

# **Kingspoint, LLC**

April 14, 2017

Heather Lamboy  
City of Aurora Planning Division  
15151 E. Alameda Parkway  
Aurora, CO 80012

Re: Kings Point CSP Filing No. 2- Response to Community Questions, Comments and Concerns

Dear Ms. Lamboy,

On November 23, 2016, Kingspoint, LLC received comments from the City of Aurora pertaining to the recent submittal of the Contextual Site Plans ("CSP") for Kings Point Filing No.2, along with comments for the various City agencies and referrals from various municipal agencies were numerous comments received from individuals living in the vicinity of Kings Point. Given that many of these comments deal with the same issues, this letter will address these common topics. Comments with additional or other topics will be addressed individually.

## **Neighborhood Agreements**

When the Kings Point property was annexed into the City of Aurora in 1988, the property owner entered into agreements with several of the adjacent neighborhoods to garner their support for the annexation and General Plan for the future development of Kings Point. In 2002, the current owner, Kingspoint Limited Liability Company, entered into new or amended agreements as part of the approval of the existing Framework Development Plan ("FDP") for Kings Point. The neighborhoods derived benefits from these negotiations and the developer obtained an element of certainty and flexibility towards the future development of the Kings Point property.

It is Kings Point's intent to fully comply with the terms and conditions of these agreements. We believe that the current submission for Kings Point Filing No. 2 complies with these agreements. The developer expects the neighborhoods to abide by the agreements too.

Several of the Antelope comments indicated that Kingspoint was in violation of the terms of their 2002 Agreement for not providing a 30 day notice. This provision only applies in the case of a Material Alteration of the 2001 Plan. The current CSP does not include any Material Alteration from the 2001 Plan. Therefore no 30 day notice is required.

### **Traffic Impact Study**

The traffic study for Kings Point prepared by Atkins and peer reviewed by Fellsburg, Holt & Ullevig was submitted with the CSP on September 16, 2016. Per the City of Aurora's policy the report was not made available to the public until after the City's review and the revision of the study based on the review. The review comments were addressed and it was resubmitted to the City on October 26, 2016. We have provided the report to the HOA's for Chenango and Antelope at their request.

### **Density**

There were several comments about Kings Point being a high density project that does not fit in with the rural character of the surrounding neighborhoods. The developer realizes that the neighboring communities are comprised of homes on lots typically 2 acres or larger and as such worked closely with the neighborhoods during the annexation and Framework Development Plan "FDP" process. The FDP is the document that establishes the zoning for the Kings Point property. This resulted in an approved FDP that buffered existing communities by incorporating the following; landscaped tracts acting as buffers between lots and the existing neighborhoods, provided for one acre lots on the perimeter, created architectural and use restrictions on adjacent lots, generous amounts of open space and expanded the rear yard setbacks.

The 1988 annexation of the Kings Point property into Aurora provided for over 2,700 units that could be built on the property. The FDP that was approved in 2002 reduced the density to 1,786 units; of which 415 are in the planning areas associated with Filing No. 2 and 722 are in the planning areas associated with Filing No. 1. In all likelihood the total units constructed in Kings Point at build out will be less than 1,600 on 944 acres, representing in a reduction of over 1,000 units from the initial plan; a decrease of over 40%.

### **Public Hearing**

There were many requests for the City of Aurora to hold a public hearing as part of the approval process. Currently the processing of the CSP's by the City is through an administrative action. The City at its discretion may require a public hearing.

Kings Point held a neighborhood meeting on January 30, 2017, which was well attended by residents of several adjacent neighborhoods, to provide them with information on the Kings Point project, answer questions and address concerns.

### **S. Ireland Way North of Kings Point**

No single topic received more mention and in depth comment than the future of the intersection of S. Ireland Way and Long Avenue. The developer acknowledges the concern of the Antelope community relative to the prospect of additional traffic on Ireland and Himalaya.

Kingspoint has been working with all of the stakeholders involved in transportation decisions. The street network impacts the cities of Centennial and Aurora, Cherry Creek School District, Arapahoe County and

Douglas County. Given that S. Ireland Way already exists and is owned and maintained by Aurora through Kings Point to the border with Centennial, the developer will be directed how to mitigate any traffic issues and provide traffic solutions. The plan which was submitted in September 2016, as it relates to S. Ireland and Long Avenue was consistent with the FDP.

The Cities of Aurora and Centennial have recently proposed a plan which is acceptable to each. With the initial development of Kings Point, prior to any occupancy, the through connection to the north from existing S. Ireland Way will be terminated at E. Dry Creek Road. Access to Long Avenue will be available via an indirect route requiring a northbound vehicle to make three right turns and two left turns to return to S. Ireland Way approximately 600' south of the intersection of S. Ireland Way and Long Avenue. The developer has been asked to consider this change by the City of Aurora and has agreed to do so. This change is reflected in the re-submitted plans.

The developer understands that Centennial's City Council and staff support this modification and have agreed to the request of the City of Aurora, Arapahoe County, Douglas County, Cherry Creek School District and South Metro Fire District that the road connectivity be maintained.

The developer will have a truck routing plan in place to access the property from Parker Road and E. Dry Creek Road and the construction contracts will be specific regarding accessing the property in an effort to keep construction traffic out of the adjacent neighborhoods in Centennial.

#### **Creekside Elementary School**

It is quite apparent from the numerous comments addressing the topic that there is an existing problem relative to parking and traffic at and around Creekside Elementary School. Kingspoint believes that Centennial and CCSD should be addressing this condition. However, we are willing to be part of the discussion relative to the Creekside issues.

Several comments indicated that Kings Point should construct a drop-off/parking area east of Long Avenue across the street from the school. The FDP for Kings Point does not include this element. Additionally, the likely area is currently designed as a necessary detention pond which is required to capture and detain storm water flow prior to exiting the property.

The revised plan that has been submitted contains pedestrian access to the east side of Long Avenue across from Creekside Elementary School.

#### **East Aurora Parkway Connection to the East**

There were a number of comments inquiring as to the timing of the construction of East Aurora Parkway from Parker Road over E-470 to the eastern boundary of Kings Point. Some of these comments indicated that they believed that this connection be made with the initial phase of development of Kings Point.

The Kings Point project is required to extend East Aurora Parkway over E-470 (via a bridge) to the eastern boundary of the property at such time as any of the Kings Point property south of E-470 (Kings Point Filing No. 4) is developed. The current CSP's for Filings 1 and 2 do not contain property south of E-470; therefore the connection is not required at this time.

The City of Aurora views this connection as an important component of the regional transportation for the area and is exploring various ways to expedite the construction of East Aurora Parkway. The developer is part of these discussions.

#### **Schools**

There were a number of comments inquiring as to whether Kings Point will be dedicating land for a school(s) and concern over the potential adverse impact on school capacity.

Kings Point has previously dedicated land to CCSD for the construction of Liberty Middle School. A letter dated October 22, 2015, from CCSD indicates that they have no need for additional property for another school in Kings Point. At this time the school district has indicated that students from Kings Point would be attending Creekside Elementary, Liberty Middle and Grand View High schools.

The District periodically adjusts school boundaries as necessary to best utilize their facilities.

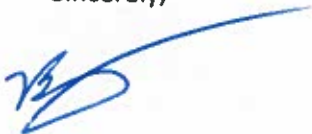
#### **Municipal Services**

A few comments inquired as to the providers of various municipal services and whether there was adequate capacity and study to add the Kings Point community to the system.

All municipal services will be provided by the City of Aurora including; policing, fire protection, water, sewer, and maintenance of dedicated infrastructure. The ability to serve the property is part of the City's obligation to determine as part of the process.

We believe that this addresses many of the questions, comments and concerns that were provided as part of the public comment process.

Sincerely,



Bruce Stokes

For Kingspoint, LLC

April 14, 2017

Kelly G. Morrow  
Orten Cavanagh & Holmes, LLC  
1445 Market Street, Suite 350  
Denver, CO 80202

**Re: Kings Point CSP No. 2**

Dear Ms. Morrow:

We have been provided with your October 13, 2016, letter to Ms. Tart-Schoenfelder Senior Planner for the City of Aurora, pertaining to the recent CSP and Plat submittals for Kings Point Filing No. 2. The following represents the Applicant, Kingspoint Limited Liability Company ("Kingspoint"), responses to the items contained in your letter.

1. The City of Aurora will determine whether a public hearing will be required for the CSP and Plat. Kingspoint held a neighborhood meeting on January 30, 2017, informing the neighborhoods about the project and addressing questions.
2. I provided Antelope POA's President Bill Jacobs with the revised Traffic Impact Study on October 24, 2016.
3. It is Kingspoint's intent to fully comply with the landscape buffer requirements as stated in paragraph 3 of the Amended and Restated Agreement ("Agreement") by and between Kingspoint Limited Liability Company and Antelope Property Owners Association ("APOA"). To the extent that the plans are not compliant, the second submission of the CSP (which we will make in April 2017) will address any deficiencies. We will include the dimensions of the 25' buffer on the CSP and Plat. We will include a note on the CSP restricting trails and use in the buffer.
4. Kingspoint acknowledges its responsibility for preparation and implementation of a dust abatement program and responsibility for drainage flows leaving the Kings Point property. The current draft of Drainage Study for Filing No. 2 was provided to Bill Jacobs on October 24, 2016. We will add notes to the CSP regarding dust abatement and drainage.
5. Kingspoint will restrict construction activity within a quarter mile of APOA to the hours of 7 am to 7 pm Monday through Saturday. Kingspoint will use its best efforts to prevent any traffic associated with Kings Point construction from using the roads in and through the Antelope subdivision to access the Kings Point property. We will include language on the CSP about efforts to mitigate traffic impact and will discuss with the City of Aurora about the potential for signage to be placed on Kings Point.
6. Kingspoint acknowledges the setback requirements and will include them on the CSP and Plat.
7. Kingspoint acknowledges that the Agreement prohibits lighted signage within 200' of the common border. We will include a note to that effect on the CSP.



8. Kingspoint acknowledges the prohibition on grazing and boarding horses within 100' of the common border. We will include a note to that effect on the CSP.

#### **Paragraph 9 Traffic Matters**

9a.- Kingspoint will support, at no cost to Kingspoint, APOA's efforts to vacate or gate S. Ireland Way at the common border between APOA and Kings Point Filing No. 2. However, such action may result in unintended consequences to other neighborhoods bordering Kings Point.

Kingspoint has been working with all of the stakeholders involved in transportation decisions. The street network impacts the cities of Centennial and Aurora, Cherry Creek School District, Arapahoe County and Douglas County. Given that S. Ireland Way already exists and is owned and maintained by Aurora through Kings Point to the border with Centennial, the developer will be directed how to mitigate any traffic issues and provide traffic solutions. The plan which was submitted in September 2016, as it relates to S. Ireland and Long Avenue was consistent with the FDP.

The Cities of Aurora and Centennial have recently proposed a plan which is acceptable to each. With the initial development of Kings Point, prior to any occupancy, the through connection to the north from existing S. Ireland Way will be terminated at E. Dry Creek Road. Access to Long Avenue will be available via an indirect route requiring a northbound vehicle to make three right turns and two left turns to return to S. Ireland Way approximately 600' south of the intersection of S. Ireland Way and Long Avenue. The developer has been asked to consider this change by the City of Aurora and has agreed to do so. This change is reflected in the re-submitted plans.

The developer understands that Centennial's City Council and staff support this modification and have agreed to the request of the City of Aurora, Arapahoe County, Douglas County, Cherry Creek School District and South Metro Fire District that the road connectivity be maintained.

9b.- It is apparent from the numerous letters received and from the videos that there is an existing problem relative to parking and traffic at Creekside Elementary School. Given that no homes exist in Kings Point and no traffic is being generated, Kingspoint believes that Centennial and CCSD should be addressing this condition. Kingspoint is willing to be part of the discussion relative to the Creekside issues. The revised traffic study took peak conditions into consideration.

Kingspoint understands that CCSD periodically adjusts school boundaries as necessary to best utilize their facilities. When students from Kings Point start attending the Creekside Elementary School, possible boundary adjustments has the potential to reduce trips through the Antelope neighborhood. The approved FDP for Kings Point does not provide for vehicular parking and/or a drop off area across from Creekside.

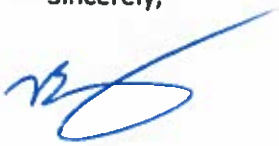
9c.- The revised Traffic Impact Study takes into account the roundabout at S. Ireland Way and E. Dry Creek Road.

9d.- Kingspoint is required to construct the roadways referenced in this paragraph with the initial construction at Kings Point. However, some lot development will occur concurrently with the roadway construction. Given the magnitude of the roadway project and the lengthy construction time, not doing so would be impractical.

We are not willing to add a note indicating "all phase 1 road improvements must be complete and open for traffic prior to the first lot development in Kings Point Filing No. 2."

Kingspoint is committed to fully complying with the terms of the Agreement and will work with Centennial and Aurora to minimize the development impact to Antelope.

Sincerely,



Bruce Stokes

For Kingspoint Limited Liability Company

February 8, 2017

Ms. Keely Downs  
Moye White LLP  
1400 16<sup>th</sup> Street, 6<sup>th</sup> Floor  
Denver, CO 80202

Re: Kings Point CSP's for Filings 1 and 2- Objections, Comments and Requests for Clarification

Dear Ms. Downs:

We have received your letters of October 14, 2016, and November 10, 2016, to Elizabeth Tart-Schoenfelder Senior Planner for the City of Aurora. The City of Aurora's review and comments will provide their position on your specific comments. Since the City is not a party to the agreement between Kingspoint Limited Liability Company and Chenango Homeowners Association dated February 28, 2002 (the "Agreement"), this letter addresses your comments related to the Agreement.

The CSP's for Filing Nos. 1 and 2 filed on September 16, 2016, comply with the approved FDP for Kings Point, the Agreement and the Development Impact Mitigation Measures.

**October 14, 2016 Letter**

Paragraph I. Roadways- The letter states that "Kings Point needs to build all the roads within "phase 1" as depicted on the FDP during the phase 1 of the development, including the roads required for the Phase 1 land use areas that are specifically left out of the CSP 1 application."

Response: Sheet 10 of 12 of the FDP refers to roadway and drainage features for Kings Point. The current CSP for Kings Point complies with roadway construction requirements of the FDP. All roads depicted on this sheet of the FDP will be built with the initial construction of Kings Point. The planning areas located in phase 1 that are not included in the CSP have not been designed and are not required to be constructed with the initial construction at Kings Point.

Paragraph 2 in the Roadways section states that; "Chenango objects to Kings Point's alteration of the design of Aurora Parkway and specifically objects to the reduction in the number of lanes."

Response: It is unclear as to what is meant by "alteration of the design of Aurora Parkway". The only change to E. Aurora Parkway is the addition of the roundabout at the intersection of E. Aurora Parkway and Kings Point Way, which has been included at the request of the City of Aurora's Public Works Department. The Traffic Impact Study for Kings Point dated October 24, 2016, indicates that four lanes are sufficient to serve the property and surrounding areas from Clifton Drive east to the property boundary with Heritage Eagle Bend. There is no reason to construct improvements that are not warranted and the City of Aurora has no interest in owning and maintaining lanes that are not needed.



Paragraph 1 of section II - The references to previous CSP submissions are not relevant to the current CSP that has been submitted, as the prior submissions have been withdrawn or expired and are no longer before the City for review. The current CSP for Filing No. 1 has not redefined "Phase 1" as phase 1 is a designation of geographical area, not time. The required landscaping including the landscape buffers have been included and all roadways located on sheet 10 of 12 of the FDP have been included in the current CSP.

Paragraph 2 of section II. We disagree with the assertion that the golf course needs to be constructed at Kings Point with the initial development. We refer you to Section 3.f of the Agreement for its specific provisions regarding when the golf course must be constructed.

Paragraph 3 on page 2 of the letter quotes the following from Norris Design's September 15, 2016, letter: "A strict interpretation of gridded neighborhood design would not complement a golf course. Additionally, it would result in significant grading that would eliminate any natural topography on site. The proposal is a positive design solution that includes several modified grid parcels that work within existing grades to create natural open spaces and drainages." Response: You have interpreted this to mean that Kings Point does not intend to build a golf course. On the contrary, Kings Point acknowledges its obligation to construct golf in the future; this statement is referring to challenges in providing a strict gridded neighborhood design within the constraints of the future golf course and the existing topography of the property.

Paragraph 1 of section III - The detention ponds presented on the current CSP meet the City's criteria for detention ponds and are consistent with the FDP. The FDP refers to them as detention ponds not golf course lakes. The lakes are a feature of the golf course and will be constructed in the future with the construction of the golf course.

The last sentence of Section III on the top of page 3 of the letter states "These material changes are breaches of the Chenango Agreement, which Chenango will seek to enforce." Response: Construction of a temporary or interim pond is simply not a material change under Section 9 of the Agreement because the ponds will not deviate from the documents referred to in Section 9(a) The detention ponds are not land use areas and construction of the ponds will not change the location or configuration of a land use area. Moreover, the FDP, which Chenango approved, shows detention ponds in the golf course area, not lakes as depicted on the golf course plan. The detention ponds are consistent with the FDP. Because the FDP allows the detention ponds, there is nothing in the Agreement precluding detention ponds, and the ponds do not constitute a Material Change.

Paragraph 1 of section IV States; "The location and configuration of land use areas shown on CSP 1 are materially different from the location and configuration of land use areas shown on the FDP."

Response: The CSPs for Filings Nos. 1 and 2 filed on September 16, 2016, comply with the FDP. City of Aurora staff reviewed the submission and has directed a few minor comments relative to conformance with the FDP. Kings Point will address these comments on the second submission of the CSP. If you have specifically identified deviations from the FDP, these should be brought to the attention of the City

and Kings Point. If you do so in a timely manner, we will review them and endeavor to correct any qualifying deviations.

#### **November 10, 2016 Letter**

Paragraph 2 states "Chenango objects to the construction of any homes within CSP 2 (including in FDP Parcels L9, M16, L10, L11, M17, M18, M20 and M21) prior to the completion of all elements within CSP 1." Response: There is no such requirement in the FDP or the Agreement. The convoluted argument in arriving at this conclusion is illogical and flies in the face of development practices for a large residential planned community such as this.

Paragraph 2 also contains a statement from page 12 of 12 of the FDP that "Phase 1 development shall mean the commercial, residential, and golf course parcels on the west side of the North Kings Point property, and the middle school and residential parcels in the northeast corner of the Kings Point property". This statement does not define a required sequence of development. The language in the FDP from Section IX of the Mitigation Measures deals with Roadway Infrastructure and defines when the collector streets are to be constructed. The current CSP for Kings Point fully complies with the Mitigation Measures as also stated on the FDP. All roads then required will be constructed with the initial development of Kings Point. In addition, "phase 1" as cited in Section IX of the Mitigation Measures includes the planning areas in Filing No. 2, which are not a part of the phase 1 on the FDP and does not correspond with the phasing labels on the FDP.

The last sentence of paragraph 2 of your letter states "However, other improvements not specifically authorized by the FDP should not take place until CSP 1 is complete." That is incorrect. The FDP for Kings Point does not dictate a sequence of development for the planning areas contained in the CSP's for Filing 1 and 2.

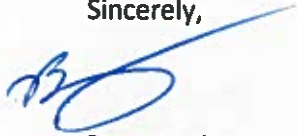
#### **Paragraph 3**

- Sheet L2.01 of the Filing No. 1 CSP and sheets L2.08, L2.13 and L2.16 contain the plans for the landscape buffer with Chenango. Except as noted in comments provided by the planning staff, the buffer is consistent with section I. of the FDP Mitigation Measures.
- Sheets L3.01 for CSP Filings 1 and 2 contains the Kings Point fencing plan and are in compliance with the Mitigation Measures described in section I.3 of the FDP Mitigation Measures.

Paragraph 4 states that "Chenango requests that KP build a parking/drop-off area across Long Avenue from the school within the boundaries of KP's land." Response: No determination has been made as to the closure of Long Avenue and Ireland Way. The approved FDP for Kings Point does not provide for a "parking/drop-off area across Long Avenue from the school within the boundaries of KP's land."

Kings Point looks forward to moving forward as per the terms of the FDP and Agreement.

Sincerely,



Bruce Stokes

For Kingspoint, LLC

Cc: Heather Lamboy- City of Aurora Planning and Development Services Department