



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

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November 13, 2017

David Meyerowitz  
Crosstown Investments LP  
100 Sheppard Avenue E, Suite 20  
North York, Ontario, Canada M2N 6N5

**Re: Initial Submission Review – Cross Creek – Rezone and Comprehensive Plan Amendment**  
Application Number: **DA-1594-05**  
Case Number: **1999-2024-02**

Mr. Meyerowitz:

Thank you for your initial submittal, which we started to process on October 16, 2017. We reviewed it 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 city departments and community members.

Since several important issues still remain, you will need to make another submittal. Please revise your previous work and send us a new submission on or before December 5, 2017.

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.

Your estimated Planning Commission hearing date is set for January 24, 2018.

Please remember that all abutter notices for public hearings must be sent and the site notices must be posted at least 10 days prior to the hearing date. These notifications are your responsibility and the lack of proper notification will cause the public hearing 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 give me a call. I may be reached at 303-739-7220.

Sincerely,

Jonathan Woodward, Planner II  
City of Aurora Planning Department

cc: Bill Mahar, Norris Design  
Meg Allen, Neighborhood Liaison  
Jacob Cox, ODA  
Filed: K:\SDA1594-05\rev1.rtf



## *Initial Submission Review*

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

- Provide Title Commitment (Planning)
- Provide letter for Comprehensive Plan Amendment (Planning)
- Traffic signal escrow (Traffic Engineering)
- Contact Real Property (Real Property)

### **PLANNING DEPARTMENT COMMENTS**

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

1A. No comments were received from the community or surrounding neighborhood groups.

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

2A. Provide a Title Commitment that is current within 120 days.

2B. For the Comprehensive Plan Amendment portion of this application, please provide a formal written request. I have included an example which includes the written request and separate exhibits. The following general information should be included: state the request, description of the area, discuss the rezone request, current site conditions, future consideration for the site, current site review status, and make a case for the comprehensive plan amendment request. It would help to reference the [Comprehensive Plan 2009](#) (Chapter V.H. E-470 Corridor).

The planning department shall present all proposed changes to the comprehensive plan to the planning and zoning commission for their recommendation. The planning and zoning commission shall make all recommendations for changes to the comprehensive plan by not less than a two-thirds vote of the entire membership of the commission. Recommendations of the commission shall not be binding upon the city council. City council may change the comprehensive plan by an ordinance approved by a vote of not less than two-thirds of the entire membership of the city council. ([Section 146-206](#)).

2C. Rezone applications also requiring a comprehensive plan update must follow the criteria of Code Section 146-401C.

- The request to rezone from Regional Activity Center to Medium Density Residential (RMED) is generally consistent with the 2009 Comprehensive plan. The neighboring master development to the east is also in the RMED subarea and contains single family developments. The applicant has agreed to designate 13 acres as a Commercial Activity Center (CAC). See *Legal Exhibit A*. Since the 2009 Comprehensive Plan designated this area as a Regional Activity Center (RAC), this area has remained largely undeveloped. There is currently one project on the north side of Catawba and 6<sup>th</sup> Ave which is a single use data center.
- The rezone request for RMED to allow for duplexes can be made compatible with the surrounding developments: the 48 Cross Creek townhomes to the west and 413 single family detached homes to the east. The rezone request will allow for the eventual contextual site plan (CSP) for duplexes on this parcel and will provide a transitional housing buffer between the residential housing types.

2D. The application must meet the criteria found in Section 146-407 for a modification to the E-470 boundary.

- After review, the proposal is consistent with the intended purpose of the E-470 RMED subarea which encourages master-planned and medium-density developments. A 13 acre Commercial Activity Center will be included in this rezone and contain limited retail and commercial spaces.
- The proposed rezone is intended to accommodate the development of medium-density housing. The applicant plans to accompany the rezone and comprehensive plan amendment with a Contextual Site Plan for a development of duplexes.



### **3. Zoning and Land Use Comments**

3A. A Contextual Site Plan and plat application will need to be submitted for staff to review.

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

#### **4. Traffic Engineering** (Victor Rachael / 303-739-7309 / [vrachael@auroragov.org](mailto:vrachael@auroragov.org))

4A. Note this corner will be subject to our traffic signal escrow ordinance which is 25% based on the 5 year look back clause.

#### **5. Real Property** (Darren Akrie / 303-739-7331 / [dakrie@auroragov.org](mailto:dakrie@auroragov.org) / Comments in magenta)

5A. Contact Real Property directly for comments.

#### **6. Arapahoe County Public Works** (Catherine Valencia / 720-874-6500 / [cvalencia@arapahoegov.com](mailto:cvalencia@arapahoegov.com))

The Arapahoe County Public Works and Development – Engineering Services Division thanks you for the opportunity to review the outside referral for the proposed Cross Creek Rezone.

The purpose of this letter is to inform you that we have the following comments regarding the referral at this time based on the information submitted: During planning and development, please be sensitive to the rural single family homes in the Thunderbird Estates Subdivision.

Please know that other Divisions in the Public Works Department may submit comments as well.



FELLOWS DEVELOPMENT, INC.

January 16, 2007

Mr. Robert Watkins  
Director of the Planning Department  
City of Aurora

**RE: Request for Amendment to City of Aurora Comprehensive Plan**

Dear Mr. Watkins;

This letter is a formal request for an amendment to Aurora's Comprehensive Plan to allow for the rezoning of the Painted Prairie Property, located in the 11<sup>th</sup> Section of Township 3S, Range 66W in the northern portion of the City of Aurora, Colorado ("Section 11"), from the E-470 Airport Corporate and Airport Commercial zone districts to the E-470 Medium Density Residential zone district, or another future mixed use zone district.

As depicted on Exhibits A-D attached hereto, Section 11 is bordered by 56<sup>th</sup> Avenue to the south, 64<sup>th</sup> Avenue to the north, Piccadilly Road to the east, and Himalaya Road to the west. The planned project for Section 11 represents a visionary approach to city building. It is about the creation of civic identity, social equity, and the long term sustainability of neighborhoods. As a result, the planned Painted Prairie community is characterized by diverse and finely mixed land uses varying from residential and live-work areas to commercial and civic areas. The Second Submittal of the Painted Prairie Framework Development Plan (FDP) occurred on July 31, 2006 and preparations for the Third Submittal are nearly complete. Based on comments provided by the Aurora Planning Department on the 2<sup>nd</sup> Submittal of the Painted Prairie FDP, "Planning Department Staff will be proposing a new ordinance to allow a development of this type without the need for extensive waivers". However, with or without the new ordinance, the project is ready to, and appropriately should proceed.

It is apparent, based on review of the annexation agreement between the City and County of Denver (on behalf of its Department of Aviation) and the City of Aurora, dated June 8, 2006 (the "Annexation Agreement"), that an error was made in the zoning of Section 11 originally. The Annexation Agreement indicates that all of Section 11, shall be zoned as an E-470 Corridor zone district, or "Airport Corporate Sub-Area" (Exhibit A); however, as stated above, Section 11 is actually zoned a combination of E-470 Airport Corporate and Airport Commercial. Furthermore, it was the original intent for the zoning of Painted Prairie to allow for residential development on the northern portion of the property while discouraging residential development on the southern portion of the property (Exhibit B); however, the opposite in fact is the case (Exhibit C). This request for an amendment to the Comprehensive Plan provides the opportunity to rectify this error in zoning.

The City of Aurora has an excessive amount of commercially zoned land, specifically in areas of the city that are not viable commercial locations. Throughout the Denver metro area, there has been a trend to zone as much land as possible for non-residential use such as commercial, office, industrial, mixed use, and flex space. In fact, there is an existing land area zoned or planned for commercial use capable of supporting over 568,000,000 square feet of commercial space existing or proposed within the competitive market area for Painted Prairie. This is nearly twenty times the commercial space that could conceivably be developed over the next twenty years, forcing the market into an over-supplied condition which will never be fully developed. For

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January 16, 2007

the purpose of comparison, Denver and Aurora have almost identical amounts of residential land use, but Aurora has twice as much commercial-zoned property. It is in Aurora's best interest to address its overabundance of commercially zoned property. Re-zoning Painted Prairie for primarily residential uses, as shown on Exhibit B attached hereto, provides an opportunity to begin correcting this imbalance as an alternative to forcing Section 11 into a non-viable commercial quagmire.

The Competitive Market Area surrounding the Painted Prairie project consists of a 5-mile radius in direct competition for market share. Many of the sites within this area are much better suited for commercial development than Painted Prairie, as Section 11 is outside the traditional, high-value commercial development area (within 1/2 mile of a major highway). In addition, commercial developments are typically highly successful if they are in an area that is highly visible from major highways or interstates. The lack of visibility of Section 11 from E-470 warrants that the project should be residential rather than commercial development. This is consistent with the statement in Article 9, Chapter 146 of the Aurora Municipal Code, that "Residential areas are also discouraged from locating in potentially prime commercial sites that are visible from the E-470 right-of-way". By rezoning Section 11, Aurora would allow for high-quality mixed-use, residential development in an area that will not be a detriment to local viable commercial, but support the neighboring "prime commercial sites" with the residential base necessary to do so (Exhibit D).

Thank you for your attention to this matter. If you have any questions regarding the contents of this request, please contact me directly at (303) 795-9900.

Respectfully submitted,



Chris Fellows  
Fellows Development, Inc.  
Project Manager, Painted Prairie

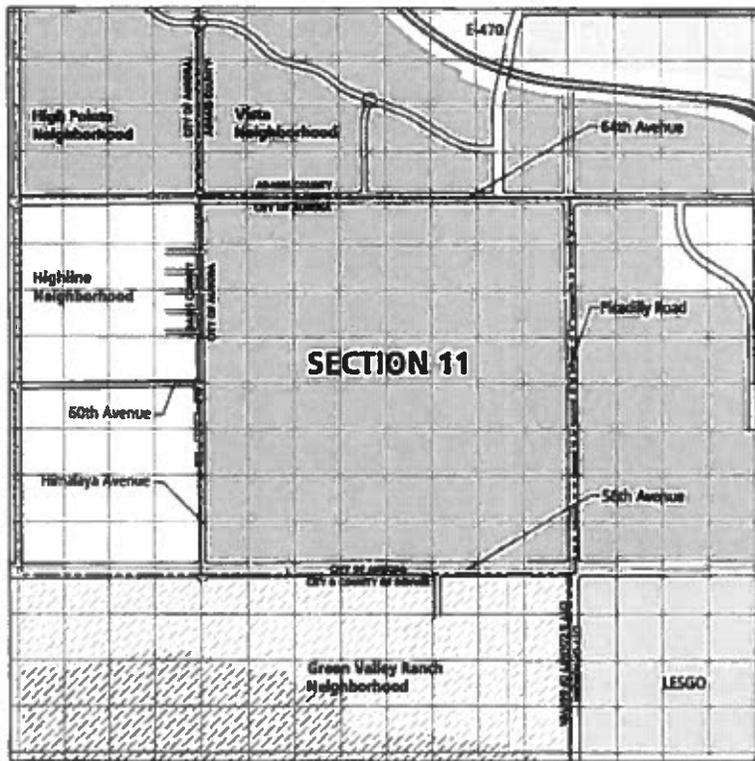
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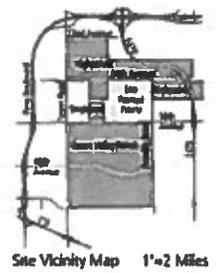
**EXHIBIT A  
ZONING PER ANNEXATION AGREEMENT MAP  
OF SECTION 11**

**(See attached page)**

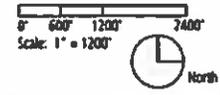




- LEGEND**
- E-470 Airport Corporate
  - E-470 Airport Distribution
  - E-470 Residential Medium Density
  - CMU-20
  - CMU-10



**NOTES:**  
 Painted Prairie Development falls within the jurisdiction of the following district boundaries:  
 -City of Aurora Fire Department  
 -City of Aurora Police Department  
 -Aurora Public School District



**Painted Prairie**  
 Comprehensive Plan Amendment  
 City of Aurora, Colorado

**EXHIBIT A**  
**ZONING PER ANNEXATION AGREEMENT MAP**

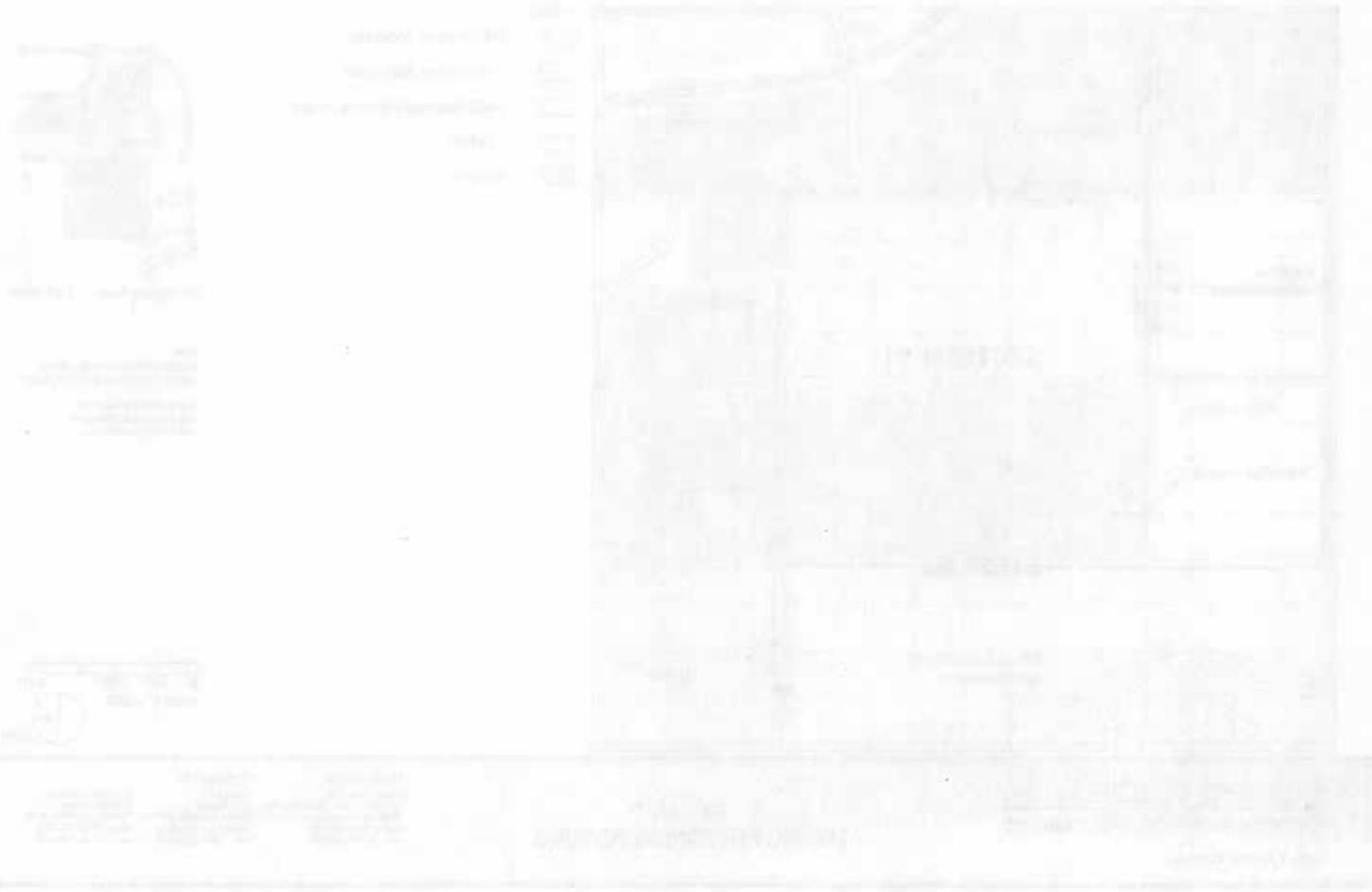
**Prepared For**  
 Painted Prairie, LLC  
 1248 Shaw-Corcoran Blvd, Suite 210  
 Highlands Ranch, Colorado 80129  
 Phone: (303) 795-8838  
 Fax: (303) 795-9925

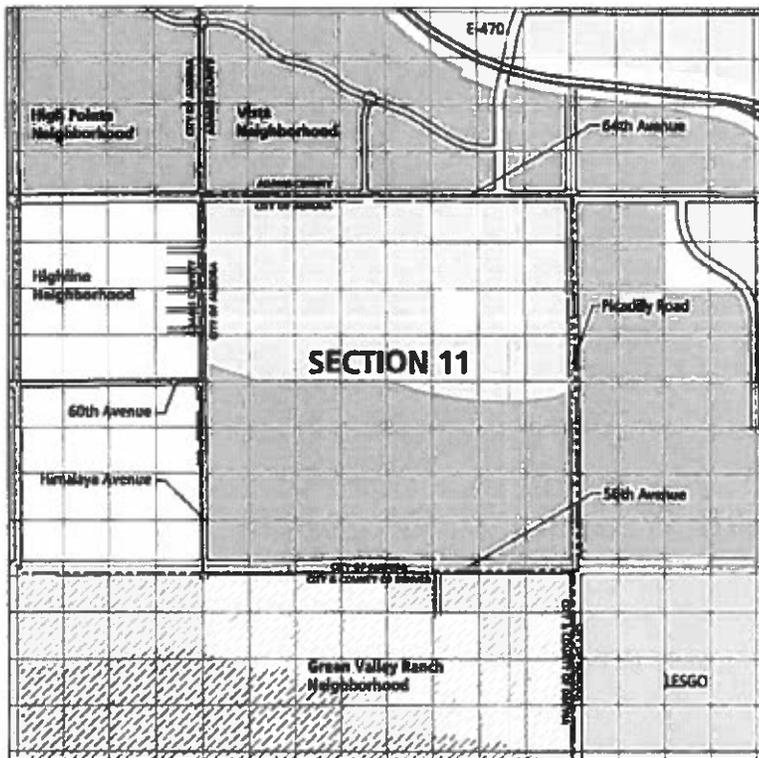
**Prepared By**  
 Citrus, Inc.  
 1200 Broadway St.  
 Denver, Colorado 80204  
 Phone: (303) 571-0883  
 Fax: (303) 525-9830

**Collaborative Associates**  
 2000 Stone Street  
 Berkeley, California 94709  
 Phone: (510) 540-4800  
 Fax: (510) 540-4848

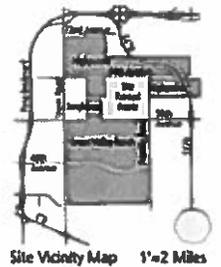
**EXHIBIT B**  
**ZONING PER ZONING HEARING MAP**  
**OF SECTION 11**

(See attached page)

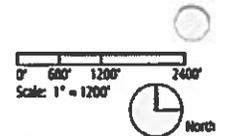




- LEGEND**
- E-470 Airport Corporate
  - E-470 Airport Distribution
  - E-470 Residential Medium Density
  - CMU-20
  - CMU-10



**NOTES:**  
 Planned Prairie Development falls within the jurisdiction of the following district boundaries:  
 -City of Aurora Fire Department  
 -City of Aurora Police Department  
 -Aurora Public School District



**Painted Prairie**  
 Comprehensive Plan Amendment  
 City of Aurora, Colorado

**EXHIBIT B**  
**ZONING PER ZONING HEARING**

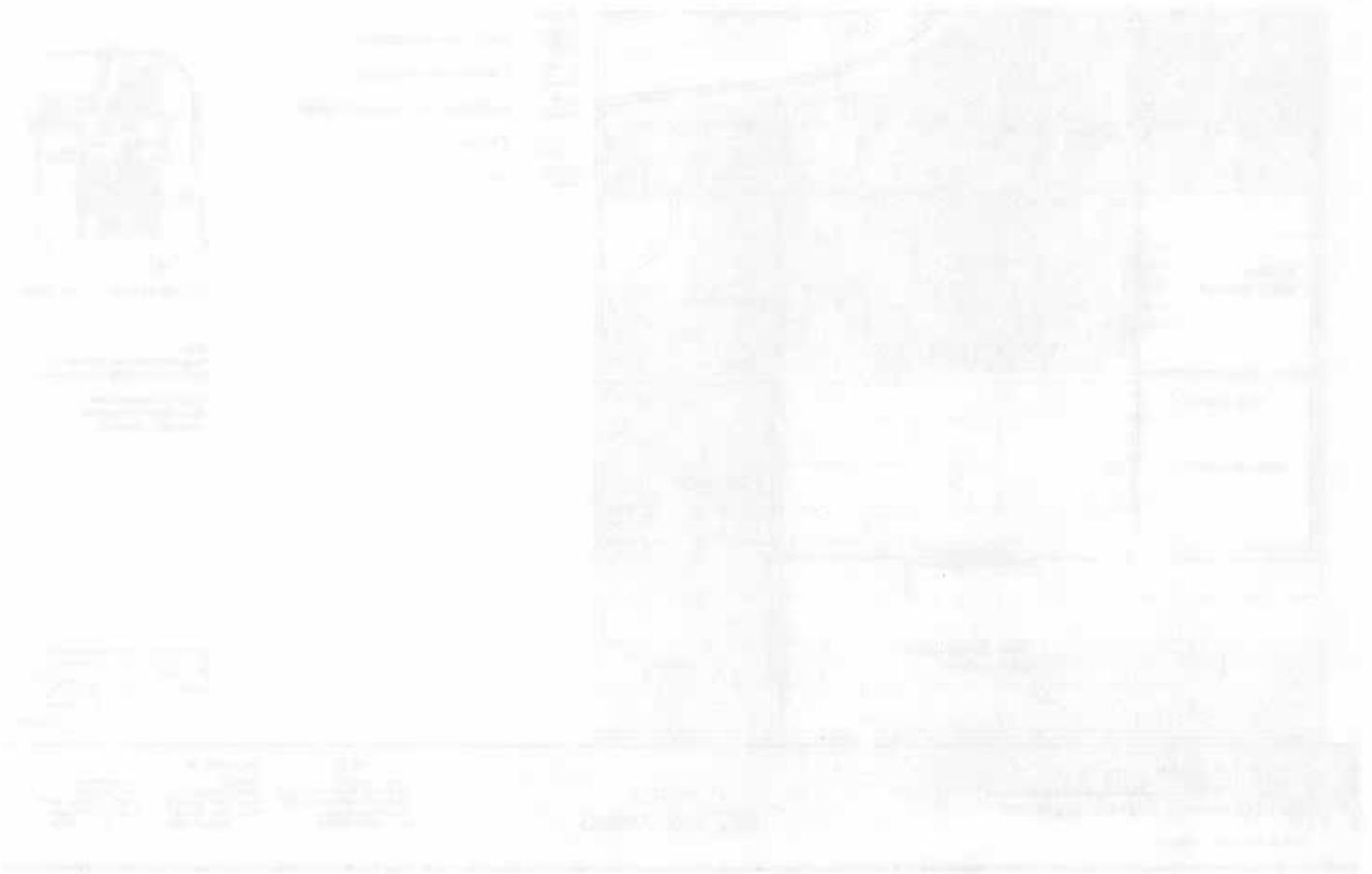
**Prepared For**  
 Painted Prairie, LLC  
 1748 West Center Point, Suite 310  
 Highlands Ranch, Colorado 80029  
 Phone: (303) 793-9800  
 Fax: (303) 793-9888

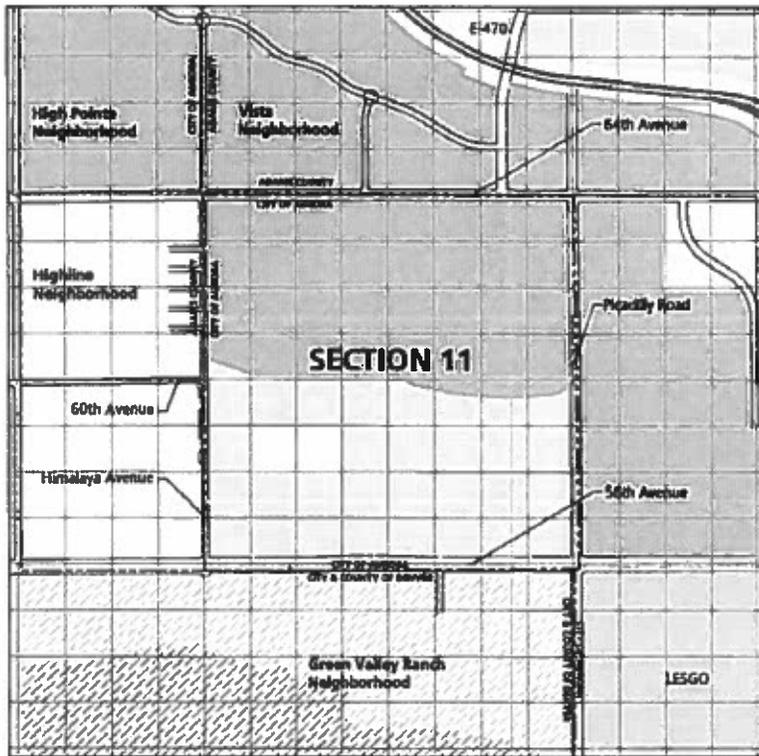
**Prepared By**  
 Centex, Inc.  
 1300 Durango St.  
 Denver, Colorado 80204  
 Phone: (303) 571-0053  
 Fax: (303) 625-0830

**Colorado Assistant**  
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 Berkeley, California 94709  
 Phone: (510) 548-8800  
 Fax: (510) 548-8848

**EXHIBIT C  
EXISTING ZONING MAP  
OF SECTION 11**

**(See attached page)**

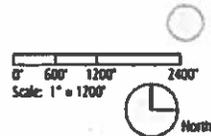




- LEGEND**
- E-470 Airport Corporate
  - E-470 Airport Distribution
  - E-470 Residential Medium Density
  - CMU-20
  - CMU-10



NOTES:  
 Proposed Future Development falls within the jurisdiction of the following district boundaries:  
 -City of Aurora Key Department  
 -City of Aurora Police Department  
 -Aurora Public School District



**Painted Prairie**  
 Comprehensive Plan Amendment  
 City of Aurora, Colorado

**EXHIBIT C  
 EXISTING ZONING**

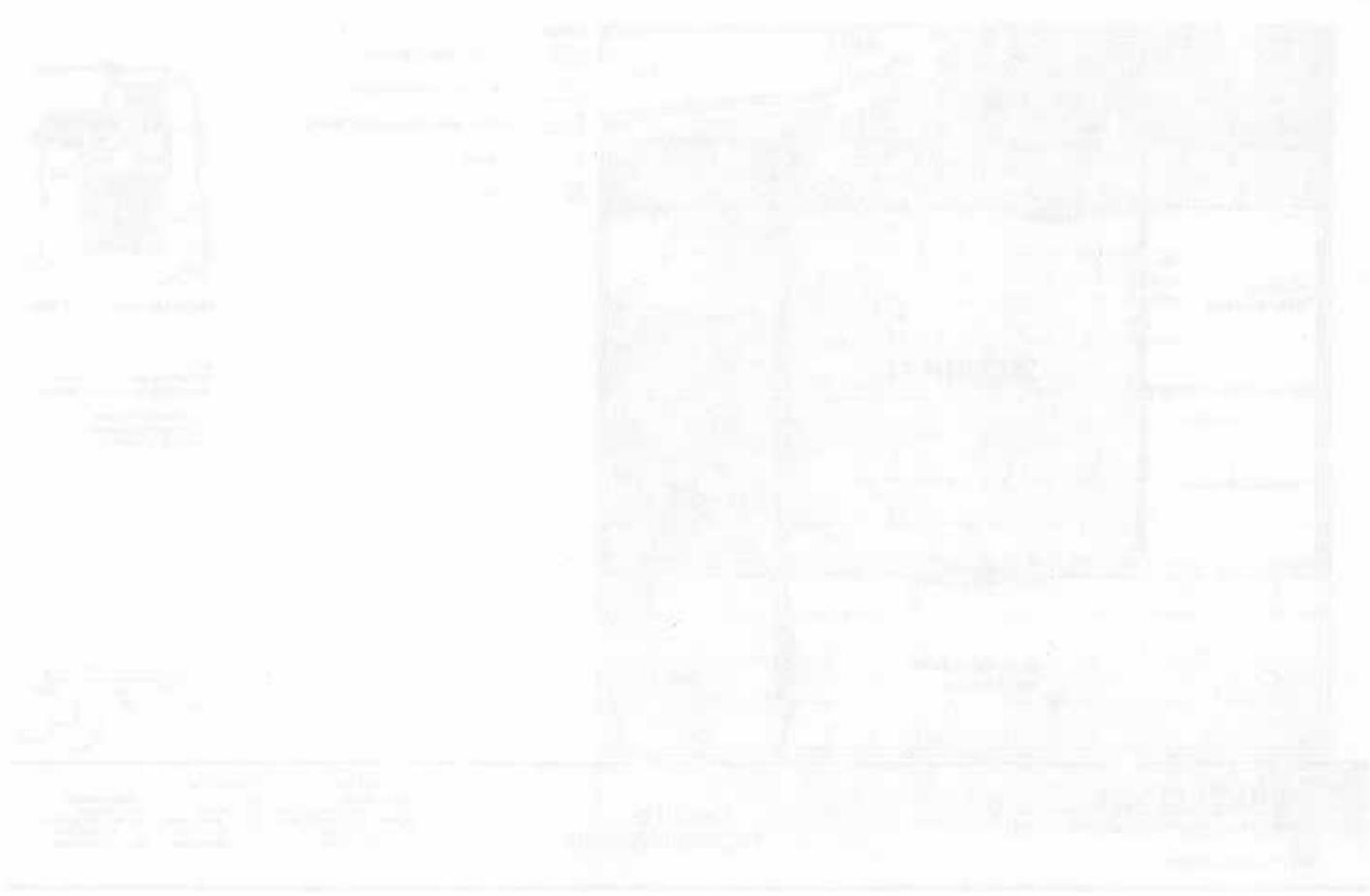
Prepared For  
 Painted Prairie, LLC  
 1745 Blue Center Drive, Suite 300  
 Highlands Ranch, Colorado 80126  
 Phone: (303) 793-0900  
 Fax: (303) 793-0905

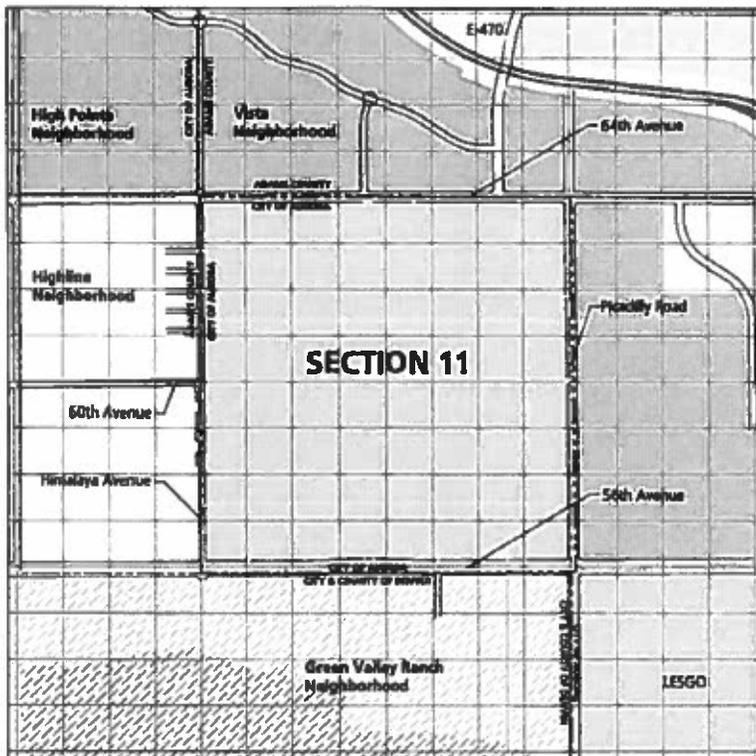
Prepared By  
 Clark, Inc.  
 1200 Fairway Dr.  
 Denver, Colorado 80204  
 Phone: (303) 574-0023  
 Fax: (303) 574-0026

Coltura Associates  
 2075 Stone Street  
 Berkeley, California 94709  
 Phone: (510) 848-8880  
 Fax: (510) 848-8848

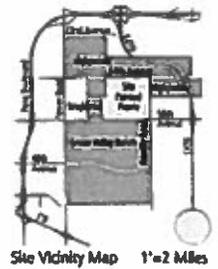
**EXHIBIT D  
PROPOSED ZONING MAP  
OF SECTION 11**

**(See attached page)**

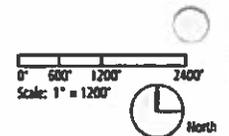




- LEGEND**
- E-470 Airport Corporate
  - E-470 Airport Distribution
  - E-470 Residential Medium Density
  - CMU-20
  - CMU-10



**NOTES:**  
 Painted Prairie Development falls within the jurisdiction of the following local boundaries:  
 -City of Aurora Fire Department  
 -City of Aurora Police Department  
 -Aurora Public School District



**Painted Prairie**  
 Comprehensive Plan Amendment  
 City of Aurora, Colorado

**EXHIBIT D  
 PROPOSED ZONING**

**Prepared For**  
 Painted Prairie, LLC  
 1795 Ship Center Drive, Suite 510  
 Highlands Ranch, Colorado 80129  
 Phone: (303) 795-8803  
 Fax: (303) 795-8905

**Prepared By**  
 Clifton, Inc.  
 1200 Bonwood St.  
 Denver, Colorado 80202  
 Phone: (303) 571-0853  
 Fax: (303) 525-0830

**Clifton Associates**  
 2095 West Street  
 Berkeley, California 94709  
 Phone: (510) 548-4800  
 Fax: (510) 548-6948