



Planning Division  
15151 E. Alameda Parkway, Ste. 2300  
Aurora, Colorado 80012  
303.739.7250

*Worth Discovering* • [auroragov.org](http://auroragov.org)

August 10, 2023

Alex Krasnec  
Saunders Commercial Development Company  
86 Inverness Place N Englewood, Co 80112

**Re: Initial Submission Review – Box Elder PA9- Site Plan and Plat**  
Application Number: DA-1478-13  
Case Number: 2022-6001-00; 2022-3003-00

Dear Mr. Krasnec:

Thank you for your initial submission, which we started to process on July 17, 2023. We have reviewed your plans and attached our comments along with this cover letter. The first section of our review highlights our major comments. The following sections contain more specific comments, including those received from other city departments and outside agencies.

Since several important issues remain you will need to make another submission. Please revise your previous work and send us a new submission on or before August 31, 2023.

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 303-739-7261.

Sincerely,

Debbie Bickmire, Senior Planner  
City of Aurora Planning Department

Attachments: Xcel Energy, Mile High Flood District Comments

cc: Allison Graham, DIG Studio, 1521 15<sup>th</sup> St., Denver CO 80202  
Cesarina Dancy, ODA  
Filed: K:\\$DA\1478-13rev1.rtf



## *Initial Submission Review*

### **SUMMARY OF KEY COMMENTS FROM ALL DEPARTMENTS**

- Revise Site Data, provide avigation easement, provide opaque fence where storage is visible off-site (Planning)
- Locate abandoned wells and secure/buffer their locations (Energy and Environment)
- Truck turning movements should not go over curbs, label all site access movements, add/revise signage (Traffic)
- Label slopes, pavement materials, reference COA details (Public Works)
- Provide a closure sheet and Monument Records, add 10' utility easement (Land Development Services)
- Maintain pond access, adjust utility crossing angles, and add flow arrows (Water)
- Show water connection, looped water supply, existing and proposed hydrants (Life/Safety)
- Screen parking, dimension buffers, specify mulch type(s) and add all symbols to the Legend (Landscaping)
- Identify plans for public art (Public Art)
- Remit the application fee of \$30,016.37 prior to another submittal

### **PLANNING DEPARTMENT COMMENTS**

#### **1. Community Questions, Comments and Concerns**

- 1A. Referrals were sent to six (6) adjacent property owners, six (6) outside agencies, and four (4) neighborhood organizations. No comments were received from adjacent property owners. Comments were received from three (3) outside agencies and are incorporated herein or attached to this document. Please provide responses to the comments within the response letter for your next submission.

#### **2. Completeness and Clarity of the Application**

##### **Zoning and Land Use**

- 2A. Various land uses are referenced in the Letter of Introduction, site data block, and the response to comments, however, the uses are different in all three documents. The subject property is designated as Commercial/ Retail on the Master Plan Land Use Plan and per our previous discussions, the proposed uses would focus on commercial, office/flex, light industrial, storage, and distribution.
- 2B. The property is within the Airport Influence District surrounding Denver International Airport which requires an avigation easement. The response to comments stated the avigation easement was attached, however, it doesn't appear to be included in the submitted documents. Please provide a copy of the recorded avigation easement that includes the subject property. If needed, the avigation easement form can be found [here](#) and can be completed and recorded with the proposed Site Plan.

##### **Letter of Introduction**

- 2C. Revise the proposed land uses in the Letter of Introduction per the comments above.
- 2D. Please discuss any proposed phasing.
- 2E. Reference Porteos development east of Harvest Road and the types of uses (to demonstrate compatibility).
- 2F. Discuss how the proposed Site Plan meets the criteria for a Major Site Plan found in Section 146-5.4.3.B.2.c.
- 2G. Revise references to CSPs (Contextual Site Plan) to Site Plan and FDP to Master Plan.
- 2H. Address minor edits on the redlines.

##### **Vehicular Access, Circulation, and Parking**

- 2I. Identify internal pavement types and striping.
- 2J. No more than 60 percent of the lot frontage on arterial and collector streets to a depth of 60 feet shall be occupied by surface parking. Please provide calculations to demonstrate compliance.

##### **Pedestrian Access and Circulation**

- 2K. Provide pedestrian access to Harvest Road at each driveway entrance.



- 2L. Show the accessible route for each lot/building and one accessible route to Harvest Road.
- 2M. Label and dimension all sidewalks along the perimeter and internal to the site.

### Signage

- 2N. Show the general location(s) of proposed monument signs.
- 2O. Add the maximum sign area and the maximum number of permitted signs to the Site Data for each lot/building. On an arterial street frontage, two square feet of sign area for each linear foot of building frontage for the first 100 feet, then one-half square feet of sign area for each linear foot of building frontage thereafter as measured along the building frontage. Calculations are based on the longest building frontage with a public entrance. No individual sign shall exceed 200 SF. *Maximum total sign area shall not exceed 600 square feet.* (See [Section 146-4.10.5](#) for standards) Arterial example:  $624 \text{ LF building} = (100 \times 2) = 200 \text{ SF} + (524 \times .5) = 462 \text{ SF}$
- 2P. The maximum number is a total of five signs permitted per use, with a total of 80 square feet per tenant if a building has more than one user.

### Building Orientation and Architecture

- 2Q. Review the architectural requirements (Tab 12) for industrial land uses found in the Fultenwider Master Plan, as well as UDO Sections 146-4.8.4, 146-4.8.5, and Table 4.8-3 for building standards. Single-story industrial buildings shall use at least one of the horizontal articulation methods shown in Table 4.8-3 at an interval of 100 feet or less on each street facing the façade of the primary building. Additional wall articulation, variations in the wall planes, and variations in the roof line, at a minimum, are needed to comply with the standards.
- 2R. Identify the primary, and if applicable, secondary entrances. All main entries shall be uniquely identified by using an arcade, covered entry, spandrel glass, or other similar architectural features.
- 2S. Identify the full length, width, and area of each building and add vertical and linear dimensions to the building elevations.
- 2T. Label all architectural features and materials. Include details to illustrate three-dimensional elements.
- 2U. Provide a materials board and include all proposed building colors and materials.
- 2V. Add a note on the building elevation sheets that roof-mounted mechanical equipment shall be screened from public view by a parapet or mechanical screen that is integrated into part of the building's architectural design.
- 2W. Building entrances should include enhanced architectural elements and the area around the entrance should include a patio/amenity area for use by employees. The area should include a minimum of 400 square foot patio, shade, and site furniture. Provide more information outlining how these requirements are being accommodated.

### Screening, Walls, Fences, and Gates

- 2X. Delineate the trash enclosure locations more clearly. Label "Future" where applicable.
- 2Y. Provide details for the proposed retaining wall(s). Reference the sheet and detail number in the Site Plan Key Notes.
- 2Z. Show and label all wall mounted and/or ground mechanical equipment. All mechanical equipment must be screened from view off-site.
- 2AA. Chain link fencing within industrial zone districts must be color clad and may not include fabric mesh or slats. Chain link fencing may not be used to meet screening requirements. Provide opaque fencing at the north and south ends of the outdoor storage areas to screen the storage from view off-site. Wrap the fence around the corners.
- 2BB. Identify the setbacks of all fences from the back of the curb or sidewalk. Ensure there are no encroachments into the sight triangles.

### Photometrics

- 2CC. Revise the photometric readings to make the labels larger and darker to be more visible. All text needs to be readable when printed at 11" x 17".
- 2DD. Show the site boundary, and label all buildings and adjacent streets.
- 2EE. Show the accessible route.

**General Comments**

- 2FF. Revise the Site Data Block to organize the data by lot/building. Include the area for Tract A and Lot 1 and identify Lot 1 for future development.
- 2GG. Provide one sheet that includes the entire site after Sheet 2. Label the buildings, lots and show the match lines.
- 2HH. Revise the Vicinity Map to include Jackson Gap to the east, revise the jurisdictional labels, remove extra linework, and add a north arrow.
- 2II. Add the site location under the Site Plan title as shown on the plat.
- 2JJ. Revise the Site Plan title references to be consistent.
- 2KK. Add the Site Plan title and legal description above the Owner's Signature block.
- 2LL. Label all buildings, lots, block, and subdivisions and make the property lines more visible on the Site Plan sheets. Also, include the square footage and dimensions of each building.
- 2MM. Identify any proposed phasing.
- 2NN. Show, label, and dimension all existing and proposed easements.
- 2OO. Include details for site furniture.
- 2PP. Remove the "Colorado 811 Call Before You Dig" stamp. The proposed plans are not for construction.
- 2QQ. Show all hatches/symbols used in the Legend.
- 2RR. Label adjacent Site Plans and include the case number for each: Harvest Road (CN 2021-6035-00), 64<sup>th</sup> Avenue (CN 2019-6049-00), 60<sup>th</sup> Avenue (CN 2021-6017-00) and Second Creek at Denali Logistics Park (2021-6008-00) Infrastructure Site Plans.
- 2SS. Show Matchlines.
- 2TT. See redlines for all comments and notations.

**Plat**

- 2UU. Why is High Point East Flg. No. 6 referenced with Tract A? Isn't Tract A included in this plat?
- 2VV. Revise the Vicinity Map to show and label all streets within ½ mile of the site and the City of Aurora / Unincorporated Adams County boundary.
- 2WW. Add the scale and a north arrow to the Vicinity Map.
- 2XX. Review the title commitment to determine whether this site is included in the recorded avigation easement.

**3. Landscape** (Tammy Cook / 954-266-6488 / [tdcook@auroragov.org](mailto:tdcook@auroragov.org) / Comments in teal with red)

- 3A. Parking lots shall be visually screened from the public right-of-way ([Section 146- 146-4.7.5.K.5.a](#)). The proposed angular planting does not provide adequate screening of the parking lot. At a minimum, provide a low continuous landscaped hedge between 3 and 4 feet high consisting of a double row of shrubs planted three feet on center in a triangular pattern.
- 3B. Label and dimension the street frontage buffer and the non-street buffer instead of the adjacent property buffer.
- 3C. Add the names of adjacent ISPs and include the case numbers on all landscape sheets.
- 3D. A tree is required in all terminal islands. If necessary, omit a parking space to add a tree.
- 3E. Label stop signs and adjust tree locations so the signs are not obscured. Trees shall be setback 50' from the sign.
- 3F. Revise the tree and shrub counts in the tables on Sheet 14.
- 3G. Add a note outlining tree and shrub equivalents:
  - Twelve 5-gallon shrubs per one 2.5-inch caliper tree or 8-foot to 10-foot-tall evergreen tree.
  - Ten 5-gallon shrubs per one two-inch caliper tree or 6-foot-tall evergreen tree.
  - Three 1-gallon ornamental grasses per one 5-gallon shrub.
- 3H. Include all hatches/symbols in the Legend.
- 3I. Specify wood or rock mulches and if rock, include size and color.
- 3J. Note the "Future Commercial Site" and "Not a part of this Site Plan" on Lot 1.
- 3K. Label and dimension the street frontage buffers and the non-street buffers.
- 3L. There is a duplicate screened back landscape noted on Sheets 16- 17. Please clarify.
- 3M. What is this hatch pattern in the 10' planting buffer along the west side of the site?
- 3N. Label the retaining or site wall noted on Sheet 18. Provide a detail that includes the height, color, and material and reference the Sheet and Detail number. Sheet 8 refers to it as a retaining wall.



- 3O. Show the curbside landscape for 60<sup>th</sup> Avenue. The planting should be screened back.
- 3P. The table on Sheet 19 is cutting off the text.
- 3Q. Show any proposed monument signs.
- 3R. Address all comments and notations on the redlines.

## **REFERRAL COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES**

### **4. Civil Engineering (John Springs / 303-739-7572 / [jsprings@auroragov.org](mailto:jsprings@auroragov.org) / Comments in green)**

#### **Site Plan**

- 4A. Revise Notes 7 and 9 on Sheet 2 with the language provided. Is there a Note 20?
- 4B. The city deems it acceptable to omit the sidewalk on the west side of the drive at 64<sup>th</sup> Avenue. Demo the sidewalk up to the curb ramp location to provide an appropriate end condition for the sidewalk.
- 4C. Label curb return and lot corner radii.
- 4D. Dedicate the sidewalk as a separate public access easement. It cannot be combined with the fire lane.
- 4E. Label drives as private.
- 4F. The north/south sidewalk along the internal drive must be installed with this Site Plan. The east/west sidewalk north of Building 1 can be installed with the future commercial development.
- 4G. Dimension existing and proposed sidewalks.
- 4H. Add a note stating surrounding roadways as required on the Public Improvement Plan shall be built prior to TCO/CO for this site.
- 4I. Reference COA details for ADA ramps.
- 4J. Include all hatches/symbols in the legend.
- 4K. Label pavement material type(s).
- 4L. Clarify area(s) to remain existing and adjust contours and linework accordingly.
- 4M. Provide a typical section for the two areas noted on Sheet 6.
- 4N. Label the longitudinal roadway slope.
- 4O. Advisory note: Per 4.05.1, designers are encouraged to avoid grades less than 0.8%.
- 4P. Per 2.08.1.06, minimum 0.5% slope on all concrete surfaces (e.g. gutter flowline slope).
- 4Q. There is a proposed slope easement noted on Sheet 7, however, there are no slope easements shown on the plat.
- 4R. Advisory note: During the civil plan review, the maximum cross slope along an ADA route is 2%.
- 4S. Add more labels for existing contours.
- 4T. The maximum slope shall be 3:1.
- 4U. The maximum slope of a private driveway is 4% (DN) for the distance indicated in Section 4.05.4 and Figure 4.05.4.1 (75'). The maximum slope of a private street is 6% (UP). See Sheet 8 for locations.
- 4V. Add a note including the grading criteria listed in Section 2.08.1.06.
- 4W. The mountable curb is required for the maintenance path. The mountable curb conflicts with the inlet noted on Sheet 8; space is needed to warp from the mountable curb section to a 3" FL depression at the inlet.
- 4X. Add a note on Sheet 24 stating, "Proposed street light locations are conceptual. Final locations will be determined with photometric analysis submitted with the street lighting plans in the civil plan submittal."
- 4Y. Include a table showing relevant missing information required by Section 2.12.0.1 (this applies to the north/south private street and accompanying walk only).
- 4Z. Provide separate illumination statistics for the north/south drive and sidewalk.
- 4AA. Advisory note, at the time of civil plan approval, maximum uniformity of 6.0 per Table 4.10.4.04.02 will apply.

#### **Plat**

- 4BB. Label the right-of-way widths.
- 4CC. Identify the eastern edge of the north/south access easement.

### **5. Traffic Engineering (Steve Gomez / 303-739-7336 / [segomez@auroragov.org](mailto:segomez@auroragov.org) / Comments in amber)**

#### **Site Plan**

- 5A. Add the notes provided on Sheet 2.



- 5B. Show the entire bordering streets, not just half sections, and all adjacent and opposing accesses/intersections.
- 5C. Verify/update all intersection laneage and movements as identified in the traffic study.
- 5D. Per the pre-app notes, access throat depth needs to be a min 150' from Harvest Rd flowline.
- 5E. Show a signal easement at 64<sup>th</sup> Avenue for the future commercial site.
- 5F. Show lane striping for the internal drive.
- 5G. The internal intersection shall be perpendicular  $\pm 5$  degrees.
- 5H. Add/revise signage per comments on the redlines. Include a sign symbol in the legend.
- 5I. Show sight triangles as noted.
- 5J. Add directional access arrows at all intersections.
- 5K. Add a right-in/right-out pork chop island at the 60<sup>th</sup> Avenue entrance.
- 5L. Remove skews from crosswalks.
- 5M. Show turning movements per the comments on Sheets 12-13. Truck turning movements should not go over curbs or into opposing traffic.
- 5N. Show the accessible route.
- 5O. Label all streets.
- 5P. Provide a minimum 50' spacing between stop sign(s) and upstream trees.

#### **Traffic Letter**

- 5Q. Per the pre-app notes, site access onto 60<sup>th</sup> Avenue is right in/right out. The letter states full movement.
- 5R. The Harvest Road ISP Traffic Analysis needs to be referenced since it is the basis for lower traffic volumes on Harvest Road and the revised site access plan that is different from the MTIS.
- 5S. Label all site access movements. Revise per comments on the redlines.
- 5T. Revise the error on the first page.

#### **6. Aurora Water (Casey Ballard / 303-739-7382 / [cballard@auroragov.org](mailto:cballard@auroragov.org) / Comments in red)**

##### **Site Plan**

- 6A. An easement is not required for the private fire service.
- 6B. Advisory: Hydrant laterals over 150 feet in length will require pressure calculations on the civil plans showing a residual pressure of 20-psi during fire flow.
- 6C. Add flow arrows to the sanitary and storm lines. Water lines do not require flow arrows.
- 6D. Utility crossings are to be at significantly right angles.
- 6E. Ensure easements extend fully to the public right-of-way or an existing water easement.
- 6F. Show the existing main being connected to.
- 6G. Ensure valve symbols are visible.
- 6H. Ensure the sanitary main is at least 5' from the lip of the gutter.
- 6I. Advisory comment: the manhole noted on Sheet 10 may need to be upsized based on the size and number of pipes entering it.
- 6J. Access to the pond must be maintained.
- 6K. Extend water services fully to the building.
- 6L. Address all comments and notations on the redlines.
- 6M. Adjust fence location(s) to be a minimum of 5' away from water meter(s).
- 6N. License agreements will be required for the gates/fences crossing any utility easement.
- 6O. Add matchline references.
- 6P. Review viewport(s) to ensure text is not cut off.

#### **7. Life/Safety (Richard Tenorio / 303-739-7628 / [rtenorio@auroragov.org](mailto:rtenorio@auroragov.org) / Comments in blue)**

- 7A. Show looped water supply around the building(s), with water and fire lane easement.
- 7B. Show all existing and proposed fire hydrants.
- 7C. Provide fire hydrants internal to the property per IFC Appendix D.
- 7D. Show, label, and dimension Fire Lane Easements.
- 7E. Show the water line connection to the Harvest Road water main.





- 7F. Show all accessible parking locations around the property. See graphic on Sheet 11.
- 7G. Justify the second FDC shown in Building #2.
- 7H. The auto turn should include the City of Aurora Fire Dept. Cyclone apparatus. See the graphic on Sheet 12.

**8. Parks, Recreation and Open Space Department (PROS) (Curt Bish / 303-739-7131 / [cbish@auroragov.org](mailto:cbish@auroragov.org) / Comments in purple)**

- 8A. Within the Fultenwider Master Plan, there is no open space or trail connectivity north of 64<sup>th</sup> Avenue therefore, PROS has no comments on this submittal.

**9. Land Development Services (Maurice Brooks / 303-739-7294 / [mbrooks@auroragov.org](mailto:mbrooks@auroragov.org) / Comments in magenta)**  
**Site Plan**

- 9A. Provide a 10' utility easement on the site perimeter to match the plat.
- 9B. Add the bearings, distances, etc. for the site boundary. They should be consistent with the plat.
- 9C. The plat cannot vacate any easements.
- 9D. Encroachments into utility easements will need to be covered by a License Agreement. Contact Grace Gray at [licenseagreement@auroragov.org](mailto:licenseagreement@auroragov.org) to start the License Agreement process.

**Plat**

- 9E. Provide an updated Title Commitment to be dated within 30 calendar days of the plat approval date. (This Commitment should be submitted at the time of your final submittal of the electronic plat for recording.)
- 9F. Send in the Certificate of Taxes Due obtained from the County Treasurer's office showing the taxes are paid in full up to and through the plat approval date of recording.
- 9G. Adams County requires 18" x 24" sheets with a 2" margin on the left and 1/2" margins on all other sides. Resize the sheets to conform.
- 9H. Match plat name references.
- 9I. The Basis of Bearing statement is not the same as the platted area.
- 9J. Add a note about Tract A per the plat checklist.
- 9K. Revise/edit text per comments on the relines.
- 9L. Provide a closure sheet for the legal description.
- 9M. Provide the State Monument Records for the aliquot corners used on the plat.
- 9N. Show the Basis of Bearing line reference.
- 9O. Add the perimeter 10' utility easement.
- 9P. Label all existing and proposed easements.
- 9Q. Review scales for accuracy.
- 9R. Add a north arrow and bar scale on Sheet 5 and details on Sheet 7.
- 9S. Label adjacent subdivision plats or label unplatted.
- 9T. Review Tract A reference for accuracy.
- 9U. Plats cannot vacate easements. Submit by separate document.
- 9V. Add bearings, distances, and pins per comments on the redlines.
- 9K. Revise distance(s) so there is no distance over 1,400' along any straight boundary line of a subdivision.
- 9W. Confirm easement name(s) with Aurora Water.
- 9X. Correct spelling errors and overwrites.



**10. Revenue - Aurora Taps** (Melody Oestmann / [moestman@auroragov.org](mailto:moestman@auroragov.org))

10A. Storm Drainage Development Fees Due:  $\$1242 \times 35.95 = \$44,649.90$

Fees must be paid prior to mylar recordation.

10B. Commercial users with meters one and one-half inches and smaller with landscaped areas not served by separate irrigation system shall be charged an outdoor fee based upon the total landscaped area.

**11. Energy and Environment** (Maria Alvarez / 303-739-6824 / [malvarez@auroragov.org](mailto:malvarez@auroragov.org))

11A. We have reviewed the area of your development. There are plugged and abandoned (P&A) wells in the area of your development, in addition to an existing and/or planned oil and gas facility. There may be existing underground pipelines in rights-of-way. If you have questions or concerns about this, the Energy & Environment Division can assist by providing additional information.

The Colorado Oil & Gas Conservation Commission (COGCC)/Colorado Energy and Carbon Management Commission (CECMC) maps indicate there are plugged and abandoned (P&A) wells within proximity of the proposed development. The applicant is responsible for locating the abandoned wells and ensuring adequate measures are taken to secure/buffer their locations during construction.

Please note that while wells display on the COGCC/CECMC map with a latitude and longitude, for older wells, those values have been calculated from the footage references from section lines. They are likely close to the correct spot but may not be exact. **The applicant is still responsible for physically locating such abandoned wells. The city will work with you to determine appropriate setbacks from various surface features once the wells have been located. The City recommends a permanent easement of 200 feet by 200 feet surrounding the P&A well, with no permanent structures within this easement.**

Plugged and Abandoned (P&A) wells did produce hydrocarbons during the life of the well. Wells plugged more recently should have clear records with COGCC/CECMC of the existence of any flowlines connected to the wells, and how those flowlines were handled during final remediation. Some lines are removed, and some are left buried in place. Wells plugged further in the past may not have been recorded at COGCC/CECMC regarding flowlines. Note that some flowlines were asbestos-wrapped fiberglass instead of steel and may require special precautions if removal is necessary.

In January 2021, the Colorado Oil & Gas Conservation Commission (COGCC)/Colorado Energy and Carbon Management Commission (CECMC) implemented new rules which include a two-thousand-foot (2000') setback between oil and gas locations and certain surface features, including residences and schools. The setback is measured from the edge of the oil and gas location (also referred to as the "well pad," which represents the area of the greatest extent of surface disturbance around a well.) A portion of your site is within this 2000' setback from an existing and/or planned oil and gas facility.

Currently, there are no City regulations against constructing residences within this setback from an existing oil and gas facility, however, there is a pre-sale requirement to notify future owners of the fact.

The following notice language appears in UDO section 146-3.3.5.DD.2:

"Notice to Purchasers"

- a. A seller of real property upon which an oil or gas well or facility has been located shall provide written notice of the existence of such well to a purchaser of such real property prior to the closing of the sale. The seller shall 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] contains an oil and/or gas well. 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.

- b. Vendors of residentially zoned real property within a state-determined setback shall provide the following notice to prospective purchasers in 14-point bold type on a single sheet of paper that is signed by the prospective purchaser prior to entering into a contract for purchase:

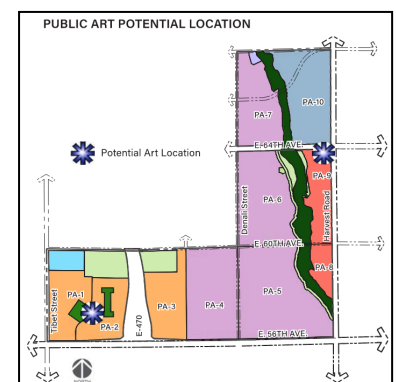
**Notice:** Nearby oil and gas facility. This property is located within a state-determined setback from an oil and gas facility. Vendors of residentially zoned real property within a state-determined setback from an oil and gas facility shall cause the following notice to be recorded with the clerk and recorder of the appropriate county:

**Notice:** The property known as [legal description and address] is located within a state-determined setback from an oil and gas facility. 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.”

It is at your discretion whether you choose to construct residences within the state setback or modify your development plans to accommodate such. The City of Aurora regulations regarding setbacks from oil and gas facilities are subject to change in the future. Even though Colorado voters struck down a proposed 2,500’ setback in 2018, future public perception may change now that the new COGCC/CECMC rules are in effect.

The Energy & Environment Division will work with you during your project development to help you understand the location of current and future oil and gas facilities that may affect your site. In the future, a horizontal well will be drilled underneath your site. If so, the depth would be greater than 7,000 feet below the surface. At that depth, we do not expect any effects to be felt at the surface. The City of Aurora has no authority or control over subsurface well equipment or operations. Contact the Colorado Oil & Gas Conservation Commission (COGCC)/Colorado Energy and Carbon Management Commission (CECMC) for more information.

Should you have any questions about oil and gas development, please reach out to Jeffrey S. Moore, Manager of the Energy and Environment Division. Additional information regarding oil and gas development can be found in the data and maps on the Colorado Oil & Gas Conservation Commission (COGCC)/Colorado Energy and Carbon Management Commission (CECMC) website at [www.cogcc.state.co.us](http://www.cogcc.state.co.us) and COGCC/CECMC GISOnline [www.cogccmap.state.co.us](http://www.cogccmap.state.co.us).



**12. Public Art** (Roberta Bloom / 303-739-6747 / [rbloom@auroragov.org](mailto:rbloom@auroragov.org))

- 12A. The Public Art Plan for Harvest Mile-Fulenwider does indicate public art within PA 9. Therefore, the Site Plan for PA-9 must include plans for how this public art element will be addressed.

**13. Xcel Energy** / Donna George / 303-571-3306 / [donna.l.george@xcelenergy.com](mailto:donna.l.george@xcelenergy.com)

- 13A. See attached comment letter.

**14. Mile High Flood District** (Drew Roberts / [submittals@mfhd.org](mailto:submittals@mfhd.org))

- 14A. See attached comment letter.

**15. Denver International Airport - Planning** (303-342-4105 / [denplanningreferrals@flydenver.com](mailto:denplanningreferrals@flydenver.com))

- 15A. Denver International Airport (DEN) received your referral letter, and we appreciate the opportunity to comment on the proposal. DEN provides the following comments:



The proposed development is within the “10,000’ Critical Area for Wildlife-Attractant Separation Area” for the final build-out of future DEN Runways, as defined by the Federal Aviation Administration (FAA). The USDA Wildlife Biologist assigned to DEN assist in implementing DEN's Wildlife Hazard Management Plan and have requested coordination as this project progresses. USDA and DEN will aid with the requirements outlined in the current version of FAA Advisory Circular 150/5200-33C (see link below). DEN also requests that the landscape plan include maintenance of trees and grasses to reduce attractants for wildlife such as raptor species, blackbirds/starlings, and geese. Fruit-producing trees and shrubs should be avoided. Water quality ponds/detention structures must be designed to meet a 40-hour drain time following a 100-year event.

The site is found within/under the navigable airspace associated with DEN, as promulgated and regulated by the Federal Aviation Administration (FAA) under 14 CFR Part 77, Objects Affecting the Navigable Airspace. Based on Part 77 and the development site location, the proponent is required to file a notice with the FAA, via the FAA Form 7460-1 process (Notice of Proposed Construction or Alteration), of any structure or temporary construction equipment (e.g., cranes) that penetrate Part 77 surfaces. The FAA website from which the need for the 7460 process can be determined (“Notice Criteria Tool”) and/or the filing can be initiated is <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

The development is within the DEN 55 DNL and will be impacted by aircraft noise and overflights.

## MAINTENANCE ELIGIBILITY PROGRAM (MEP)

### MHFD Referral Review Comments

For Internal MHFD Use Only.	
MEP ID:	106325
Submittal ID:	10011406
Partner ID:	1716474
MEP Phase:	Referral

**Date:** August 9, 2023  
**To:** Deborah Bickmire  
*Via email*  
**RE:** MHFD Referral Review Comments

<b>Project Name:</b>	Box Elder PA9
<b>Location:</b>	Aurora
<b>Drainageway:</b>	Second Creek

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

- NA

We have the following comments to offer:

- 1) We have no comments on this submittal as it relates to maintenance eligibility.

**MHFD requires responses to the review comments, please include these responses with any future submittal.**

We appreciate the opportunity to review this proposal. Please feel free to contact me with any questions or concerns.

Sincerely,



Drew Roberts, PE, CFM  
Project Engineer  
Mile High Flood District



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303.571.3284  
Donna.L.George@xcelenergy.com

July 31, 2023

City of Aurora Planning and Development Services  
15151 E. Alameda Parkway, 2<sup>nd</sup> Floor  
Aurora, CO 80012

Attn: Debbie Bickmire

**Re: Box Elder PA9, Case # DA-1478-13**

Public Service Company of Colorado's (PSCo) Right of Way and Permits Referral Desk has reviewed the documentation for **Box Elder PA9**. As always, thank you for the opportunity to take part in the review process. For these *commercial/industrial/retail* lots, and to ensure that adequate utility easements are available within this development and per state statute §31-23-214 (3), PSCo requests that the following language or plat note is placed on the preliminary and final plats for the subdivision:

*Ten-foot (10') wide utility easements are hereby granted around the perimeter of platted areas including lots, tracts, parcels and/or open space areas. These easements are dedicated to the City of Aurora for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities. Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.*

Public Service Company also requests that all utility easements are depicted graphically on the preliminary and final plats. While these easements may accommodate certain utilities to be installed in the subdivision, some additional easements may be required as planning and building progresses.

In addition, 31-23-214 (3), C.R.S., requires the subdivider, at the time of subdivision platting, to provide for major utility facilities such as electric substation sites, gas or electric transmission line easements and gas regulator/meter station sites as deemed necessary by PSCo. While this provision will not be required on every plat, when necessary, PSCo will work with the subdivider to identify appropriate locations. This statute also requires the subdivider to submit a letter of agreement to the municipal/county commission that adequate provision of electrical and/or gas service has been provided to the subdivisions.

Please be aware PSCo owns and operates existing underground electric distribution facilities along East 64<sup>th</sup> Avenue. 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](https://www.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 (i.e. transformers)  
– be sure to have the Designer contact a Right-of-Way and Permits Agent.

As a safety precaution, PSCo would like to remind the developer to contact Colorado 811 for utility locates prior to construction.

Donna George  
Right of Way and Permits  
Public Service Company of Colorado dba Xcel Energy  
Office: 303-571-3306 – Email: [Donna.L.George@xcelenergy.com](mailto:Donna.L.George@xcelenergy.com)