

November 26, 2019

City of Aurora
Ms. Heather Lamboy
15151 E. Alameda Pkwy, Suite 2300
Aurora, CO 80012

Re: **Initial Submission Review** – Murphy Creek East/Harvest Ridge Master Plan Amendment

Application Number: **DA-1250-41**
Case Number(s): **2007-7003-03**

Dear Ms. Lamboy:

Thank you for processing our initial submission of Murphy Creek East/Harvest Ridge Master Plan Amendment. Valuable feedback was received on November 6, 2019. We have made the following adjustments. Please feel free to reach out if you have any questions or concerns at 303-892-1166 or bmahar@norris-design.com.

Thank you for your assistance in getting this project completed.

Sincerely,
Norris Design

Bill Mahar
Senior Associate

Initial Submission Review

SUMMARY OF KEY COMMENTS FROM ALL DEPARTMENTS

- ✓ Community members have requested a public hearing for the proposed FDP Amendment.
- ✓ Since Aurora Public Schools (APS) will not accept flows into a detention pond on their property, revise and update the Public Improvement Plans accordingly.
- ✓ Provide specific triggers for all park and open space improvements relating to certificates of occupancy within adjacent residential planning areas.
- ✓ The FDP still has very specific information regarding lot size and maximum permitted number of small lots. It is suggested that you amend this language to state compliance with current code (Unified Development Ordinance).
- ✓ The legal description, outlining the change in area, should be updated as well as all other areas impacted.

PLANNING DEPARTMENT COMMENTS

1. Community Questions Comments and Concerns

A. Name: Paula Smolen
Lowry Landfill Superfund Site Citizens Advisory Group
24011 E Hawaii Pl, Aurora CO 80018
Phone: 720-532-1088 Email: pmsmolen@yahoo.com

Comment: I continue to oppose this development on the basis that the lots are small and, the even though they may meet the minimum requirements under the new zoning rules, it does not say the lots MUST be that small. In addition, some of the proposed housing units are tall and narrow and fit the category of a 3 story freight box. This applicant has said the type of housing he presents is what the market wants. I say that the market is not being driven by the buyer but by the developer in that what is built is what is available and if someone wants an affordable home, they have to this to choose from because the developers say that is the case. If buyers were offered attractive 2 story homes, the developers would say that is what they want.

Those of us who live near this proposed development also feel is a shame the lesser cost homes will be on the perimeter of this development and have a landfill as the back yard. The city can sit back and say we are providing the consumer with homes they can afford, never mind they are near a super-fund site and about a landfill. This fulfills our (the city's) mandate so we do not object. REALLY? When things go bad for these homeowners, I want to be in the room when the city "eats its hat!" I am nearly at the end of my tether when it comes to this city allowing anything to be built, hang the consequences and the input of those most closely affected by their decisions.

Response: Thank you for your comments and involvement throughout this process. The involvement of the neighborhood has informed the development of the Murphy Creek East neighborhood contextual site plans.

B. Name: Jacalyn Lemke
24163 E Florida Ave, Aurora CO 80018
Phone: 303-435-9772 Email: jlemke43@aol.com

Comment: I am a resident of Murphy Creek. When I purchased my home back in 2006 I understood this was a Golf Course Community which would mean single family homes and in the higher price ranges. You are now trying to decrease the value of my home along with all the other home owners whom previously bought into a golf course community. I am totally opposed to the idea of re-zoning the Harvest Ridge just so a home builder can make more money with no regard to the type of community this was meant to be. It shouldn't be just about the money to be made

by the home builder (Lennar) it should be about the current residents and what they originally bought into and about what a golf course community should look like. Please do not allow the amendment and lower our property values.

Response: Thank you for your comments. This application involves the subdivision of lots for future homes, parks, and trails. The applicant has not applied for a land use application for a zoning change. The current zoning on the property was approved in the early 2000s.

2. Completeness and Clarity of the Application

- A. The Amendment should include an update to the lot sizes and number of small lots with a statement of conformance with the Unified Development Ordinance.

Response: The CSPs are required to be compliant with the lot standards contained within the UDO and therefore a statement of conformance is not necessary. The number of small lots is regulated by the UDO. Per request by staff to aid with clarification, Sheet A-3 has been added to the Master Plan amendment and the following note has been added: complies with current code.

- B. The Public Improvement Plan needs to be revised (as noted in redlines) to illustrate storm drainage flow to the pond in Filing 7.

Response: PIP plan has been updated for new drainage flow path along with text in the report.

- C. Shouldn't the legal description be updated as previously proposed? This needs to be reflected on the Master Plan.

Response: A change in the legal description within the FDP is not being requested by the Applicant. The FDP applies to all of the property in the CSP applications. Per staff recommendation, a mylar change may be warranted at a later date.

3. Zoning and Land Use Comments

- A. It will be helpful to provide detail on neighborhood connectivity. While the Public Improvement Plan provides for connectivity via collectors and arterials, an exhibit on local streets should be provided. A conceptual drawing, such as the one provided in the pre-application process, should be included in the FDP. This will aid in illustrating the special urban design features of your plan.

Response: CSPs will substantially conform and/or be an improvement to the existing FDP. The CSPs contain significantly more detail than is provided in the existing FDP.

- B. Please remove reference to the proposed code relating to small lots. I have attached some examples of FDPs that have been recently approved that address the small lot issue. A waiver to the FDP will be required, which means that both the Planning Commission and City Council will have to review and approve the FDP.

Response: The number of small lots is compliant with the current code. Per staff request, Sheet A-3 has been modified and this language has been added: complies with current code. Sheet A-3 has been added to the Master Plan amendment.

4. Streets and Pedestrian Issues

- A. Please ensure that sufficient pedestrian connections are provided throughout the site. Additional review discussions at the CSP level will be examining the larger context and pedestrian linkages both within Murphy Creek East as well as connecting to other developments.

Response: Over the past year, members of the project team have worked with City staff and referral agencies to address pedestrian connections throughout the proposed neighborhood and to ensure connections to the larger pedestrian network.

5. Open Space and Recreational Amenities

- A. Additional information should be provided in the PIP as to the type of recreational amenities that will be provided in the neighborhood park adjacent to the school as well as other smaller pocket parks in the development. Will the open space/trail areas have any amenities, such as benches or vita course equipment?

Response: An itemized list of proposed amenities has been included in the PIP. The neighborhood park is planned for a future CSP application and detail regarding that park will be included at that time.

- B. Please include the proposed powerline trail that parallels Harvest Mile Road on the PIP.

Response: This has been labeled on the plan.

- C. Provide specific triggers for all park and open space improvements relating to certificates of occupancy within adjacent residential planning areas.

Response: The triggers for future construction timing have been added to the PIP.

6. Landscape Design Issues

Kelly Bish / 303-739-7189 / kbish@auroragov.org / PDF comments in teal.

- A. No landscaping comments associated with this development application.

Response: Comment noted, thank you.

7. Environmental Issues

- A. The site is located within an Airport Influence District, and an avigation easement is required for the development. Special insulation may be required to help mitigate the impact of airport-related noise.

Response: A copy of a recorded avigation easement has been provided with this resubmittal.

Sec. 146-817. - Airport Influence District.

- (A) *Description.* The airport influence district is composed of lands located within an area affected by noise or safety hazards associated with aircraft operations at general aviation airports.
- (B) *Height Restrictions.* Development in the airport influence district shall comply with height restrictions in the underlying zone district, which do not intrude into FAR part 77 surfaces for civil airports.
- (C) *Easement.* Within the airport influence district, an avigation and hazard easement shall be conveyed to the city and the airport by any person subdividing lands or initiating construction of any structure on already subdivided lands within the airport influence district. The city and the respective involved general aviation airport shall be the grantees of such avigation easement. Such avigation easement shall be an easement for right-of-way for unobstructed passage of aircraft above the property. Such easement shall waive any right or cause of action against the city and the airport arising from noise, vibrations, fumes, dust, fuel particles, and other effects caused by aircraft and airport operations. The avigation easement shall be in a form approved by the city attorney and shall be recorded in the office of the appropriate county clerk and recorder before permit or plat approval is granted.
- (D) *Notice.* Vendors of real property within the airport influence district shall provide the following notice to prospective purchasers:
- (i) In 14-point bold type on a single sheet of paper which is signed by the prospective purchaser prior to entering into a contract for purchase:

NOTICE OF AIRPORT IN VICINITY

This property is located in the vicinity of an airport, within what is known as an airport influence district. For that reason, the property may be subject to some of the annoyances or inconveniences

associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

- (ii) and cause the following notice to be recorded with the clerk and recorder of the appropriate county.

NOTICE

The property known as: (legal description and address) is located within an area which has been officially designated as an airport influence district by the City of Aurora. As a result of this designation, the property is subject to the following:

- (1) An aviation and hazard easement has been granted to the City of Aurora and (name of airport) airport recorded in book (book number) at page (page number), (county) County, Colorado, which allows for the unobstructed passage of aircraft above the property and provides for the waiver of any right or cause of action against the City of Aurora and the airport due to noise, vibration, fumes, smoke, dust, or fuel particles caused by aircraft or airport operations.
- (2) The use and the enjoyment of the property may be affected by aircraft noise, vibrations, fumes, smoke, dust, or fuel particles from aircraft operation.
- (3) The City of Aurora has required that noise mitigation construction techniques be employed in construction to mitigate the noise to which the property is exposed. The vendor certifies that the applicable noise mitigation measures have been installed as required. This paragraph is only applicable if the property is located in the LDN 55 subarea.

- (iii) This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or builder and the initial purchaser and does not apply upon any subsequent sale of the property.

Response: Comment noted, the applicant will provide information regarding the airport influence area to future property owners.

REFERRAL COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES

8. Civil Engineering Kristin Tanabe / (303) 739-7306 / ktanabe@auroragov.org

A. This amendment will not be approved by Public Works until the Master Drainage Study has been updated.

Response: The Master Drainage Study is being coordinated with adjacent F7 engineers currently in for review, George Slovensky has said the MDR will be allowed be submitted shortly after drainage concept acceptance. The proposed drainage concept matches previously approved reports, #205203, and #201170.

9. Life Safety

William Polk / 303-739-7371/ wpolk@auroragov.org / See blue redlines

A. Life Safety has no comments.

Response: Comment noted, thank you.

10. Parks, Recreation & Open Space Department

Chris Ricciardiello/303-739-7154/ cricciar@auroragov.org

FDP AMENDMENT

Provide specific triggers for all park and open space improvements relating to certificates of occupancy within adjacent residential planning areas.

Response: *The triggers and timing for future park improvements has been included in the PIP.*

A. CURRENT PROS DEVELOPMENT STANDARDS

The Framework Development Plan for Murphy Creek East shall be evaluated using PROS standards current at the time of the amendment/submittal (2018/2019) in accordance with the Parks, Recreation and Open Space Department – Dedication and Development Criteria Manual.

Response: *Comment noted, thank you.*

B. PLANNING AREAS

PROS requires all residential land uses, parks, trail corridors, and open spaces within the FDP boundary to be designated specifically as planning areas. These planning areas must be consistently represented in Form D and Form J.

Response: *Per discussions with PROS staff, the information typically included in the FDP within Form D and J has been incorporated into the CSPs. PROS staff confirmed this approach would be acceptable.*

C. FORM D – LAND USE MAP MATRIX

Provide a Form D consistent with Section 4.4 of the FDP Manual. Enumerate all park and open space related parcels and their related acreages on Form D for further evaluation by PROS staff.

Response: *The information required in Form D will be included with each CSP with estimated acreages for the entire FDP land area. This information will be updated with each CSP submittal as needed. PROS staff confirmed this approach would be acceptable.*

6. ALL ACREAGES ARE APPROXIMATE AND SUBJECT TO CHANGE WITH
THE INDIVIDUAL CONTEXTUAL SITE PLANS.

eBluebird

D. POPULATION DESIGNATION

Without a standard FDP Form D, the applicant has not designated a specific population for the proposed development. PROS requires stated proposed population data within a standard Form D to calculate all required park and open space land dedication.

Response: *The information required in Form D will be submitted with each CSP with estimated acreages for the entire FDP land area. This information will be updated with each CSP submittal as needed. PROS staff confirmed this approach would be acceptable.*

6. ALL ACREAGES ARE APPROXIMATE AND SUBJECT TO CHANGE WITH
THE INDIVIDUAL CONTEXTUAL SITE PLANS.

eBluebird

All park and open space land dedication requirements, sizes and locations of park, trails, and open space parcels shall be explicitly stated within Form D, Form J, and associated plan data of the FDP as required by COA FDP requirements.

Response: *The information required with Form D and J will be submitted with each CSP with estimated acreages for the entire FDP land area. This information will be updated with each CSP submittal as needed. PROS staff confirmed this approach would be acceptable.*

6. ALL ACREAGES ARE APPROXIMATE AND SUBJECT TO CHANGE WITH
THE INDIVIDUAL CONTEXTUAL SITE PLANS.

eBluebird

E. LAND DEDICATION

The City's park land dedication policy is set forth in Section 48(b) of Chapter 147 (i.e., the Subdivision Ordinance) of the City Code. It specifies that park land shall be dedicated in accordance with the following standards:

- 3.0 acres per 1,000 residents for neighborhood parks.
- 1.1 acres per 1,000 residents for community parks.
- 7.8 acres per 1,000 residents for open space land

Response: *Comment noted, thank you.*

Cash-in-Lieu Payments – Land dedication for neighborhood park and open space requirements for a new greenfield development is required to be dedicated on site within the boundaries of the proposed subdivision. Community park land dedication may be provided with a cash-in-lieu of land payment to the City. The applicant is responsible for providing a recent (within the last 6 months) professional appraisal of the property in question with zoning and infrastructure in place as a per acre valuation for use in the cash-in-lieu payment. The cash-in-lieu payment for land dedication shall be paid at the time of first subdivision platting.

Response: *Comment noted, thank you.*

All park and open space land dedication requirements, sizes and locations of park, trails, and open space parcels shall be explicitly stated within Form D, Form J, and associated plan data of the FDP as required by COA FDP requirements.

Response: *Per discussions with PROS staff this information will be included in the CSPs and PIP. The FDP/Master Plan amendment shows the locations of the future parks and open spaces.*

F. FORM J

The applicant shall provide a Form J Parks, Recreation and Open Space Matrix conforming to the FDP manual Form J requirements inclusive of Planning Area Designations, Description and Inventory of Facilities, Total Acreage of Planning Areas, PROS Credited Acreage, Final Ownership and Facility Funding, and Trigger for Each Phase. Coordinate the continued development of Murphy Creek East park, trails, and open space system and associated Form J with PROS staff.

Response: *Per discussions with PROS staff it was determined to include the relevant information typically included in Form J within the CSPs.*

G. OPEN SPACE, CIRCULATION AND NEIGHBORHOOD MAP

The applicant shall provide an Open Space, Circulation and Neighborhood Map conforming to the FDP manual requirements. Show all distinct parkland and open space planning areas on the map. Coordinate the development of the park and open space system and associated Open Space, Circulation and Neighborhood Map with PROS staff.

Response: *CSPs will substantially conform and/or be an improvement to the Neighborhood and Circulation and Parks and Open Space Plans contained within the existing FDP. The CSPs provide greater detail with regard to overall pedestrian and parks and open space connectivity.*

H. PUBLIC IMPROVEMENTS PLAN

Include specific implementation phasing for parkland and open space development for Murphy Creek East as part of the Public Improvements Plan. Provide specific timing and triggers for the development of all neighborhood parks, and open space areas consistent with triggers stated in Form J in accordance with the COA approved template for the Public Improvements Plan.

Response: *This information has been included in the PIP.*

I. PARK DEVELOPMENT FEES

All neighborhood park and open space areas required as a part of land dedication requirements shall be accommodated on site within the FDP boundary. Through coordination with PROS, ownership, construction and

maintenance responsibilities shall be assigned to either the applicant or COA through Form J of this FDP. For all park areas not constructed by the applicant, park development fees will be calculated per current City Code requirements. These fees are based on the park land area (neighborhood park and community park land dedication acreage and facilities not constructed on site by the applicant) required to serve new residents and a cost per acre for construction of facilities designated annually by City of Aurora PROS staff. Park development fees shall be paid per residential unit at the time of building permit issuance.

Response: Comment noted, thank you.

J. PUBLIC SERVICE RIGHT OF WAY

As previously agreed within the incomplete FDP Amendment in 2017, the 210' wide Public Service corridor on the east side of the Murphy Creek East FDP site directly adjacent to Harvest Road alignment will be accepted as open space land dedication.

Response: Comment noted, thank you.

K. GOLF FEES

Each dwelling unit within the Murphy Creek East subdivision shall be assessed golf development fees in accordance with past golf course agreements as follows:

Single-family Dwelling Unit - \$600/DU

Multi-family Dwelling Unit - \$400/DU

Response: Comment noted, thank you.

L. MEDIAN LANDSCAPE

Landscape medians within major arterials are eligible for COA PROS ownership and maintenance. At the time of CSP or civil plan review, the applicant shall submit to COA PROS landscape design and irrigation plans for review and approval. All landscape and irrigation design in arterial medians shall meet PROS standards.

Response: Comment noted, thank you.

11. Real Property Darren Akrie / (303) 739-7331 / dakrie@auroragov.org

A. The Real Property Division has no comments.

Response: Comment noted, thank you.

12. Traffic Engineering Brianna Medema / (303) 739-7336 / bmedema@auroragov.org

A. Traffic Engineering has no comments.

Response: Comment noted, thank you.

13. Utilities James DeHerrera / 303-739-7296 / jldeherr@auroragov.org

A. Changes from the last submission have caused some of the downstream (north of Jewell) sanitary infrastructure to be over capacity. The changes have also yielded pipes not meeting the city's criteria for minimum cleansing velocity (2 feet/sec).

Response: Changes were not correctly reflected within the report body, elements north of Jewell now reflect 75%/80% pipe capacity routing.

B. Please update calculations and tables where noted.

Response: Comment noted, thank you.

C. On the PIP, the Master Utility Study is showing the utilization of the existing water and storm infrastructure. If some of this infrastructure is going to be abandoned or modified it needs to be shown on the MUS.

Response: All water mains shall be utilized with the exception of 2 short stubs, however some storm pipes/manholes may be unusable due to neglect in maintenance (open inlets with no outfall). Storm pipes and inlets are addressed in the Master Drainage Report.

14. Urban Drainage Morgan Lynch / 303-455-6277

1. It appears the development has a planned detention pond which outlets to Murphy Creek East through a culvert underneath East Jewell Avenue. We previously mentioned we would be interested in reviewing any drainage reports or culvert/ outfall improvements associated with the project.

Response: Existing and proposed outfall conditions are detailed within the MDR and PDR. The segment of improvements north of Jewell shall be constructed and maintained by the Metro. District or similar entity.

2. It is recommended the team consider the condition of the existing 48" RCP in Filing 3 to determine if any stabilization is needed.

Response: Thank you, detailed stabilization and erosion control elements shall be included within the Final Drainage Report.

3. We would be interested in reviewing the design and calculations associated with the outfall in Filing 4.

Response: At this time there is no detailed design or calculations for Filing 3 or 4.

4. The MDP indicates the need for stabilization along Murphy Creek. There appears to be active bank erosion adjacent to Filing 3. Mitigation to the channel is required at the time of development to minimize the need for maintenance in the future. We would recommend channel stability be evaluated with the anticipated change in hydrology due to development to determine the best mitigation approach.

Response: Thank you, stabilization adjacent to Filing 3 shall be addressed in the future as Filing 3 CSP and civil drawings are created.

15. Xcel Energy Donna George / donna.l.george@xcelenergy.com / 303-571-3306

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the master plan amendment for **Harvest Ridge F2** and advises that the property owner/developer/contractor goes to the website at www.xcelenergy.com/rightofway or email coloradorightofway@xcelenergy.com to have this project assigned to a Land Rights Agent for development plan review pertaining to the electric *transmission* facilities east of the property, if necessary. Please note that this is a new process, and that Crystal Sanchez is no longer with Xcel Energy.

The property owner/developer/contractor must complete the application process for any new natural gas or electric service, or modification to the existing *distribution* facilities via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

Additional easements *will* need to be acquired by separate document for new facilities in some areas.

Response: Comment noted, thank you.

16. Aurora Public Schools Josh Hensley, Planning Coordinator / jd hensley@aurorak12.org / 303-365-7812

A. There remains an outstanding school land dedication obligation for the Murphy Creek East FDP. Cash-in-lieu is required for all residential units planned within the Quaker Ridge parcel of Murphy Creek East in accordance with the 2002 school land agreement and the Aurora City Code UDO. Cash-in-lieu of school land for 120 lots within the Quaker Ridge parcel was paid to the district in 2005 as part of Murphy Creek Filing No. 8. The remaining school land obligation will be based on the number of residential units approved as part of the FDP amendment above the 120 lots that were previously paid. Cash-in-lieu shall be based on fair market value of zoned land with infrastructure in place and is due at platting.

Response: Comment noted, thank you.

Additionally, the plan amendment shows a regional water quality pond and a proposed storm pipe on school district owned property. We have discussed the location of this pond with the development team's representative but APS has not agreed to allow this pond on district property.

Response: The water quality pond has been removed from the APS site. If/when the school site develops, a pipe stub has been provided for connection to the adjacent storm outfall pipe.