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April 19, 2019

Megan Waldschmidt
Sebastian Partners
1112 Montana Avenue, Suite 165
Santa Monica, CA 90403

Re: Third Submission Review – Avelon – Framework Development Plan and Comprehensive Plan Amendment
Application Number: DA-2121-00
Case Numbers: 2018-1005-00; 2018-7004-00

Dear Ms. Waldschmidt:

Thank you for your third submission, which we received on March 29, 2019. We reviewed it and attached our comments along with this cover letter. The letter contains comments from all city departments, as well as outside agencies.

Since many important issues still remain, you will need to make another submittal. Please revise your previous work and send us a new submission on or before Friday, May 10, 2019. Staff is happy to meet with you and your design team in the next couple weeks to discuss these comments and address any questions or issues you may have if you would like.

Note that all our comments are numbered. When you resubmit, include a cover letter specifically responding to each item. The Planning Department reserves the right to reject any resubmissions that fail to address these items. If you have made any other changes to your documents other than those requested, be sure to also specifically list them in your letter.

As always, if you have any comments or concerns, please give me a call. I may be reached at 303-739-7857.

Sincerely,

Sarah Wieder, Senior Planner
City of Aurora Planning Department

cc: Al Cunningham, PCS Group Inc., 850 Santa Fe Drive, Denver, CO 80204
Susan Barkman, Neighborhood Liaison
Mark Geyer, ODA
Filed: K:\SDA\2121-00rev3.rtf



Third Submission Review

SUMMARY OF KEY COMMENTS FROM ALL DEPARTMENTS

- Review and address all concerns identified from adjacent property owners (see Item 1)
- Revise the Land Use Matrix to include accurate calculations (see Item 2)
- Reduce the number of small lots to be under 50% of the total residential lots proposed (see Item 2)
- Update the Comprehensive Plan Amendment Justification per staff comments (see Item 2)
- Request an additional waiver for the percentage of small lots and provide detailed justification (see Item 3)
- Address concerns regarding streets classifications, traffic calming and connectivity (see Item 4)
- Improve the Urban Design Standards and Architectural Design Standards (see Item 5)
- Make revisions to the Landscape Design Standards per code requirements (see Item 6)
- Complete the avigation easement process prior to finalizing the FDP (see Item 7)
- Address comments on the Public Improvements Plan (see Item 8)
- Retain the high point of the site within the community park and address all other PROS comments (see Item 9)
- Update the Master Traffic Impact Study per Traffic Engineering comments (see Item 10)
- Address Aurora Water in the Master Utility Study and Public Improvements Plan (see Item 11)
- Submit a detailed plan for how elementary students will safely access the school in Painted Prairie (see Item 12)
- Review DEN and UCFCDD comments on the proposal (see Items 13 and 14)

PLANNING DEPARTMENT COMMENTS

1. Completeness and Clarity of the Application

1A. Please make revisions to Tab 1 (Letter of Introduction) as the comments within this review letter will necessitate updates to this. Some information is missing, and all waiver requests are not properly identified.

1B. Several updates are needed to Tab 3 (Context Map) and Tab 4 (Site Analysis Narrative) per redline comments.

1C. Please address all concerns identified from adjacent property owners in the attached comment letters.

2. Zoning and Land Use Issues

2A. As a general comment, this Framework Development Plan is being reviewed based on the existing Zoning Code. However, if any waivers are proposed which utilize the draft Unified Development Ordinance (UDO) as waiver justification, staff will also review those applicable sections based on the draft UDO to ensure compliance. For example, if 50% small lots are proposed within the development, you would also be expected to comply with all associated UDO standards related to that request, such as the distribution of small lots, required open space, garage mitigation and product mix. The existing Zoning Code standards could not be applied.

2B. There are many inconsistencies in the calculations within Tab 8 (Land Use Matrix). The population projection, density calculations, parks and open space acreage and dwelling unit counts appear incorrect in some instances, or do not align with other numbers in the document. Please review all redline comments in Tab 8 and ensure that all calculations are correct with the next submittal. It is difficult to review the proposal if these are not accurate.

2C. Based on the proposed number of single-family detached and single-family attached units (1,067), this proposal exceeds the number of small lots that is permitted. You have identified 590 small lots in Tab 8 (Land Use Matrix), which is 55% of the lots. The existing Zoning Code only permits 35% small lots, while the draft UDO may permit up to 50% small lots if additional standards are followed as noted in Item 2A. Please note that if 50% small lots are proposed, the draft UDO would require that at least 40% of the total lots in the Framework Development Plan be greater than 50' lot width and greater than 4,500 square feet of lot area. As currently shown, this proposal only has approximately 10% of lots (105 homes) above this threshold.



2D. Although staff realizes that the lot layouts in Tab 10 (Urban Design Standards) are conceptual, please be aware that double frontage lots are not permitted along collector streets. Most of the lots adjacent to 60th Avenue appear to be double frontages lots.

2E. As currently depicted on the approved Aurora Places Placetype Map, the northern portion of the site as an Urban District and the southern portion is a City Corridor. As part of your proposed Comprehensive Plan Amendment, which requires City Council approval, you are proposing to retain the northern quarter of the property as an Urban District and to change the rest of the site to an Emerging Neighborhood. Staff is not supportive of changing the southwest corner along 56th Avenue to an Emerging Neighborhood. This area should remain as a City Corridor.

2F. Please be aware that having the 8" water line cross through the middle of the community park (as identified in the Public Improvements Plan) could be an issue as this would prevent any building, structure, landscaping, etc. from being installed over it. This could impinge upon the construction of a potential structure.

2G. Tab 4 (Site Analysis Narrative) states that the site is located outside of the airport noise contours. This is not accurate based on the noise contours approved by an Intergovernmental Agreement from the late 1980s. Despite what the Denver International Airport map may suggest, this site is still within the Noise Impact Boundary Area from the city's perspective.

2H. Please clarify whether the public access / utility easement on the north side of the site and the drainage easement at the southwest corner that are depicted in Tab 4 (Site Analysis Narrative) are remaining in place. It appears that these would conflict with potential roads and buildings.

2I. Although many details of the potential amphitheater have not been determined yet, please be aware that you would be required to comply with the city's noise ordinance ([Section 146-1802](#)). The proximity of the proposed residential uses to the amphitheater, particularly in PA-6 and PA-7, could be problematic. This could also impact residential uses in Painted Prairie.

3. Waiver Issues

3A. As previously stated in the first two review letters, a waiver must be requested for the proposed percentage of small lots. The current code only permits a maximum of 35% small lots within a Framework Development Plan and you are currently proposing 55% small lots per the information provided in Tab 8 (Land Use Matrix). The draft UDO would allow up to 50% small lots if all associated standards are followed. The draft UDO can be used as justification for this waiver request only if you are also meeting all other requirements that would apply. As previously requested, additional architectural enhancements should also be provided in Tab 12 (Architectural Design Standards) as mitigation for this waiver request.

3B. The provided justification for the waiver requests in Tab 6 (FDP Narrative) states that the provided residential design standards go above and beyond Zoning Code requirements. However, the standards provided in Tab 12 (Architectural Design Standards) do not demonstrate this. The four waiver requests all relate to the percentage and density of single-family residential uses in Avelon. Staff has consistently stated that the design standards are very important in the evaluation of these waivers. Items discussed in Item 5, such as required front porches, required recessed garages for small lots, more lot size variation (other than small and standards lots), maximum block lengths, minimum percentage of alley-loaded products, etc., should be considered with the next submittal.

4. Streets and Pedestrian Issues

4A. Tab 8 (Land Use Map) identifies collector streets just east of PA-2 and just east of PA-28. However, these do not appear to be shown as collector streets in the PIP. The graphics provided in Tab 10 (Urban Design Standards) also depict these as local streets. Please clarify the correct street classifications.



4B. Please address traffic calming along 60th Avenue with your next submittal. The proposed linear park design means that there will be a significant number of pedestrian crossings at 60th Avenue, which is a collector street. Pedestrian safety is critical in this area to ensure that residents can utilize the park as intended. Along with updating the Master Traffic Impact Study, please describe the proposed traffic calming measures in Tab 10 (Urban Design Standards) with the next submittal.

4C. The conceptual local street network shown in Tab 8 (Land Use Map) does not demonstrate a well-connected street system, particularly south of 60th Avenue. The only connections to 60th Avenue from the south are adjacent to the linear park, which could create a significant amount of traffic in an area that should be pedestrian-oriented. This is not acceptable to staff. Local street connections should align with 60th Avenue to the north to create a grid-like street system that allows vehicular traffic to be dispersed throughout the development.

4D. The entire length of 64th Avenue, including adjacent to the Denver Water parcel, must be constructed as part of this development. This is required by Public Works to facilitate needed vehicular and pedestrian access. Please ensure that all documents reflect this requirement.

4E. The concerns from Aurora Public Schools regarding elementary school students crossing Picadilly Road have not been addressed (see Item 12). Picadilly Road is proposed is a six-lane arterial and is not safe for younger children to cross to get to school. This must be resolved prior to the next submittal.

4F. Based on the concerns identified in the Master Traffic Impact Study from the traffic engineers, the Tibet Road alignment issue must be resolved prior to the next submittal. If Tibet Road needs to shift to the west based on the analysis, this will impact many of the PAs in the northeast corner of the site.

4G. Please note that coordination with staff will be needed regarding potential changes in the future to the 64th Avenue cross section. This concept was presented at the property owner meeting on March 22nd and a consultant will likely be hired by the city to determine how the existing six-lane arterial cross section could be transformed into a walkable main street.

5. Architectural and Urban Design Issues

5A. As an overall comment, there are many redlines in Tab 10 (Urban Design Standards) and Tab 12 (Architectural Design Standards) that note inconsistencies, as well as recommendations for improving these documents. Please review these redline comments and ensure these are addressed with the next submittal as many of the comments are similar to that of previous reviews.

5B. As requested by the Planning Director in an email sent to the consultant on March 3rd, the parking standards for the Harmony Neighborhood in Tab 10 (Urban Design Standards) state that “no surface parking shall face streets or open space.” However, the conceptual graphics show a large surface parking lot adjacent to Picadilly Road and the proposed community park / amphitheater. This is not consistent with the vision of an urban entertainment district and should be revised.

5C. As requested by the Planning Director in an email sent to the consultant on March 3rd, please specify a maximum block length for the site. This is important to ensuring a well-connected, walkable neighborhood.

5D. Please clarify why you are including fencing standards along arterial streets (i.e. 64th Avenue and Picadilly Road) for the Harmony Neighborhood. Fencing is generally not used along arterial streets in urban conditions. The community park should be easily accessible and should not be fenced off. The buildings along 64th Avenue should also be oriented towards the street with minimal setbacks, so fences would not be necessary.



5E. Tab 12 (Architectural Design Standards) state that buildings in the northwest corner of the site “shall be set back at least 10’ from all streets other than the designated walkable streets.” This is not consistent with the build-to lines shown in Tab 10 (Urban Design Standards), so this should be reconciled. Please also clarify which streets are considered “designated walkable streets.”

5F. Many of the FDP documents state that lot variety is proposed throughout the development, but this concept is not evident based on the calculations in the Land Use Matrix and the conceptual lotting plans. 90% of the lots appear to be small or standard lots. As requested by the Planning Director in an email sent to the consultant on March 3rd, please specify a required level of variation in residential lot sizes and products in Tab 10 (Urban Design Standards). This is important to ensuring a diverse streetscape and a mix of income levels in the neighborhood.

5G. Please add urban design standards for the Imagine Neighborhood in the southwest corner of the site. The standards should illustrate how this commercial area will be an improvement upon a typical suburban shopping center. With the limited amount of commercial uses proposed in this development, all commercial / mixed-use areas should be well-designed. Per the Planning Director’s email to the consultant on March 3rd, please also commit to a minimum percentage of building frontage along 56th Avenue with build-to lines and parking to the side or rear of the buildings.

5H. Please update applicable graphics in Tab 10 (Urban Design Standards) based on staff comments throughout this document. Some graphics are not consistent with the required design standards or layout for this development.

5I. As previously requested, the design of multi-family / mixed-use buildings in the northwest corner need to be addressed within the first section of Tab 12 (Architectural Design Standards). The multi-family standards that were added were written for a more suburban context. Please review and address all redline comments.

5J. Although staff appreciates the addition of architectural styles and some other standards since the previous submittal, most of the residential architectural standards do not demonstrate a higher level of design than is already required in the existing Zoning Code or is proposed in the draft UDO. Standards that already exist in [Section 146-1302](#) should not be restated in the document. Only standards that go above and beyond the code should be included. Requiring porches, enhanced garage materials and features, second-story massing over the garage, etc., especially for small front-loaded lots, is highly recommended based on the required mitigation for the waivers.

5K. Please clarify how the Design Review Committee (DRC) members would be chosen and whether they are third-party positions. In addition, an odd number is recommended to prevent possible tie votes. Someone from the city is generally the fifth member of the DRC as this makes the review process easier once an application is actually submitted.

5L. Many graphics within Tab 12 (Architectural Design Standards) are blurry. Please update these graphics.

6. Landscaping Issues (Kelly Bish / 303-739-7189 / kbish@auroragov.org / Comments in bright teal)

Tab 10

6A. Many of the sheets within Tab 10 relate to landscape design, not urban design. These sheets should be within Tab 11 as the information is more applicable to this tab.

6B. Open rail fencing is not permitted along arterial and collector streets. Please update all applicable sheets.

6C. Update the graphics for the collector street to reflect a 20’ minimum buffer depth.

6D. Please be advised that ornamental grasses cannot be the only “shrub” type material used in the buffer. They are cut down by maintenance staff in the fall and offer little to no vegetative aesthetic to the streetscape after that. During the winter months, if not cut back, they are often flattened with snow loads and offer no aesthetic value. The buffer must contain shrubs of various colors, heights, textures with some ornamental grasses mixed in.

*Tab 11*

6E. Update Form G to include landscape standards for detention ponds and parking lots.

6F. To meet the minimum landscape standards, arterial and collector streets shall provide a minimum of 10 shrubs per 40 linear feet versus 5 shrubs per 40 linear feet.

6G. Specify plant quantities to be used in the tree lawn / curbside landscape area that will be used in lieu of sod. The standard proposed should be a 1 five-gallon shrub or ornamental grass per 40 linear feet of sod. No more than 40% of the plant material may be ornamental grasses. All plant material must be five-gallon size at time of installation.

6H. Update the buffer graphic for collector streets to be a minimum of 20' wide.

6I. Wrought iron or materials simulating the appearance of wrought iron may be used along arterials and collectors if an open style fence is desired. Three rail fencing is not permitted. Update the graphic accordingly.

7. Airport Issues (Porter Ingram / 303-739-7227 / pingrum@auroragov.org)

7A. Because this property is located within the Airport Influence District of Denver International Airport (DEN), the applicant must assure that an avigation easement has been conveyed to the City of Aurora and DEN for this parcel and that this easement has been recorded with the Adams County Clerk and Recorder in accordance with [Section 146-822](#) prior to the FDP being recorded. To streamline this process, the City of Aurora will record the avigation easement for the applicant. The applicant is responsible for completing the easement form (found [here](#)), obtaining the property owner's signature and notarizing the document. Please include a legal description and survey of the property. The completed easement form can be dropped off or emailed to Porter Ingram.

7B. This parcel is located in the Noise Impact Boundary Area (NIBA) of Denver International Airport. The NIBA includes those areas located between the 55 LDN and 60 LDN contours. New residential uses or new residential structures permitted by the underlying zone must provide and include noise level reduction in the design and construction of all habitable structures.

7C. Development in the AID shall comply with height restrictions in the underlying zone district, which do not intrude into 14 CFR 77 surfaces for military airports. Vendors of real property located within the Airport Influence District are required to provide notice to prospective purchasers in accordance with [Section 146-822](#). The notice will state that the property may be subject to some of the annoyances or inconveniences associated with proximity to an airport including noise, vibration, and odors.

REFERRAL COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES**8. Civil Engineering** (Kristin Tanabe / 303-739-7306 / ktanabe@auroragov.org / Comments in green)

8A. Combine the PIP Narrative and Tab 13 into a single document with the next submittal.

8B. This development will require the construction of the south half of 64th Avenue across the Denver Water parcel. Public improvements are not only predicated on adjacency, but also needs to traffic as well.

8C. The FDP will not be approved by Public Works until the Master Drainage Study is approved.

9. PROS (Chris Ricciardiello / 303-739-7154 / cricciar@auroragov.org / Comments in purple)*View Corridors and Location of Actual High Point*

9A. The applicant states in Tab 10 (Sheet 9) that the preservation of view corridors established by High Point Park View Corridor Analysis and the Section 146-885 is a primary objective: "The development that is proposed in the Avelon site preserves all of the view corridors." This objective, with the exception of intruding structures along the northeast edge of the Longs Peak view corridor, is illustrated in the layout of the community park site and the adjacent mixed-use structures indicated in PA-2. However, the location of the high point shown in Tab 9 appears inconsistent with that shown on Sheet 9 of Tab 10. As the actual location of the high point in the field is paramount to the establishment of view corridor boundaries, coordinate with PROS to establish the high point in the field through survey methods.



Population Calculations

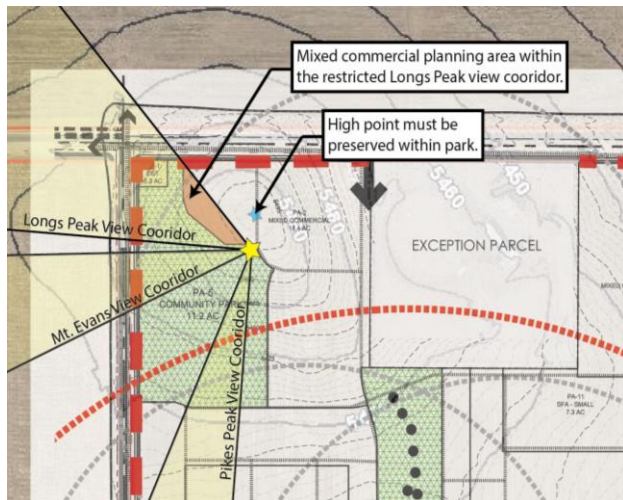
9B. In Form D, the applicant indicates a total proposed residential population of 3,765 persons. The actual total residential population, based on the data provided, shall be 3,766 persons. Please revise the population calculations as follows: Single Family Detached (@ 2.65 persons per DU) 637 DUs x 2.65 / DU = 1,688 persons; Single Family Attached (@ 2.65 persons per DU) 430 DUs x 2.65 / DU = 1,140 persons; and Multi-Family = (@ 2.5 persons per DU) = 375 DUs x 2.50 / DU = 938 persons. The total proposed population = 3,766 persons.

Land Dedication Requirements

9C. Based on a total population projection of 3,766, the neighborhood park land dedication requirement will be 11.29 acres, the community park land dedication will be 4.14 acres and the open space land dedication requirement will be 29.36 acres.

Open Space, Circulation and Neighborhood Map

9D. The community park shown in PA-5 must encompass the high point and critical view corridors as defined by the Mountain View District and the View Corridor Analysis. As shown in the following graphic produced by PROS, there is some question as to the actual location of the high point and whether or not it's being shown preserved within the community park site.



9E. The applicant must provide new topographic data to confirm the exact location of the physical high point within the Avelon property. The location data would then be confirmed by PROS before inclusion in subsequent planning documents.

9F. The layout and distribution of the park system represented in the Open Space, Circulation and Neighborhood Map centers around an open space spine aligned along a north / south axis of the development area. While this arrangement works to link park and open space corridors to adjacent residential Planning Areas, the composition of the neighborhood park (PA-18) and pocket parks is confusing. The applicant is requesting 24.5 acres of neighborhood park land dedication credit as represented by PA-9 and PA-17. If PROS grants this dedication credit, there will be a surplus of 13.21 acres of neighborhood park credit that, by definition, must be developed with neighborhood park programming and uses.

9G. Add open space / trail connections from neighborhoods to parks and open spaces as shown in the redline comments in Tab 9.

Form J

9H. The proposed pool, parking and community building are not allowable uses for a neighborhood park and would not receive park land dedication credit.

9I. Review and address all redline comments in Form J.



10. Traffic Engineering (Brianna Medema / 303-739-7336 / bmedema@auroragov.org / Comments in orange)

10A. The Tibet Road alignment to 64th Avenue shall be at least 0.25 miles from the SB E-470 access road. The weaving analysis provided is not acceptable. An offline meeting with Traffic Engineering may be suitable to propose a weave analysis methodology to the city.

10B. The trip generation and trip distribution are the same as previously, yet many turning movement volumes decreased compared to the previous version. What has changed?

10C. Include thresholds for non-signalized intersections.

10D. Traffic calming elements may need to be implemented along 60th Avenue to facilitate suitable pedestrian crossing locations. Ensure analysis is included in next submittal of the TIS and include a note that it needs to be analyzed in any CSP or adjacent development along 60th Avenue. This may include grade separation, roundabouts or other physical modifications to improve vehicular yielding behavior, as appropriate.

10E. This development needs the full width of 64th Avenue (including adjacent to the Denver Water parcel) for connectivity issues based on the Traffic Impact Study. Ensure it is included in the next iteration.

11. Aurora Water (Casey Ballard / 303-739-7382 / cballard@auroragov.org / Comments in red)

11A. For all PAs, the PIP must identify what water lines are needed for each phase to achieve a looped water system and which sanitary sewer lines are needed to reach the ultimate discharge location.

11B. Address all inconsistencies within the PIP per redline comments.

11C. A Master Utility Plan was not included in this submittal. This must be included for approval.

11D. Update Table 1 in the Master Utility Study per redline comments.

11E. Revise the Sanitary Sewer Routing chart per redline comments.

11F. The minimum pipe velocity that is permitted is 2 feet / second.

11G. Review and address all redline comments in the Master Utility Study.

12. Aurora Public Schools (Josh Hensley / 303-365-7812 / jd hensley@aurorak12.org)

12A. The school land dedication obligation for the proposed Avelon FDP is 14.4694 acres in accordance with Section 147-48 of the Aurora City Code. Aurora Public Schools remains concerned about how elementary age students will safely access school. Before the district agrees to cash-in-lieu of a school site dedication in Avelon, we would like a plan for pedestrian improvements that will allow students to access the proposed K-8 school in Painted Prairie. If APS agrees to accept cash-in-lieu of school land, market value of zoned land with infrastructure in place will be determined for the value of cash-in-lieu. Payment of cash-in-lieu is requested at the first residential plat approval so that the district can serve students in locations outside of Avelon.

13. Denver International Airport (Tim Hester / 303-342-2391 / tim.hester@flydenver.com)

13A. Denver International Airport received your referral later dated March 29, 2019 for DA-2121-00, Avelon – Framework Development Plan with Waivers and Comprehensive Plan Amendment. We appreciate the opportunity to comment on the proposal. DEN previously submitted comments raising our concerns on the 1st submittal on July 26, 2018 and reiterating those comments as part of the 2nd submittal on November 29, 2018. The 3rd submittal has continued to evolve and the current Framework Development Plan is requesting three waivers related to residential development standards within the E-470 Corporate Subarea zoning district. Waiver #1: Requesting a waiver from Section 146.901.F regarding residential as a predominant use since the City has determined that this is judged as more than 50% of the land in residential uses. Waiver #2: Requesting a waiver from Section 146 - 919.C.3.a - No more than 25% of the gross land area located within 1/2 mile of the E - 470 right-of-way in the Airport Corporate subarea shall be devoted to residential land uses. Waiver #3: Requesting a waiver from Section 146-906 - Permitted Density & Intensity of Development, regarding some of the product densities. Specifically, a waiver from the maximum residential densities permitted for Two-Family General at 8 du/ac and Single-Family Attached Townhouses at 12 du/ac.



13B. DEN has reviewed the FDP and waivers #1 and #2 would allow the Avelon development to devote close to 80% of the property for residential purposes. Approval of waiver #3 would allow the maximum permitted residential densities within the development to increase from 8 du/ac to 10 du/ac for two-family general and from 12 du/ac to 16 du/ac for townhouses. Taken together, these waivers would allow for an estimated 3,765 residents to live within this community at full build out. This increase in the amount of residential is a concern not only because the development is located in close proximity to the future 7R-25L runway at DEN, but it will also be subject to overflights and single event noise exposure from current airport operations.

13C. DEN does not concur with the waiver requests as presented in the 3rd submittal of the Avelon Framework Development Plan. DEN desires to collaborate with stakeholders and surrounding municipalities to promote economic development in the region. However, we feel that increased residential development in close proximity to Denver International Airport will limit the future potential of airport operations.

14. Urban Drainage and Flood Control District (Morgan Lynch / 303-455-6277 / mlynch@udfcd.org)

14A. See the attached comments.

L.C. Fulenwider owns property on the NE corner of 56th Avenue and future Tibet Street in Aurora. We directly adjoin the Avelon development planned for the NW corner of 56th Avenue and Tibet Street.

We object to two aspects of the Avelon FDP and are requesting that the City and the Avelon developer address these issues in their FDP.

- 1) It appears that the sanitary sewer line included in the Avelon FDP conveying flows to the NE under E-470 and to the 2nd Creek Lift Station does not adequately address the anticipated flows from LCF owned land in the same sewer basin. The planned Avelon line is the ONLY alternative for sanitary sewer service for the LCF owned property and the Avelon line must be designed to accommodate future LCF design flows.
- 2) It appears that the Avelon storm water detention and release plans for their property south of 60th Avenue and west of future Tibet do not adhere to the flow volumes, release routing, or detention plans in the most recent 2nd Creek Drainage studies adopted by the City. The Avelon property drains through LCF property to the only outlet from this parcel under E-470. Avelon must coordinate on flows through the LCF property, easements to route these flows, detention volumes, and flow designs with LCF. While we've had several discussions with Avelon about these issues, the results of those discussions are not accurately reflected in their FDP.

Thank you for your attention. We would be happy to meet with Avelon and the City to further discuss these issues at any time.

Rick Wells

Senior Vice President



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(303) 295-1735 | **FAX**

(720) 331-2071 | **CELL**

Memo

To: Sarah Wieder

From: Chris Fellows, Painted Prairie

Date: 4.17.19

Re: Comments on the Avelon Application

We recently reviewed a portion of the updated Avelon application. As adjacent landowners with a 620-acre land holding and a mile of common frontage, we are quite interested and concerned with the future of the area.

For context, Painted Prairie is fully entitled and under construction.

We may not have all the available information, but based on what we have seen we have the following comments:

1. It does not appear that the proposed application is in conformance with the existing City of Aurora (“COA”) Master Plan. Based on the history at Painted Prairie, and our understanding of standard COA procedure, applications are not accepted for processing if they are not in conformance with the COA Master Plan. Therefore, we would normally expect a Master Plan Amendment process to occur before a non-conforming zoning application could be processed.
Thus, it is our opinion, that based on City history, practice and process, requested amendments to the City Master Plan should be processed first and independently, before zoning or CSP applications are permitted to be processed,
2. It does not appear that the proposed application is in conformance with the E-470 Zoning overlay district. As with the comments above, if the application is not in conformance with the existing zoning overlay, our understanding is that an overlay modification is required to occur first.
3. The COA has historically taken the position that properties which are in the E-470 influence area, particularly those near interchanges and those with high visual connection to and from the Highway, are to be preserved for commercial development and potential. This application is contrary to the COA’s historical conduct and position. It seems that a consistent approach and response from the COA for all applications in the area is warranted.
4. In the applicants *Letter of Justification*, they reference Painted Prairie and state they should be “...consistent with the designation that exists directly adjacent to the west of us on he

Painted Prairie project”. That comparison, for the purposes of this application and request is substantially flawed:

- In order to receive the entitlements and zoning that currently exist at Painted Prairie, we had to prove that the Painted Prairie site had no visual identity (line of site) to or from E-470. We had to provide substantially documentation to the COA in this regard.
- The City of Aurora and the zonings in place, as well as the E-470 overlay district, are quite focused on preserving those properties with decent commercial viability, and visual connectivity to E-470 for commercial uses.
- Painted Prairie is not visible from E-470 and E-470 is not visible from Painted Prairie. Avelon on the other hand has substantial visibility to and from E-470, and thus should be zoned as it is currently zoned, without change to residential uses.
- Painted Prairie, prior to receiving its’ current zoning, was required to demonstrate that there were not any significant noise impacts from E-470 to the Painted Prairie site. That was a key factor in allowing Painted Prairie to have its residential zoning approvals.
- The Avelon site is substantially more impacted by noise from E-470 than is Painted Prairie.

Has a noise study been done? We have not been made aware of one. This should be required before the application goes forward.

Avelon should not be allowed to have a lesser threshold for the effects of its visual relationship to E-470 and noise impacts from E-470 than Painted Prairie had to overcome.

5. It is typical, that to warrant a change in a Master Plan, an Overlay District and to justify a re-zoning that the application must demonstrate i) a change in circumstances, ii) compliance with the existing Master Plan or iii) the need to correct an error. We find none of those reasons in this case. Furthermore, if anything, changing circumstances over the last 10 years, most significant of which is the construction of the Gaylord Rockies Conference Center and Hotel would encourage more intense commercial uses, not a change from Commercial to Residential. Any changes from Commercial to Residential which increase sewer flows, traffic impacts or drainage impacts.
6. It is important that Avelon matches with our intersection locations on Picadilly. Their plan does not appear to indicate the proper locations, especially at 59th and 61st. Further, their traffic study seems to indicate 5 intersections with Picadilly, whereas their plan did not show 5. Additionally, the intersection closest to 56th, is indicated by Avelon to be a full movement intersection. That is not consistent with the plans for Picadilly approved by COA and currently under construction. Furthermore, Painted Prairie is not willing to pay for a potential future signal at that location as it was not contemplated with our approvals. We request the COA requires the applicant to change this designation on their plans and in their traffic study.

7. The COA Master Plans have envisioned a Community Park at 64th and Picadilly. Painted Prairie has had to make its plans in conformance with the vision of 20 acres of park on each side of Picadilly.
8. We understand that Avelon is trying to reduce their required park dedication. They are also trying to implement some (rather amorphous from we can find in the files) plans for an “entertainment District” that may include concert facilities and other for-profit operations. Additionally, while little to no public information is found in the files to substantiate their statements, they make claims about funding, “the applicant’s commitment to ensure the creation of a successful entertainment District”, a “signature destination”, etc.. We have seen no plans. We have seen no financial projections. We have not seen any assurances of or proposals for funding, cost share or otherwise. As we stated previously, these changes to the planned regional intent will impact us. They may interfere with our operations and our project. The mere fact that they have proposed changes which are not consistent with existing master plans, and they have been not forthcoming with hard plans and facts, other than a desire to put concert venue and other facilities in an area with a reduced park dedication are interfering with our operations, planning and progress.
 - We are opposed to any such outdoor venue. It would interfere with our project and our homeowners.
 - We have asked if any noise study has been done on the concert venue. None has been received.
 - How many cars per day and at what times would the concerts create?
 - What kind of light pollution would it create?
 - How would the character of the Park and the corner change.

No answers and no dialogue on any of these issues which clearly affect us and our project, would like be deleterious to our project, and which are interfering with our operations and planning.

At this point, the uncertain and nebulous nature of their “Plans” Proposals’ and “assurances”, combined with the lack of information are enough to merit, in fact require putting the application on hold. Those issues alone should be enough to put this application on hold.

Sufficient information either does not exist or has not been disseminated.

9. We have not seen a new drainage study. However, as we stated before, and as the COA knows, when the Avelon project withdrew from the conditions of the drainage easement and the approved COA and UDFCD drainage plans, particularly as they related to the Moffitt Pond, we notified the landowner, the applicant and the COA that we would not accept any developed drainage or storm water flows from the parcel in question. That includes any change to the nature, volume, point of discharge or any other deviation from the historic flows from the parcel.
We restate, with emphasis, that we remain of the position that as a result of their willing and intentional withdrawal from the original and approved drainage plans, we are not obligated

to, do not agree to, and will not accept any developed drainage or storm water flows from the parcel in question. No documentation exists to ensure we are not being so impacted. Again, this would constitute a major interference with our operations and our legal rights. We were already damaged, significantly and financially when we had to adjust our drainage plans as a result of their withdrawal from the plans and agreements. We have legal rights in this regard. Neither the applicant, the landowner, nor the COA should attempt to foist upon our parcel developed flows from Avelon without our written consent..

10. It is unclear from their submittal how they are proposing to deal with the construction and connection of the 24" water line in 56th.
11. Adding residential density, would like increase use of sewer outfall capacity in 64th. That would interfere with our operations and our plans. We are therefore opposed for this additional reason to their proposed residential zoning request/change. Perhaps their sewer should flow to the east and not where it will interfere with our operations and functioning.
12. If the 60th Avenue "flyover" is not going to happen (we understand it has been taken off the NEATS study), then we believe 60th should not connect at Picadilly and request a chance to have that discussion with the City. Given that Painted Prairie does not want to become a "cut through" for traffic that would go to serve residential areas which are not currently permitted under the zoning:
 - a. Over-burdening 60th with traffic would reduce the pedestrian friendly, pedestrian safe design within Painted Prairie.
 - b. If the rezoning of Avelon were approved, and the increased traffic forces the need for a signal light at 60th and Picadilly (whereas one would not meet warrants without the rezoning as requested), Painted Prairie would request the burden of that cost to be born by Avelon as they would cause the need.
13. Because of the nature of the graphics in the submittal, it was not clear to us what was actually a requested rezone and what was existing zoning. That should be clarified so that we can have a better review.
14. Our previous comments regarding the park in the N.W. corner of the site were never responded to. They are still pertinent and are restated here:

"We understand that the applicant/application is suggesting doing away with the 20 acre park requirement on the North West corner of their site. We are opposed to that. When the Painted Prairie project was approved, the COA demanded that the North East corner of Painted Prairie be designed and reserved for uses which would work in concert with the 20 acre park planned for across Picadilly. The COA took the position that the two park areas were mandatory. We request that either the 20 acres be required to remain park as envisioned, or Painted Prairie be allowed to reprogram its North East corner.

Furthermore, we understand the applicant has proposed a for profit concert facility where the park was supposed to be. Our comments to that are:

- a. That is not consistent with existing COA plans.*
- b. For profit uses are not equivalent to park uses and dedications.*
- c. Before any such measure were even considered we would want to see noise and traffic studies. Loud noise and tons of late hour traffic are not in harmony nor compatible with our residential uses across the street. We would request significantly more information about noise, traffic, hours of operation, size of facility, number of events, etc.”*

15. We have heard there is a proposal to regrade and move the historic high point on the property. This could, i) change the character of the area, ii) remove a geographic feature the COA previously treated as vital, iii) change the previously important visual plane ordinance. We would like more information about that, and why the COA has changed its position about the importance of the high point, and what affect it would have on the view plane.
16. We did not see provisions for a detention pond at the South West corner of the site. It is our understanding that some drainage, including developed flows may drain to that corner and the intersection of 56th & Picadilly. The currently approved COA and UDFCD Master Plans call for a detention Pond at that location. We expect that the COA would require such a facility. It should be shown and we would like opportunity to review the engineering thereof.

It is our position that Painted Prairie will not accept any developed flow from the subject parcel. We advise the COA not to permit any such fugitive developed drainage to enter the Painted Prairie project, as Painted Prairie will take action against such an event, in order to protect its property.

We appreciate the chance to comment on the application. We suggest much more information is needed and several steps taken, before we can fully review the application and before e the COA’s normal procedures would allow further processing. We would like to make further review and comment as the update file was huge and much information is missing.

However, the forgoing is more than sufficient to require a hold on processing of the Avelon application at this time.

AURORA PUBLIC SCHOOLS - STUDENT YIELD
4/16/2019

Avelon FDP -3rdRef - April 2019

Dwelling Type	Units	Yield Ratio	Student Yield
SFD	637	0.7	446
MF-LOW	430	0.3	129
MF-HIGH	375	0.145	54
TOTAL	1,442		629

YIELD	ELEMENTARY		MIDDLE SCHOOL		K-8 TOTAL	HIGH SCHOOL	
	RATIO	STUDENTS	RATIO	STUDENTS	STUDENTS	RATIO	STUDENTS
SF	0.34	217	0.16	102	319	0.2	127
MF-LOW	0.17	73	0.08	34	108	0.05	22
MF-HIGH	0.075	28	0.04	15	43	0.03	11
TOTAL		318		151	469		160

SCHOOL TYPE	STUDENT YIELD	ACRES PER CHILD	ACRES REQUIRED
ELEMENTARY	318	0.0175	5.5616
MIDDLE	151	0.025	3.7830
HIGH	160	0.032	5.1248
TOTAL	629		14.4694

AURORA PUBLIC SCHOOLS - STUDENT YIELD
4/16/2019

K-12 TOTAL
446
129
54
629



URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

Ken MacKenzie, Executive Director
2480 W. 26th Avenue, Suite 156B
Denver, CO 80211-5304

Telephone 303-455-6277
Fax 303-455-7880
www.udfcd.org

April 12, 2019

UDFCD Maintenance Eligibility Program Referral Review Comments

Project: **Avelon**
Stream: **Weasel Drainage**
UDFCD MEP Phase: **Design**
UD MEP ID: **ID 10003433 / Project 107633**

Dear **Sarah Wieder**,

This letter is in response to the request for our comments concerning the referenced project. We appreciate the opportunity to review this proposal. We have reviewed this proposal only as it relates to major drainage features, in this case:

- Weasel Drainage

We have the following comments to offer:

1. There doesn't appear to be any new information on this submittal specifically related to drainage. Our main concern with the development of this site is ensuring that regional detention at the upper end of Weasel Drainage is implemented in line with the recommendations with the ongoing Second Creek Major Drainageway Plan. The attached excerpt shows a detention basin on this property at the upper end of Weasel Drainage. The intent of the master plan is to limit flows to at or near natural pre-development flows along the receiving streams.

Please feel free to contact me with any questions or concerns.

Sincerely,
Urban Drainage and Flood Control District

A handwritten signature in purple ink, reading "David J. Skuodas".

David J. Skuodas
Stream Services Program

5.7.3 Detention Alternative 3a: Natural Conditions

Alternative 3a assumes that each of the proposed developments within Aurora will provide regional detention to address future condition runoff from their respective properties. The upper and middle portions of the watershed would be required to detain to approximately the natural conditions peak flows. Additional detention would be required within DIA and Commerce City. However, this alternative’s resulting Commerce City peak flows are significantly larger than the proposed peak flows in the 2004 Kiowa OSP, which were used to design the 104th and 96th Ave bridges. Therefore, major structure replacement or enhancements would be required at these locations.

- **Aurora:** The upper watershed consists of rapidly developing land within Aurora. The Second Creek watershed consists of three main reaches: Gopher Gulch, Second Creek (referred to as Upper Second Creek), and Possum Gully. The three reaches form a confluence inside the DIA property boundary, downstream of the City and County of Denver/ Adams County border. This alternative proposes that regional detention be provided at the downstream property border of each proposed development to detain future 100-year peak flows to approximately 3,400 cfs at the confluence. Because each proposed development will be responsible for constructing and maintaining the regional detention basins, the basins will be located within City of Aurora drainage easements and metro-districts or other quasi-governmental entities may be established to ensure that the detention basins are receiving the applicable operation and maintenance in the future. Additionally, each development would be required to detain peak flows to the natural conditions flow at their downstream property boundary.

The detention basin locations shown on Figure 5-6 are approximate and the final location and size of the detention basins will be dependent upon the agreement between Aurora and the proposed developers. Regardless of the final agreed-upon locations, the resulting peak flows would need to be below natural conditions.
- **DIA:** Within DIA, there is one proposed detention basin located just upstream of E-470 (known as “Pond S-235”). This alternative assumes that peak flows discharging into DIA from the City of Aurora will not exceed natural condition peak flows (Section 3.0) and that S-235 will be used to detain additional runoff generated from DIA’s property only. Similar to the run-on from the City of Aurora, the discharged peak flows from DIA at S-235 should not exceed natural conditions peak flows as presented in Section 3.0.
- **Commerce City:** There are two proposed detention basins located within Commerce City. The detention basin, known as the “Parcel K Detention,” would be located offline along the left (southern) overbank of

Second Creek just downstream of 88th Avenue. The proposed detention would be offline and designed to provide detention only during large storm events. The purpose of the pond is to detain the peak of the future conditions hydrograph and provide enough detention to reduce peak flows downstream. The second proposed detention, known as the “North Pond,” is a large (approximately 400 AF) detention basin located just upstream of the O’Brian Canal crossing. This detention basin has been proposed for several years and would separate flows to the O’Brian Canal during large storm events, providing a controlled release of Second Creek flows downstream of the canal. The detailed locations and preliminary grading of these detention areas are shown in Appendix F.

- The North Pond would be located within subcatchments 122, 123, 124, 200, and 201. Stage-storage-discharge curves used for modeling the pond were created using characteristics obtained from preliminary design information provided by the City of Commerce City. A maximum of approximately 400 AF can be detained in the 2002 preliminary pond.
- There are three existing flow constraints at the recently-constructed bridge crossings at Tower Road, 96th Ave, and 104th Ave. Tower Road was constructed using the 1976 FHAD flow of 4,700 cfs and 96th and 104th Ave were constructed using the 2004 Kiowa OSP peak flows of 4,779 cfs and 4,310 cfs, respectively. Proposed peak flows are 4,976 cfs and 5,102 cfs at 96th and 104th, exceeding the existing capacities of the bridge. Therefore, major structure replacement or enhancements would be required at these locations^a. The design capacity of the Tower Road bridge (4,700 cfs) is met.

Alternative 3a Summary: The intent of Alternative 3a was to detain within the upper and middle portions of the watershed to approximately the natural conditions. This alternative meets all the design criteria set forth in Section 5.2, except for exceeding peak flows at 104th and 96th Ave^a. It has the lowest detention capital costs of all the alternatives. The combined effects of these proposed detention areas to the peak flows at major downstream locations are shown in Table 5-4 below.

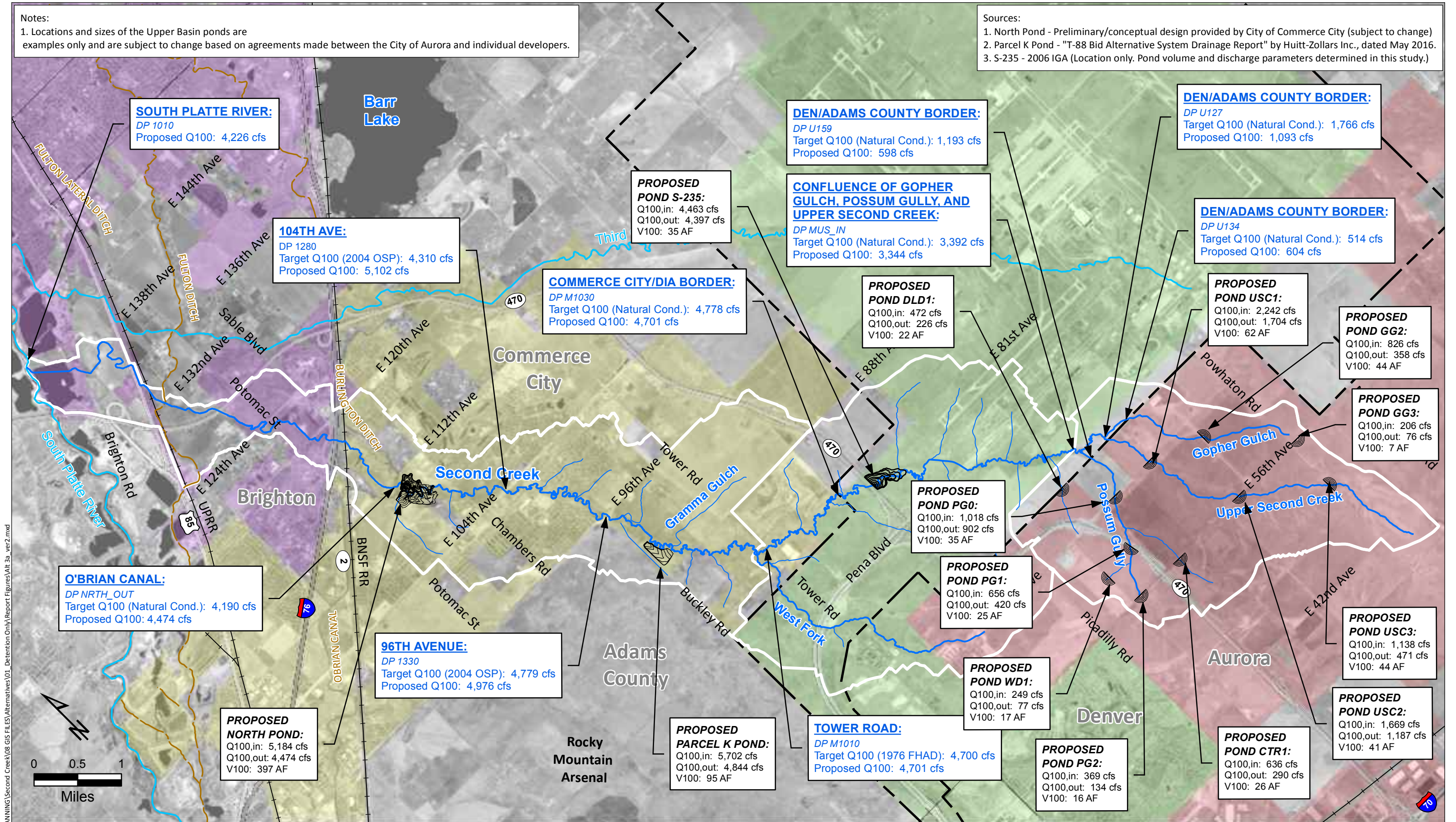
^a Alternatives Phase 1 was completed prior to beginning Phases 2 and 3. Additional data was received during Phase 2 that showed that both E. 96th Avenue and E. 104th Avenue have the existing capacity for the proposed 100-year peak flows from Alternative 3a and that major structure replacements would not be required.

Table 5-4. Alternative 3a Flow Reduction

Location	Baseline Hydrology			Proposed
	100-year Peak Flow, Existing Conditions (cfs)	100-year Peak Flow, Future Conditions (cfs)	100-year Peak Flow, Natural Conditions (cfs)	100-year Peak Flow, Alternative 3a (cfs)
Outfall to South Platte River	4,481	8,559	4,078	4,226
O’Brian Canal/112th Ave	4,532	8,790	4,190	4,474
104th Ave	4,624	9,037	4,328	5,102
96th Ave	4,634	9,295	4,404	4,973
Tower Rd	4,859	9,465	4,742	4,701
Commerce City/ DIA Border	4,885	9,590	4,778	4,701
Confluence of Gopher Gulch, Upper Second Creek, and Possum Gully	3,442	7,348	3,392	3,344

Notes:
1. Locations and sizes of the Upper Basin ponds are examples only and are subject to change based on agreements made between the City of Aurora and individual developers.

Sources:
1. North Pond - Preliminary/conceptual design provided by City of Commerce City (subject to change)
2. Parcel K Pond - "T-88 Bid Alternative System Drainage Report" by Huitt-Zollars Inc., dated May 2016.
3. S-235 - 2006 IGA (Location only. Pond volume and discharge parameters determined in this study.)



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