study. These ideas are:

- There is a desire to plan for increased densities over time so a multi-step approach to increasing the density should occur;
- The station should be moved to the north closer to E. 40th Avenue. It was proposed and agreed that the trackway should be elevated over E. 40th Avenue and that the station should also be centered and span over 40th Avenue;
- High density, transit-oriented development is desirable on both the north and south sides of E. 40th Avenue;
- Structured parking should be part of new developments as densities and economics allow;
- The existing detention pond is in an area best suited for future development. There is a strong preference to relocate the existing pond into the Peña Boulevard right-of-way; and
- The existing RTD park-n-Ride lot should be relocated within the Peña right-of-way when the level of development dictates.

The second stakeholder workshop was held on May 4, 2006 to discuss the concepts, alternatives, the location and character of public plazas, the approach to zoning, and the options for the location of the RTD commuter park-n-Ride lot.

The major idea that the project team recommended to the East Corridor EIS team was to provide a grade separated commuter rail crossing at E. 40th Avenue with an elevated station spanning E. 40th Avenue. Since the commuter rail required a major structure to cross I-70 and Airport Boulevard, the team advocated the benefits of continuing this structure across E. 40th Avenue and requested that RTD prepare a cost estimate to identify the incremental cost of the structure. RTD provided an estimate of approximately \$40 million for the structure and questioned the necessity of the grade separation.

To prepare a more detailed transportation assessment, the Pauls Corporation retained Fehr & Peers to prepare trip generation estimates using ITE's Trip Generation methodology and land use density assumptions from the station area plan. The results of this Gateway Park East Transportation Study identified traffic volumes higher than the DRCOG

regional travel demand model estimates for E. 40th Avenue. This study is included in Appendix B.

Fehr & Peers was subsequently retained by the Pauls Corporation to analyze the level of service (LOS) operations and the queuing spill-back at the 40th Avenue/Peña Boulevard interchange using the micro-simulation program VISSIM. The VISSIM model included the two signalized intersections at 40th Avenue and Peña Boulevard. The model indicated that both intersections would require roadway improvements to meet the forecast traffic demand.

In September, 2007 the Pauls Corporation proposed to the City of Aurora that E. 40th Avenue be lowered beneath the commuter rail alignment instead of the elevated structure approach. The City supported the proposal and the Pauls Corporation presented it to RTD for their review. In early 2008, RTD approved the concept with the understanding that the additional costs for grade separation would be paid by others. RTD is currently considering including the E. 40th Avenue grade separation in the preparation of the East Corridor EIS documents.

### Organization of the Plan

This plan is organized into five sections:

Section 2 - contains a brief study area inventory and analysis. It identifies existing conditions in the area and looks at the regional context. It examines pedestrian, vehicular and transit movements.

Section 3 - presents the vision for the Gateway Park East station area.

Section 4 - identifies implementation strategies for the infrastructure improvements and private property development scenarios.

Section 5 - contains zoning guidance for transit-oriented development.

The appendices contain the details of concept development and the Transportation Study by Fehr & Peers.

### How to Use this Plan

This plan is a guiding document meant to provide a flexible framework for creating a compact, mixed-use employment area adjacent to the transit station, according to key planning principles identified by the stakeholders. This plan also presents proposed design standards and TOD Zoning guidance. Applicants are to use this document as a guide in the development of site plans within the study area.

The Gateway Park East Station Area Plan will be adopted by ordinance and incorporated by reference into both the Aurora Comprehensive Plan and the City of Aurora's Building and Zoning Code. Where there are differences between the Code and this Station Area Plan, the guidelines contained in this plan shall apply.

The implementation of this plan is proposed as follows:

- the East Corridor Draft Environmental Impact Statement is completed and includes the grade separation of the commuter rail tracks and E. 40th Avenue by the lowering of 40th Avenue;
- Intergovernmental Agreement (IGA) between the various parties is completed;
- the East Corridor is designed and construction commences; and
- land within the study area is rezoned.



## 2 Overview and Existing Conditions

## 2 Overview and Existing Conditions

### Location and Context

Gateway Park is a 1,300 acre mixed-use area with office, hotel, retail, residential, warehouse distribution, and manufacturing uses approximately five miles from the Aurora City Center and 10 miles from DIA. It is primarily an employment center with approximately 8,000 jobs (as of 2008) and hotels, residential and retail uses can be considered supporting elements to this primary use.

The section of Gateway Park west of Peña Boulevard is largely built out with multi-story office buildings, several hotels, restaurants, and one light manufacturing facility. Prominent companies, such as Prologis, Lockheed and Boeing have national headquarters and offices in this development. Nearly 1,000 residential units, both rental and ownership, are located around a twenty-three acre lake north of 40th Avenue and connected to adjacent uses by a pedestrian and bicycle trail.

On the east side of Gateway Park, uses adjacent to Tower Road and I-70 have recently been constructed, including large format retail buildings with a “green” Wal-Mart and a Home Depot. A variety of other commercial uses such as retail, office, and restaurant are being developed along the Tower Road frontage.

The East Corridor commuter line is planned to be adjacent to the western boundary of Gateway Park IV East, within the Peña Boulevard right-of-way. The proposed alignment includes a major elevated structure over Airport Boulevard and I-70.

### Surrounding Land Uses

The area south of I-70 is a well-established industrial area characterized by offices, large warehouse, distribution and manufacturing buildings. This is a major employment corridor that extends along the interstate between I-25 and the Aurora city limits.

The Airport Boulevard and I-70 intersection is an important and busy access point to this industrial area and points east and west.

The nearest existing residential neighborhoods are in Denver: Green Valley Ranch east of Tower Road, and Montbello, west of Chambers Road. Both of these are primarily single family neighborhoods and are over one mile away from the future station. A new residential neighborhood is under construction south of East 48th Avenue and wraps around a school campus. The City and County of Denver has recently been updating their “Gateway Plan” and has identified transit-oriented development as the proposed land use for the approximately 60 acre area north of E. 40th Avenue owned by the Gateway Business Park.

### The Study Area

The vacant land surrounding the station is considerable, totaling about 400 acres of undeveloped or “greenfield” land east of Peña Boulevard. Portions of this area can be developed to take advantage of proximity to the station since most of it is within the ½ mile radius of the station. The width of the Peña right-of way forms an effective barrier to the concept of a 360 degree TOD. Due to this, one objective of this plan has been to create a north-south pedestrian connection as part of the elevated transit station spanning E. 40th Avenue. This Station Area Plan concentrates on the “core” of this 400 acres, an area of approximately 140 acres north and south of E. 40th Avenue within a ¼ mile radius of the proposed station. This study area is comprised of approximately:

- 50 acres of Pauls Corporation owned land north of E. 40th Avenue;
- 35 acres of Pauls Corporation owned land south of E. 40th Avenue;



Figure 2. Study Area “Core” and Station “Area of Influence”

- 16 acres of RTD land (existing park-n-Ride and bus transfer facility);
- 20 acres in the Peña right-of-way north of E. 40th Avenue; and
- 18 acres in the Peña right-of-way south of E. 40th Avenue.

Within the Aurora city limits, the study area consists of approximately 69 acres south of E. 40th Avenue.



### Existing Land Uses in the Study Area

The existing land uses within the one-half mile radius surrounding the future station location consist of several hotels, office, and retail and restaurant buildings on the west side of the commuter rail alignment. On the east side, are Roth Distribution, a kitchen appliance showroom located north of E. 40th Avenue, the RTD commuter parking lot, and a sub-regional detention pond (Figure 3).

The RTD park-n-Ride lot is accessed from North Salida Street and has 1,079 parking spaces and twelve bus bays. This serves as the bus transfer location for bus routes 43, 44, 153, 48X, AB (Boulder/DIA), AF (Cold Spring/Downtown/DIA) and AT (Arapahoe County/DIA). Since there is no charge for parking, this park-n-Ride lot is continuously full. This has been problematic as the commuter parking is pre-empted by long-term parking, and the Gateway Business Park has identified that during holidays, there is overflow parking onto the adjacent streets, and cars are towed. This approximately 15 acre site is owned by RTD.

The detention pond south of E. 40th Avenue, called "Irondale Drainage Basin Pond C", has an area of approximately four acres. The pond's location interferes with lowering E. 40th Avenue and it should be relocated into the Peña Transportation Corridor.

### Existing Zoning

Existing Aurora zoning in the study area is Medium Industrial District (M-2 District) which allows for a broad range of manufacturing, warehouse, office and office showroom uses. The study area is within the Building Height Overlay District and there is no height limitation. The existing built large-format retail and the office and service uses to the east of the study area and adjacent to Tower Road are zoned Highway Service District (B-3 District) as is the hotel and office

area west of Peña Boulevard. Residential uses are not permitted in the existing Aurora zoning. Residential uses are allowed on the lands within the City and County of Denver.

### Existing Transportation

The major east-west connector is 40th Avenue with a traffic volume of approximately 15,000 vehicle trips per day west of Peña Boulevard, and approximately 8,000 vehicles per day east of Peña Boulevard. Tower Road is a major north-south arterial with approximately 26,000 vehicles per day.

### Peña Boulevard Transportation Corridor

The purpose of Peña Boulevard is to provide convenient access to DIA. The ten mile long freeway begins at I-70 and ends at the airline terminal and is owned and maintained by the City and County of Denver. The vehicular traffic on Peña Boulevard is forecast to grow 60 to 90 percent in the next 25 years due in part to the traffic generated from the development of surrounding lands. As a result, the Denver International Airport has prepared a "Concept Plan" for the Peña Boulevard Transportation Corridor. The plan includes widening Peña Boulevard in the future by adding one additional lane to both the northbound and southbound traffic, with the widening taking place towards the existing center median. A collector and distributor roadway system is proposed to be located about 250 feet on either side and outside of the existing travel lanes. This collector/distributor roadway parallel to Peña Boulevard will carry the local traffic from the development of the lands in the Denver-Aurora Gateway area. It is important to note that the financing grants for Peña Boulevard stipulated that the roadway is to primarily serve airport-only traffic.

In the vicinity of the 40th Avenue and Airport station, the Peña Boulevard right-of-way is approximately



Figure 3. Proposed Alignment of East Corridor Commuter Rail at Gateway Park

2,000 ft. wide. Peña Boulevard has been designated an official bicycle route and this makes it possible for cyclists to ride to and from DIA.

#### **Pedestrian and Bicycle Connections**

A portion of a 10 foot wide pedestrian and bicycle pathway has already been built along Airport Way on the west side of the Peña Boulevard right-of-way and is proposed to extend to DIA.

#### **Landscape Character and Views**

A drainage way and potential pedestrian connection runs diagonally east-west through the Gateway Park East between Tower Road and Salida Street, south of and approximately parallel to E. 40th Avenue. This drainage way is a potential pedestrian way and greenbelt. A future detention pond is planned as part of this drainage way on the east side of Salida.

The topography is relatively flat and there are scenic views from the site to the mountains in the west.

## 3 The Vision

### 3 The Vision

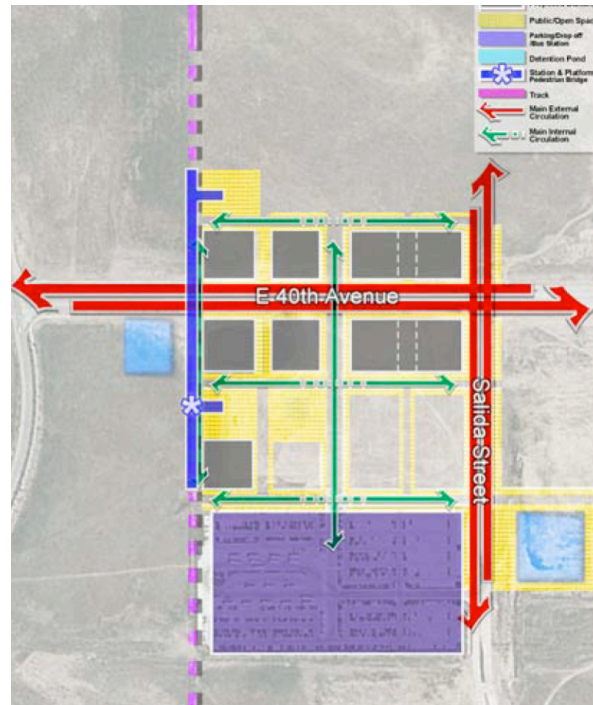
#### Development of the Vision

Building on the foundation of stakeholder interests and site conditions analysis, the station area planning process developed a vision for the “core” area on the north and south sides of 40th Avenue, on lands owned by Gateway Business Park in the cities of Aurora and Denver. A vision statement was developed with input from a larger stakeholder group in two workshops.

“Create notable, active, maintainable places that can evolve, grow and change over time into a vibrant mix of moderate to high density pedestrian-oriented uses with strong connections to multi-modal transit and an integrated station, and where people would want to work, live, shop and gather in a beautiful, safe and convenient environment.”

The vision is to create a pedestrian-oriented mixed-use area that may be more of an employment area south of 40th Avenue, and a mixed-use area north of E. 40th Avenue. The challenge is to link these two areas together to create a vital, dense and recognizable urban area. There were several alternative locations studied for the location of the station. The pros and cons of an elevated versus an at-grade station were analyzed in the context of transportation and congestion impacts, ease of access, development potential and feasibility. The result is a recommendation for a framework strategy that has:

- A grade separated commuter rail line at E. 40th Avenue with 40th Avenue lowered beneath the track;
- An elevated station that spans E. 40th Avenue and provides access to the station from both the mixed-use areas south and north of E. 40th Avenue;



**Figure 4. Grade separation and the elevated station. The concept illustrates a possible level of development in 2020, five years after the opening of the station.**

*The colors represent the following:*

*Gray – buildings*

*Yellow – public plazas*

*Purple – surface and structured parking*

- A street system that is oriented to the pedestrian, with a street grid that allows for block lengths that are a recommended length of 300 to 600 feet, on-street parking, and wide sidewalks with street trees and furniture;
- A central plaza that is an important civic place;

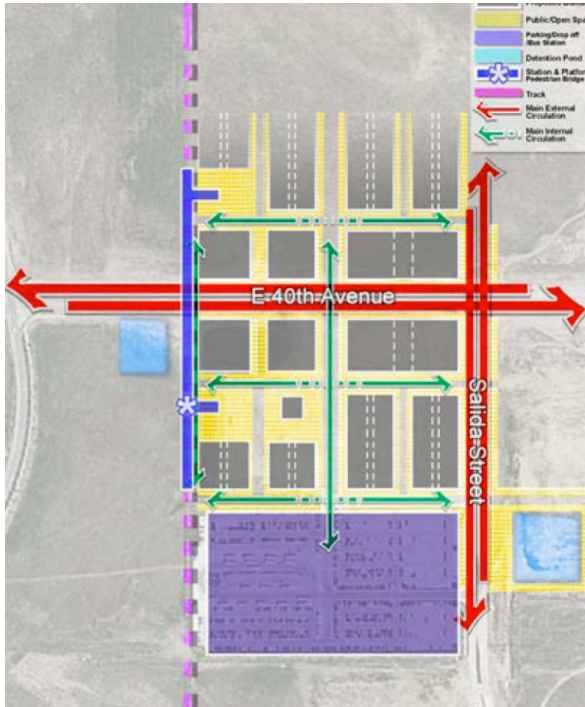


Figure 5. Possible development scenario in 2030.

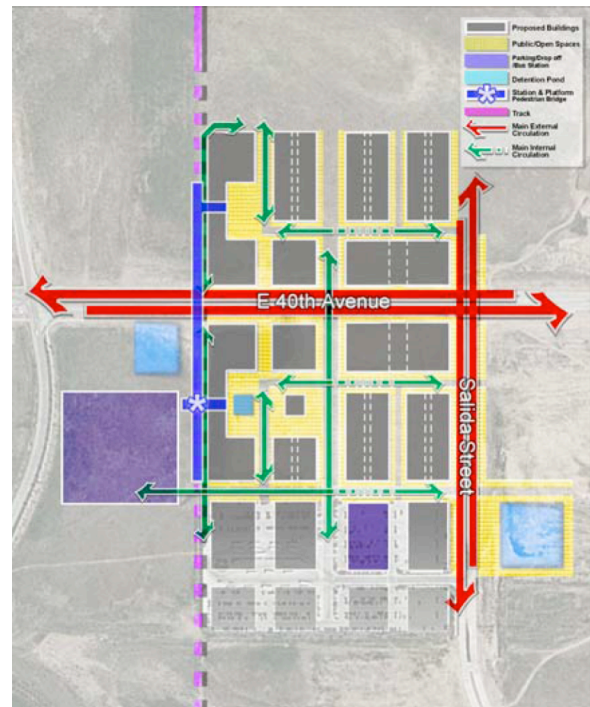


Figure 6. Possible phasing scenario at build-out (2035 or later)

- The existing commuter parking and bus transfer facility relocated to the Peña Boulevard right-of-way;
- Buildings that are of moderate to high density (in the range of 4 to 9 stories) and with no height limit specified in the zoning;
- The existing detention area relocated to the Peña right-of-way; and
- The I-70 bridge structure is recommended to be a structure that does not limit views to the commercial land lying north of I-70 and be a visually attractive landmark.

### **Grade Separation, the Preferred Concept – an emphasis on connections**

The proposed grade separation at E. 40th Avenue accomplishes three objectives. First, it removes any potential vehicular-train conflicts that could result in increased traffic congestion or accidents. Secondly, it provides a safer environment for pedestrians accessing the station from the hotel and office uses to the west. Third, with the addition of the station as part of the elevated structure, the station spans E. 40th Avenue and provides direct access to the station from future transit-oriented developments on both sides of E. 40th Avenue in both Aurora and Denver.

Figures 4, 5 and 6 illustrate the phasing of development that could occur when key infrastructure improvements occur.

The key features of the concept are:

#### **A. Grade separation of E. 40th Avenue and an elevated station**

The elevated station provides for a pedestrian crossing of E. 40th Avenue without the need for additional pedestrian bridges. Traffic volumes on E. 40th Avenue will continue to increase. The Gateway Park East Transportation Study projected a daily vehicular volume in 2030 of close to 50,000 at Airport Boulevard and 40th Avenue. One way to integrate development on both sides of 40th Avenue and create more TOD opportunities is with the station connection. The elevated station eliminates the need for pedestrian bridges and allows direct pedestrian access to the station from transit-oriented developments both north and south of 40th Avenue. The concepts below illustrate how the station access points from the north and south could be adjacent to a public plaza. These plazas would be attractive focal areas for the surrounding developments.

The elevated station also provides a unique “landmark” opportunity for Gateway, the City of Aurora, and the City and County of Denver where the architecture and construction materials could present a distinct identity for the station and TOD.

#### **B. Detention pond and RTD parking relocation to the Peña Transportation Corridor**

Given the barrier that Peña Boulevard presents to 360 degree TOD development, this would be in part offset by locating surface parking and the existing detention pond west of the commuter line. Relocating the RTD commuter parking into the Peña right-of-way provides the opportunity for the existing lot to be developed for buildings. Relocating the detention pond into the right-of-way maximizes the TOD development potential and provides an opportunity to have a water feature or pond at the entry to the TOD area. The relocation is a pre-requisite to lowering E. 40th Avenue.

#### **C. Land Uses**

Commercial land uses are preferred south of 40th Avenue and residential and mixed-use are the desired uses north of 40th Avenue. The buildings could be in the range of 5 to 9 stories and no height limits would be enforced. An urban street grid is proposed with a recommended maximum block length of 600 feet.

#### **D. Public Spaces**

The urban plazas adjacent to the station access points serve as the central organizing feature for new development. These spaces are important elements to provide “green” spaces and an active focus for surrounding ground floor uses. The size is to be determined based on intensity and density of uses in future development. Considerations to be determined include



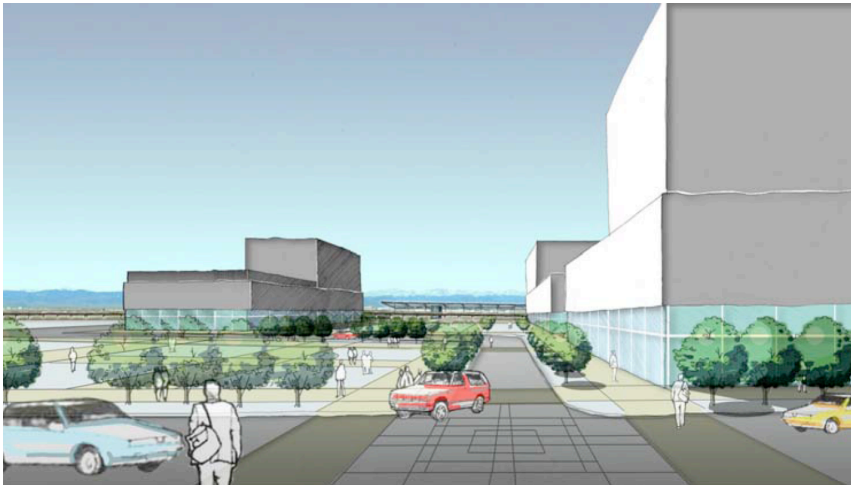
Figure 7. Bird's-eye view looking east with the commuter rail station spanning 40th Avenue. This illustrates the “2020” concept. (Building heights are conceptual.)

maintenance and construction obligations. The public spaces are to meet the city of Aurora’s Small Urban Parks criteria.

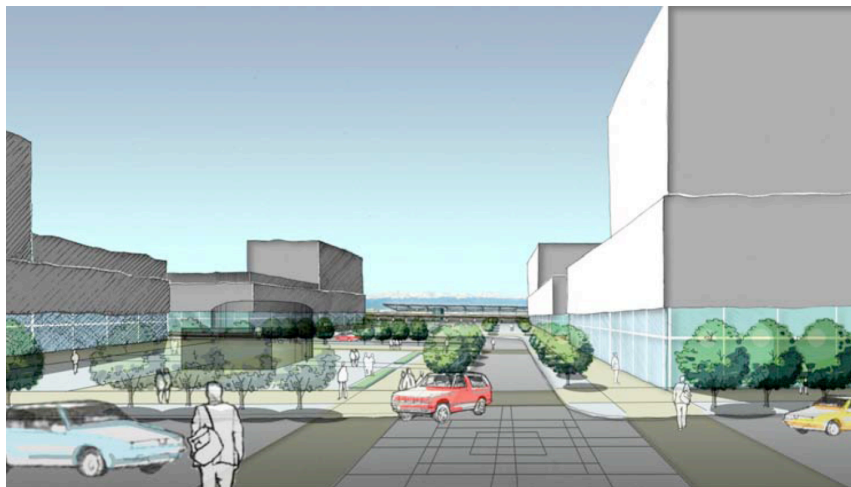
#### E. Development Phasing

The concepts in Figures 8, 9 and 10 depict the possible progression of development in five and 10 year increments. The initial actions required are the lowering of 40th Avenue and the relocation of the detention pond.

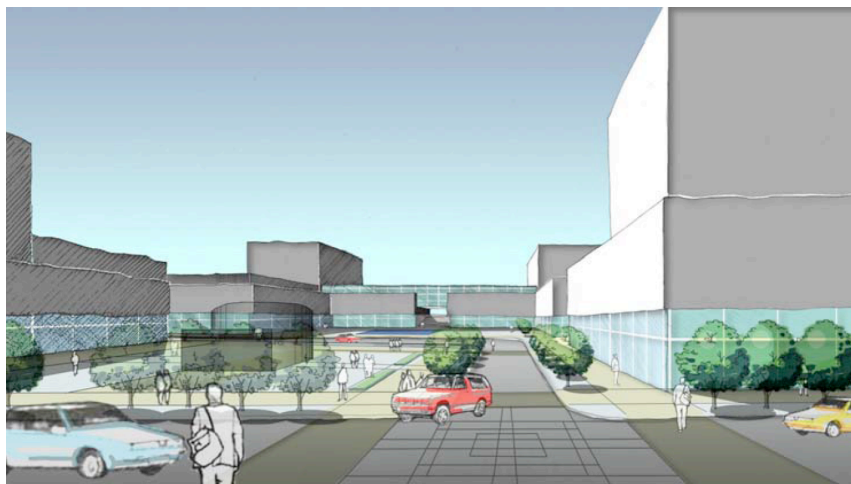




**Figure 8.**  
View looking west from the plaza area. This view corresponds with the “2020” concept in Figure 4.



**Figure 9.**  
View of plaza with additional development, corresponding to the concept in Figure 5.



**Figure 10.**  
View of plaza area at build-out, corresponding with the concept in Figure 6.

### Plazas and Public Spaces

Plazas at both entrances to the station are recommended as gathering places and to provide visual amenities for the adjacent uses. Water was considered as a possible thematic element for the plazas, due to existing detention area and the need for a second one in the future.

The scale of the plaza is important in the context of the surrounding development. It is envisioned that this TOD would be mixed-use, with the employment, restaurants, hotel and retail uses concentrated south of 40th Avenue. This would be hub of the TOD, and as such should have an appropriately sized plaza to accommodate casual use as well as planned events.

The examples of well-known public spaces illustrated on the following page show the following:

- Pioneer Courthouse Square in Portland is the size of one downtown block, and is 240 feet by 240 feet.
- Englewood CityCenter’s plaza links the light rail station with a mainstreet. The plaza is 500 feet long and 300 feet wide.
- The semicircular plaza at Stapleton town center is at one end of the central park and measures 200 by 230 feet.

### Recommendations

- While the plazas should be generally paved, they should also include focal elements that include public art and potentially water. Trees, shrubs and flowers should all be incorporated into the plaza design.
- The minimum size of the plaza (south of 40th Avenue) should be meet the requirements of the city of Aurora’s Small Urban Parks criteria, and provide activity space for office workers and residents.

- Buildings on the south side of the plaza should not overshadow the plaza.
- A roadway can circle the plaza but the roadway should be narrow so that this is defined as a pedestrian area.
- Should parking structures be developed, their pedestrian entrances should be located so that pedestrians would walk from the parking structure to the transit station and through the plaza.



Figure 11. Plaza with pond  
(Ross Landing Park, Chattanooga, TN)

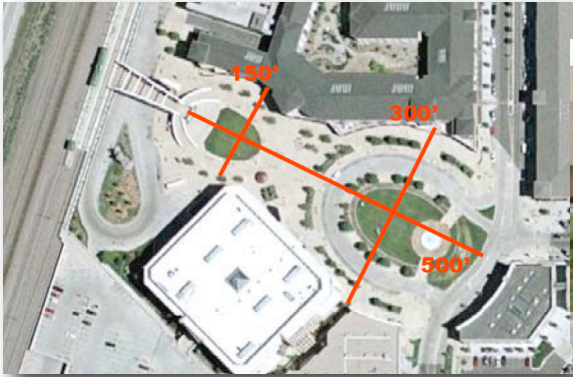


Figure 12 and 13. Englewood CityCenter

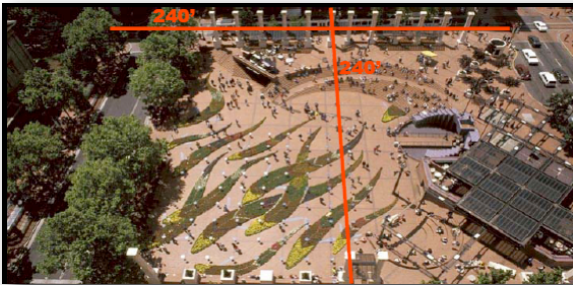


Figure 14 and 15.  
Pioneer Courthouse Square, Portland, OR



Figure 16.  
Stapleton Town Center, Denver, CO

### The Grade-Separated Commuter Rail Station

The concept for the elevated commuter rail station arose from the workshops held early in the study. Since the initial concept for the elevated commuter rail line was considered too costly, the proposed lowering of E. 40th Avenue would still accomplish the goal of having a commuter rail station that is easily accessible from both sides of E. 40th Avenue. The figure below illustrates a concept of how this station may appear from E. 40th Avenue. A canopy structure would provide weather protection for the commuters, and the design of the station and bridge structure could be the “landmark” element that the workshop participants advocated.

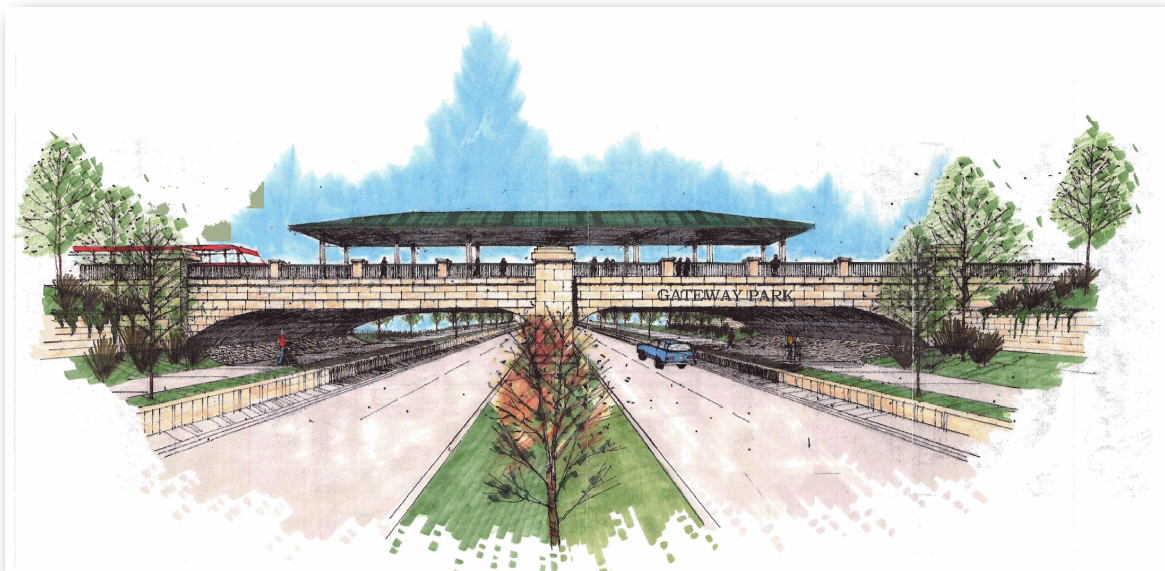


Figure 17. Concept for the proposed grade-separated commuter rail station



## 4 Implementation

## 4 Implementation

The Gateway Park East Station Area Plan presents a long-term vision for redevelopment around the future 40th Avenue and Airport Boulevard station and this section outlines the initiatives and priorities for short-term and long-term infrastructure development.

The most important infrastructure improvement is the lowering of E. 40th Avenue beneath the commuter rail line and the associated need to relocate the existing detention pond to the Peña Boulevard right-of-way. The lowering of E. 40th Avenue cannot be accomplished without the relocation of the pond due to engineering and drainage requirements.

### Land Use Policy Changes

The recommendation of this plan is to encourage the development of a compact, dense commercial area adjacent to the transit station. The automobile-oriented character of the existing industrial zoned lands in the core of the study area (i.e., the 16 acres south of E. 40th Avenue and west of Salida Street) is to be changed to a pedestrian-oriented, dense and mixed-use area.

Specific actions are:

1. **Adopt the Gateway Park East Station Area Plan;**
2. **Implement an IGA among the participants to specify funding and maintenance obligations;**
3. **Rezone to the Transit-Oriented Development Zoning District with the modifications made through Chapter 5 of this plan dependent on the timing of East Corridor commuter rail construction and market demand.**

### Infrastructure Improvements

Specific actions are:

1. Affirm that the E. 40th Avenue grade separation is included in the East Corridor Environmental Impact Statement as the preferred alternative;
2. Initiate the relocation of the detention pond to the Peña Boulevard right-of-way;
3. Identify the design and configuration of the commuter rail station;
4. Confirm that the commuter parking supply is adequate to meet the commuter rail line opening day projected demand at the station, taking into consideration the recommendations of the Aurora Corridor-Wide Strategic Parking Study;
5. Execute the intergovernmental agreement (IGA) which addresses the funding approach, maintenance, etc.; and
6. Initiate and prepare for the relocation of the RTD park-n-Ride to the Peña Boulevard right-of-way, as considered desirable and feasible through the continued consultation of the study's partners.

Timing of any re-zoning may be undertaken by the property owner when deemed practicable during or after the design and construction of the East Corridor commuter rail line.

## 5 Guidance for Transit-Oriented Development Zoning



# 5 Guidance for Transit-Oriented Development Zoning

## Purpose of this Section

This chapter identifies the primary goals to be implemented through zoning in the Gateway Park East station area. The purpose of this chapter is to provide zoning guidance that identifies modification to the City of Aurora's Transit-Oriented Development (TOD) Zoning District to ensure that the development meets the goals of this Gateway Park East Station Area Plan. The user should reference both this chapter and Section 146-725 Transit-Oriented Development Zoning District in the City of Aurora Building and Zoning Code.

The Development Standards and Guidelines in this chapter are specifically intended to address new development and redevelopment proposals. The standards establish a consistent design framework to ensure quality in future developments. If there is a conflict between the standards provided for in the

City of Aurora Building and Zoning Code, the standards of this section shall apply.

## Sub-Districts

This section presents revisions to Sec. 145-727 (B), and the following map shows the extent of the Core sub-district. The area defined as the study area in this station area plan shall be considered as a Core-sub-district.

### 1. Core Sub-District

- a. *Location.* This sub-district includes the land south of E. 40th Avenue, west of Salida Street, and includes the RTD property.
- b. *Uses.* This zone includes medium to high intensity commercial, residential, hotel, civic, and entertainment uses. Ground-floor commercial uses are encouraged to occur along the street frontages and surrounding any public parks or plazas.

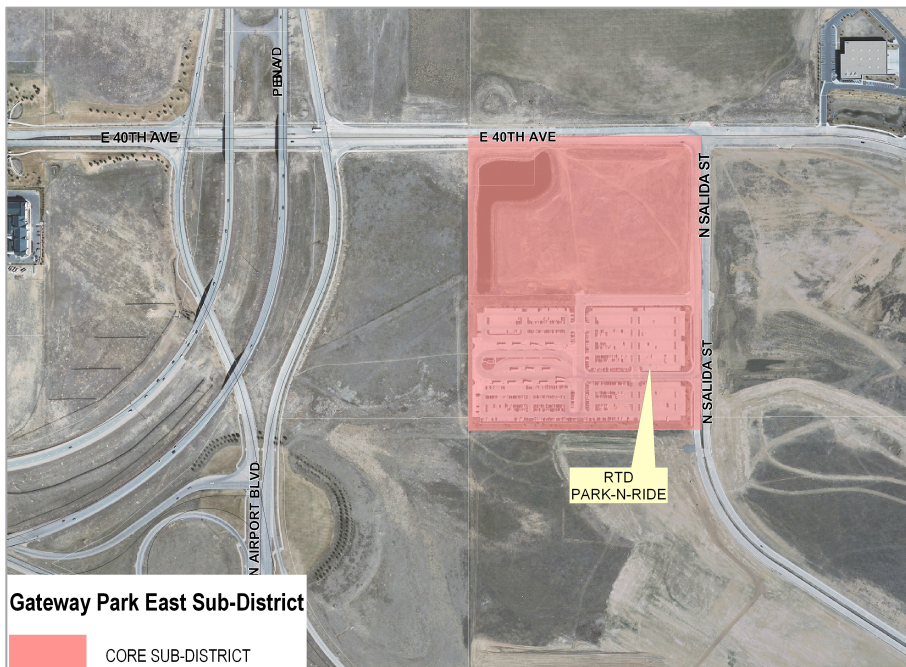


Figure 18. Gateway Park East Station Area Core Sub-District

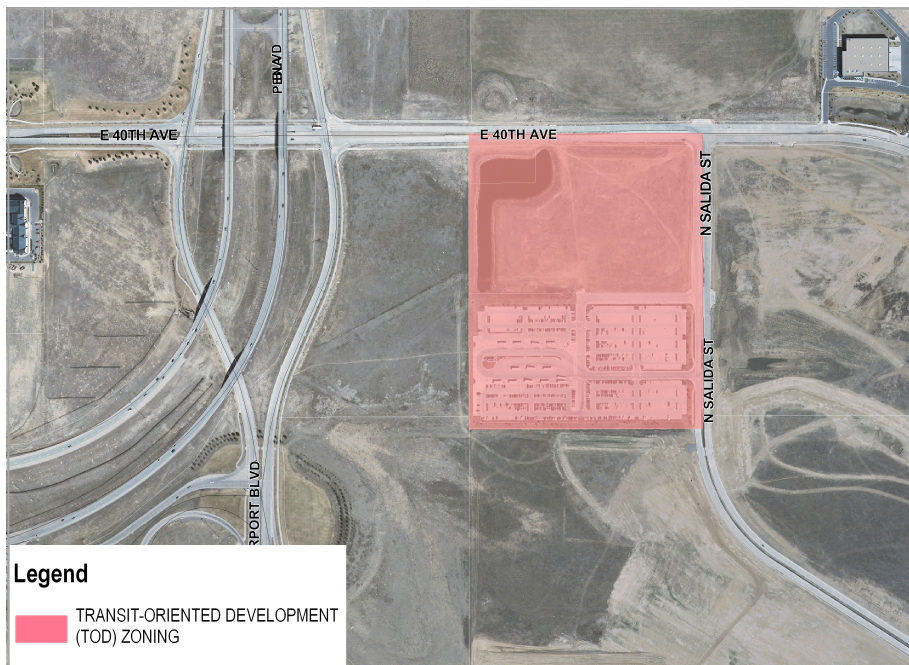
**Proposed Transit-Oriented Development (TOD) Zoning**

Transit-Oriented Development Zoning and the regulations described in this section shall apply for the properties as depicted on the zoning map as amended and shown below.

The TOD zoning district will be available for the properties south of E. 40th Avenue, west of Salida Street, and north of the RTD property that are currently zoned Medium Industrial District (M-2 District).

**Rezoning**

As with properties elsewhere in the city, the landowners may initiate a rezoning.



**Figure 19.**  
**Proposed Transit-Oriented Development (TOD) Zoning**

### Development Standards

This section provides modifications to Sec. 146-728. Development Standards.

#### (A) *Block Size and Street Grid.*

2. *Desired Sizes.* Blocks shall typically be no longer than 600 feet in length and no more than 1,800 feet around the perimeter.

#### (C) *Residential Density.*

2. *Desired Densities.* Residential densities for the Core sub-district are desired to be a minimum of 40 units per acre.

#### (D) *Building Heights.*

2. *Desired Heights.* Building heights for the Core sub-district are:

Minimum height of two stories. No maximum height.

#### (E) *Urban Form.*

2. *Desired Building Setbacks.* The setbacks for the Core sub-district in the TOD Zoning District shall apply. In addition, the following development standards shall apply.

- a. Front. Setback not more than ten (10) feet in the Core sub-district. The ten (10) foot setback is permitted in the Core sub-district for outdoor cafes and overhanging balconies, but shall not exceed forty (40) percent of the building frontage. Steps, stoops, balconies, awnings, chimneys, bay windows, etc. may encroach into the setback.

3. *Desired Building Forms.* The following additional development standards and guidelines shall apply.

- a. Continuous building frontages are recommended on all streets.
- b. Commercial uses at grade on main streets and surrounding any public spaces are encouraged to provide activity.
- c. Clear windows at grade are required.
- d. Quality materials on the ground floor façade are required on all buildings on major streets.
- e. Eight-five (85) percent of the building façade facing a public park or plaza must be a quality material such as masonry.
- f. Entries should be generously proportioned and defined with architectural features. Awning and structural canopies for weather protection at building entrances are desirable.
- g. Mid-block access at-grade through buildings is permitted.
- h. Visible drive-through windows of any kind shall not be permitted in the Core sub-district.
- i. Blank walls are not permitted on any façade. All façades are to have architectural details that add visual interest.
- j. Loading docks and entrances shall not be located on the major pedestrian streets leading to the transit station.
- k. Alternative uses for building roofs such as terraces, roof gardens and green roofs are encouraged.

# APPENDIX A

## Development of the Vision

# Appendix A

## Transit Station Location and the TOD Core

The station area plan study commenced by investigating the development opportunities provided by locating the station at various points either closer to I-70 or E. 40th Avenue. Walking distances to the station were a key element in the analysis as well as the proposal for commuter parking in the Peña right-of-way.

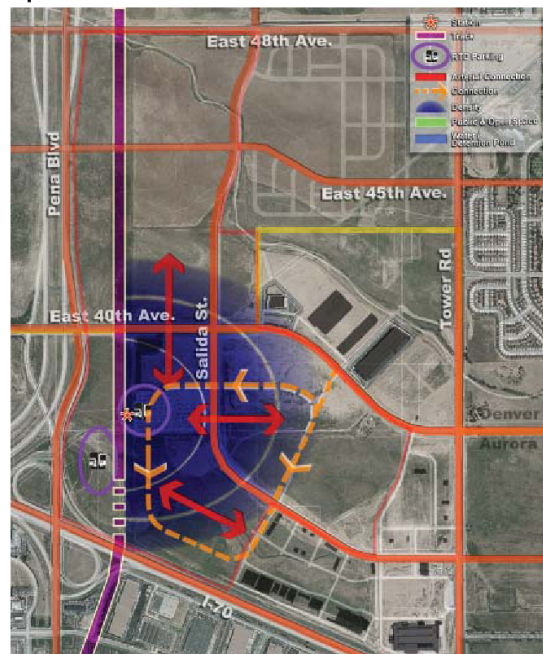
**Option 1:** Close to E. 40th Avenue. By locating the station close to E. 40th Avenue, a larger portion of the 140 acre “core” area is available for residential and mixed-use development by having access to the station within a convenient walking distance.

**Option 2:** Adjacent to the RTD park-n-Ride. While this option places the station contiguous to the existing RTD park-n-Ride, it is further away from the potential residential and mixed-use area north of E. 40th Avenue.

Option 01: Close to E. 40th Ave.



Option 02: In the Middle of the Site



A major goal that arose from the workshops was to separate the E. 40th Avenue vehicular traffic from the commuter line. Traffic operations, congestion, motorist safety and safe and convenient pedestrian access were all considerations in this goal.

The schematics shown opposite were developed early in the study to show:

1. an elevated track extending from I-70 to north of 40th Avenue, with an elevated station; and
2. an elevated track over I-70 transitioning to an at-grade track and station.

**Option 3:** Close to I-70. This option was investigated to take advantage of the elevated rail structure and have an elevated station visible from I-70. With the elevated structure, a roadway could be located under the rail structure and access the proposed parking in the Peña right-of-way without crossing the commuter line. This option was considered too far removed from the core area.

**Option 03:** Close to I-70



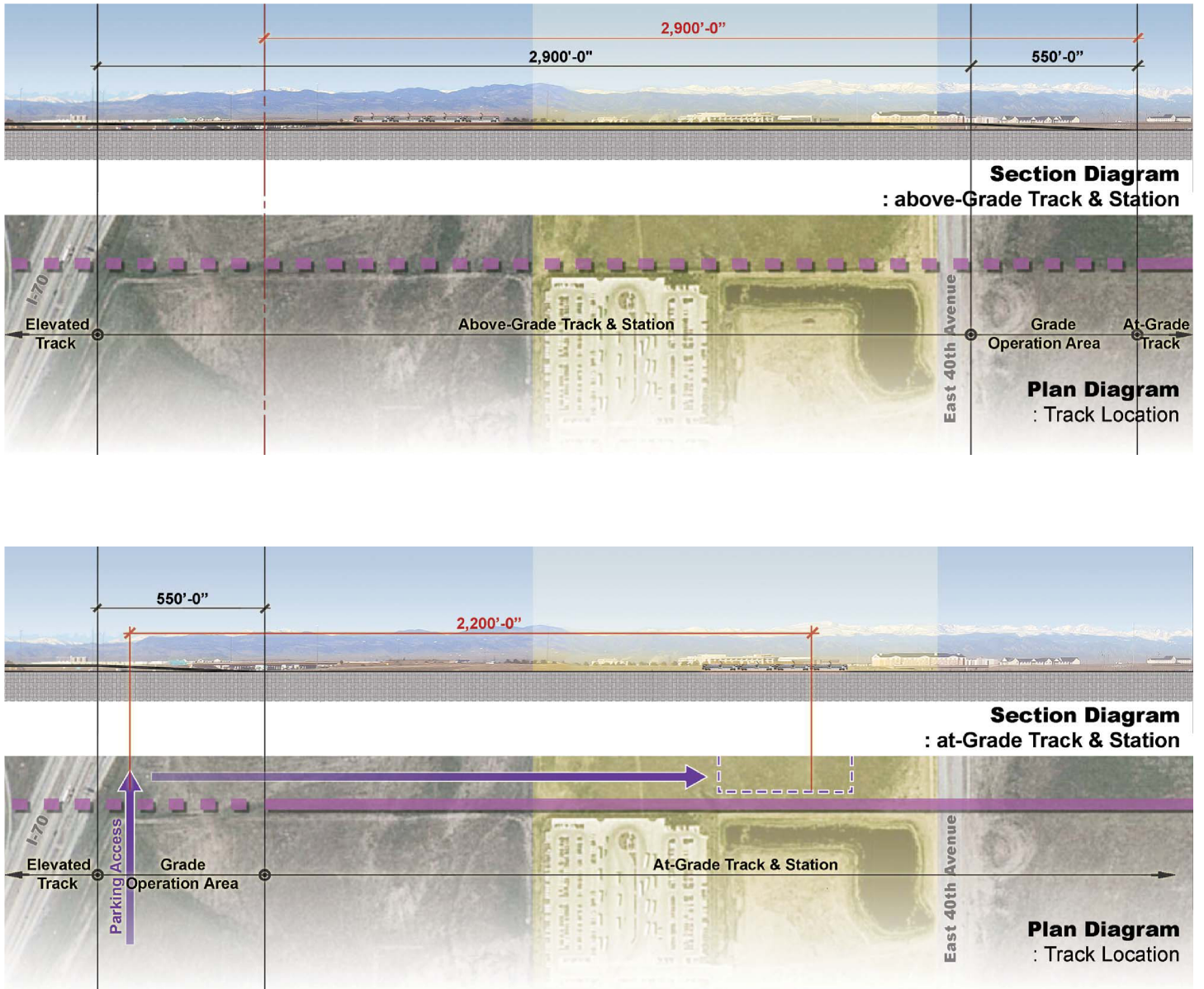
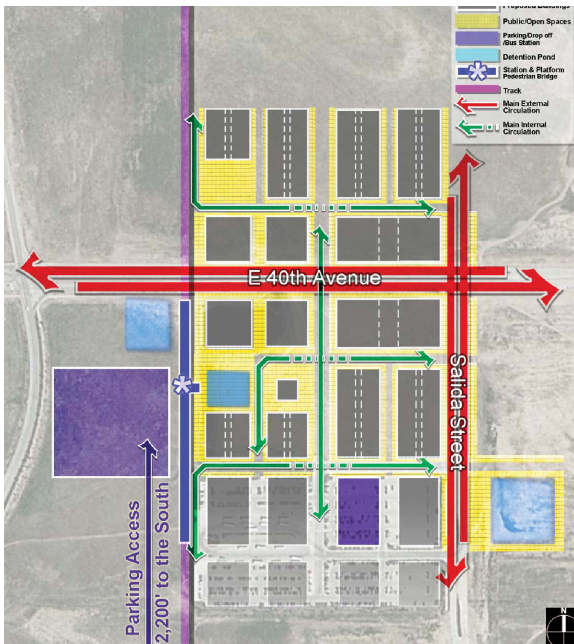


Figure A-1. Elevated Commuter Rail Profile and Plan

**Alternate Concept A – an at-grade station south of E. 40th Avenue**

As the concepts were being developed, RTD stated that the additional cost for the elevated structure would not be included in the FasTracks program and budget. Therefore, two alternate concepts were developed that still preserved the elevated track over E. 40th Avenue but have the station at-grade.

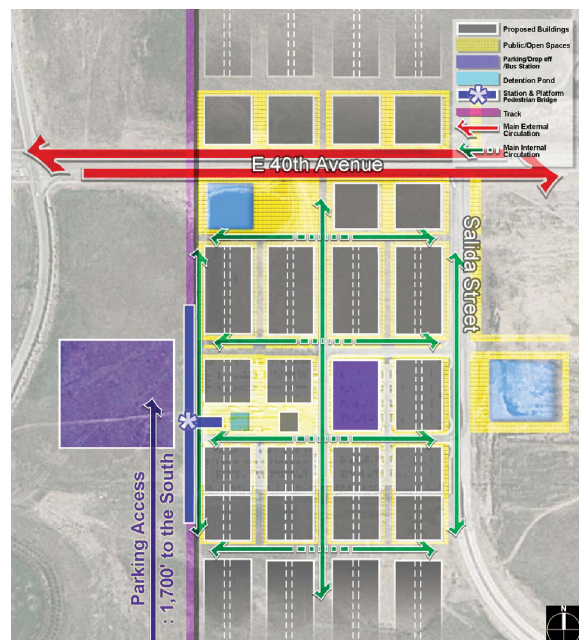
Alternate Concept A promotes the grade separation of E. 40th Avenue and the location of the station just south of E. 40th Avenue. The reason for this is convenient access to the station for the residents and people employed north of E 40th Avenue, and people accessing the station from the hotels to the west. One major assumption for this concept is that the location of the RTD park-n-Ride may move, and that locating the station for the purpose of convenience to the existing parking area may not be the best concept in the long run.



**Alternate Concept B – an at-grade station adjacent to the RTD park-n-Ride**

This concept was developed to address the situation if the detention pond is not able to be relocated. The detention pond could be utilized as a feature for a plaza on E. 40th Avenue. With this scenario, the transit station would be located adjacent to the existing park-n-Ride lot. Development would most likely occur first adjacent to E. 40th Avenue, and over time the RTD land would be more valuable for development than parking.

The concept of the public plaza adjacent to the station is still retained but in a smaller form. Figure A-2 shows the view looking west in the public plaza towards the transit station. The bird's eye view in Figure A-3 shows the relationship between the station, surface parking in the Peña right-of-way, and the form of development adjacent to the station platform





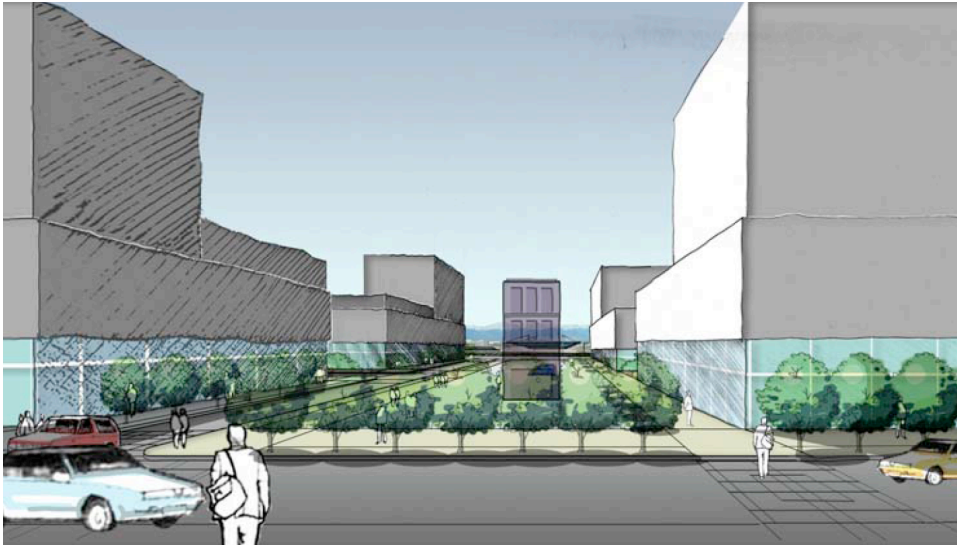


Figure A-2. View looking west, to the public plaza and the station in the distance



Figure A-3. Bird's eye view, looking east, to the station south of E. 40th Avenue

# APPENDIX B

## Gateway Park East Transportation Study

Fehr & Peers

***DRAFT***

**Gateway Park East  
Transportation Study**



*Prepared for: City of Aurora*

*February 8, 2007*



**FEHR & PEERS**  
TRANSPORTATION CONSULTANTS

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## 1.0 INTRODUCTION

This report documents the transportation analysis for the Gateway Park East development, with specific attention to the long range impacts at the commuter rail crossing of 40<sup>th</sup> Avenue. The study focuses on the potential need for grade separation of the East Corridor commuter rail line at 40<sup>th</sup> Avenue and includes a review of grade crossing policies in peer agencies, estimates of the future (2030) traffic volume on 40<sup>th</sup> Avenue, application of the Regional Transportation District's (RTD) current grade crossing methodology to the site, and traffic operations and queuing analysis for 40<sup>th</sup> Avenue/Pena Boulevard interchange intersections.



The Gateway Park East development includes the proposed transit oriented development (TOD) site to be located on the East Corridor Commuter Rail Line at or near 40<sup>th</sup> Avenue. As part of RTD's FasTracks program, the East Corridor Line will connect Denver Union Station and Denver International Airport (DIA). The new line will be constructed on acquired right-of-way along Pena Boulevard, linking the existing rail along Smith Road to DIA. A stop on the East Corridor will be placed in proximity to the current RTD 40<sup>th</sup> Ave/Airport Blvd Park-n-Ride location south of 40<sup>th</sup> Avenue on Salida Street.



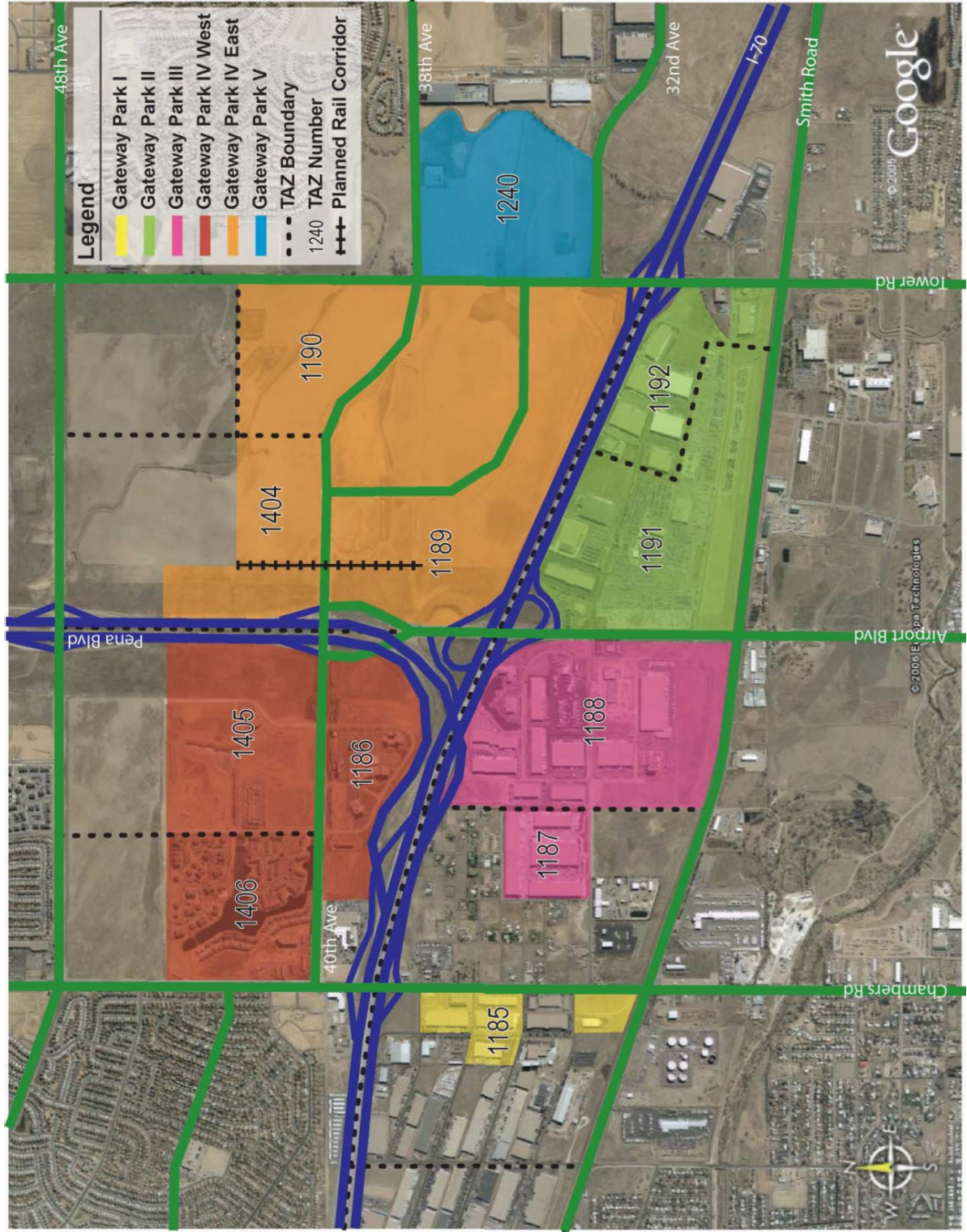
A study of current practices by transit agencies in the United States with current or proposed commuter rail pertaining to grade crossing policies was performed as part of this study. Transit agency policies were obtained through interviews of personnel at selected agencies familiar with grade crossing policy and from reading transit agency reports and guidelines. This report summarizes the best practices from comparable transit agencies and compares their policies to current RTD policy.

Estimates of 2030 traffic volumes on 40<sup>th</sup> Avenue between Airport Boulevard and Salida Street and RTD's current grade crossing policy were used to help evaluate whether current RTD policy for commuter rail grade crossings supports the need to grade separate the proposed crossing at 40<sup>th</sup> Avenue.

Traffic operations at the 40<sup>th</sup> Avenue/Pena Boulevard interchange were analyzed using the micro-simulation software VISSIM. The traffic operations and queuing analysis was performed to determine whether queuing from the downstream signalized intersections would back up onto the proposed 40<sup>th</sup> Avenue rail crossing. VISSIM was used to determine the overall intersection level of service (LOS) and the subsequent queuing on the westbound approach where the rail crossing is planned. Analysis included 2030 traffic volumes during the AM and PM peak hours of operation.

Figure 1 shows the Gateway Park study area, six sub areas and the traffic analysis zones (TAZs) that represent the development within the DRCOG regional travel demand model.

FIGURE 1. GATEWAY PARK STUDY AREA



## 2.0 PROJECT TRAFFIC

Project traffic for Gateway Park was developed using the current land plan for the area and the ongoing station area plan, jointly produced by RTD, City of Aurora and the Pauls Corporation. The trip generation estimate was compared to the DRCOG regional travel demand model. ITE's *Trip Generation 7<sup>th</sup> Edition* was used to determine trip generation rates for each land use within the land plan. Trips were generated and summarized based on each subarea within Gateway Park for 2030 conditions. Each subarea corresponds to one or multiple TAZs within the regional travel demand forecasting model maintained by DRCOG. Table 1 shows the trip generation for each subarea within Gateway Park.

These volumes represent the total number of vehicle trips the entire development is expected to generate by 2030. Some reduction in trips could be expected at the transit oriented development portion of Gateway Park would be designed to convert typical vehicle trips into walking and transit trips. The magnitude of any reduction for the TOD is a factor of the location and mix of uses around the transit station and the site plan for the TOD, which is not sufficiently detailed to calculate a reduction at this point in time. As such, this trip generation estimate provides for a reasonable, though somewhat conservative estimate of vehicular traffic at the rail crossing location.

Estimated total trip generation for Gateway Park is 229,000 trips per day. Using the same land use inputs, this same area generates 234,000 trips per day in the DRCOG Cycle 14 2030 regional travel demand model. This shows a reasonable comparison between the ITE approach and the regional demand model. It would be expected that the travel demand model would generate more trips since only three household and three employment inputs are available. The ITE method is more specifically related to the particular land uses at the site.

TABLE 1. GATEWAY PARK ITE TRIP GENERATION IN 2030

Subarea	TAZ	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
Gateway Park I	1185	4,006	2,003	2,003	285	180	105	332	144	188
Gateway Park II	1191	18,692	9,346	9,346	1,736	1,412	324	1,871	506	1,365
	1192	5,366	2,683	2,683	556	458	98	552	123	429
<i>Subtotal</i>		<i>24,058</i>	<i>12,029</i>	<i>12,029</i>	<i>2,292</i>	<i>1,870</i>	<i>422</i>	<i>2,423</i>	<i>629</i>	<i>1,794</i>
Gateway Park III	1187	5,794	2,897	2,897	525	431	94	549	137	412
	1188	17,800	8,900	8,900	1,528	1,123	405	1,563	519	1,044
<i>Subtotal</i>		<i>23,594</i>	<i>11,797</i>	<i>11,797</i>	<i>2,053</i>	<i>1,554</i>	<i>499</i>	<i>2,112</i>	<i>656</i>	<i>1,456</i>
Gateway Park IV West	1186	16,664	8,332	8,332	1,343	991	352	1,478	572	906
	1405	13,436	6,718	6,718	1,266	937	329	1,421	486	935
	1406	13,204	6,602	6,602	1,107	419	688	1,416	802	614
<i>Subtotal</i>		<i>43,304</i>	<i>21,652</i>	<i>21,652</i>	<i>3,716</i>	<i>2,347</i>	<i>1,369</i>	<i>4,315</i>	<i>1,860</i>	<i>2,455</i>
Gateway Park IV East	1189	101,018	50,509	50,509	7,721	5,414	2,307	10,813	4,138	6,675
	1190	11,454	5,727	5,757	1,388	1,198	190	1,371	367	1,104
	1404	11,448	5,724	5,724	848	375	473	1,026	551	475
<i>Subtotal</i>		<i>123,920</i>	<i>61,960</i>	<i>61,960</i>	<i>9,957</i>	<i>6,987</i>	<i>2,970</i>	<i>13,210</i>	<i>5,056</i>	<i>8,254</i>
Gateway Park V	1240	10,152	5,076	5,076	465	347	118	911	365	546
<b>Total</b>		<b>229,034</b>	<b>114,517</b>	<b>114,517</b>	<b>20,821</b>	<b>13,285</b>	<b>7,536</b>	<b>23,303</b>	<b>8,710</b>	<b>14,593</b>

### 3.0 BACKGROUND TRAFFIC

An estimate of background traffic (traffic unrelated to the Gateway Park development) was developed using the DRCOG Cycle 14 2030 TransCAD travel demand forecasting model. It should be noted that in our review of the model in the project area, we noted inconsistencies between the model network and the current roadway network. Fehr & Peers corrected these inconsistencies in an effort to accurately reflect the forecast traffic volumes expected on 40<sup>th</sup> Avenue in 2030.

The TransCAD modeling software allows a user to remove traffic from specific TAZs without changing the overall assignment within the model. This provides the opportunity to report background traffic based on the full demand calculated by the model. For Gateway Park, the traffic from the 12 TAZs representing the development area was removed, resulting in a background traffic estimate for all area roadways. This process resulted in a daily background volume of 4,772 vehicles at the rail crossing location on 40<sup>th</sup> Avenue in 2030.

### 4.0 TOTAL TRAFFIC ON 40<sup>TH</sup> AVENUE

To develop an estimate of total traffic on 40<sup>th</sup> Avenue at the rail crossing location, the estimated trip generation with the ITE methodology was added to the background traffic at this location. The trip generation for each subarea of Gateway Park was assigned based on the distributions shown in Figure 2. The figure shows the amount of traffic from each subarea that is expected to use 40<sup>th</sup> Avenue at the rail crossing location. The distributions were based on the assignment of



trips for each subarea in the travel demand model during the PM peak period. Tables 2, 3 and 4 show the total traffic estimates for Daily, AM peak hour and PM peak hour conditions and the trips associated with each TAZ.

<b>TABLE 2. 40<sup>TH</sup> AVENUE DAILY VOLUME CALCULATION</b>					
<b>Subarea</b>	<b>Volume Source</b>	<b>Distribution</b>	<b>Eastbound</b>	<b>Westbound</b>	<b>Total</b>
	Background	-	1,526	3,246	4,772
Gateway Park I	1185	-	-	-	-
Gateway Park II	1191	5%	468	468	936
	1192	5%	135	135	270
Gateway Park III	1187	5%	145	145	290
	1188	5%	445	445	890
Gateway Park IV West	1186	10%	834	834	1,668
	1405	10%	672	672	1,344
	1406	10%	661	661	1,322
Gateway Park IV East	1189	30%	15,153	15,153	30,306
	1190	30%	1,718	1,718	3,436
	1404	30%	1,717	1,717	3,434
Gateway Park V	1204	10%	508	508	1,016
	<b>TOTAL</b>		<b>23,982</b>	<b>25,702</b>	<b>49,684</b>

FIGURE 2. TRIP DISTRIBUTION

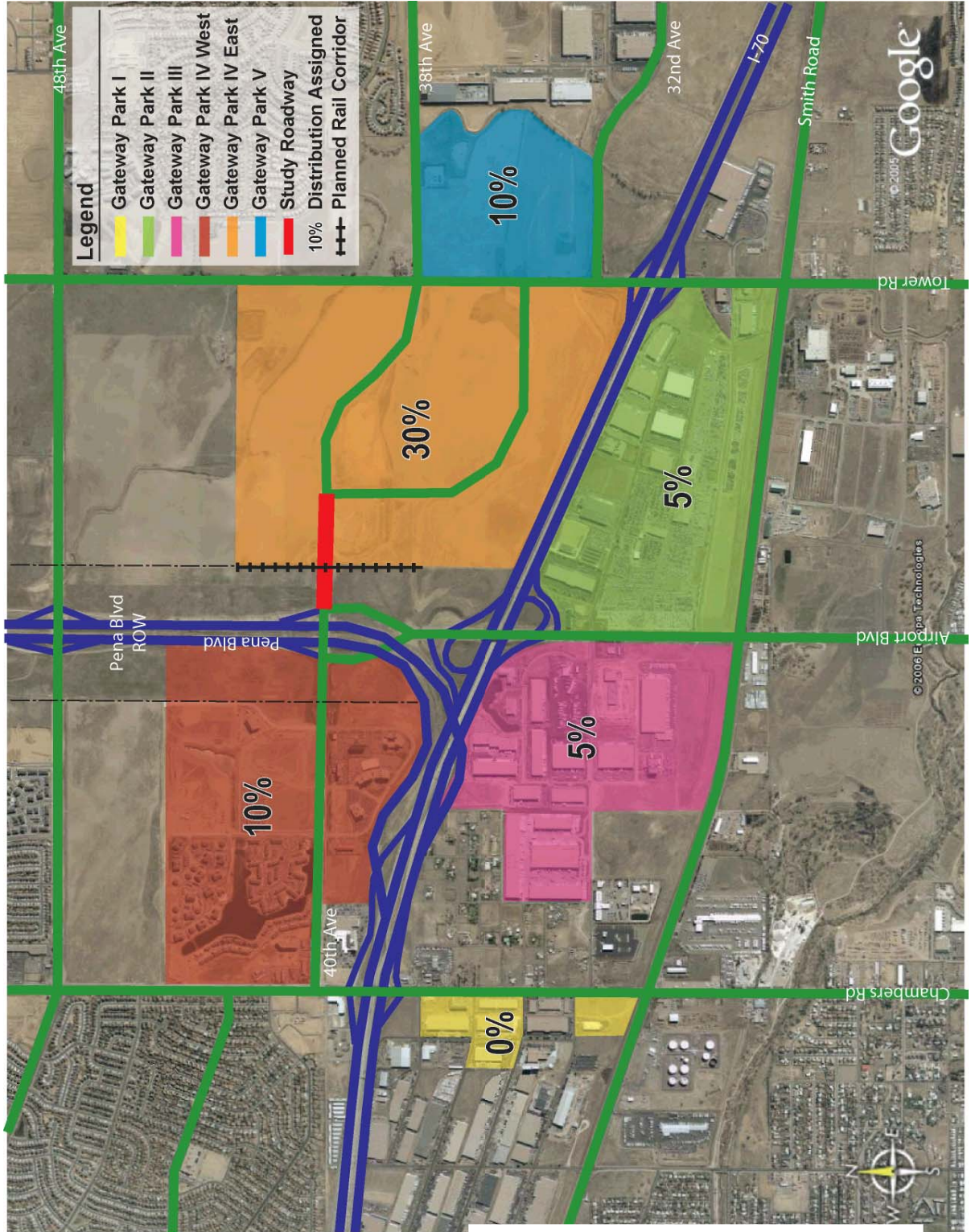


TABLE 3. 40 <sup>TH</sup> AVENUE AM PEAK HOUR VOLUME CALCULATION					
Subarea	Volume Source	Distribution	Eastbound	Westbound	Total
	Background	-	64	988	1,052
Gateway Park I	1185	-	-	-	-
Gateway Park II	1191	5%	16	71	87
	1192	5%	5	23	28
Gateway Park III	1187	5%	5	22	27
	1188	5%	20	56	76
Gateway Park IV West	1186	10%	35	99	134
	1405	10%	33	94	1217
	1406	10%	69	42	111
Gateway Park IV East	1189	30%	1,624	692	2,316
	1190	30%	360	57	417
	1404	30%	113	142	255
Gateway Park V	1204	10%	35	12	47
	<b>TOTAL</b>		<b>2,379</b>	<b>2,298</b>	<b>4,677</b>

TABLE 4. 40 <sup>TH</sup> AVENUE PM PEAK HOUR VOLUME CALCULATION					
Subarea	Volume Source	Distribution	Eastbound	Westbound	Total
	Background	-	185	189	374
Gateway Park I	1185	-	-	-	-
Gateway Park II	1191	5%	69	25	94
	1192	5%	22	7	29
Gateway Park III	1187	5%	21	7	28
	1188	5%	53	26	79
Gateway Park IV West	1186	10%	91	58	149
	1405	10%	94	49	143
	1406	10%	62	81	143
Gateway Park IV East	1189	30%	1,242	2,003	3,245
	1190	30%	110	331	441
	1404	30%	165	143	308
Gateway Park V	1204	10%	37	55	92
	<b>TOTAL</b>		<b>2,151</b>	<b>2,974</b>	<b>5,125</b>

## 5.0 BEST PRACTICES FOR COMMUTER RAIL CROSSINGS

Commuter rail grade crossing policies for transit agencies in the United States with commuter rail were reviewed to provide a context for RTD's draft *Grade Crossing Evaluation Methodology Report (DRAFT), July 2004*. Table 5 displays the location and transit agencies of existing commuter rail systems in the United States. There are 27 communities in the United States with existing or proposed commuter rail systems, including Denver. Federal transportation agencies and rail agency policies were reviewed also.

Policies for specific transit agencies were acquired through a literature search and individual telephone interviews with agency staff members familiar with grade crossing policies. This section reports the general findings for commuter rail grade crossings throughout the nation and the findings from the case study interviews conducted by Fehr & Peers.

<b>Location</b>	<b>Transit Agency</b>
Anchorage, AK	Alaska Railroad Corporation (ARC)
Baltimore, MD	Maryland Transit Administration (MTA)
Boston, MA	Massachusetts Bay Transportation Authority (MBTA)
Chicago, IL	Northern Indiana Commuter Transportation District
Chicago, IL	Northeast Illinois Regional Commuter Railroad Corp.
Dallas, TX	Dallas Area Rapid Transit (DART)
Fort Worth, TX	Fort Worth Transportation Authority (The T)
Hartford, CT	Connecticut Department of Transportation
Los Angeles, CA	Southern California Regional Rail Authority
Miami, FL	South Florida Regional Transportation Authority
New York, NY	Metro-North Commuter Railroad Company
New York, NY	MTA Long Island Rail Road (MTA-LIRR)
New York, NY	New Jersey Transit Corporation (NJ TRANSIT)
Philadelphia, PA	Southeastern Pennsylvania Transportation Authority
Philadelphia, PA	Pennsylvania Department of Transportation
San Diego, CA	North San Diego County Transit District (NCTD)
San Francisco, CA	Peninsula Corridor Joint Powers Board (PCJPB)
Seattle, WA	Central Puget Sound Regional Transit Authority
Stockton, CA	Altamont Commuter Express (ACE)
Syracuse, NY	ON TRACK
Washington DC	Virginia Railway Express (VRE)

<sup>1</sup> Source: Federal Transit Administration National Transit Database

### General Findings

The research conducted identified that there is no universal grade crossing policy for grade separation among transit agencies across the nation. Very few transit agencies have any written grade crossing policies for commuter rail. No agencies were found to have any grade separation threshold policy for commuter rail based on vehicular traffic volumes of the street crossing.

Grade crossing policy is sometimes deferred to the state department of transportation (DOT) or the state public utilities commission (PUC).

The majority of commuter rail lines are placed on existing railroad right-of-way and share the right-of-way with freight rail traffic. Because grade crossings for commuter rail occur on existing freight rail lines, the existing grade crossing treatment (at-grade or grade separated) is utilized. No policies were found during the research process that dealt exclusively with new rail being constructed for commuter rail lines, like that will occur for the East Corridor Line at 40<sup>th</sup> Avenue.

The Federal Highway Administration (FHWA) does not have any Federal level criteria to determine whether grade separation should occur. FHWA does recommend that grade separation occur for highways crossing high speed passenger rail routes. The Federal Railroad Administration (FRA) recommends that every effort should be made to provide grade separation for high-density crossings or those with a history of accidents. FRA has developed GradeDec.Net, a highway-rail grade crossing investment analysis modeling tool which is available online. GradeDec.Net is intended to help transportation planners identify the efficient grade crossing investments.

While there are few universal grade crossing policies by transit agencies, individual at-grade crossings have feasibility studies conducted to determine a course of action that should be taken. The results of a feasibility study can recommend 1) closing the grade crossing, 2) grade separating the crossing, or 3) improve the crossing warning devices. This recommendation takes into account economic feasibility, safety, and community support.

Public streets with at-grade commuter rail crossings are signalized with automatic grade crossing signals. Most of these crossings have drop-down gates and flashing lights. If at-grade crossings do not have drop-down gates and flashing lights, they are usually upgraded to have these as a minimum due to the increased frequency of trains using the crossing when commuter rail is introduced. Additional pedestrian enhancements can be made to the grade crossing signal if pedestrian activity occurs at the crossing.

### ***RTD Policy for Commuter Rail Grade Crossing***

The *Grade-Crossing Evaluation Methodology Report (DRAFT)* prepared for RTD and CDOT was reviewed by the project team to become familiar with the methodology. Grade crossing methodology is separated into safety, traffic operations, and feasibility elements.

Safety standards and treatments at grade crossings for commuter rail are different than that of LRT vehicles. Since commuter rail is considered a heavy rail technology, the FRA imposes safety standards to commuter rail comparable to freight rail. For the US-36 Corridor commuter rail analysis, the FRA's GradeDec 2000 model was used to predict crossing safety for each of the grade crossings along the corridor. The grade separation threshold based on safety was set at 1 accident per 25 years.

When safety concerns were not met for grade separation, traffic operations of the grade crossing were examined to determine how the grade crossing would affect vehicular traffic. There is no universally accepted procedure to calculate delay at a grade crossing. RTD and CDOT have accepted to use the Signalized Intersection Analysis in the *2000 Highway Capacity Manual*. If intersection level of service (LOS) was LOS D or worse (greater than 35 seconds of delay per vehicle), mitigation measures would need to be implemented. Mitigation measures include grade separation, warning device upgrades, signal coordination with traffic signals near grade crossing and crossing closure.

If safety and traffic operation thresholds are not met, the feasibility of grade separation can be evaluated. Feasibility of grade separated crossings examines physical impacts, environmental and social impacts, public acceptance, cost and funding. Feasibility studies should be performed to assess the impacts of grade separation.

### Case Studies

Fehr & Peers contacted four transit related agencies about grade crossing policy. Three transit agencies with existing commuter rail systems were contacted, with two agencies responding to the interview. One agency with a proposed commuter rail system was contacted and responded to the interview.

#### Southern California Regional Rail Authority (Metrolink)

Metrolink operates seven commuter rail lines in the greater Los Angeles region. The Metrolink system contains 788 highway-rail crossings. Of these crossings 443 are at-grade crossings and 345 are grade separated crossings. Metrolink has jurisdiction over 518 of the 788 grade crossings in the system.

Naresh Patel, a public project engineer at Southern California Regional Rail Authority (SCRRA), was contacted and interviewed about SCRRA policy for commuter rail grade separation policy. SCRRA has produced a document, *Grade Crossing Design Guidelines*, which provides consistent guidelines for the uniform design of grade crossings. The guidelines state that it is SCRRA policy to (1) promote the elimination of highway-rail grade crossings to the extent



feasible, (2) oppose the creation of new highway-rail grade crossings and (3) promote the improvement of remaining highway-rail grade crossings.

Although SCRRA has design guidelines for commuter rail grade crossings, SCRRA has no formal threshold policies to determine prioritization of grade separation. Mr. Patel stated that an individual feasibility study is conducted for each new grade crossing or when grade separation is considered at an existing location. The feasibility study estimates cost,

considers whether there is political support for the crossing, and considers whether there is funding available.

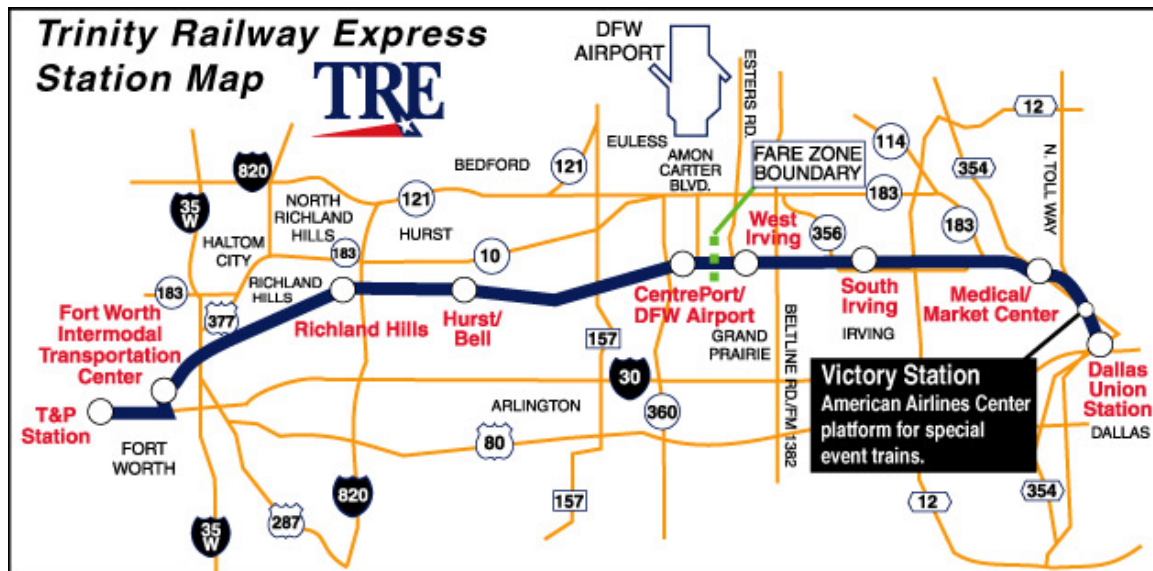
SCRRA coordinates their grade crossing procedures with the Public Utilities Commission of the State of California (CPUC). Warning signal devices at grade crossings are regulated by CPUC. In addition, SCRRA tries to follow freight train guidelines set forth by the American Railway Engineering and Maintenance-of-Way Association (AREMA) in the grade crossing design since commuter rails share the rail with freight trains.

Although commuter rail does not have volume threshold levels for vehicular traffic to grade separate, the Metropolitan Transportation Agency (MTA) in Los Angeles has a *MTA Grade Crossing Policy for Light Rail Transit*. The threshold for grade separation is based on peak hour vehicular volumes per lane and peak hour LRT frequency at the crossing. Mr. Patel stated that

LRT has a policy for grade separation because MTA is building new rail for the LRT vehicles, while the Metrolink commuter rail runs on existing rail lines.

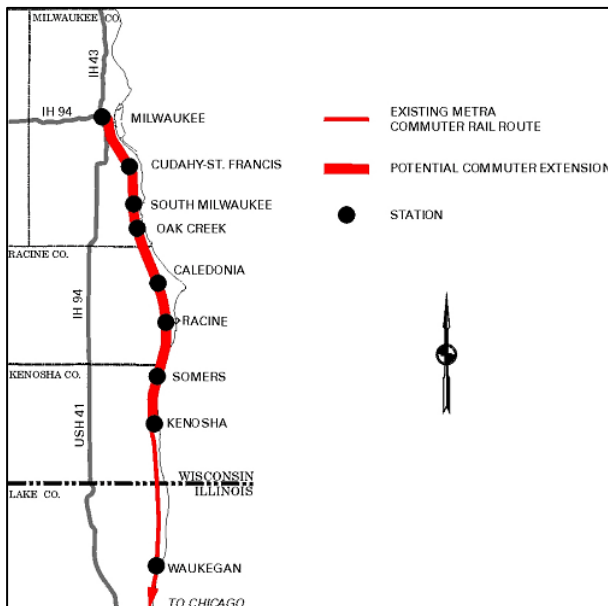
Dallas Area Rapid Transit (DART)/Fort Worth Transit Authority (The T)

The Trinity Railway Express (TRE) is a commuter rail line connecting downtown Ft. Worth, downtown Dallas and DFW Airport. The TRE is a cooperative service provided by DART (Dallas) and The T (Ft. Worth). TRE began running in 1996 from Dallas Union Station. Full service from Dallas to Ft. Worth began in 2001. Freight trains operate on the same rail line as TRE. Over 2 million passengers ride TRE annually.



Numa Bulot at DART was contacted by Fehr & Peers in regards to the grade crossing policy for TRE. Neither DART nor The T has written grade crossing policies or threshold levels for grade separation. All grade crossings for the TRE line were existing freight train crossings before the commuter rail line was initiated. Grade crossings along the TRE line are either grade separated or have at grade warning signal devices, usually with gated signals. Mr. Bulot stated that for a new highway-rail grade crossing, nothing less than a gated warning signal would be required.

Southeastern Wisconsin Regional Planning Commission – Transportation Division



The Southeastern Wisconsin Regional Planning Commission is proposing an extension of the existing METRA commuter rail line from Chicago. The 33-mile extension will start in Kenosha, WI and end in Milwaukee. The commuter rail line will be placed on an existing freight rail line. Improvements to the rail will be done to comply with commuter rail safety standards. This proposed commuter rail line has just started the Environmental Impact Statement process at the beginning of 2006.

The Milwaukee area metropolitan planning organization (MPO), the Southeastern Wisconsin Regional Planning Commission (SWRPC) is taking the lead on the proposed commuter rail line. Otto Dobnick at SWRPC (Transportation Division) was contacted regarding the grade crossing

policy for the proposed Kenosha-Milwaukee commuter rail extension. Currently, SWRPC has no policy on grade separation at commuter rail grade crossings. They have not addressed detailed grade crossing policies yet because they are in the beginning processes of the EIS. Grade crossing policies and grade separation will be addressed in the EIS process. Mr. Dobnick stated it is probable that the Wisconsin Department of Transportation will take the lead on recommending grade crossing policies since the highways would be the facility moved in grade separation.

6.0 PEDESTRIAN INTERACTIONS AT 40<sup>TH</sup> AVENUE

Existing pedestrian facilities are intermittent in the area surrounding the 40<sup>th</sup> Ave/ Airport Blvd Park and Ride Station. No pedestrian connections exist along Salida Street or 40<sup>th</sup> Avenue between the station and area developments. Along 40<sup>th</sup> Avenue to the west, sidewalks begin at the edge of the Airport Blvd/ Pena Blvd right-of-way and extend west into Gateway Park West. To the east



sidewalks have been constructed along lots that have been developed. There are no sidewalks along undeveloped lots. The same is true along Salida Street. Sidewalks are present where development has occurred. There are no sidewalks in the remaining segments.

The City of Aurora policy requires sidewalks on all streets. It is planned that sidewalks will be constructed as development occurs. The designated transit oriented development (TOD) site



adjacent to the proposed commuter rail station will place an emphasis on walkable streets with wide sidewalks.

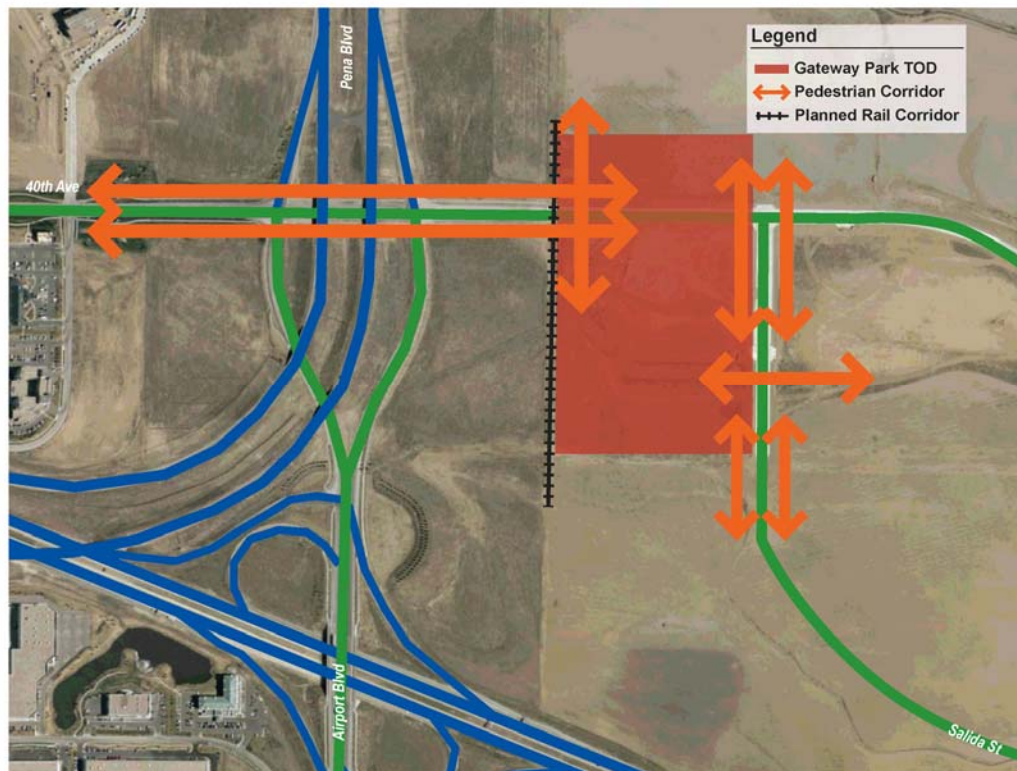
Future pedestrian connections will be needed to connect the transit station area and TOD to the surrounding developments. Important connections will be along 40<sup>th</sup> Avenue to the west across Pena Boulevard, to the north along Salida Street across 40<sup>th</sup> Avenue, to the east across Salida Street, and to the south along Salida Street. These connections will require enhanced pedestrian facilities to provide a friendlier pedestrian environment.



Pedestrian safety will be a major issue if an at-grade rail crossing is introduced along 40<sup>th</sup> Avenue. Additional enhanced pedestrian features will be required to assure the crossing pedestrian friendly and safe.

Figure 3 depicts the future pedestrian connections to the transit station and TOD in the 40<sup>th</sup> Avenue and Salida Street corridors.

FIGURE 3. PEDESTRIAN CONNECTIONS



## 7.0 TRAFFIC OPERATIONS AND QUEUING ANALYSIS

Fehr & Peers analyzed the LOS operations and the queuing spillback at the 40<sup>th</sup> Avenue/Pena Blvd interchange using the micro-simulation program VISSIM. The VISSIM model included the two signalized intersections at 40<sup>th</sup> Avenue Pena Boulevard interchange. The model was calibrated to existing traffic conditions. Queuing and LOS analysis were performed for the AM and PM peak hours for the 2030 build-out conditions.

### *Existing Conditions Model Calibration*

An existing conditions model was created for the study area. The following pieces of data were collected and included in the model to replicate existing traffic conditions at the two study intersections. The data collected included:

- 1) Existing intersection geometries were collected and used for the two study intersections.
- 2) Turning movement traffic counts for the AM and PM peak hour were conducted on October 4, 2006 to determine the peak hour vehicular traffic volume.
- 3) Existing signal timing plans were obtained from the city of Aurora.
- 4) Queue lengths for the westbound approach at 40<sup>th</sup> Ave/NB Pena Blvd were collected during the AM peak hour on October 4, 2006.

The model was then calibrated to match existing peak hour vehicular traffic turn volumes and the existing queues occurring today. Once the model was calibrated the future year scenario models were created.

### 2030 Peak Hour Model

The future year peak hour traffic volumes were calculated using a two step process. First, existing traffic volumes were grown by a one percent annual growth rate to account for growth in background traffic in the area between 2006 and 2030. Second, project traffic generated by the Gateway Park development was added to the background traffic. Trip generation volumes for the development were calculated in the *Aurora Gateway East TOD Transportation Study*. Since some of the development exists today, only the only traffic added to the background volumes were the trips generated by proposed development between 2006 and 2030.

New signal timing plans were developed for the 2030 AM and PM peak hours trying to best accommodate traffic. Signal timing was developed using *Synchro 6*. Cycle lengths were increase to 100 seconds in the AM peak and 150 seconds in the PM peak.

No geometric changes were made to the study intersections.

### 2030 Model Results

The LOS and queuing results were calculated from VISSIM and results were averaged over 10 model runs for the AM and PM peak hours. The LOS results are calculated in an HCM compliant format using a Fehr & Peers post-processor.

Table 6 reports the queuing results for the westbound approach and northbound approach at the 40<sup>th</sup> Ave/Pena NB Ramps intersection from VISSIM. VISSIM reports average queue length as the average queue over the entire hour as opposed to the average queue length for each cycle length.

TABLE 6. 2030 QUEUING ANALYSIS FROM VISSIM AT 40 <sup>TH</sup> AVE/PENA NB RAMP (FEET)				
Approach	AM Peak Hour		PM Peak Hour	
	Average Queue	Maximum Queue	Average Queue	Maximum Queue
Westbound	1459	1677*	1334	1678*
Northbound	457	832	557	938*

\* Represents the end of the modeled link. Queue is theoretically infinite.

The East Line Commuter Rail line crosses 40<sup>th</sup> Avenue approximately 700 feet east of the 40<sup>th</sup> Ave/Pena NB Ramp intersections. **In both the AM and PM peak hour, the average queue extends across the rail crossing, suggesting that the queue from this intersection would interfere with an at-grade rail crossing throughout most of the peak hour.**

The maximum queues for the westbound direction extended past the end of the modeled link. As a result, not all the demand volume was serviced during the peak hour. Table 7 displays the demand volume and the volume served for each intersection during the peak hour. This excess demand volume will have to be served in the adjacent hours before or after the peak hour.

TABLE 7. PERCENT DEMAND SERVED DURING PEAK HOUR (VPH)						
Intersection	AM Peak Hour			PM Peak Hour		
	Demand	Volume	%	Demand	Volume	%

	Volume	Served	Served	Volume	Served	Served
40 <sup>th</sup> Ave/Pena SB Ramps	4910	4313	88%	6112	4364	71%
40 <sup>th</sup> Ave/Pena NB Ramps	5346	4880	91%	7037	4948	70%

Turning traffic patterns are forecast to change in the future year when compared to existing conditions. In particular, the westbound left (WBL) from 40<sup>th</sup> Avenue to Airport Blvd are forecast to increase to 639 vph in the AM peak hour and 1218 vph in the PM peak hour.

Table 8 displays the LOS results from VISSIM for the two study intersections. Analysis indicates that both intersections will be at capacity and will not serve the forecast demand in their current geometric configuration. Operations reported by VISSIM reflect the effective operating capacity of the intersection. VISSIM does not calculate delay for vehicles that do not enter the network. Table 9 displays the corresponding *Synchro HCM* calculations for LOS, which accounts for the full demand volume in the LOS report.

TABLE 8. 2030 VISSIM PEAK HOUR INTERSECTION DELAY (SECONDS PER VEHICLE)		
Location	AM Peak Hour	PM Peak Hour
40 <sup>th</sup> Ave/Pena SB Ramps	50.3 (D)	60.7 (E)
40 <sup>th</sup> Ave/Pena NB Ramps	64.6 (E)	63.0 (E)

TABLE 9. 2030 SYNCHRO PEAK HOUR INTERSECTION DELAY (SECONDS PER VEHICLE)		
Location	AM Peak Hour	PM Peak Hour
40 <sup>th</sup> Ave/Pena SB Ramps	68.9 (E)	158.2 (F)
40 <sup>th</sup> Ave/Pena NB Ramps	23.0 (C)*	123.3 (F)

\* Synchro does not account well for queue spillback from downstream intersections.

## 8.0 GRADE CROSSING EVALUATION METHODOLOGY

Based on the review of the process other transit associated agencies use to evaluate grade crossings, Fehr & Peers believes the methodology adopted by RTD and CDOT is an appropriate tool for use in planning the RTD commuter rail system. In many aspects, the methodology exceeds the processes used by other agencies around the country.

Accordingly, Fehr & Peers applied the *Grade-Crossing Evaluation Methodology Report (DRAFT)* to evaluate the operations at the proposed crossing of the East Corridor rail line with 40<sup>th</sup> Avenue. The analysis is based on a projected daily vehicular volume of close to 50,000 vehicles on 40<sup>th</sup> Avenue at the crossing location. Using this estimate of daily traffic calculated in section 3.0, and assuming a four-lane cross section for 40<sup>th</sup> Avenue, the average total delay at the crossing is estimated to be approximately 133.6 seconds. This equates to Level of Service (LOS) F. The calculations are available in the appendix.

## **9.0 RECOMMENDATION**

An at-grade crossing at 40<sup>th</sup> Avenue is projected to operate at poor level of service with the potential for frequent conflicts with queuing vehicles in the year 2030. **With this in mind, it is recommended that a feasibility study be conducted for the grade separation of the East Corridor rail line at 40<sup>th</sup> Avenue.** A feasibility study will allow for the assessment of impacts related to the grade separation, including station area impacts and development impacts.

## APPENDIX

### Grade Crossing Calculation Summary

#### *RTD Grade-Crossing Evaluation Methodology Report (DRAFT)*

**RTD Grade Crossing Evaluation Methodology - Average Approach Delay Estimation**

**LOS                      F                      Grade Separation Analysis?<sup>1</sup>                      Y**

**Vehicle Flow Rate (v)**

AADT	50,000 veh		
K	0.1		
DD	0.52	v=	1368 vph
PHF	0.95		
N	2 lanes		

**Effective Green Time (g)**

C	180 sec		
T <sub>BL</sub>	55 sec	g=	121 vph
T <sub>QC</sub>	4 sec	g/C=	0.672

**Heavy Vehicle Factor (F<sub>HV</sub>)**

%HV	5 %		
E <sub>T</sub>	2	F <sub>HV</sub> =	0.952

**Saturation Flow Rate (s)**

S <sub>0</sub>	1900 pcplph		
F <sub>LU</sub>	0.952	s=	1723 pcplph

**Volume to Capacity Ratio (v/c)**

v/c= 1.18

**Lane Group Capacity (c)**

c= 2316 vph

**Uniform Delay (d<sub>1</sub>)**

d<sub>1</sub>= 47.0 sec

**Incremental Delay (d<sub>2</sub>)**

T	0.25	d <sub>2</sub> =	86.5 sec
k	0.5		
l	1		

**Total Delay (d)**

d= 133.6 sec

**NOTES:**

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<sup>1</sup> "Delays in excess of 35 seconds indicate that a more detailed [grade separation] analysis is warranted."

Assumptions made by Fehr & Peers

Variable value taken from RTD Grade Crossing Evaluation Methodology Report

Variable value taken from HCM 2000

Project specific variables





City of Aurora  
Planning and Zoning Commission Case Report

**Flats on the A at Gateway Park – Zoning Map Amendment (Rezone)  
and Site Plan with Adjustments  
Development Application Number: DA-1174-77  
Case Manager: Debbie Bickmire**

**August 11, 2021**

**Project Summary:**

The applicant, Paul’s Corporation, is requesting a Zoning Map Amendment (Rezone) for 17.75 acres from I-2 (Industrial District) to MU-TOD, Edge Subdistrict (Mixed Use-Transportation Oriented Development) and a Site Plan with Adjustments for 374 multi-family units. The subject property is located in the southeast quadrant of 40<sup>th</sup> Avenue and Salida Street, between Pena Boulevard and Tower Road. The site is bounded by industrial development to the south and east, the 40<sup>th</sup> Ave & Airport Blvd-Gateway Park (Light Rail) Station and vacant land to the west; and vacant land in the City of Denver to the north zoned for a mix of uses. The site is within Subarea B and is currently undeveloped.

The site is directly across the street from the existing 40th Ave & Airport Blvd-Gateway Park light rail station and is the first development proposed to implement the transportation-oriented vision of the Gateway Park East Station Area Plan. The proposed site plan consists of 3 four-story multi-family buildings and a clubhouse on 12.5 acres. A 12,000 square-foot clubhouse will be located adjacent to Salida Street and will provide amenities including a pool, spa, exercise deck, restroom facilities, an outdoor kitchen and cabanas. Primary access to the site will be from Salida Street and a secondary drive to 40<sup>th</sup> Avenue. Each entrance will be gated. A total of 527 parking spaces will be provided in garages, carports and surface parking areas. North of the proposed multi-family, along 40<sup>th</sup> Avenue, is a future phase for commercial development and will require site plans at time of development.

Adjustments are requested to exceed the maximum building length for a residential structure; to allow a six-foot metal picket fence along Salida Street; a reduction in the fence setback from the back of sidewalk; and, to permit a wall on the outside of the landscape buffer along the northern and eastern property line.

The site is located within Gateway Park and subject to the Gateway Park Design Standards and approval of the Gateway Park Design Review Committee prior to final recordation of the Site Plan.

**Applicant’s Requests:**

- Zoning Map Amendment Recommendation of Approval to City Council
- Site Plan Approval with Adjustments

**Neighborhood Comments:**

Seven abutting property owners and two registered associations within one mile of the site received a referral for the proposed application. No comments were received, and no neighborhood meeting was held.

### Items Discussed During Development Review:

- Gateway Park East Station Area Plan and Proposed Zoning
- Open Space
- Adjustment Requests
- Building Architecture

### Results of Development Review:

#### **Gateway Park East Station Area Plan and Proposed Zoning.**

In 2008 the City of Aurora collaborated with Paul's Corporation to articulate the vision for future development at Gateway Park East as the Regional Transportation District (RTD) was completing its FasTracks plan and the 40<sup>th</sup> Avenue & Airport Blvd. Station, which would be located in the center of Gateway Park. The study identified the proposed TOD "core" area (see right) and the subject property at the edge of the core. The recommended vision was to create pedestrian oriented, mixed use development around the station area (see Exhibit D) and proposed uses for the site included residential and mixed-use development within convenient walking distance of the station. The proposed development creates a transition in building height, development density, and range of uses between the adjacent non-TOD development and the core area. The proposed rezone to TOD supports the vision of the station area plan. A city initiated Comprehensive Plan Amendment to change the placetype from Industrial Hub to Commercial Hub for the TOD core and edge area is being processed to ensure future development consistent with the station area vision.



**Open Space.** Multi-family development is required to provide a minimum of 20% of the site for on-site open space. The purpose is to assure adequate, usable outdoor space for residents and guests. The clubhouse and pool area include an outdoor kitchen, cabanas, spa and exercise deck; however, those amenities did not fulfill the entire requirement. The applicant worked with staff to provide additional open space that included a putting green, created gathering areas with enhanced amenities such as seating and trellises throughout the site and incorporated trails and sidewalks around the site to meet the minimum on-site open space requirement.

#### **Adjustment Requests.**

**Maximum Building Length.** Code Section 146-4.8.4.D states the maximum building length of any multi-family building in Subarea B shall be 200 feet. The applicant requests an adjustment to allow a building length of 432 feet. The applicant claims the buildings oriented toward the street create an urban character and provide a transition from the adjacent industrial building, which measures more than 800 linear feet. Additionally, variations in the building plane and materials have been incorporated at 50' intervals to reduce the visual scale of the façade.

The applicant has incorporated architectural treatments that effectively add to the urban character of the building and create visual interest. Staff finds the additional building length will not be out of character with the surrounding development.

**Fence Height and Location.** Multiple adjustments are requested relating to fence/wall height and location. The first is to increase the maximum fence height of a fence located in a front yard from 4 feet (Section 146-4.7.9, Table 4.7-5) to a height of 6 feet. Additionally, fences shall be located a minimum of 4 feet behind the sidewalk or at the back of the required buffer. The applicant would like to locate the fence along Salida Street 2 feet behind the sidewalk. The justification is to permit

additional usable open space within the site, to control access into the site and the safety of the residents. The fence material proposed along Salida Street will be open style, metal picket with masonry columns.

Staff is neutral to the applicant's request for the fence along the front of the property, located two feet behind the sidewalk. The proposed fence will be an open style which will mitigate its visibility. The required buffer landscape will be located behind the fence but will still be visible from the street.

The final adjustment request is to locate a masonry wall along the north and eastern property lines on the outside of the required buffer. The required buffer width and landscape requirements are met within the site. The request is made to address unique site conditions and to mitigate impacts and visibility of the adjacent industrial building. The existing buffer associated with the industrial use to the east will remain outside the fenced area. An additional buffer will be required along the north property line when a site plan is submitted for the adjacent commercial property.

Staff supports the request to locate the required buffer landscape on the inside of the proposed wall. The existing buffer to the east will remain and additional landscape will be required with development to the north. The wall will provide an additional buffer between the uses that will be mitigated with landscape on both sides.

**Building Architecture.** Code Section 146-4.8.2, Table 4.8-1 identifies the architectural features for multi-family buildings, which includes, but is not limited to horizontal and vertical articulation, building length, materials, masonry, roof form and entry design. The applicant was able to orient buildings toward the street, included a mix of materials and textures, and variations in the horizontal wall plane, as well, as the roofline. The initial elevations, did not, however, accentuate primary building entrances. In response to staff's comments, architectural features including metal awnings, two-story door and window features and incorporated larger patios at each entrance were added to accentuate building entries.

**Summary of Staff Recommendations:**

Recommend approval of the Zoning Map Amendment and approval of the Site Plan with Adjustments with two conditions. (See last page of report for vote.)

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**Detailed Case Analysis**

**Related Cases:**

2018-6063-00 Buildings 24 and 25 at Gateway Park Site Plan with Waivers  
2017-6059-00 Buildings 22 and 23 at Gateway Park Site Plan with Waiver

**Public Notification:**

Legal notice appeared in the Aurora Sentinel on July 15, 2021. The applicant has submitted verification of certified public hearing notices to registered neighborhood organizations and adjacent property owners.

**Community Referrals:**

There are two registered organizations within one mile of the site: Tower Triangle and Majestic Commercenter.

## Conformance with Code Criteria:

### 1. Zoning Map Amendment Approval Criteria

Per Section 146-5.4.1.C, an application for changes to the Zoning Map shall only be recommended if the Planning and Zoning Commission finds that the following criteria have been met and shall only be approved if City Council finds that the following criteria have been met:

- 1) *The change to the Zoning Map is needed to correct an error; or*
- 2) *The change to the Zoning Map is required because of changed conditions or circumstances on the property or in the surrounding area and:*
  - a. *The applicant has demonstrated that the change in zoning is consistent with the spirit and intent of the Comprehensive Plan, with other policies and plans adopted by the City Council, and with the purpose statement of the proposed new zone district(s);*
  - b. *The applicant has demonstrated that the size, scale, height, density, and multi-modal traffic impacts of the change in zoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions; and*
  - c. *The applicant demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application.*

The proposed rezone is requested to address changes to the surrounding area including the development of the light rail station and is adjacent to an Urban Center as identified by DRCOG. Staff finds the requested change in zoning from I-2 to MU-TOD for the 17.75-acre site is consistent with the spirit and intent of the Gateway Park East Station Area Plan; the applicant has demonstrated that the size, scale, height, density, and impacts of the change in zoning are compatible with surrounding development. The application is also supported by the station area plan. The land is currently vacant and there will not be any dislocation of occupants.

### 2. Major Site Plan Approval Criteria

Site Plan approval criteria are found in Section 146-5.4.3.B.2 of the Zoning Ordinance, and may be summarized as follows:

- a) *Complies with the applicable standards in this UDO, other adopted City regulations, any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning and Zoning Commission or City Council in a prior decision affecting the property.*
- b) *The City's existing infrastructure and public improvements have adequate capacity to serve the proposed development;*
- c) *Shall be designed to preserve and protect natural areas and to integrate those areas into site design where practicable;*
- d) *Will improve or expand multi-modal connections with adjacent sites, neighborhoods and urban centers,*
- e) *The application is compatible with surrounding uses in terms of size, scale and building façade materials; and,*
- f) *The application mitigates any adverse impacts on the surrounding area to the degree practicable.*

Additional Criteria in the MU-TOD District:

- a) *Any new exterior construction or landscaping, or any exterior changes to existing development shall meet the Code building and site design standards;*
- b) *To allow greater intensity in the MU-TOD district over time:*

- (i) Buildings and surface parking (if allowed) shall be located on the lot so that the layout will accommodate future structured parking garages.
- (ii) Drives within commercial parking lots shall be located so they can conform to urban street standards in the future.
- (iii) Both sides of major pedestrian streets shall be developed to establish the streetscape character and pedestrian connections.
- (iv) Important public parks and plazas shall be constructed in the initial phase of development to establish a public amenity and the area's identity.

The proposed Site Plan with Adjustments complies with the code criteria for the following reasons:

- The proposal meets the intent of Code standards, the Gateway Park East Station Area Plan and adopted plans;
- The Site Plan is consistent with the intent of the MU-TOD district to foster sustainable and urban places near transit stations;
- Furthers the Aurora Places Housing for All goal to increase high-quality housing options throughout the city;
- The proposal will have little impact on existing city infrastructure while providing public improvements to surrounding streets;
- The Site Plan established a high quality of urban design and architecture, and is compatible with surrounding uses; and,
- The streetscape character is maintained and establishes pedestrian connections.

**Applicant Information:**

Applicant: Pauls Corp (Joe Wilson)  
Owner: Gateway East Amenities LLC, Gateway Assets LLC  
Agent: Norris Design

**Exhibits:**

Exhibit A Vicinity Map  
Exhibit B Letter of Introduction  
Exhibit C Zoning Map Exhibit  
Exhibit D Gateway Park East Station Area Plan  
Exhibit E Flats on the A at Gateway Park Site Plan with Adjustments  
Exhibit F Building Elevations

## Project Statistics

### Land Use Analysis

Item	Existing	Proposed
Aurora Places Placetype	Industrial Hub	Commercial Hub
Zoning	I-2 (Industrial District) Subarea B	MU-TOD, Subdistrict Edge (Mixed Use- Transportation Oriented Development)
Land Use	N/A	Future Retail Commercial and Multi-Family Residential
<u>Land Area</u>		<u>17.75 acres total</u>
Lot 1	N/A (Unplatted)	5.25 acres (Commercial, Future Phase)
Lot 2		12.37 acres (Multi-Family)
Tract A		0.13 acres (Open Space)

Item	Permitted or Required	Proposed (Lot 2 and Tract A)
Land Use	N/A	Multi-Family Residential
Parcel Size	N/A	12.50
Number of Buildings	N/A	4 (3 multi-family, 1 clubhouse)
Number of Dwelling Units	Minimum 20 du/ac	374 (29.9 du/ac)
Gross Building Area	N/A	444,256 sq. ft.
Building Coverage	N/A	109,220 sq. ft. (20.06%)
Hardscape Area	N/A	276,827 sq. ft. (50.85%)
Landscape Area	N/A	158,372 sq. ft. (29.09%)
Open Space	Minimum 20% of site	22.2%
Building Height	Minimum 3 Stories	58' (4 Stories)
Maximum Building Length	200' (Residential)	432'
On-Site Parking Spaces	393 Spaces (.85 sp/du + 1 sp/5du)	<u>527 Total Spaces</u> 84 Garage 132 Carport 311 Surface 11 Accessible 38 Bicycle spaces (outdoors)

### Surrounding Properties

Direction	Zoning	Existing/Proposed Use
North	I-2 (Industrial District) and C-MX-8 (Urban Center-Mixed Use) Denver	Office/Warehouse Distribution Vacant
East	I-2 (Industrial District)	Warehouse Distribution (Gateway Park)
South	I-2 (Industrial District)	Open Space/Detention and Warehouse Distribution
West	I-2 (Industrial District)	40 <sup>th</sup> & Airport Station (RTD) and Vacant

## Staff Recommendations:

### Agenda Item 5c: Zoning Map Amendment from I-2 to MU-TOD

Recommend to the City Council approval to the of the Zoning Map Amendment from I-2 (Industrial District) to (MU-TOD) Mixed Use-Transit Oriented Development because the proposal complies with the criteria in Section 146-5.4.1.C for the following reasons:

- The proposed zoning is consistent with the spirit and intent of the Gateway Park East Station Area Plan;
- The applicant has demonstrated that the size, scale, height, density, and impacts of the change in zoning are compatible with surrounding development; and,
- The change in zoning will not result in the displacement of tenants or occupants.

### Agenda Item 5d: Site Plan with Adjustments

Approve, with conditions, the Site Plan with Adjustments to Code Section 146-4.8.4.D for maximum building length and Code Section 146-4.7.9, Table 4.7-5 for fence/wall height and location, because the proposal complies with the requirements of Code Section 146-5.4.3.B.2 of the Unified Development Ordinance for the following reasons:

- The proposal meets the intent of Code standards, Gateway Park East Station Area Plan and adopted plans;
- The Site Plan is consistent with the intent of the MU-TOD district to foster sustainable and urban places near transit stations;
- Furthers the Aurora Places Housing for All goal to increase high-quality housing options throughout the city;
- The proposal will have little impact on existing city infrastructure while providing public improvements to surrounding streets;
- The Site Plan established a high quality of urban design and architecture, and is compatible with surrounding uses; and,
- The streetscape character is maintained and establishes pedestrian connections.

Approval to be subject to the following conditions:

1. Approval of zoning map amendment to Mixed Use-Transit Orient Development (MU-TOD)
2. Resolution of outstanding technical issues prior to recordation of the Site Plan and issuance of any building permits.



# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE 2018 COMPREHENSIVE PLAN TO CHANGE THE PLACETYPE MAP FROM EMERGING NEIGHBORHOOD AND COMMERCIAL HUB TO INDUSTRIAL HUB FOR THE AREA BOUNDED BY

**Item Initiator:** Todd Hager, Planner II

**Staff Source/Legal Source:** Todd Hager; Dan Money, Senior Assistant City Attorney

**Outside Speaker:** N/A

**Council Goal:** 2012: 5.0--Be a great place to locate, expand and operate a business and provide for well-planned growth and development

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** 9/13/2021

Sun Empire – Comprehensive Plan Amendment from Emerging Neighborhood to Industry Hub

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration – Explain why waiver is needed in item details

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Planning and Zoning Commission

**Policy Committee Date:** 8/11/2021

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
- Does Not Recommend Approval
- Forwarded Without Recommendation
- Recommendation Report Attached
- Minutes Attached
- Minutes Not Available



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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The Planning Commission heard this case on August 11, 2021 and recommended approval of the Comprehensive Plan Amendment to the City Council. There were no members of the public who spoke at the hearing.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

The City of Aurora Planning and Development Services is requesting a staff initiated Comprehensive Plan Amendment to change a 315-acre parcel of land from Emerging Neighborhood and Commercial Hub to Industry Hub which supports the current zoning of the parcel of Airport District (AD). The property of land is located north of the future alignment of 48th Avenue between the future alignment of Harvest Rd and Powhaton Road and the site is currently vacant.

The current Comprehensive Plan placetype designation is "Emerging Neighborhood", which envisions a largely residential neighborhood with supporting retail and services. Industrial Development would not be compatible with this placetype designation. The proposed "Industry Hub" placetype designation would support a variety of industrial and commercial development, which would be consistent with the current AD zoning district designation and clarify expectations for development in this area. This amendment would be a logical extension of existing Industry Hub designations to the north and east. The current landowner is supportive of this placetype change and no comments were received from surrounding property owners.

Aurora Places, which is the City's Comprehensive Plan, is designed to serve as a foundation for decision-making related to growth and development in Aurora. This plan describes future development and land use in terms of "Placetypes." Placetypes characterize specific areas based on defining character, scale, form, and function. The Industry Hub includes areas typically dedicated to manufacturing, warehousing, distribution, fulfillment centers, freight operations and renewable energy enterprises. This place type plays an important role in the city's employment base and economy but can sometimes create outdoor activity and should be appropriately buffered from residential and commercial areas. It can generate high volumes of traffic from both its employees and associated truck traffic. Adjoining roadways should accommodate traffic without negatively impacting quieter placetypes of traffic without negatively impacting quieter placetypes or traffic on local streets serving residential areas. Large-scale alternative energy facilities are another use that may fit this placetype. Uses permitted only in Industry Hubs are manufacturing plants, factories, large open-air operations and heavy-equipment storage.

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**QUESTIONS FOR COUNCIL**

Does City Council wish to approve this Comprehensive Plan Amendment?

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**LEGAL COMMENTS**

An amendment to the Comprehensive Plan, shall be recommended for approval, and shall be approved, only if it promotes the long term economic, social, and environmental health of the City and protects the public health, safety, and welfare of the citizens of Aurora.

The City Council shall conduct a public hearing on an application to amend the Comprehensive Plan. City Council may approve amendments to the Comprehensive Plan by an ordinance approved by a vote of not less than two-thirds of the entire membership of City Council.

City Code Sec. 146-5.4.1.A (Money)

For Ordinances requiring two-thirds vote, this shall be deemed the vote of at least 7 members of City Council.

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** N/A.

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A

ORDINANCE NO. 2021-\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE 2018 COMPREHENSIVE PLAN TO CHANGE THE PLACETYPE MAP FROM EMERGING NEIGHBORHOOD AND COMMERCIAL HUB TO INDUSTRIAL HUB FOR THE AREA BOUNDED BY EAST 56<sup>TH</sup> AVENUE TO THE NORTH, THE FUTURE HARVEST ROAD TO THE WEST, THE FUTURE POWHATON ROAD TO THE EAST, AND THE FUTURE 48<sup>TH</sup> AVENUE TO THE SOUTH (SUN EMPIRE COMPREHENSIVE PLAN AMENDMENT INDUSTRIAL HUB)

WHEREAS, City Code Section 146-5.4.1.A provides for the adoption of a Comprehensive Plan for the orderly development and redevelopment of the City of Aurora, Colorado, and that this plan shall serve to guide the City Council and the Planning and Zoning Commission in their decisions and recommendations in all land use decisions within the city; and

WHEREAS, on October 8th, 2018, the City Council passed Ordinance 2018-37 adopting the 2018 Aurora Comprehensive Plan; and

WHEREAS, the Comprehensive Plan establishes a land use map providing varying placetypes for City design; and

WHEREAS, on August 11, 2021, following a public hearing thereon, the Planning and Zoning Commission voted to recommend approval of an amendment to the Comprehensive Plan which would allow the placetype designated as industrial hub in an area currently designated emerging neighborhood and commercial hub; and

WHEREAS, City Code Section 146-5.4.1.A provides that City Council may amend the Comprehensive Plan by an ordinance approved by a vote of not less than two-thirds of the entire membership of the City Council, if they find that the amendment promotes the long term economic, social, and environmental health of the City, and that it protects the public health, safety and welfare of the citizens of Aurora.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The Aurora Comprehensive Plan is hereby amended to allow for the placetype designated industrial hub in an area currently designated emerging neighborhood and commercial hub. The amendment to the Comprehensive Plan shall be in the form as filed with the Office of the City Clerk and presented to the City Council at tonight's meeting.

Section 2. All ordinances or parts of ordinances of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 3. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the Office of the City Clerk.

INTRODUCED, READ AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ORDERED PUBLISHED BY REFERENCE this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM: *CMcK*  
*Daniel L Money*  
\_\_\_\_\_  
DANIEL L. MONEY, Assistant City Attorney

## City of Aurora Planning and Zoning Commission Case Report

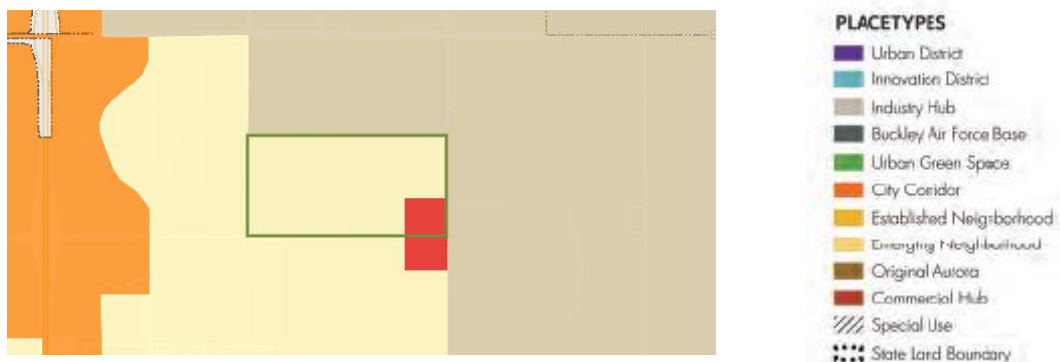
### **Sun Empire Comprehensive Plan Amendment Development Application Number: DA-1805-01 Case Manager: Todd Hager**

**August 11, 2021**

#### **Project Summary:**

The City of Aurora Planning and Development Services is requesting a staff initiated Comprehensive Plan Amendment to change a 315-acre parcel of land from Emerging Neighborhood and Commercial Hub to Industry Hub which supports the current zoning of the parcel of Airport District (AD). The property of land is located north of the future alignment of 48<sup>th</sup> Avenue between the future alignment of Harvest Rd and Powhatan Road and the site is currently vacant.

The current Comprehensive Plan placetype designation is “Emerging Neighborhood”, which envisions a largely residential neighborhood with supporting retail and services. Industrial Development would not be compatible with this placetype designation. The proposed “Industry Hub” placetype designation would support a variety of industrial and commercial development, which would be consistent with the current AD zoning district designation and clarify expectations for development in this area. This amendment would be a logical extension of existing Industry Hub designations to the north and east. The current landowner is supportive of this placetype change and no comments were received from surrounding property owners.



#### **Applicant's Request:**

Comprehensive Plan Amendment to Industry Hub

#### **Neighborhood Comments:**

No community comments were received with this application; therefore, a neighborhood meeting was not held.

**Aurora Places:**

Aurora Places, which is the City’s Comprehensive Plan, is designed to serve as a foundation for decision-making related to growth and development in Aurora. This plan describes future development and land use in terms of “Placetypes.” Placetypes characterize specific areas based on defining character, scale, form, and function. The Industry Hub includes areas typically dedicated to manufacturing, warehousing, distribution, fulfillment centers, freight operations and renewable energy enterprises. This place type plays an important role in the city’s employment base and economy but can sometimes create outdoor activity and should be appropriately buffered from residential and commercial areas. It can generate high volumes of traffic from both its employees and associated truck traffic. Adjoining roadways should accommodate traffic without negatively impacting quieter placetypes of traffic without negatively impacting quieter placetypes or traffic on local streets serving residential areas. Large-scale alternative energy facilities are another use that may fit this placetype. Uses permitted only in Industry Hubs are manufacturing plants, factories, large open-air operations and heavy-equipment storage.

**Summary of Staff Recommendation:**

Approval (See last page for vote).

**Detailed Case Analysis**

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**Related Cases:**

Sagebrush Farms Case Number 2006-7006-00

**Public Notification:**

Legal notice appeared in the Aurora Sentinel on August 21, 2021. Planning Staff sent mailing notifications to eight adjacent and abutting properties on July 29, 2021 and posted signs on the site. Since the property is not easily accessible the signs were posted on the corners of the alignment of Harvest Rd and 56<sup>th</sup> and Powhaton Rd and E 56<sup>th</sup>.

**Community Referrals:**

There are no registered neighborhood associations and no neighborhood/community meeting was held.

**Conformance with Code Criteria:**

**Comprehensive Plan Approval Criteria**

*Section 5.4.1A(3) of the Unified Development ordinance states that when considering a Comprehensive Plan Amendment, the Planning and Zoning Commission and City Council, at their respective proceeds, shall use the following criteria to determine whether the proposed amendment shall be approved:*

*a) A Comprehensive Plan Amendment shall be recommended for approval, and shall be approved, only if it promotes the long term economic, social, and environmental health of the City and protects the public health, safety, and welfare of the citizens of Aurora.*

**Conformance with the Approval Criteria:**

- The area north of the future 48<sup>th</sup> Avenue is a transitional area between largely residential areas to the south and west, and largely industrial and commercial areas to the north and east. Amendment of the comprehensive plan placetypes map to “Industry Hub” would be consistent with those areas to the north and east of the subject property. Future industrial or commercial development on the subject property will need to comply with zoning requirements that include but are not limited to parking quantity and design, landscape requirements, and building design requirements intended to assure a level of compatibility with surrounding land uses. In addition, this site is anticipated to be separated from potential residential development to the west or south by future major arterials streets creating separation

from residential uses. Development of the subject property as an industrial or commercial jobs center is supported by various principles and goals within the comprehensive plan, including the principle of "A Strong Economy" (Aurora Places pages 88-89). This principle states among its goals, to "support a growing availability of job opportunities for people with a variety of skill levels and experience," "achieve a greater balance between the number of residents and jobs in Aurora," and "continue to support the growth of primary employment to bolster the local economy."

**Applicant Information:**

Applicant: City of Aurora, Planning and Development Services  
Owner: McVey Family LLC, Linda McVey  
Project Manager: Todd Hager, City of Aurora Planner II

**Exhibits:**

Exhibit A Vicinity Map  
Exhibit B Letter of Introduction/Justification  
Exhibit C Legal Description  
Exhibit D Long Range Planning Commentary

**Project Statistics:**

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**Land Use Analysis**

Item	Existing
Zoning	Airport District (AD)
Land Use	Vacant
Parcel Size	315 acres

**Surrounding Properties**

Direction	Zoning	Use
North	Airport District (AD)	Vacant
East	Airport District (AD)	Vacant
West	Medium-Density District (R-2)	Vacant (Neighborhood Subdivision in Sagebrush Farms FDP area)
South	Medium-Density District (R-2)	Vacant (Future Aurora Highlands Neighborhood Subdivision)

**Staff Recommendation:**

**Agenda Item 5a: Comprehensive Plan Amendment to Industry Hub**

Recommend approval to City Council the Comprehensive Plan Amendment because the proposal complies with the requirements of Code Section 5.4.1A(3) of the Unified Development Ordinance, for the following reason:

- The Industry Hub Placetypes are centers of activity supporting the city's employment base and economy and the proposed change is supported by the existing Airport District zone district. Supporting lands uses include light industrial, heavy industrial, and urban agriculture.





Sun Empire Site Plan

Case Number: 2021-1001-00  
Development Application: #1805-01



Aurora is Worth Discovering!



City of Aurora, Colorado



Planning & Development Services

15151 E. Alameda Parkway  
Aurora CO 80012 USA  
AuroraGov.org  
303.739.7217  
GIS@aurora.gov



June 28, 2021

*Via Email*

Heather Lamboy, AICP  
 Planning Supervisor  
 City of Aurora  
 15151 East Alameda Parkway  
 Aurora, Colorado 80012

Re: Request for Comprehensive Plan Amendment

Dear Heather:

Opus Development Company, L.L.C. (“**Opus**”) is the contract purchaser of real property located generally in Section 17, Township 3 North, Range 65 West (as more particularly described on the attached **Exhibit A**, the “**Property**”) in the City of Aurora. The Property, which is generally bounded by East 56<sup>th</sup> Avenue on the north, the future Harvest Road on the west, the future Powhaton Road on the east, and the future 48<sup>th</sup> Avenue on the south, is presently owned by McVey Family LLC (the “**Landowner**”). Opus intends to construct an industrial development project on the Property (the “**Project**”).

The entirety of the Property is presently zoned in the City’s Airport zone district (the “**AD District**”)—which generally permits industrial land uses—and the northern portion of the Property is designated in the “Industrial Hub” placetype under the City’s 2018 comprehensive plan, *Aurora Places* (the “**Plan**”). However, the southern portion of the Property is designated in the “Emerging Neighborhood” place type under the Plan. City staff has indicated that a Plan amendment is necessary in order to align the southern portion of the Property’s placetype designation with the AD District zoning designation.

By this letter, Opus respectfully requests, on behalf of itself and the Landowner, that the City immediately commence processing to completion a Plan amendment, changing the placetype designation of all portions of the Property to “Industry Hub,” in order to enable Opus to proceed with the Project. Pursuant to Section 5.4.1.A.3 of the City’s Unified Development Code, the City Council may approve a Plan amendment “only if it promotes the long term economic, social, and environmental health of the City and protects the public health, safety, and welfare of the citizens of Aurora.” Opus’s request is consistent with the long term economic, social, and environmental health of the City and protects public health, safety, and welfare of the City’s citizens as follows:

- As staff has indicated to Opus, the designation of portions of the Property as “Emerging Neighborhood” was done in error, as the Property has long been zoned to allow industrial uses that build upon the Property’s proximity to Denver International Airport.
- Pursuant to the Plan, the Industry Hub placetype “plays an important role in the City’s employment base and economy.” Designation of the Property as an Industry Hub permits its buildout in a manner that will reinforce the development of the northeastern portion of the City as a major employment center, and which will contribute significant tax revenues to the City.

Heather Lamboy, AICP  
June 28, 2021  
Page 2

- The development of the Property with industrial uses is consistent with the long-term economic, social, and environmental health of the City, as it concentrates major employment uses around the airport, allows for job creation, and avoids the development of residential uses in close proximity to industrial uses on the Property. The project, as proposed, has the potential to employ over 3,000 people.
- Pursuant to the Unified Development Code, the Project will require Opus to prepare a master plan and site plans, and the Project will be required to meet all design standards of the City. Opus will also be required to develop sufficient infrastructure to serve the Project. These requirements will ensure that any development of the Property is in character with surrounding development and will allow for the construction of public improvements that will benefit the City and surrounding property owners.

For the foregoing reasons, Opus requests that the City approve the Plan amendment. We look forward to working with the City toward successful completion of the Plan amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Swensson".

Joe Swensson  
Senior Manager  
Opus Development Company, L.L.C.

**Exhibit A**  
**Legal Description of the Property**

The SW ¼ of Section 17, Township 3 South, Range 65 West, of the 6<sup>th</sup> P.M., LESS AND Except rights of way for the County roads, County of Adams, State of Colorado

The SE ¼ of Section 17, Township 3 South, Range 65 West, of the 6<sup>th</sup> P.M., LESS AND Except rights of way for the County roads, County of Adams, State of Colorado

The comprehensive plan amendment needs to cover the areas between the following boundary lines.

- East of Harvest Mile Road
- West of Powhaton Road
- North of E 48<sup>th</sup> Avenue

**Hager, Todd**

---

**From:** Krzyzanowski, Daniel  
**Sent:** Friday, July 16, 2021 12:04 PM  
**To:** Hager, Todd  
**Cc:** Lamboy, Heather  
**Subject:** Comments from the Long Range Planning Division in response to DA-1805-01 Sun Empire Comp Plan Amendment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Todd,

Please find below comments from the Long Range Planning Division in response to *DA-1805-01 Sun Empire Comp Plan Amendment*, the proposed amendment to the comprehensive plan for the subject property north of 48th Avenue:

- The current Comprehensive Plan placetype designation is "Emerging Neighborhood", which envisions a largely residential neighborhood with supporting retail and services. Industrial development would not be compatible with this placetype designation.
- The proposed "Industry Hub" placetype designation would support a variety of industrial and commercial development, which would be consistent with the current Airport District (AD) zoning district designation. Approval of the comprehensive plan amendment, as proposed, would align the placetype designation with the existing zoning and allow for future industrial and commercial development of the subject property.
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The Long Range Planning Division finds the proposed amendment to be consistent with the *Aurora Places Comprehensive Plan* and is the division is supportive of the placetypes map revision from "Emerging Neighborhood" to "Industry Hub" for those reasons stated above.

Please contact me directly if you need any additional information or clarification about these comments.

Regards,

Daniel Krzyzanowski, AICP  
Planning Supervisor



June 28, 2021

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Senior Manager  
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