



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

September 26, 2024

Clayton Pace
Denton Floyd Real Estate Group
609 E Main St
Louisville KY, 40202

Re: Initial Submission Review – The Opal – Master Plan
Application Number: **DA-2391-00**
Case Numbers: **2024-7003-00**

Dear Mr. Pace:

Thank you for your initial submission, which we started to review on September 5th, 2024. 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 community members.

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 October 17th, 2024, to maintain your estimated Administrative Decision date. If you have any questions or concerns with the review comments that require a discussion, it is recommended that a comment review meeting be scheduled with the applicable review departments. In the future, please do not hesitate to contact me to get a meeting scheduled.

Note that all our comments are numbered. When you resubmit, include a cover letter specifically responding to each item. Please note that the application review fee balance of \$45,216.00 must be paid prior to the second submission. 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.

Your estimated Administrative Decision date for the master plan is tentatively set for November 27th, 2024. Please remember that all abutter notices and the site notices must be posted at least 10 days prior to the hearing and decision dates. These notifications are your responsibility and the lack of proper notification will cause your hearing or decision date to be postponed. It is important that you obtain an updated list of adjacent property owners from the county before the notices are sent out. Take all necessary steps to ensure an accurate list is obtained.

As always, if you have any comments or concerns, please let me know. I may be reached at (303) 739-7132 or egates@auroragov.org.

Sincerely,

Erik Gates
Planner II

cc: Samantha Pollmiller, Norris Design
Jazmine Marte, ODA
Filed: K:\SDA\2300-2399\2391-00rev1



Initial Submission Review

SUMMARY OF KEY COMMENTS FROM ALL DEPARTMENTS

- More detail is needed on how this site will meet the MU-C zone district specific standards, which includes requirements related to park space and a walkable street (UDO Section 146-2.4.3.D). [Planning]
- Please see the pre-sale notice requirements for the portion of your site within the 2,000' setback from an existing and/or planned oil and gas facility. [Energy & Environment]
- This property is adjacent to the required bridge and is required to provide 25% of the cost of design and construction. [Civil Engineering]
- More detail is requested on how and when the southeast local road connection shown will be provided. Clarify in the text and on the exhibits. [Civil Engineering]
- More information is requested on how the represented background volumes and site distribution was determined. [Traffic Engineering]
- Please include information on programming within the open space area and pedestrian connectivity through the site. Please graphically represent a trail underpass through E Jewell Ave. [PROS]
- Please see the outside agency comments from Xcel Energy and Aurora Public Schools.

PLANNING DEPARTMENT COMMENTS

1. Community Questions, Comments and Concerns

1A. No community comments were received on this review.

2. Application Completeness and Clarity (Erik Gates / 303-739-7132 / egates@auroragov.org / Comments in Teal)

2A. Application fees totaling **\$45,216.00** are due prior to acceptance of the next submission.

3. Zoning and Land Use Comments

[Tab 3]

3A. The triangular area in the northeast corner of the site is currently zoned POS. Building and site development areas cannot be regulated by two different zone districts. Either remove all of the POS zoned property from the commercial use planning area, or a zoning map amendment will need to be submitted to adjust the district's boundary.

[Tab 6]

3B. Please use the zoning conformance section to discuss how the MU-C zone district specific standards of 146-2.4.3.D will be met.

3C. If a zoning map amendment is needed to adjust the POS district boundary, describe that in this zoning conformance section.

[Tab 8]

3D. A cash-in-lieu cannot be used to meet the entirety of the Neighborhood Park requirement in the MU-C zone district. Some land will need to be dedicated and its general location shown on the Land Use map.

3E. The "Total Mixed Commercial Planning Areas" and "Total Commercial" are different use categories - the land use map shows 2.72 acres of commercial - not mixed commercial.

3F. Add information from the PIP to the last column of Form D rather than just referencing the PIP.

3G. Why is the commercial area labeled as NB 1?

3H. What do the percentages in the details column of the "Total SFA Planning Area" and "Total MF Planning Areas" rows mean? No SFA is proposed in this master plan Is this an error?

[Tab 9]

3I. Remove the private amenity/clubhouse from the map. Private amenities are not a requirement of the master plan, and the 20% common area requirement (to include the private clubhouse) will be reviewed at the time of site plan.

3J. Add the park location and timing per the MU-C requirements.



4. Streets and Pedestrian Issues

4A. Verify with Traffic that collector streets are necessary within this development. [All Tabs]

[Tab 8]

4B. Verify with Traffic that collector streets are necessary within this development. Planning is concerned about the design transition of the proposed north/south collector street which will connect to a local street south of the development. Generally, collectors are intended to funnel a higher level of traffic to a surrounding arterial network, and not feed into a local street.

[Tab 9]

4C. Identify the general location and alignment of the street that will serve as the “walkable internal street” required in the MU-C zone district-specific standards (146-2.4.3.D.2.c). This street will need:

- a minimum travel width of 23 feet,
- to be bordered by on-street parking and street trees,
- to connect the MU-C zone district to one of the adjacent arterial or local streets,
- to be bordered along at least 40 percent of its length by plazas or buildings with façades no more than 15 feet from the sidewalk, and
- be interrupted by no more than one driveway per 100 linear feet.

4D. How and when will the southeast potential vehicular access be provided? It may not be needed. The Foundry does not show a connection around this location like it does for the other southern connection this plan is showing.

5. Parking Issues

5A. There were no Parking comments on this review.

6. Architectural and Urban Design Issues

[Tab 10]

6A. Include descriptions and locations of MU-C required elements like the walkable internal street, plaza, and neighborhood park.

[Tab 12]

6B. Mention conformance with COA Building Materials standards in the residential architectural standards. Be aware that multifamily buildings are required to have facades clad in either 60% brick/stone or 80% of a combination of stucco and brick/stone.

6C. Mention expected roof forms in the Architectural Styles.

6D. Mention conformance with COA Building Materials standards in the commercial architectural standards. Asphalt shingles are not permitted for non-residential buildings in mixed-use zone districts.

6E. Mention expected roof forms in the Architectural Styles.

6F. Mention conformance with COA Building Materials standards in the example commercial architectural styles sheet.

7. Signage Issues

7A. There were no signage issues identified in this review.

8. Landscaping Issues (Kelly Bish / 303-739-7189 / kbish@auroragov.org / Comments in bright teal)

[Tab 8]

8A. Typo: add "conflict" where shown.

9. Energy & Environment (Maria Alvarez / 303-032-0223 / malvarez@auroragov.org)

9A. We have reviewed the area of your development. There are no known plugged and abandoned (P&A) wells within your site. We do not anticipate any subsurface hazards during construction related to plugged oil and gas wells. Note that there may be existing underground pipelines in right-of-ways. If you have questions or concerns about this, the Energy & Environment Division can assist with providing additional information. In January 2021, the Colorado Energy & Carbon Management Commission (ECMC) 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 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:

7. "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 ECMC 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.

Currently there is a horizontal well drilled underneath your site. The well is at a depth of greater than 7,000 feet below the surface. The operation of the well is not anticipated to impact your surface development. The City of Aurora has no authority or control over subsurface well equipment or operations. Contact the Colorado Energy & Carbon Management Commission (ECMC) for more information.

Additional information regarding oil and gas development can be found in the data and maps on the Colorado Energy & Carbon Management Commission (ECMC) website at ECMC Home (ecmc.state.co.us/#/home) and ECMC GISOnline (https://cogccmap.state.co.us/cogcc_gis_online/).

REFERRAL COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES

10. Civil Engineering (Julie Bingham / 303-739-7403 / jbingham@auroragov.org / Comments in green)

[Tab 10]

10A. Remove the 4 ft high wall sentence because this level of detail is not appropriate for a master plan. Tiering will be approved in conformance with the Roadway Manual. [Also shown on Page 9]

10B. Typo: add: "if permitted" where identified.



[PIP Page 3]

10C. Add "transitions back to existing past the property line." where identified.

10D. Add "to" where identified.

[PIP Page 4]

10E. Remove "Roadways will be constructed to service the planning areas immediately adjacent, however".

10F. Remove this entire Coal Creek bridge discussion section. Per City Code

<https://aurora.municipal.codes/UDO/146-4.3.15.B.2>.

No subdivider shall be relieved of the duty to construct public improvements for the subdivision until all public improvements are constructed, approved, and accepted by the City Engineer.

This property is adjacent to the required bridge and is required to provide 25% of the cost of design and construction.

[PIP Page 5]

10G. Repeat the same text from Planning Area 1 to planning area 2 if this is the case.

10H. It is recommended to review the improvements that will be required for each planning area individually. For example, under this current configuration, PA-1 will be required to build both collectors, even though it is only adjacent to 1. The intent may be to build the project in a single phase at this point, but it should be carefully considered to review the improvements required for each planning area individually in case that changes. Please note, the full frontage of E. Jewell from the limits of the current property limits will be required for each planning area.

[PIP Page 7]

10I. Provide separate exhibits for each of the planning areas highlighting the required improvements for each individually.

10J. How will this southeast connection be provided? When will this be provided? Clarify in the text and on the exhibits.

[PIP Page 8]

10K. Add note: "Street sections provided are conceptual, and when Site & Civil Plans are submitted, the street sections shall comply with the current effective Roadway Design & Construction Specifications."

[PIP Page 9]

10L. Add note: "Street sections provided are conceptual, and when Site & Civil Plans are submitted, the street sections shall comply with the current effective Roadway Design & Construction Specifications."

10M. Collectors that remove the bike lane from the section are required to provide wider sidewalks. Please revise the ROW widths and the sidewalk widths. Any variance from the typical section requires City Engineer approval.

10N. This modified two lane collector does not match any standard City section. Any variance from the standard section requires City Engineer approval.

10O. Remove local street section.

11. Traffic Engineering (Jason Igo / jigo@auroragov.org / Comments in amber)

[TIS]

11A. Need more information based on deriving background volumes and signal warrant volumes.

11B. Need more explanation about the site distribution specifically the commercial. Assumptions on why 25% will be going east.

11C. See full redlines throughout the document.

12. Fire / Life Safety (Richard Tenorio / 303-739-7628 / rtenorio@auroragov.org / Comments in blue)

[Master Utility Plan]

12A. Show the locations for the proposed fire hydrants to be installed throughout the site.

12B. Verify the (2) water lines into the subdivision off the same main in Jewel Ave. can support and maintain adequate water demands.



13. Aurora Water (Steven Dekoski / 303-739-7490 / sdekoski@auroragov.org / Comments in red)

[PIP Page 7]

- 13A. All planning areas require a looped water supply to support fire hydrants and private fire lines. Show phasing as needed.

14. Taps (Melody Oestmann / 303-739-7244 / moestman@auroragov.org)

- 14A. Storm drain development fee due: \$25,461.00.
14B. Commercial users with meters one and one-half inches and smaller with landscaped areas not served by a separate irrigation system shall be charged an outdoor fee based upon the total landscaped area.

15. PROS (Abigail Scheuermann / ahscheue@auroragov.org / Comments in mauve)

[Tab 9]

- 15A. Please graphically represent a trail underpass.
15B. Please include information on programming within the open space area. Given its adjacency and connection to the triple creek trail, a rest area / seating area may be considered for regional trail users. Include information on programmatic elements under "comments" on form J.
15C. Pedestrian connectivity through the site should be demonstrated.
15D. Please include location of connections through the open space to Jewell Ave.

[Tab 10]

- 15E. Please clarify what is considered "open space".

[PIP Page 3]

- 15F. Connection of the Triple Creek Trail across Jewell should be coordinated with the design and development of the upgraded bridge.

16. Easements (Grace Gray / 303-739-7277 / ggray@auroragov.org)

- 16A. All new easements to be dedicated by plat. Easement releases to be submitted to releaseeasements@auroragov.org.

17. Public Art (Roberta Bloom / 303-739-6747 / rbloom@auroragov.org)

- 17A. The public art plan for The Opal has used an earlier and incorrect fee for residential development. The correct fee of \$381.13 per acres is shown in the attached guidelines.

[Tab 7]

- 17B. Please include 2.72 acres of commercial and 2.7 acres of open space. The ROW can be excluded.
17C. Please work with Roberta Bloom on the budget requirements.

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

- 18A. Please note that for plats, PSCo/Xcel Energy's standard distribution easement requirements are as follows:

- **Commercial/School/Apartment Properties**
 - (1) gas main 6'
 - (2) electrical distribution line 10'
 - (3) joint trench 15'
 - (4) transformer 15' x 15'
 - (5) switch cabinet 20' x 20' or 15' x 25' depending on model
 - (6) 10' easement is required along all lot lines abutting any public rights-of-way
- **Residential Property**
 - (1) gas distribution line, front lot 6'
 - (2) electrical distribution line, rear lot 8'
 - (3) joint trench 10'
 - (4) multi-unit developments require a 10' easement along all lot lines abutting any public rights-of-way
 - (5) transformer and switch cabinet remain the same as commercial property



- **Gas Line Clearances – all lots**

- (1) all gas lines must maintain a minimum 5' of clearance from any structure, therefore, easement must adjust accordingly

- **Gas Lines Not Adjacent to Road Surface – all lots**

- (1) must be adjacent to drivable pavement/walkway that is a minimum of 8' wide & 6" thick to allow service trucks access and plowing in snowy conditions.

- 18B. PSCo also requests that all utility easements be depicted graphically on the preliminary and final plats. While these easements should accommodate the majority of utilities to be installed in the subdivision, some additional easements may be required as planning and building progresses.
- 18C. 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.
- 18D. Please be aware PSCo owns and operates existing both overhead and underground electric distribution facilities within the proposed project area. The property owner/developer/contractor must complete the application process for any new natural gas or electric service, or modification to existing facilities including relocation and/or removal via 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.
- 18E. For additional easements that may need to be acquired by separate PSCo document, the Designer must contact a Right-of-Way Agent.
- 18F. As a safety precaution, PSCo would like to remind the developer to contact Colorado 811 for utility locates prior to construction.

19. Arapahoe County Planning Division (Terri Maulik/ 720-874-6650 / referrals@arapahoegov.com)

- 19A. Thank you for the opportunity to review and comment on this project. The Arapahoe County Planning Division has no comments; however, other departments and/or divisions may submit comments.

20. Aurora Public Schools (Josh Hensley / 303-365-7812 / jdhensley@aurorak12.org)

- 20A. In accordance with Section 4.3.18 of the Unified Development Ordinance, the school land dedication obligation for the 264 proposed multi-family units, replacing the one current single family home, is 0.8476 acres (see attached student yield document). Aurora Public Schools will accept cash-in-lieu of land for this obligation valued at market value of zoned land with infrastructure in place. Cash-in-lieu is due prior to site plan and plat approval.