



Tuesday - April 27, 2021

Sent Via: Email to: abenton@auroragov.org & upload to AMANDA

Mr. Antonnio Benton II, Planner I

CITY OF AURORA

Planning & Development Services: Planning Division
15151 E Alameda Pkwy, Ste 2300
Aurora, CO 80012-1555

RE: **NORTH TOWER ROAD SUBDIVISION No. 1 - REPLAT**

COA Application #: DA-2263-00

COA Case #: 2021-3008-00

2ND SUBMITTAL: COMMENT RESPONSE LETTER

Greetings, Mr. Benton:

Thank you for your March 29, 2021 City of Aurora Development Review Team's *1st Submittal Review Comment Letter*, which also included comments received from outside agencies and neighborhood groups. As required, the following will provide you with our point-by-point response to the comments offered. For ease of reference, the comment offered is presented in an *italicized serif font* (and the comment numbering matches that provided in the Review Comment Letter) and our response is provided in a **bold, light-blue sans-serif font**.

PLANNING DEPARTMENT COMMENTS

1. Planning Comments (Antonnio Benton II / abenton@auroragov.org / 303-739-7209 / Comments in teal)

1.A. Please upload the site plan to verify against the plat.

RESPONSE: As you know, **no Site Plan is proposed as part of this land subdivision/replat only application.** At this time, no development is planned for Lot 4 – the owners want to actively market this parcel and whomever purchases it will, of course, be responsible for taking it through the City's SITE PLAN process.

The true purpose and intent of our client's desire to subdivide this property is because it is a requirement of their financing (i.e. this is a financing subdivision application). As you may know SR Originals (Steven Roberts Original Desserts) – our client – is a dessert supplier to many segments of food service and retail industry throughout the U.S. The business is headquartered at this location here in Aurora, and they are a major employer in Aurora. During this challenging time of the COVID pandemic, which has affected so many companies financially, they are doing all that they can to keep their operations going, and keep their staff gainfully employed. The owners have always planned to position a portion of this large property, so that it could be further subdivided to accommodate future development; however, the financial demands on the business due to the COVID pandemic have "accelerated" their need to complete this financial subdivision of the property.

This was discussed at length with senior leadership at the City of Aurora (Jacob Cox, Stephen Rodriguez, Maurice Brooks, etcetera).

1.B. Please address the neighborhood comments from Nicole Champine, nicole.champine@cordilleracorp.com

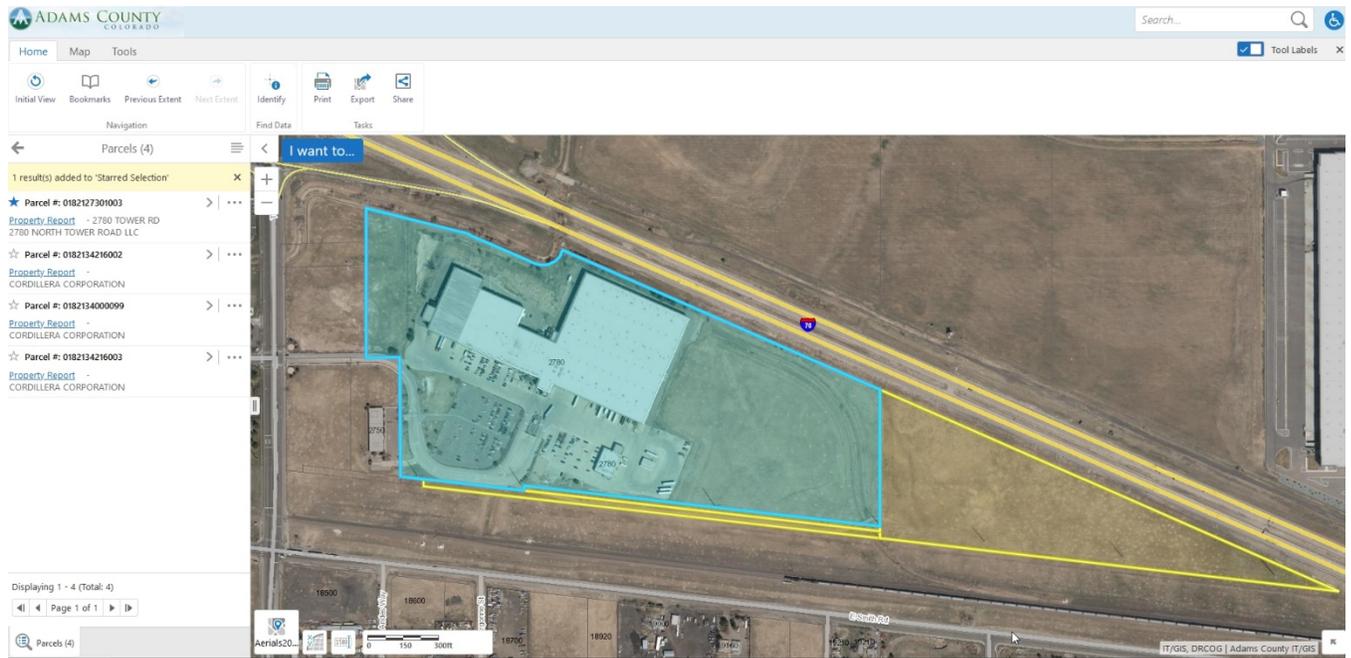
"As the owner of the property directly to the east of the subject parcel, we ask that our access from Tower Road be ascertained and assured. There appears to be an access easement (b3420, p622) that starts at Tower and meanders through towards the southeast. This easement is acknowledged and respected by the replat. Nevertheless, at the eastern edge of this easement, our access rights become less clear. Since, Aurora is retaining a fire lane easement that continues to the east, up to the western edge of our parcel. We ask that we are granted general access over this same land (where the fire lane is designated) to the edge or our parcel."

RESPONSE: Ms. Champine's concern is moot. Although we acknowledge that her company, Cordillera Corporation, owns the "property to the east of the subject parcel", what Ms. Champine didn't note is that her company also owns the two "strip parcels" that are immediately south of the subject parcel (a Part of Lot 1, Block 1, Albertson's Subdivision Filing No. 3 and a Part of Lot 5, Block 1, Mountain States Industrial Center Subdivision).

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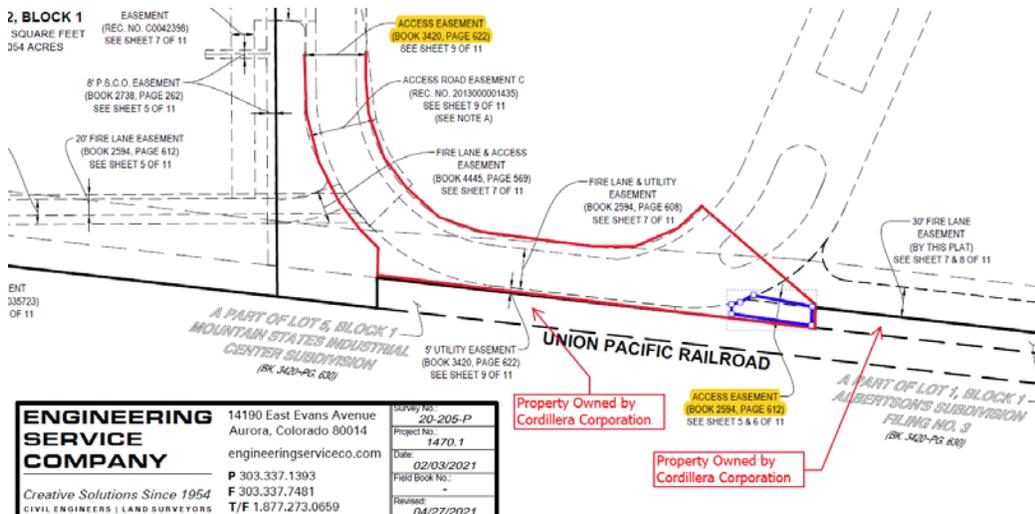
A review of the Adams County, CO GIS system confirms this:



The northern line of the north of these two “strip parcels”, Adams County Parcel #0182134216003, is coterminous with the southern line of proposed Lot 4, Block 1 and a portion of proposed Lot 3, Block 1. Similarly, the northern line of the southern of these two “strip parcels”, Adams County Parcel #0182134216002, is coterminous with a portion of proposed Lot 3, Block 1. The two “strip parcels”, along with the larger parcel to the east, are outlined in yellow in the graphic above (the subject parcel is outlined in light blue).

As Ms. Champine correctly notes in her comment, there is an existing access easement (Recorded at Book 3420, Page 622) that starts at Tower and meanders through the subject lot towards the southeast. This easement will remain in place and not be impacted by this Replat application.

What Ms. Champine does not appear to realize is that this existing access easement abuts the shared property line between their lot (Adams County Parcel #0182134216002) and proposed Lot 3, Block 1, which affords them with direct access to that strip parcel (shown in “red” linework below). Similarly, an access easement (Recorded at Book 2594, Page 612) abuts the western end of their norther “strip parcel” (Adams County Parcel #0182134216003), which affords them direct access to that strip parcel (shown in “blue” linework below). Both the northern and southern “strip parcel” owned by Cordillera are coterminous with the larger parcel (Adams County Parcel #0182134000099) at the east end of the “strip parcels” (southwest corner of the larger parcel).



As such, no additional encumbrances on the subject property are necessary or are proposed as legal means of ingress/egress already exist for this land owner.



- 2. Addressing (Phil Turner / pturner@auroragov.org / 303-739-7271)
 - 2.A. Approved, no comments.

RESPONSE. Thank you.

REFERRAL COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES

- 3. Real Property (Andy Niquette / aniquette@auroragov.org / 303-739- / Comments in pink)
 - 3.A. See the red line comments on the plat.

RESPONSE: The redlines comments on the plan were addressed and the responses are "superimposed" on the redline review PDF (see attached).

- 4. Civil Engineering (Kristin Tanabe / ktanabe@auroragov.org / 303-739-7431 / Comments in green)
 - 4.A. Approved, no comments.

RESPONSE: Thank you.

- 5. Traffic (Brianna Medema / bmedema@auroragov.org / 303-739-7336 / Comments in gold)
 - 5.A. See the red line comments on the plat regarding the public access easement.

RESPONSE: Ownership does not concur that a "No Public Access Easement" is appropriate in this location. As such, this easement is NOT PROVIDED.

- 5.B. Anticipate Fire Lane Easement per Life Safety comments.

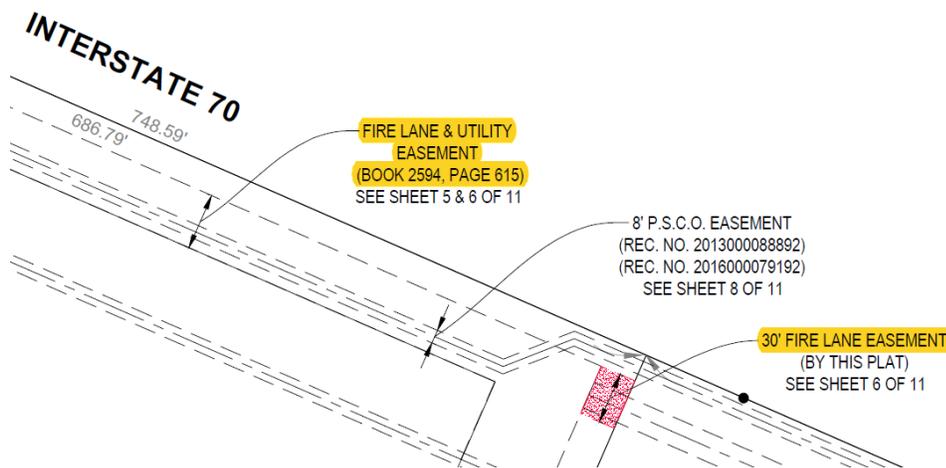
RESPONSE: Fire Access, per discussions with Mike Dean, may be necessary in this location, depending on the future development plans of Lot 1, Block 1; however, it is not necessary for this Subdivision Plat.

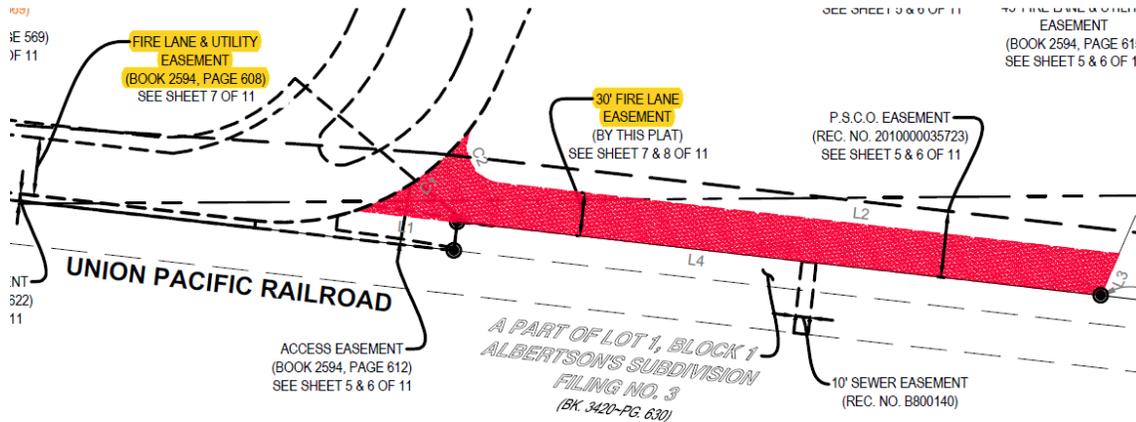
- 6. Life Safety (Ted Caviness / tcaviness@auroragov.org / 303-739-7464 / Comments in blue)

- 6.A. The plat does not match previously agreed arrangement. Image added to plans to aid in meeting 2015-IFC Section D104 requirements for two points of access and remoteness of the accesses to include the northern second point Emergency Access-Only Fire Lane Easement and the connection to Smith Road to the south.

RESPONSE: Per email and telephone discussion with Ted Caviness (Life Safety) the comments noted here are based on DATED INFORMATION. I directed Caviness to me November 02, 2020 email communique with Mike Dean (Life Safety) that was subsequent to the information Caviness included on the redline. Caviness reviewed the subsequent discussion and agreement is in support of the November 02, 2020. Dean's primary concern was that two points of access to proposed Lot 4, Block 1 be provided with this Replat.

This is being provided at the northwest corner of proposed Lot 4, Block 1 by providing a new 30' Fire Lane Easement that extends from the existing Fire Lane & Utility Easement (Recorded at Book 2594, Page 615) to the new coterminous lot line and by providing a new 30' Fire Lane Easement at the southwest corner of proposed Lot 4, Block 1 that extends from the existing Fire Lane & Utility Easement (Recorded at Book 2594, Page 608) to the new coterminous lot line.





7. Aurora Water (Nina Khanzadeh / nkhanzadeh@auroragov.org / 303-739-7490 / Comments in red)

7.A. Approved, no comments.

RESPONSE: Thank you.

7.B. Storm Drainage Development Fees Due 49.89 acres x \$1,242.00 = \$61,963.38 (Diana Porter / dsporter@auroragov.org / 303-739-7395)

RESPONSE: The fees were paid in full on April 27, 2021 at 10:35:47am. The invoices received from AMANDA notes the transaction ID as 167276444 and the Bill Number as 640243. The email received from AMANDA was forwarded to both Diana and Antonnio.

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

8.A. Please address Xcel Energy comments.

RESPONSE: Other than the response to ¶8B below, not other comments from Xcel Energy were received. The various generic comments noted below are all acknowledged, but no specific response is required.

8.B. Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has determined there is a potential conflict with the above captioned project. Public Service Company has existing electric transmission lines and associated land rights along the southerly property line. This "easement addendum", while on the title report, does not appear to be shown on the plat.

RESPONSE: The existing "Easement Addendum" is now shown on the Plat.

Any activity including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way will require Public Service Company approval. Encroachments across Public Service Company's easements must be reviewed for safety standards, operational and maintenance clearances, liability issues, and acknowledged with a Public Service Company License Agreement to be executed with the property owner. PSCo is requesting that, prior to any final approval of the replat, it is the responsibility of the property owner/developer/contractor to have this project assigned to a Land Rights Agent for development plan review and execution of a License Agreement (via website www.xcelenergy.com/rightofway or email coloradorightofway@xcelenergy.com).

PSCo owns and operates additional existing (intermediate pressure) natural gas and electric distribution facilities within the subject property. The property owner/developer/contractor must complete the application process for any new natural gas or electric service, or modification to existing 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 may need to be acquired by separate document for new facilities – be sure to contact the Designer and request that they connect with a Right-of-Way and Permits Agent in this event.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 to have all utilities located prior to any construction.

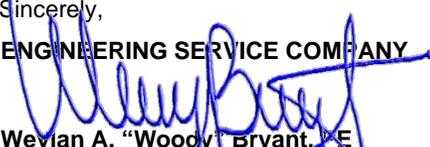


We trust the revised North Tower Road Subdivision Filing No. 1 Plat Document, supplemented by our responses to the comments provided above (and on the first review Plat PDF) are acceptable. We look forward to receiving authorization to proceed to publishing the Plat on mylar reproducibles, routing internally for owner signature, and final submittal to the City for City Signature Routing and ultimately recordation with Adams County.

Feel free to call me (cell: [303.549.0053](tel:303.549.0053) or office: [303.337.1393, x108](tel:303.337.1393)) or email me (wbryant@engineeringserviceco.com) with questions or if you wish to review the information discussed above in greater detail. Thank you.

Sincerely,

ENGINEERING SERVICE COMPANY


Weylan A. "Woody" Bryant, P.E.

Exec. Vice-President | Sr. Project Manager
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Email: wbryant@engineeringserviceco.com

Attachments: 2780 N Tower Rd Aurora – Plat.pdf
PlatMap_COARedlineReview – Responses.pdf

Cc: Ms. Susan Perry, Esq via: sperry@kosmont.com
Mr. Larry Kosmont via: lkosmont@kosmont.com
Mr. Charles Kosmont via: ckosmont@originaldesserts.com
Mr. Steven Fabos via scfabos@aol.com



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