



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

February 14, 2019

Joseph Huey  
Lennar Homes  
9781 S Meridian Blvd, Ste 120  
Englewood, CO 80112

**Re: Initial Submission Review - Murphy Creek East CSP No. 2 – CSP and Plat**  
Application Number: **DA-1250-42**  
Case Number(s): **2019-4002-00; 2019-3003-00**

Dear Mr. Huey:

Thank you for your initial submission, which we started to process on Monday, January 7, 2018. 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 other city departments and community members.

Since several important issues still remain, you will need to make another submission. Please revise your previous work and send us a new submission on or before Wednesday, February 27, 2019.

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.

Please note that there are a number of comments from the public requesting that this case be reviewed and approved through a public hearing. Due to the fact that a waiver to the FDP will be required to address the proposed product types and smaller lot sizes, a public hearing will be required before the Planning Commission, who will make a recommendation to the City Council. The City Council will have to consider the waiver at a public hearing. Hearing dates for the FDP waiver request are tentatively scheduled for Wednesday, April 10<sup>th</sup> for the Planning Commission and Monday, May 20<sup>th</sup> for the City Council.

After reviewing this letter, including neighborhood comments as well as technical issues, I advise that we set up a meeting with staff to discuss the comments. When you are ready to schedule a meeting, please contact me.

As always, if you have any comments or concerns, please give me a call. I may be reached at (303) 739-7184.

Sincerely,

Heather Lamboy, Planning Supervisor  
City of Aurora Planning Department

cc: Mindy Parnes, Planning Department  
Bill Mahar, Norris Design 1101 Bannock Street Denver, CO 80204  
Scott Campbell, Neighborhood Liaison  
Mark Geyer, ODA



## *Initial Submission Review*

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

- Review and approval of the proposed CSP is contingent upon approval of the FDP Waiver for lot sizes.
- Show the 100-year water surface elevation in the detention ponds.
- Provide additional lighting, benches, and amenities in the open space areas.
- This project will be responsible for the 25% share for the planned traffic signal at Harvest Road and Jewell Avenue.
- Please clearly mark and provide a detail of the proposed trail along the PSCo easement. Please indicate the phase in which this portion of the trail will be constructed.

### **PLANNING DEPARTMENT COMMENTS**

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

**A.** Name: Margaret Sobey

1403 South Addison Court, Aurora CO 80018

Email: [msobey@mcgneighbors.org](mailto:msobey@mcgneighbors.org)

Please reference attached letter that Ms. Sobey uploaded to the website.

**B.** Name: Teagan Coviello

24250 E Wyoming Pl, Aurora, CO 80018

Email: [Teagan.c@hotmail.com](mailto:Teagan.c@hotmail.com)

Comment: I am requesting a public hearing for Murphy Creek East as the three story walkups are not consistent with the current architecture and quality of Murphy Creek single family homes as well as the townhomes. These three story walkups are not of adequate quality for a golf course community. Murphy Creek will not be a social project for affordable houses; these three story walkups will immensely drive down home values in the community and will give Murphy Creek a bad name.

**C.** Name: Margaret Rash

1555 S De Gaulle Way Aurora, CO 80018

Email: [maggie.rash@comcast.net](mailto:maggie.rash@comcast.net)

Phone: 303-358-9729

Comment: I am against the changes. To the best of my area already has an approved CSP filed with ARAPAHOE County. Per the Master Declaration (CC&Rs) for Murphy Creek, only the Master Declarant could make changes to approved plats. This area has an approved Plat as Filing 8....why the change in the filing number? Is it a way to try and confuse this community and allow non community approved builds? Developing this community as MURPHY CREEK and not requiring compliance with the MURPHY CREEK Development Standards must NOT be allowed by the CITY! Also, there is question as to who owns the infrastructure in this area. Metro District 4 was dissolved at one point, it's assets and obligations transferred to Metro District 3...It is believed that Metro District 3 is still paying for the assets that are associated with this proposed development. This needs to be resolved. (Additionally see attachment)



**D.** Name: Lynn Swanson  
1595 S De Gaulle Way Aurora, CO 80018  
Email: [lswanson04@comcast.net](mailto:lswanson04@comcast.net)

Comment: When the city of Aurora invested several million dollars to build the Murphy Creek golf course, and have a premier golf course community at the gateway to the eastern hills of Aurora, this is not what was envisioned. These changes amount to nothing less than being granted permission to build a future slum. Large numbers of high density dwellings, narrow roads with little or no parking, three story walk ups are not consistent with what was originally intended for this community. Please hold public hearings on these changes.

**E.** Name: Nancy Slinkard  
1750 S Buchanan Circle Aurora, CO 80018  
Email: [nlslinky@aol.com](mailto:nlslinky@aol.com) Phone: 303-521-7266

Comment: As a 50+ year Aurora resident, I am shocked at this proposal for Murphy Creek. After attending the meeting with Lennar representatives, I am confused by the acceptance of their plan. 1. There is obvious danger to placing these residences so close to the DADS landfill. 2. The building of "3 story walk-ups" is a degradation of our whole residential area. This will lower our property values. (Confirmed by real estate brokers.) I hope we can attract builders who want this property to enhance the existing areas. Please work directly with current residents on their concerns. This is an insult to all of us!!!!

**F.** Name: Laura Swanson  
1595 S De Gaulle Way Aurora, CO 80018  
Email: [lauraswa@aol.com](mailto:lauraswa@aol.com) Phone: 720-219-8935

Comment: Again, trying to keep the Murphy Creek community the high quality neighborhood that brought us here is a battle with developers, the landowner and the City of Aurora. We request public hearings as the steps for developing the area around Murphy Creek move ahead.

Why are so many variances to FDP and adjustments being considered? This makes this deal look mighty fishy. Isn't Aurora interested in maintaining this area as a premier golf course community? This is what was indicated when Murphy Creek was being developed. Looking at the plans for the proposed homes with limited stone/brick exteriors, smaller lot sizes, decreased on-street parking, 3 story walk-up "cottages," seems like Aurora is saying "Let's make sure we get the money from the developer and who cares if the area loses value for homeowners." Where are the parks, the open space, the quality seen north of Jewell? If the new FDP is already needing variances, why? Again, seems like the landowner and developers are trying to get away with something.

**G.** Name: Puja Nanda  
Email: [nanda21@comcast.net](mailto:nanda21@comcast.net)

Comment:

Please carefully consider the thoughts and concerns of current Murphy Creek residents. We all have moved here for several reasons; including: the beauty, serenity and openness of this area. This planned development will destroy all of that without consideration of current residents. With all the development happening in Aurora, I think it would be better to leave Murphy Creek as is. The beauty and serenity will bring its own profit and value as more people are looking for these types of communities - not overcrowded neighborhoods with rows and rows of houses and shops. I request on behalf of my family and neighbors that you re-consider the proposed development. Thank you. The Nanda Family.



**H.** Name: Richard Rader

71 Algonquian St Aurora, CO 80018

Email: [bonzorader@gmail.com](mailto:bonzorader@gmail.com) Phone: 720-366-8686

Comment:

Is it unreasonable to ask why a Developer would think it is safe to place homes right next to a Garbage Landfill, near a Superfund Site and on property where a chemical plume from the Superfund Site transects the proposed development property? Residents currently living to the north of this proposal in Murphy Creek, quite often state on Face Book: "Is the dump smelling particularly ripe today?" Homes built in closer proximity to the garbage dump will be more directly impacted by odors as well as the dust in the air that travels in the wind from the operation. The dust could contain bacteria and heavy metals which could negatively impact those nearby residents who have allergies, are elderly and infirm as well as vulnerable children. We have previously stated, it is not wise to propose to build homes that have sump systems that draw the groundwater into the homes until the current investigation of the off-site plume is completed. The Developer has been told that there have been no significant studies completed to date to determine how deep or how wide the chemical plume is. The prime concern should be to prevent the sumps in the new homes from pulling contaminated groundwater into the system before there is clear evidence that the groundwater is free of contaminants. The current EPA 5 Year Review has stated, unequivocally, that until the current investigation is complete, the EPA cannot claim that the Lowry Landfill Superfund Site is Protective.

How can the city allow the MCE project without an phase II Environmental Assessment, given the 1,4 dioxane plume also containing many Toxic Chemicals, migrating 3 miles N of the Lowry Landfill. The growth fault has been identified but not investigated, which needs to occur B4 this project is allowed to occur.

A neighborhood meeting was held on Tuesday December 11, 2018 at Murphy Creek K-8 School. Amendment, present the proposed site plans for CSP 1 and CSP 2, and receive comments from the residents. Approximately 40 people attended the neighborhood meeting, a majority of those attending OPPOSED: The Amendment, Smaller Lot sizes, any 3-story Walkups, building architecture changes.

The 3 story walk ups are not viable for seniors who are NOT going to walk 3 flights of stairs nor a mother with a baby and a bag of groceries with the first living area up the first flight of stairs.

The DEVELOPER is moving forward with Contextual Site Plans (CSPs) and replats of the area. As submitted, this will NOT be good for Murphy Creek or the surrounding area.

The proposed residential development WILL NOT BE compatible with the design character established throughout the Murphy Creek neighborhood. The small lots and small homes are not consistent with a golf course community.

The landscape design concept for this CSP IS NOT consistent with the overall landscape design concepts that are planned for the Murphy Creek East development.

Urban design, building architecture, and landscape architecture. The proposed residential development, architecture Highlights, WILL NOT be compatible with the design character established throughout the Murphy Creek neighborhood. New developments that are part of Murphy Creek should follow the current design standards for the community.



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

- A. *Keep in mind that this CSP will need to be redesigned if the FDP waiver is not granted. Before this CSP can be approved, the FDP waiver must be approved and the appeal or call-up period has passed.*
- B. Please remove the word “Subdivision” from the Title Block and the sheet labels on the CSP.
- C. Please include a data table including the information provided in the sample table graphic provided here.
- D. Provide an FDP tracking chart for lot types and sizes, similar to as noted in the CSP No. 1 review.
- E. Please update pagination to include, in addition to the page type label, such as L 1.03, to also include an over all “Page X of Y” for tracking purposes.
- F. Please include a photometric plan with the next submittal.
- G. Will this project be phased or all built at one time? If not, please remove the phasing note.

**DATA:**

LAND AREA WITHIN PROPERTY LINES	81.455 AC.
NUMBER OF UNITS PROPOSED (SINGLE FAMILY DETACHED RESIDENTIAL)	199
NUMBER OF BUILDINGS PROPOSED CONSTRUCTION TYPE (V-B) OCCUPANCY CLASS (R-3)	199
NUMBER OF STORIES	2
MAXIMUM HEIGHT OF BUILDINGS	35 FT.
HARD SURFACE AREA	474,445 SF 13.4%
OPEN SPACE	425,910 SF 12.0%
LANDSCAPE AREA	1,181,185 SF 33.3%
PHASED NATIVE GRASS (IF APPLICABLE)	N/A
PRESENT ZONING CLASSIFICATION	E-470 RESIDENTIAL LOW DENSITY
PERMITTED MAXIMUM SIGN AREA	96 SQ. FT & 6' MAX HEIGHT/2 PER ENTRANCE
PROPOSED SIGN, TYPE AND SQ. FT.	NEIGHBORHOOD DISTRICT IDENTIFICATION
PARKING SPACES REQUIRED	2 PER UNIT + 2 GUEST SPACES
PARKING SPACES PROVIDED (GARAGE/DRIVE/ON-STREET)	2 PER UNIT + 2 GUEST SPACES MINIMUM
HANDICAP SPACES REQUIRED	N/A
HANDICAP SPACES PROVIDED	N/A
LOT AREA	37.796 AC.
TRACT AREA	30.332 AC.
PUBLIC R.O.W. AREA	13.327 AC.

\*\*NOTE: THE CSP #13 IS AN AGE RESTRICTED COMMUNITY.

**3. Zoning and Land Use Comments**

- A. On Sheet 3.0, please make the plan more legible by shading the open space similar to the manner of the Hydrozone map on Sheet L-1.01. Please provide a lot layout similar to the one on Sheet L-1.03. You can remove the vicinity map on this page to accommodate the lot layout graphic.
- B. Where the trails cross the alleys, please use a paver or cross walk material to indicate the pedestrian crossings.
- C. As noted in PROS comments, please provide some type of amenity for Tract A, such as benches and pedestrian lighting.
- D. Provide a trail connection to the trail to the west that connects with E Jewell Ave.
- E. Providing wrap-around architecture on the end units was discussed where adjacent to the street. The elevations do not include this detail. Please provide a detail for end units. The porch should be larger facing the green spaces.
- F. On all elevation drawings, please label materials and colors. Ensure that all elevations meet the minimum number of points required as part of elevation reviews.
- G. Please move sidewalks in the courtyards to the edges so that there can be a more usable green space at the center, similar to the photo to the right.
- H. Is this site subject to the Murphy Creek Architectural Review Committee? If so, please submit a letter of approval with the next submission.



**4. Streets and Pedestrian Issues**

- A. Please ensure that sufficient pedestrian connections are provided throughout the site. Additional review discussions at the CSP level will be examining the larger context and pedestrian linkages both within Murphy Creek East as well as connecting to other developments.
- B. It may be necessary to include signage for no on-street parking at the curves on the northeast and northwest portions of Asbury Loop.

**5. Open Space and Recreational Amenities**

- A. Will there be any programed improvements to Tracts A and S, such as a shade shelter or picnic area?



## **6. Landscape Design Issues**

Kelly Bish / 303-739-7189 / [kbish@auroragov.org](mailto:kbish@auroragov.org) / PDF comments in teal.

### **A. Sheet 3.0 Area Grading Plan**

- Please indicate the 100 year water surface elevation.

### **B. Sheet L-1.00**

- Address the various comments relative to the landscape tables provided.

### **C. Sheet L-1.01**

- Correct the street name at the bottom of the sheet.

### **D. Sheet L-1.02**

- Correct/address the review comments relative to the General and City of Aurora Notes provided.
- Remove the language in the note at the bottom of the plant schedule referring to watering trees and shrubs within dryland areas as all trees and shrubs regardless of location are to be on a permanent irrigation system.

### **E. Sheet L-1.03**

- For this typical planting graphic, make sure that all the building perimeter landscaping to be installed is dark i.e. trees, shrubs grasses etc. The extraneous tract landscaping may be light.
- The sod and the cobble mulch hatches are reversed.
- Increase the evergreen tree species permitted to be planted for building perimeter landscape requirements.
- Once the actual building footprints are provided on the landscape plan, a more thorough evaluation of the building perimeter landscaping may be done.
- The building grouping just south of Tract E, is a different size and would therefore require different quantities/layout than the typicals proposed here.

### **F. Sheet L-2.00**

- Do not hatch the shrub beds as it makes more difficult to see the actual shrubs. Handle mulch information via a notes.
- Measure the required buffer setback from back of walk
- Provide the required street names.
- One of the shrub beds and/or trees within the bed should be relocated as it is on top of a utility.
- Show the 100 year water surface elevation on the detention pond.
- Dimension and label all buffers provided.
- Label the two non-labeled tracts.
- Provide enlargements for four of the tract areas. See plan.
- Provide the actual building footprints on the plan.

### **G. Sheet L-2.01**

- Provide the street name.
- Dimension and label the buffers this sheet.

## **7. Environmental Issues**

- A. Ensure that the avigation easement is completed with the Framework Development Plan.

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

## **8. Civil Engineering Kristin Tanabe / (303) 739-7306 / [ktanabe@auroragov.org](mailto:ktanabe@auroragov.org)**

- A. Please show/label the 100-yr water surface elevation and pond maintenance access provided to the bottom of the pond and the top of the outlet structure. Label pond as private.
- B. Please include a typical section for the alleys.
- C. On Sheet 3.0, the storm sewer is not showing.



## **9. Life Safety**

William Polk / 303-739-7371/ [wpolk@auroragov.org](mailto:wpolk@auroragov.org) / See blue redlines

Site Plan Comments

Sheet 1

- Provide a Photometric Plan with the second submittal.
- Please revise to reflect "2015 IRC R3"
- Revise to reflect "2015 IBC Type VB".
- Please apply the Implementation table showing accessibility requirements from House Bill 003-1221 and 2015 IBC Accessible Housing. See Example below:

Sheet 2

- Please add SNID 60.
- If the interior of the site will be constructed in multiple phases provide an interior phasing plan showing two points of access with a looped water supply to each phase of the development.
- Advisory Note: Prior to the issuance of the first certificate of occupancy each phase of construction must have the required number of emergency access points and approved water supply.
- In order for this project to meet the 2015 IFC "Remoteness" requirement it will be contingent on the completion of MURPHY CREEK EAST CSP NO 1 - CSP AND PLAT On-site and Off-site. Please provide a note that addresses the required 2 points access and remoteness requirement.

Sheet 3

- Show all off-site fire hydrant infrastructure that is required to support this site. TYP
- Will the access aisle tracts be built to current COA Roadway Design and Construction Standards? If not, the fire lanes will be required to be constructed to the COA Fire Lane Easement standards. TYP
- Eliminate this fire hydrant.
- Relocate this fire hydrant to this location.
- Eliminate this fire hydrant.
- Eliminate this fire hydrant.
- Coordinating with the Murphy Creek CSP Filing No 1 revise the site, civil, and plat plans revise to reflect requested fire hydrant placement notes. TYP
- Advisory Note: An Address will be provided on the front main entry side of the structure. Where an alley or roadway is provided to the back of the structure, a separate address will be required above the garage door. The address directory shall be shown within the detail sheet of the site plan and/or civil plan sign package. Address Directory Signs must be installed at residential properties where the front of the structure is facing a green belt instead of public right-of-way where emergency response may be delayed due to the physical layout of the complex. Please see COA Single-Family Dwellings Facing Green Belts instead Public Right-of-Way for further requirements.
- "SIGNAGE AND STRIPING" package shall be included for approval with the Civil Plans, and shall include fire lane and handicapped parking signs, sign details, handicapped parking stall details, and locations for all. Sign package shall include all signs as required by other City of Aurora departments.
- The "No Parking Fire Lane" sign shall include the "Tow Away Zone" graphic sign.
- The fire life safety signs shall be placed only on the civil plan.
- Show the location of all existing and proposed water mains and fire hydrants within or abutting this site. The location and bearing of existing fire hydrants located (within 400') outside the plan area shall utilize a fire hydrant symbol with an arrow identifying the distance from the symbol to the existing fire hydrant.
- Please identify how the two points of access will be achieved for this site. Also, provide a detail that specifically shows how the two points of access meets the minimum "Remoteness" requirement as identified within the 2015 IFC Appendix D.



## Sheet 5

- Please show and identify all service utilities. TYP of Utility sheets.
- See fire hydrant placement notes on Sheet 3.
- Show all off-site fire hydrant infrastructure that is required to support this site. TYP

## Sheet 10

- Please identify the road surface/COA Street Standard that will be used.

## Plat Plan

## Comments

## Sheet 2

- Advisory Note: In order for this project to meet the "remoteness" requirement it will be contingent on the completion of MURPHY CREEK EAST CSP NO 1 - CSP AND PLAT On-site and Off-site. Please provide a note that speaks to 2 points of access requirement.

**10. Parks, Recreation & Open Space Department**

Chris Ricciardiello/303-739-7154/ [cricciar@auroragov.org](mailto:cricciar@auroragov.org)

- A. Pros recommends addition of more benches, trash receptacles, and security lighting in Tract A.

**11. Real Property** Maurice Brooks / (303) 739-7294 / [mbrooks@auroragov.org](mailto:mbrooks@auroragov.org)

- A. See the red line comment on the plat and site plan.
- B. There are portions of the Storm Drains in the Access or Fire Lane easements, if any. These will need to be covered by the License Agreement.
- C. Depending upon the dispensation of the Tracts; whether they are easements or not, the monument signs may have to be included in the License Agreement.
- D. The fences with columns that encroach into any easement or R.O.W. will need to be included in the License. Contact Grace Gray to start the License process. Make sure all Lot and Tract dimensions match the plat exactly.

**12. Traffic Engineering** Brianna Medema & Carlie Campuzano / (303) 739-7336 / [bmedema@auroragov.org](mailto:bmedema@auroragov.org) or [ccampuza@auroragov.org](mailto:ccampuza@auroragov.org)

- A. Include the updated Traffic Impact Study with the next submission. An initial TIS has been received and returned with City comments prior to this submittal. The updated traffic study should accompany the next submission of the CSP.
- B. Based on the review of the Master Traffic Study and the Detail Traffic Study, certain intersections may be candidates for future traffic signal if and when signal warrants are met. As an adjacent land owner/developer, you must participate in the cost of the traffic signal installation.
- C. Add note (& one for Asbury & Harvest Rd if signalization is anticipated for 2040): (Applicant/owner name, address, phone) shall be responsible for payment of 25% of the traffic signalization costs for the intersection of Jewell Ave and Harvest Rd, if and when traffic signal warrants are satisfied. Traffic signal warrants to consider shall be as described in the most recently adopted version of Manual on Uniform Traffic Control Devices, as of the date or dates of any such warrant studies. For warrant purposes, the minor street approach traffic shall typically be comprised of all through and left-turn movement and 50% of right turn movements unless otherwise determined by the traffic engineer. Pursuant to 147-37.5 of city code, the percentage of the traffic signalization costs identified above shall be paid to the city by the applicant / owner, to be held in escrow for such purpose, prior to the issuance of a building permit for the related development or as otherwise required by city code. The percentage above will be applied to the entire traffic signalization cost as estimated at the time of the escrow deposit to calculate specific dollar funding requirement.



- D. On Sheet L-1.02, substitute the note 12 with: 'All proposed landscaping within the sight triangle shall be in compliance with COA Roadway Specifications, Section 4.04.2.10'
- E. On Sheet L-2.01 review 2 tree placements vs the Stop signs on the corner. See COA std TE-13.3 (50ft from stop sign)
- F. Sight lines or sight triangles are missing, add to all stop controlled intersections.
- G. Sight line easements may be required; please see redlines.

**13. Utilities** Tony Tran / 303-739-7376 / [ttran@auroragov.org](mailto:ttran@auroragov.org)

- A. Please coordinate with Life Safety regarding fire hydrants in Harvest and Jewell. Show looped water supply in accordance with Master Utility Study. On the notes sheet, please see the utility plan comments.
- B. See CSP 1 comments for a looped water supply to support public fire hydrants. This development will need to either extend Z4 from Jewell to Warren or wait until Z5 is extended in Yale from Powhatan west to Harvest and complete the connection from Warren to Yale and provide a Z5/Z4 PRV.
- C. Show utility easements where indicated.
- D. Update the overall utility plan per the Master Utility Study (MUS) comments, specifically the water line in Harvest between Jewell and Yale. It would be preferred to have the MUS amendment approved prior to additional reviews of the CSP.
- E. On the Utility Plan, show utility service lines. Water meters in the landscaped areas should be offset a minimum of 5 feet from the property line with a horizontal separation distance of 10 feet from sanitary sewer lines.

**14. Aurora Water/TAPS** Diana Porter / 303-739-7395 / [dporter@auroragov.org](mailto:dporter@auroragov.org)

- A. Storm Drainage Development Fee Due: 11.724 acres x \$1,242 = \$14,451.21

**14. Xcel Energy** Crystal Sanchez / [crystal.sanchez@xcelenergy.com](mailto:crystal.sanchez@xcelenergy.com) / 303-571-7586

No new comment was received as part of this review. It is suggested that you contact Xcel Energy to get comments regarding this site plan. A referral was sent to Xcel at the beginning of the review period.

*\*\*Comment received from the portal:* Public Service Company of Colorado (PSCo) has existing fee owned transmission line right of way East of the proposed development site. Any encroachments within said fee property needs to be reviewed and approved by PSCo.

Below is a copy of a letter received last year regarding the previously-proposed FDP amendment. In it is some additional information that may be helpful to you.

**Re: Murphy Creek East, Case # DA-1250-39**

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 easterly and southerly property lines. Any activity including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way will require PSCo approval. Encroachments across PSCo's easements must be reviewed for safety standards, operational and maintenance clearances, liability issues, and acknowledged with a PSCo License Agreement to be executed with the property owner. **PSCo is requesting that, prior to any final approval of the development plan**, it is the responsibility of the property owner/ developer/ contractor to contact **Mike Diehl**, Siting and Land Rights Manager at (303) 571-7260 to have this project assigned to a Land Rights Agent for development plan review and execution of a License Agreement.



For future planning and to ensure that adequate utility easements are available within this development and per state statutes, Public Service Company requests utility easements as follows:

- 6-feet wide for natural gas facilities including space for service trucks to drive
- 8-feet wide for electric facilities including transformers, pedestals, and cabling
- 8-feet wide around the perimeter of tracts, parcels and/or open space areas

Utility easements would be 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 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.

As the project progresses, the property owner/developer/contractor must contact the **Builder's Call Line** at 1-800-628-2121 **or** <https://xcelenergy.force.com/FastApp> (register, application can then be tracked) and complete the application process for any new natural gas or electric service, or modification to existing facilities. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

As a safety precaution, PSCo would like to remind the developer to call the **Utility Notification Center** at 1-800-922-1987 to have all utilities located prior to any construction.

**COMMENTS ON DA-1250-41 – MURPHY CREEK EAST  
FROM MARGIE SOBEY  
JANUARY 28, 2019**

My comments pertain to both DA-1250-41 and DA-1250-42 and will be uploaded to both applications.

I believe these applications were submitted prematurely. No files have yet been uploaded to the city's website addressing the many outstanding issues from DA-1250-40, the FDP Amendment request. Until that application has been processed successfully, I believe these applications do nothing more than muddy the waters and promote the assumption that the approval of DA-1250-40 is a done deal. I don't believe this is the right way to treat the public.

The Letter of Introduction for DA-1250-41 is written in the standard pattern of the landowner and his developers and representatives - the word "entitlement" says it all. In my opinion, the changing of filings and replattings is a continuation of the same smoke and mirrors that occurred in the 2006 timeframe with the number of Murphy Creek Metro districts. Before allowing any filings and replats, the governing documents of Murphy Creek should be carefully reviewed to ensure this is even permissible.

It should be noted that the paragraph regarding the Neighborhood Meeting doesn't even mention the overwhelming opposition to this project from the neighbors. One might even infer from reading this paragraph that no opposition exists, when in fact, significant opposition exists.

Just because the application indicates it is consistent with the comprehensive plan, doesn't make it so. A significant amendment to the FDP will be required, and the proposed development is not consistent with the land uses within the Murphy Creek development.

Just because the application indicates it won't result in undue or unnecessary burdens on the infrastructure and public improvements, doesn't make it so. There will be increased traffic, poor access for emergency vehicles, overcrowding of the existing school, and no recreational provisions for the new residents. The existing Murphy Creek recreational facilities were undersized by the developer for the existing community and cannot support any additional residents.

Just because the application indicates it will consider the existing terrain and will not create a negative impact on the existing topography, doesn't make it so. The developer is planning to build houses right up against the DADS landfill. It's possible this won't have a negative impact on the topography, but it absolutely WILL have a negative impact on all the people living there.

Just because the application indicates it will achieve internal efficiency of design, doesn't make it so. Safety is a huge concern, due to the shortage of parking and the limited access for emergency vehicles. Having a fire truck park around the corner with just enough distance to extend the fire hose isn't very comforting. And, if an ambulance has to park around the corner, it will take much longer to roll a stretcher to the homes, access the 3-story walk-ups to rescue someone from the top floor bedrooms, and then go back down the stairs and around the corner back to the ambulance. Maybe this kind of access is acceptable for mail delivery and utility meter reading, but it is not acceptable for life and death situations. The application states, "Furthermore, the lot sizes are consistent with the proposed zoning code requirements that are anticipated to be adopted in 2019". Once again, this promotes the **assumption** that the lot sizes will be adopted.

Just because the application indicates it will control nuisance impacts, doesn't make it so. There will be much more traffic congestion, crime, and horrible odors, especially for the people right next to the DADS landfill. There may also be significant health risks, due to the chemical plume from the Lowry Landfill Superfund Site.

**COMMENTS ON DA-1250-41 – MURPHY CREEK EAST  
FROM MARGIE SOBEY  
JANUARY 28, 2019**

Just because the application indicates it will establish a high quality of design and be compatible with the existing Murphy Creek, doesn't make it so. The lesser proposed lot sizes, building materials, home placement, internal street design, etc. will drag down the property values of the existing Murphy Creek.

Just because the application indicates the internal street design will be efficient and adequate, doesn't make it so. There won't be any access to public transit, because public transit doesn't exist and probably won't exist for decades. And, it's interesting to note that the application states, "Additional guest parking has been considered for all housing products". Just because something is CONSIDERED, doesn't make it so.

Just because the application indicates the streets will conform to city standards, doesn't make it right. At a minimum, the limited access for emergency vehicles should be revised. And, it's interesting to note that the application states, "...accommodate guest parking **where possible**".

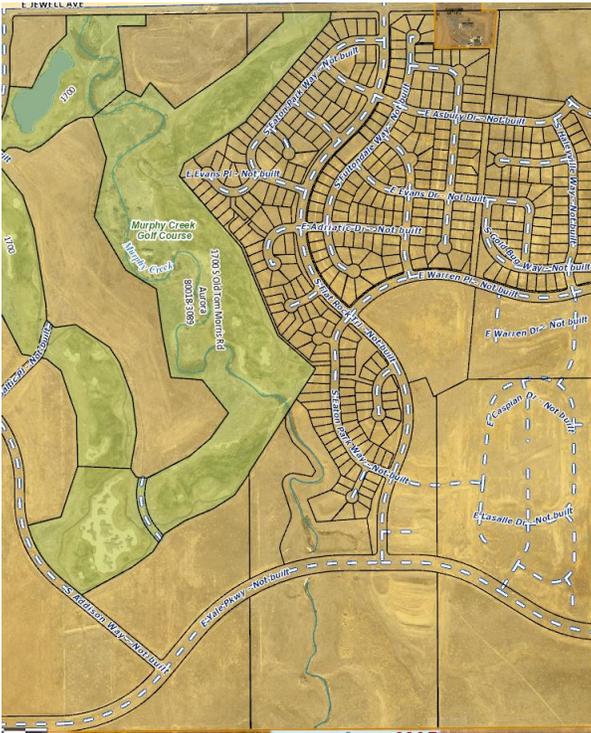
Just because the application indicates the developer has a long history of developing quality residential projects, doesn't mean that will continue. The beautiful and quality Lennar homes in Cross Creek are significantly different from the less attractive and lesser quality homes being proposed for Murphy Creek East. The proposed homes for Murphy Creek East are more similar to the 3-story walk-ups built in Adonea by a different homebuilder. And, it's interesting to note that, in the December neighborhood meeting, Lennar bragged about building homes next to landfills all over the country. In my opinion, this isn't something to brag about.

Murphy Creek has waited a very long time for the community to be completed. The proposed development would completely change the character of Murphy Creek and destroy its ambiance. The current community was carefully designed with the small town feel of a 1940s farm community. It has beautiful homes on lots that are large enough to have yards for children and pets to play; it has an iconic windmill at the entrance; the golf course was designed to resemble a barn; the playground has farm animal designs; etc. etc. The proposed development would destroy the character and ambiance by: cramming 3-story walk-ups on excessively small lots; designing homes that do not honor the existing design standards; creating safety issues by not providing enough room for emergency vehicles; and jeopardizing the property values of the existing Murphy Creek North.

Please don't allow substandard development to take place now. At the very least, please require public hearings for these applications.

**Thank you for the opportunity to comment.**

Below is what is on file with the county and what was shown to be the development information that would be part of Murphy Creek built South of Jewell and North of Yale. Each Lot shown already has an address with the County. As you can see this is Filing 8, which I was not able to locate in Aurora's records available online. NOTE: I live in Filing 6 and I could not find that information from our neighborhood map either; yet filings with other numbers were available.



**Document Info**

Document Type: SITE PLAN  
 Document Status: Recorded and Verified Document  
 Reception Number: B5168004  
 Book: 0304  
 Page: 0019  
 Recorded Date: 11/07/2005 11:31:51 AM  
 Number of Doc Pages: 29  
 Consideration Amt.:  
 Remarks:  
 Internal Comments:

**Name Information**

**Grantor:**  
 MURPHY CREEK 8TH FILING  
 MURPHY CREEK LLC

**Grantee:**  
 MURPHY CREEK 8TH FILING

**Related Documents**

No associated documents.

**OWNER**  
 IN WITNESS WHEREOF, MURPHY CREEK, INC.  
 A COLORADO CORPORATION HAS CAUSED THESE PRESENTS  
 TO BE EXECUTED THIS 2 DAY OF OCT A.D. 2005

BY: [Signature]  
 ITS: PECS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 5<sup>TH</sup> DAY OF OCT, A.D. 2005. BY: [Signature]  
 WITNESS MY HAND AND OFFICIAL SEAL

[Signature]  
 NOTARY PUBLIC

MY COMMISSION EXPIRES: 9-29-07  
 ADDRESS: 3020 Speer Blvd 2nd Denver, CO 80211

**CITY OF AURORA APPROVALS**

CITY ATTORNEY: [Signature] DATE: 11-03-05  
 PLANNING DIRECTOR: [Signature] DATE: 10/10/05  
 PLANNING COMMISSION: [Signature] DATE: 4/19/05  
 CITY COUNCIL: NA DATE: NA  
 ATTEST: NA DATE: NA

**RECORDER'S CERTIFICATE**  
 ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND  
 RECORDER OF ARAPAHOE COUNTY, COLORADO AT 1:31  
 O'CLOCK P.M. THIS 7<sup>TH</sup> DAY OF December 2004 A.D.

CLERK AND RECORDER: [Signature] DEPUTY: [Signature]  
Registration B5168004 Book 304 Page 19-17

**SHEET INDEX**  
 1 COVER SHEET

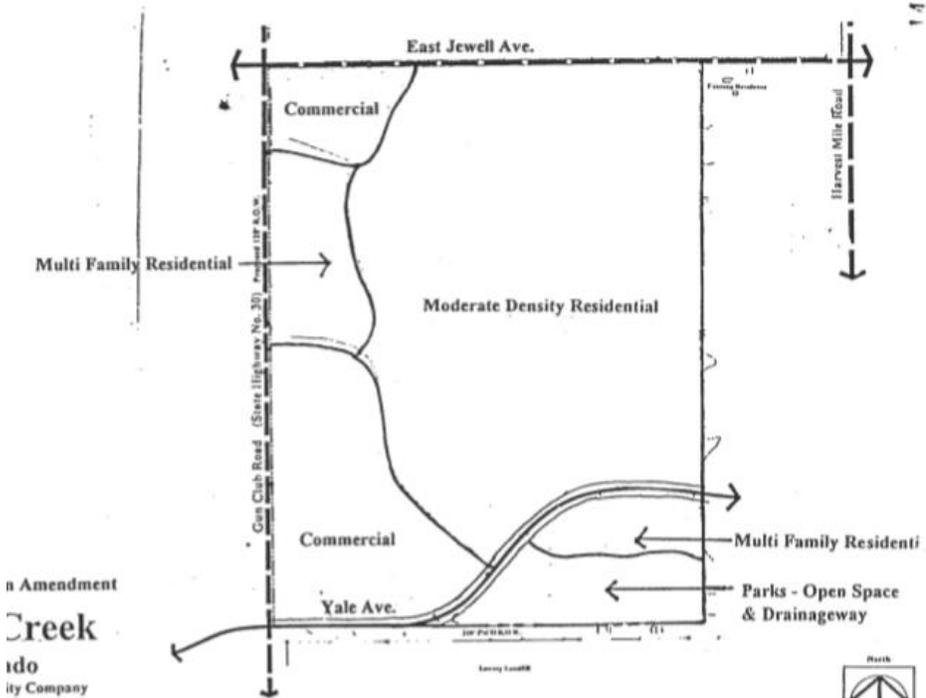
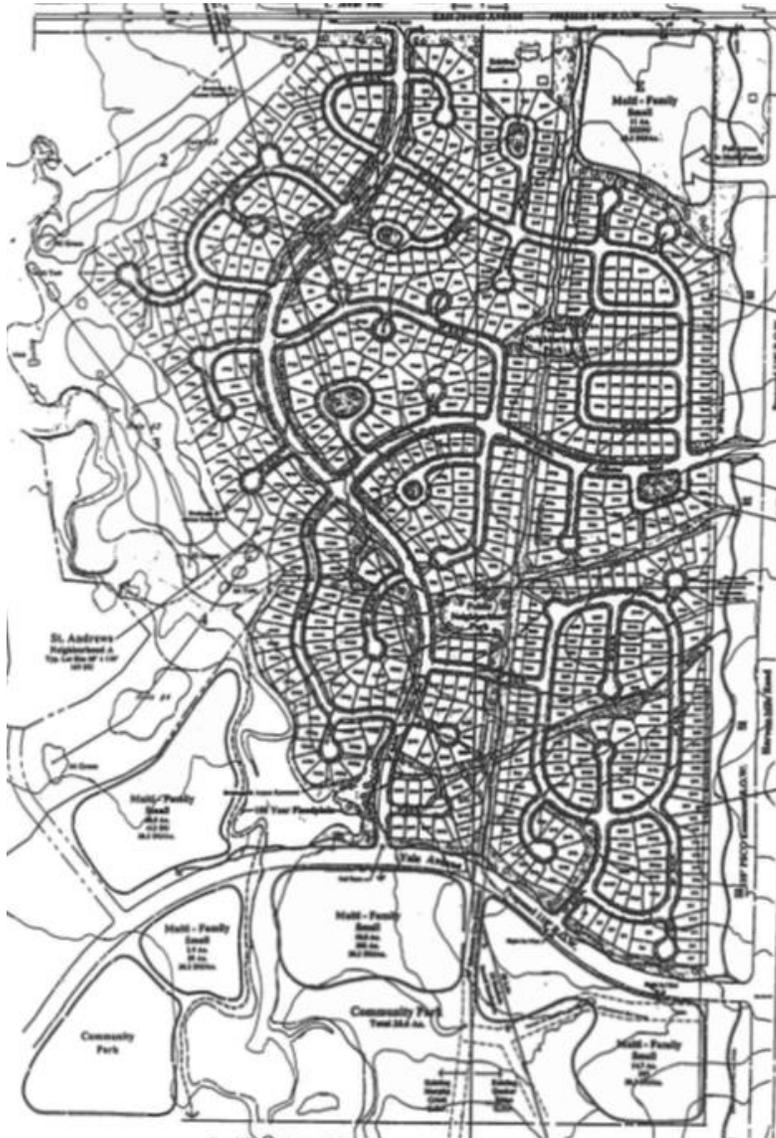
**MURPHY CREEK  
 FILING NO. 8  
 CONTEXTUAL SITE PLAN—COVER SHEET**

**DEVELOPER:**  
 MURPHY CREEK  
 DEVELOPMENT, INC.  
 9145 E. KENYON AVE  
 SUITE 100  
 DENVER, COLORADO 80237  
 303-757-0784  
 CONTACT: LARRY SUMMERS

**PEAK CIVIL CONSULTANTS**  
 THE ENGINEERING & LAND  
 DEVELOPMENT SERVICES

**viewone**

The following included within an Early MC Development Agreement Pkg on file with the City



Amendment  
Creek  
do  
ity Company



We were informed in a public meeting Lennar was present that what is proposed to be built there now will be less Dense. A copy of the presentation was requested a couple of times and Nothing was provided ... therefore a detailed comparison cannot be done.... The above possibility was attached to a Yield Study/Records Request Form from August of 2018.

**NOTE:** In the Master Declaration of Covenants, Conditions, and Restrictions of Murphy Creek (On file with Arapahoe County – Dated 6-04-2001 as B1086813), please reference: Article XIV. GENERAL PROVISIONS, Section 6. Subdivision or Replatting of Lots, it states: The Master Declarant hereby reserves the right to subdivide or replat any Lot(s) owned by the Master Declarant in the Community. Without limiting the generality of the foregoing, the Master Declarant reserves the right to move any Lot line(s) on Lot(s) owned by the Master Declarant, for the purpose of accommodating Improvements which are constructed or are to be constructed; provided that such Lot line adjustments, if any, shall not change the number of Lots in the Community at the time each such Lot line adjustment is approved by the applicable governmental entity. The rights provided for in this Section shall terminate automatically upon termination of the Special Master Declarant Rights, as provided in Article I, Section 29 hereof. No Lot may be further subdivided from that existing at the time such Lot becomes subject to this Master Declaration, except by Master Declarant.

**I believe that the Termination of Special Master Declarant rights as related to Murphy Creek Master HOA ended around October of last year (2018).**

There is information in a document that I cannot find right now, where District 4, which is where Murphy Creek East is set to be developed, was dissolved and the projected number of homes was then added into Metro District 3's rooftop numbers. **This new proposal does NOT match that information.** I will continue to look for said doc and will forward to the planning dept. when found.

In the MURPHY CREEK Development Standards (Dated November 22, 1999; Revised May 11, 2000) it states:

Murphy Creek Community Development Standards are Intended to establish regulations for the Development of a Master Planned Community within the City of Aurora, Arapahoe County, Colorado. ... The Standards and Appendix are regulatory ....

## 1.2 Community Theme:

Murphy Creek has been designed to include a variety of housing opportunities: conventional residential development including single-family detached (SFD) homes, single-family attached (SFA) units (duplexes and townhomes), and multi-family (MF) condominiums and apartments; a Traditional Neighborhood Development (TND) including SFD homes; and an active adult neighborhood including SFD homes and attached homes. If a TND does not occur within a designated area, the neighborhood will be developed as conventional single-family detached residential with a minimum lot size of 6000 square feet and a minimum floor area of 1200 square feet.

NOTE: MINIMUM lot size of 6000 Square Feet ...

### **Relationship of Development Standards to the Subdivision/Site Plans**

The Development Standards specify elements such as setbacks and criteria for the future installation and/or establishment of signage, parks and trails, and streets. The Development Standards define the location and character of development parcels, land uses, roadways, parks, and open spaces. These Development Standards will further describe the standards that all development within Murphy Creek will adhere to and the overall community theme. These Development Standards will be used by the City of Aurora in reviewing the Subdivision/Site Plans. The Development Standards may be modified administratively by the Planning Director or the City Manager based on individual circumstances.

### **Architectural Review Committee**

All residential and commercial developments will be reviewed and approved by an Architectural Review Committee (ARC) prior to approval by the City of Aurora Planning Commission. The ARC will be as defined in the Declaration of Covenants, Conditions, and Restrictions (CCR's) filed at the County Clerk and Recorder's Office.

## 11.0 GENERAL NOTES

1. The developer has the right to build at a lower density in any planning area provided the City has determined that the use is permitted and compatible with surrounding land uses and a finding of compatibility is determined at the time of Site Plan review; provided the developer meets the requirements of that particular zone district and the intent statements of these Development Standards. This reduction shall be considered a minor change, enabling the developer to gain approval of the site without amending the Development Standards. There will be no transfer of development rights between the land use parcels once these Standards have been adopted.

NOTE: Lower density is allowed...does not mention that a higher density can be implemented.

- 6 The development standards contained herein shall govern the development of the property and, except as expressly provided herein the City's site planning procedures City Code, Charter and ordinances or regulations shall apply to the development of this project

### USE OF TRADITIONAL ARCHITECTURAL DESIGN FEATURES

The design of every home shall incorporate at least six of the following architectural features

- 1 Bay window - Two on any elevation
- 2 Roof dormer - Two or a major dormer
- 3 Fireplace chimney with detailed termination cap. Chimney clad with masonry or stucco Maybe approximately 2' x 3' roof mounted
- 4 Attached or detached garage to the rear of main house
- 5 Primary roof slope of 7/12 or greater or appropriate slope for the architectural style
- 6 Primary roof material in concrete tile, clay tile, simulated slate, or standing

Please note that the above are just a portion of the 21 features detailed in the MC Development standards:

There are also details related to Garage Orientation, Porch Design, Window and Door Design, and many other associated details.

Not requiring new developers to have to follow the Standards set forth in the Murphy Creek Development Standards with devalue existing homes in Murphy Creek...Murphy Creek (at this time) is Clearly a Part of Murphy Creek.

IF the standards within our community's standards do not meet or exceed that of the city, then I can understand having to follow the city's requirements, but the city of Aurora should NOT provide permission for non-compliance with the standards of our community. Our tax base for our Metro District is based on the homes that would comply with the standards set forth for our community.