

# Painted Prairie – Master Plan Amendment – UDO Adjustment

## Introduction & Overview

### **Background**

Painted Prairie is a Master Planned Community coming to life in the City of Aurora. It is a 628-acre project which is located between 64<sup>th</sup> Avenue and 56<sup>th</sup> Avenue, just south of the Gaylord Rockies Resort and Conference Hotel, and between Picadilly and Himalaya Streets, approximately one mile west of E-470.

Painted Prairie began as an ambitious vision, created in the early 2000's. The City of Aurora ("COA") expressed a definitive and strong desire to see a different form of residential development take place in the City. In response to the COA's request the developer brought in Peter Calthorpe with Calthorpe Associates from Berkeley California, and Mark Johnson with Civitas from Denver, Colorado. Calthorpe and Civitas collaborated and worked with the Painted Prairie Developer and the COA Planning Department to create the vision and design for Aurora's first true Traditional Neighborhood Development ("TND"), also known as a "Neo-Traditional" or "New-Urbanist" Master Plan.

The plans' concepts include a focus on better streets, placemaking, connectivity, higher densities, sustainability, a preponderance of alley loaded homes, highly varied lot type, house type, and architecture, a focus on affordability and diversity with great parks and trails throughout the community. Neo-Traditional design principles also encourage narrower streets, less concrete and asphalt, maximizing use of on-street parking, a more grid like street network, and encouraging connectivity and opportunities for walking and bicycling when possible.

Additionally Painted Prairie included a "Prairie Palette" for its' landscape design and encouraged water conservation throughout the community. A street network with custom street sections was created. The custom street sections were unanimously approved by Planning Commission and City Council.

The Painted Prairie FDP, Zoning and initial plans were also approved unanimously by the COA Planning Commission and City Council in the mid 2000's, along with strong support from the COA Planning Department.

There was a brief period, 2008-2014, during the "Great Recession" when things at Painted Prairie came to a standstill. However, after the recovery began, Painted Prairie was 're-energized" and was able to begin development. During this period, the COA developed its new SUN zoning category, which the COA asked to overlay on Painted Prairie, and to which the Painted Prairie Developers agreed.

Groundbreaking occurred in 2018 and things have been going strongly since then.

Painted Prairie has been recognized in many ways and by many groups for its excellent and unique design. Amongst the many acknowledgements of Painted Prairie's excellence, it was named in November 2021 as the Colorado Master Planned Community of the Year by the Metro HBA, and in February of 2022 was named the National Association of Homebuilders North American Community of the Year, a truly extraordinary recognition and award.

In general, it is safe to say, Painted Prairie has been a huge success and is contributing even beyond hope to the quality of the built environment in the COA. Painted Prairie is a great example of best practices in Master Planned Community design.

## **Need for Amendment and Adjustment**

As well as things have gone for Painted Prairie, there are needs to adjust to real conditions in the field, a changing regulatory environment and learned best practices.

Painted Prairie, as described above is implementing many design techniques not previously built in the COA to any significant degree, and certainly not recently. As such, much of the body of Aurora's land use regulations are designed and best suited to typical suburban design with homogenous, front loaded, similar housing types on curvilinear streets, so there are numerous "conflicts" between the intent of the approved Painted Prairie design with the implementation in COA's code.

In addition, as the COA updates its code, particularly as seen in the adoption of the U.D.O., many of the requirements established in the U.D.O., (which came after Painted Prairie was designed, Zoned, had an approved FDP and an approved Master Plan, and was fully vested, and was well under development) are incongruous with the principles, design and approvals of Painted Prairie. This results in the need for adjustments on a somewhat frequent basis. It is not due to a failure to understand regulations, or to wish to circumvent costs or rules. To the contrary, Painted Prairie's self-imposed design is more restrictive and demanding in many ways than is required by City code.

Lastly, plans, master plans, design guidelines, and land use regulations are unfortunately, often 2-dimensional in their approach and viewpoint. This becomes apparent when building is occurring in a 3-dimensional world with topography, elevation changes and other unforeseen realities. Thus, as a project comes online, particularly a large Master Planned Community like Painted Prairie, which brings forth a fairly new and forward-thinking design, many adjustments/amendments are needed and should be expected to mesh vision and regulation with reality.

This is particularly and easily apparent when looking at the fencing standards and requirements which reside in each of: the Painted Prairie Design Guidelines, the Painted Prairie Master Plan and the COA U.D.O.

As Painted Prairie has developed, and real-world conditions have been encountered, along with the adoption of the U.D.O., certain conflicts or issues have become apparent which need to be adapted to, and this requires an Amendment to certain Painted Prairie documents as well as requiring an Adjustment to/from the U.D.O.

## **Painted Prairie Specific**

The requests being made are specific to Painted Prairie. Even where Adjustments to the U.D.O. are needed/requested, they are unique to conditions at Painted Prairie and do not create a "precedent" for the U.D.O. Citywide. Some of the issues are occurring where the U.D.O. is either not well suited to TND/Neo-Traditional development such as Painted Prairie, or where the U.D.O. has a 2-dimensional view which is not workable in a 3-dimensional world. However, the adjustments requested in this application do not create precedents which are going to affect other areas in the COA.

The Master Plan Amendments which are requested are totally specific to Painted Prairie and absolutely do not create City wide precedents.

## **Investment in Studying Situation**

The Painted Prairie team has now had the benefit of a few years' experience, in the field, seeing where the vision and design documents of Painted Prairie is well meshed with City code and ordinances/rules, as well as where certain provisions of the COA code do not fit particularly well either with a TND/neo-traditional planning or with certain realities of a 3-dimensional world.

Additionally, rules, policies and code in Aurora are continuously changing and evolving. These changes are not always consistent with existing designs and approvals in Master Plan communities such as Painted Prairie. In many cases, there are conflicts within the COA's codes/ordinances/policies and rules themselves.

One example, specifically, that has come to light, is some of the fencing details, which are contained in both the Painted Prairie design guidelines and in the City U.D.O.

A certain issue, is that in areas where there are large alleys (another problem in its own right), and long driveways in those alleys (yet another problem), and where there is quite a bit of grade between the low point in the alley and the elevation of the foundation of the home, some very unsightly conditions arise. Exposed concrete on the foundation, exposed concrete steps to the side of the house, outdoor equipment such as barbeque grills and children's toys, matters for gas and electric, hoses and hose spools are all unsightly matters that detract from the visual quality of the home and the neighborhood. These are exacerbated as greater grade/elevation differentials are involved.

This issue and others have been studied carefully. Excellent solutions have been developed.

This past Fall (Fall of 2022) Painted Prairie hosted a field tour/ project study session, with the Painted Prairie design team and a large representation from Aurora Staff. Members of the Planning, PROS, Public Works, ODA, City Manager's office, Building Department and others were present. It was a large and broadly representative group. Many issues were observed in the field (including the fencing issues, and other matters which are the subject of this adjustment request).

There were many issues where there was apparent consensus amongst the developer team and the COA team, that some adjustments and changes were needed to improve the built outcomes and conditions in the field. Fencing was one of those issues.

## **Explanations and Justifications**

### **Fencing**

As mentioned above, there are many instances, in the real 3 dimensional world, where the fencing rules of the U.D.O. and Painted Prairie's own design guidelines were not optimally written to handle some field conditions.

Where a home is siding a small open space "tract" for instances, a short, open rail fence exposes a significant amount of unsightly features along the side of that home. The tract may be small, bordering insignificant, yet the strict formulaic rules would require open rails rather than a "privacy" fence which would be more appropriate. Significant grade differential between the foundation of the home and the street, alley, tract exacerbate the visual problems.

Other places, such as where homes are backing to an Arterial such as Himalaya, but are set back from the street, give rise to the need for a fence that is higher than a short 2 rail, open fence for

numerous reasons. In that case, a taller, open rail fence, with an extra rail and wider rails, is a design solution which with proper landscaping, gives proper screening, and feeling of privacy/security for the homeowner, without giving rise to the “privacy fence canyon” we are all trying to avoid.

Each of the conditions and issues is described in the attached documents and presentation for the requested Design Guidelines modification and U.D.O. adjustments. Please see that document as each instance has been carefully studied and explained.

COA staff and the Painted Prairie design team agree on the proposed solutions. Significant time, cooperation, coordination, and resources have been invested in this process.

## **Mitigations**

The attached presentation fully describes the proposed modifications and mitigations, however, for convenience, several of the mitigations that are part of this request are listed here.

1. The Painted Prairie Team and the COA Staff have identified and agreed upon an enhanced landscape planting that will be included wherever the side yard “privacy” fence is allowed.
2. The “Privacy” fence will be 5’ rather than 6’ in height to have a reduced profile and the top 6”+ will be of an “open” design that will further lighten and reduce the visual impact of the privacy fence.
3. The demarcation fence proposed between back yard property lines and open space, such as at the perimeter open space, will use enhanced landscaping for improved aesthetics and total departure from the “privacy fence canyon” paradigm.
4. The front yard demarcation fence will be metal, rather than wood, for superior materiality and superior long-term sustainability along with a cleaner and reduced visual profile.
5. The perimeter of Painted Prairie has a 40’ open space and landscape buffer to push housing and fences back and away from arterial roads. This increases the landscape and open space area, reduces the negative affect of the arterials on the houses, and moves all fencing further away from the public realm.
6. Painted Prairie is a neo-traditional community with a more “fine grain” park and open space integration and more lots adjacent to the open space system. More focus is placed on synthesizing architectural quality & diversity through more attention paid to a high-quality streetscape, pedestrian connectivity, park design and fencing all using high quality landscape materials.
7. The privacy fence is not proposed nor is it allowed next to large scale or “meaningful” park and open space tracts. There are no privacy fences proposed for or allowed next to High Prairie Park, Pioneer Park or Prairie Retreat Park.