

July 28, 2017

Heather Lamboy
City of Aurora – Planning & Development Services
15151 E. Alameda Parkway, Ste. 2300
Aurora, Colorado 80012

Re: *Initial Submission Review – King Soopers #139 at the Point at Nine Mile*
Application Number: DA-2061-01
Case Number: 2016-6044-00

Dear Ms. Lamboy:

Please find below our responses to April 13, 2007 comments to the initial submission review for King Soopers #139 at The Point at Nine Mile. To facilitate your review, we have included the original comments in italicized font, and have provided our responses in **bold**.

Planning Department Comments, Heather Lamboy

1. Community and External Agency Comments

- A. *(John Dougherty) The proposed 10-foot gas sign is an eyesore, and will interfere with sight lines along Peoria, and block view of oncoming traffic on Cornell. The sight can be improved through a 5-foot high sign, with gas prices depicted on the buildings eaves to gain height. The Red and white color scheme of the gas station is harsh, and not harmonious with the surrounding commercial development which has a largely tan and grey color tone to it. The building's Cornell facing side needs more architectural treatment so that it is not a "blank wall" to passers by.*

RESPONSE: The proposed fuel facility monument sign has been reduced to 6' – 9" and does not conflict with sight triangles. The architecture of the fuel kiosk, color of the canopy columns (gray) and color of the lower portion of the canopy fascia (platinum) have been adapted so that fuel facility blends nicely with the King Soopers store and surrounding commercial development, while maintaining the brand identity associated with King Soopers.

- B. *(Arnie Schultz) I have reviewed this development application for VENA and approve of much of it. I would prefer for the applicant to provide more trees, rather than substituting shrubs for them, along E. Cornell Ave. and S. Peoria St. What was the reason for using the shrubs rather than the trees? The north and west elevations should include more architectural design elements since they will be visible from E. Cornell Ave. and the rest of the center. I support the requested waiver. A neighborhood meeting should be held after the 1 st review comments are made available and before the 2nd submission*

RESPONSE: Trees are proposed by the Master Developer along E. Cornell Ave and S. Peoria street. Although not installed by King Soopers, they are now shown for reference on the KS site plan.

- C. *(Valerie Love) Please provide an IECC interior lighting COMcheck certificate for this project per DBCA Policy IECC 505. Have no problem regarding having a grocery store and fueling station as there is already a grocery store- King Sooper's and a gas station already there. Both are very convenient for this area*

RESPONSE: All COMchecks required will be provided with the future building permit application.

2. Completeness and Clarity of the Application

- A. *Please make the corrections shown on the redlines throughout the plan set.*

RESPONSE: Redline comments have been addressed with this submittal.

- B. *There have been many discussions regarding this site's relationship to the rest of The Point development. As it currently stands, there is an expectation of the team that the parking lot should be designed in a manner to enable more direct access to Cornell Street. To implement the access, with the first phase Plaza Way will connect into the parkway and an "L" shaped access will be provided to move traffic through the site. Eventually there will be a need to have a direct access to Cornell, resulting in a third curb cut, to aid in circulation. Please remember that, in addition to commercial development, at full buildout approximately 1,000 residents will live at The Point. An easement should provide direct access to enable the eventual extension of Plaza Way.*

RESPONSE: North/south and east/west access easements will be dedicated by separate document by the master developer.

- C. *Safe pedestrian and bicycle circulation is important to the success of a TOD site. A sidewalk connecting Peoria Street to the front door of King Soopers has been identified as important to safe pedestrian circulation. In subsequent discussions with the review team, it has been determined the sidewalk will extend to the drive aisle immediately south of the fuel station, and then pedestrians will circulate along the North Retail sidewalks.*

RESPONSE: A pedestrian connection has been added from the Fuel Kiosk to the north/south sidewalk stretching from Cornell Ave. to the North Retail.

- D. *Being proximate to the RTD Nine Mile Station garage, there may be overflow parking on this site as well as sites throughout The Point development. Collaborate with Robert Ferrin at (303) 739-7402 or rferrin@auroragov.org to discuss options for parking management and enforcement.*

RESPONSE: 2-Hour parking signs have been added throughout the proposed parking area.

3. Zoning and Land Use Comments

- A. *The proposed Site Plan must conform to the standards outlined in the Master Plan document. To date, the Master Plan has not been finalized and approved. The Master Plan comments have been provided to you, and many issues have been resolved. It is important that the final King Soopers Site Plan and Master Plan are consistent. To accomplish this goal, the Master Plan is set to go to the Planning Commission on May 10, 2017. The administrative decision for King Soopers will occur afterward on May 17, 2017 to enable the opportunity to address comments as a result of the Planning Commission hearing on the Master Plan.*

RESPONSE: Comment noted. The site plan conforms with the Master plan, with the exception of the roadway/area (parking lot) lighting. The lighting plan included in this submittal reflects KS approved fixtures, which were requested but not included in the approved Master Plan. The lighting levels shown on the photometrics plan would be very similar if designed with the Bega Model 99 571 shown in the Master Plan. King Soopers will work with the city and Master Developer to utilize a light fixture that is acceptable to all parties.

- B. *All waivers associated with the proposed Site Plan will be addressed at the Master Plan level.*

RESPONSE: Comment noted. All waivers have been included with the Master Plan.

4. Architectural and Urban Design Issues

- A. *There has been substantive discussion regarding the driveway in front of the building and the parking lot design. King Soopers will be the first building constructed on the redevelopment site; it will signal change and set the standard for the rest of The Point development. Parking lot design, including landscaping, helps to complement the building and provide presence for the entry to the King Soopers site as well as The Point.*

RESPONSE: Landscape has been enhanced at the front of the building, while maintaining a clear north-south pedestrian path along the front of the building.

- B. *Building signage should be compatible and comparable to the sign design vision for the overall Point development. In addition to a review of the building architecture by the master developer's Design Review Committee, the DRC should also review site signage for conformance with the Master Plan.*

RESPONSE: Building signage is compatible and comparable to the overall vision for the Point development and shall be reviewed and verified for conformance by the DRC.

- C. *The proposed design of the building generally conforms with the design vision of The Point development. However, improvements can be made. Since the gas station will anchor the northwest corner of the site, attention should be paid to making it as attractive as possible. An attractively-designed monument sign and signature landscaping elements can aid in this process.*

RESPONSE: The monument sign proposed incorporates materials from the building and fuel kiosk for consistency, and offers an attractive design. Landscaping with a proposed screen wall has been provided to enhance the perimeter of the fuel center.

- D. *The west elevation design of the building is comparable and compatible with the overall Point design vision. However, the side and rear elevations do not conform with The Point design vision. Understanding that King Soopers has operations that require an enclosed building, special efforts should be made to find architectural elements other than changes in colors and textures. Neighborhood comments have voiced concern with a "large blank wall" on the east elevation of the building. How can that be softened? It is helpful to provide a section drawing illustrating the relationship of the King Soopers building to adjacent residential development (with emphasis on the change in grade).*

RESPONSE: We have added articulation and architectural interest to the East and North Elevations in response to the Neighborhood comments. Using fiber cement siding that mimics the look of natural wood; this helps to soften the harshness of the masonry block and has now been wrapped onto all four elevations. We've also varied the use of masonry block on the East elevation as well, with changes not only in color and texture, but also pattern to increase the visual interest. This will be further softened by landscaping as well. A section has also been provided to better illustrate the relationship at the rear of the King Soopers and the adjacent residential development, which will be buffered by a substantial 8' screen wall and associated landscaping.

- E. *The signage proposed is understandably designed with the King Soopers branding in mind. Simple ornamentation and detail can help to align the branded signs more with the overall development vision. This can be supplemented with wayfinding signage across the site, which does not necessarily need to be a King Soopers brand.*

RESPONSE: Noted. Wayfinding signage located north of Dartmouth will align with the overall development vision. Please refer to the Master Site Plan.

- F. *Add a note in the "General Notes" section stating that all buildings must be reviewed by The Point Design Review Committee prior to the issuance of a building permit.*

RESPONSE: This note has been added to the Cover Sheet.

5. Landscape Design Issues

Sheet CS1.1

- 1. Provide a detail/elevation of the proposed signage.*

RESPONSE: A detail is included on sheet E1.0 for the proposed fuel facility monument sign. Proposed building signage is shown on sheets E2.0-4.0 Proposed monument signage for the overall development is proposed by the Master developer.

- 2. Provide a detail of the proposed retaining/screen wall along the eastern property boundary.*

RESPONSE: A cross section is included on sheet E5.0 showing the proposed retaining/screen wall along the eastern property boundary. Please refer to the Master Developer's Phase 1 Infrastructure plans for final construction details and materials associated with the retaining/screen wall.

Sheet L1.0

- 1. Why is the installation of the retaining/sound wall by others along the eastern property boundary when the wall and landscaping are within the boundaries of the King Soopers Property?*

RESPONSE: To properly deliver the King Soopers site for construction, the master developer is lowering the grade of the site and to do so, a retaining wall is necessary. The master developer will install the landscaping and retaining/sound wall although it is on King Soopers property.

- 2. Landscaping for this area must be submitted and reviewed with the site plan and if it is to be by others, there must be a time associated with the installation.*

RESPONSE: This landscaping by the Master Developer is proposed in The Point-Phase 1 Infrastructure Plans.

- 3. A southern buffer is not technically required between uses in multiple phases of a single to be approved master plan. However, landscaping shall be provided within the parking lot island where this has been listed as the southern buffer.*

RESPONSE: Landscaping is proposed in the southern landscape island. Refer to sheet L1.3.

- 4. Building perimeter landscaping is required along the north, east and west sides of the building. If no landscaping is to be provided, then a waiver must be requested and a hardship demonstrated.*

RESPONSE: Two Crimson Spire Oak trees are proposed along the western building façade, while maintaining a clear north-south pedestrian path along the front of the building. Ornamental grasses are proposed along the northern building façade. Refer to sheets L1.2 and L1.3.

The master developer will install the landscaping and retaining/sound wall although it is on King Soopers property, and is proposed in The Point-Phase 1 Infrastructure Plans.

5. *The city attorney's office has determined that contractor related notes must be removed from the landscape plan set or they will not be able to sign off on the final mylar submittal. Please make the necessary changes to the notes as indicated.*

RESPONSE: Duly noted. The notes have been revised accordingly.

6. *Add Note for Construction to all plan sheets.*

RESPONSE: 'Not for Construction' has been added to all landscape sheets.

7. *Correct the typo in the Planning Legend.*

RESPONSE: The spelling has been corrected.

8. *Tree mitigation will not be by others. Mitigation costs are to be per plat and based upon the acreage of the plat which is percentage of the overall cost of the total mitigation.*

RESPONSE: Per the site exchange agreement, tree mitigation is the responsibility of the master developer who is coordinating the plat. King Soopers will provide all on-site landscaping.

Sheet L1.1

1. *Label and dimension all landscape buffers.*

RESPONSE: All landscape buffers are labeled and dimensioned.

2. *Label and dimension all existing and proposed easements.*

RESPONSE: All easements are labeled and dimensioned.

3. *Label the proposed signage and adjust the landscaping accordingly.*

RESPONSE: The proposed monument sign is labeled and the landscaping has been revised accordingly.

4. *In accordance with the motor vehicle fueling standards, each street frontage shall contain a mixture of evergreen and shade trees; 50% are to be evergreen trees.*

RESPONSE: Due to an existing utility easement, shade trees cannot be located in the area between S. Peoria Street and the fueling station. Trees are provided within the S. Peoria Street right-of-way by the Master Developer.

5. *If a 10' wide landscape buffer is provided along South Peoria Street, then a low landscape wall must be installed in accordance with the motor vehicle fueling standards.*

RESPONSE: A 2.5' or 3' landscape wall is proposed along the western boundary of the fueling station.

6. *Provide two trees within the larger parking lot islands. If you upgrade tree sizes to 3", the extra inch may be counted towards mitigation requirements.*

RESPONSE: The majority of parking lot islands contain two shade trees. The only exception to this would be parking islands containing lighting fixtures, fire hydrants and/or underground utilities.

7. *Provide the required pedestrian walkway through the parking lot in accordance with the parking block requirements*

RESPONSE: North-south pedestrian walkways are provided at the front of the King Soopers store and the west end of the parking lot. East-west connections are provided along Cornell Ave and in front of the North Retail.

Sheet L1.2

1. *The applicant should review the proposed streetscape for East Cornell Avenue against the proposed buffer concept within the King Soopers plan set to make any adjustments to avoid tree spacing conflicts with the trees within the tree lawn.*

RESPONSE: All landscape by others is shown on the landscape plan.

2. *Provide a few ornamental trees in the plaza area in order to offer shade, create a sense to be used to meet the building perimeter landscape requirements for that building face.*

RESPONSE: Two crimson spire oak trees are proposed along the western building façade to accommodate the building perimeter landscape requirement.

3. *Any existing vegetation being used to meet buffer requirements must be shown on the plan. Existing vegetation on an adjoining property may not be used to meet an applicant's vegetation requirements as they have no control over the health or removal of such vegetation. One tree and five shrubs are required per 25 lineal feet.*

RESPONSE: Existing trees are not being used to meet buffer requirements.

4. *Plant size upgrades are required when a non-residential project is proposed adjacent to a residential project. Refer to code Section 146-1426 (D).*

RESPONSE: Duly noted. The master developer has agreed to install the landscaping and the retaining/sound wall, although it is on King Soopers property.

5. *Provide a cross section through the proposed retaining wall on the east side to demonstrate the relationship of the wall to the residential property to the east and the King Soopers back of house.*

RESPONSE: A cross section is included on sheet E5.0 showing the proposed retaining/screen wall along the eastern property boundary. Please refer to sheet 11 of the Master Plan, and the Master Developer's Phase 1 Infrastructure plans for final construction details and materials associated with the retaining/screen wall.

Sheet L1.3

1. *Add a tree to the end parking lot island. All parking rows are to terminate with a tree. Lighting shall not be justification for the non-provision of a tree*

RESPONSE: Two trees have been proposed to the southernmost parking lot island. Refer to sheet L1.3.

6. Process

- A. *Sites that are zoned TOD follow an administrative review process. Once the project is ready for an Administrative Decision, notice regarding the decision date must be provided for all adjoining properties and homeowner associations within 1 mile.*

RESPONSE: Noted. Notice will be provided that complies with city requirements.

Referral Comments From Other Departments and Agencies:

7. Addressing

- A. *(Cathryn Day) Please provide a digital .SHP or .DWG file for GIS mapping purposes. Include the following layers as a minimum:*

- i. *Parcels*
- ii. *Street Lines*
- iii. *Easements*
- iv. *Building Footprints (if available)*

RESPONSE: Noted. This file will be included with our final submittal.

- B. *(Cathryn Day) Please ensure that the digital file provided in a NAD 83 feet, State plane, Central Colorado projection so it will display correctly within our GIS system. Please eliminate any line work outside of the target area. Theses file can be e-mailed to me.*

RESPONSE: Comment noted.

8. Civil Engineering

- A. *(Kristin Tanabe) See green redline comments on Site Plan.*

RESPONSE: Redline comments have been addressed with this submittal.

- B. *(Kristin Tanabe) Underground detention will need to be in a drainage easement. Additionally, emergency overflow should be addressed so that the system can function even if inlets get clogged.*

RESPONSE: The Drainage easement (by others) is now called out on our plans. Refer to the Phase 1 Infrastructure plans for emergency overflow information.

9. Parks, Recreation and Open Space (PROS)

- A. *(Chris Ricciardiello) See dark pink redlines on the Site Plan.*

RESPONSE: Dark pink redlines have been addressed, with the exception of the metes and bounds description. A metes and bounds description will be provided when the draft plat is finalized by the Master Developer.

- B. *(Chris Ricciardiello) City of Aurora PROS has been coordinating with the developer of The Point at Nine Mile Station to address park spaces and pedestrian circulation through the overall site. Staff has conveyed to the project's consultants the concept of an interconnected small urban park and pedestrian system beginning at the touchdown plaza for the pedestrian bridge over Parker Road, extending north to the Central Plaza, into the active nodes of the retail area on Dartmouth, and terminating at the King Soopers. The terminus at*

King Soopers, based on this urban design scenario, must include enhanced outdoor spaces and architecture to celebrate the outdoor space as a destination. The current King Soopers site plan does not appear to convey this concept. Coordinate with the Planning Department and PROS to accomplish this series of elements.

RESPONSE: Noted. The master developer will provide a terminus south of the KS, but outside of the KS property limits. We will update the plan set to reflect the terminus elements when finalized by the Master Developer.

10. Forestry - It is important the both the King Soopers team and MHK coordinate on issues related to tree mitigation

- A. *(Jacque Chomiak) There will be many trees impacted by redevelopment of this site. Below is the list of those trees that will require mitigation. I understand that tree mitigation may be met by another entity, but below shows what is due to for this site. Due to the location and species of trees on the site, relocation is not an option. The use of tree equivalents is not permitted to mitigate for tree loss. And tree mitigation is always above and beyond the Landscape Code requirements. Any tree that is removed from this site should either be replaced within the landscape or be mitigated through payment to the Tree Planting Fund.*

Any trees that are preserved on the site during construction activities shall follow the standard details for Tree Protection per the current Parks, Recreation & Open Space Dedication and Development Criteria manual. Parks, Recreation & Open Space Dedication and Development Criteria manual. These notes shall be added to the plan.

Also, please show a tree mitigation chart on the landscape plan taken from the Landscape Manual page 29. If payment will be made into the Tree Planting Fund, add another column to the chart indicating the payment amount that will be made. If trees will be planted on the site, please show a symbol indicating trees that are specific to tree mitigation

The caliper inches that will be lost are 944", but only 603" would be required for planting back onto the site. The mitigation value is \$120,471.00.

NOTE: Mitigation values based on International Society of Arboriculture's Guide to Plant Appraisal. Species, diameter, condition, and location factors were included in the assessment.

RESPONSE: The tree mitigation for this site is the responsibility of the Master Developer. King Soopers will meet all on-site tree requirements.

11. Real Property

- A. *(Darren Akrie) See red line comments on the Site Plan. Label all easements and there may be a building encroachment into the existing easement(s). Those easements will need to be released / vacated to avoid the encroachment.*

RESPONSE: Redline comments have been addressed. A license agreement will be required and will be submitted separately.

12. Life Safety

A. (Neil Wiegert) See blue-colored comments on Site Plan pdf file.

RESPONSE: Redlines comments have been addressed with this submittal.

B. (Neil Wiegert) Edits need to be made to the Site Plan notes regarding life safety and building code regulations.

RESPONSE: The Site Plan notes have been revised.

C. (Neil Wiegert) It is the responsibility of the applicant to field verify that there is not a state-licensed day care facility within 500 feet of the gas station site. Documentation of this should be provided with the second submittal.

RESPONSE: The Rising Stars Day Care located approximately 335' northeast of the fuel facility. Accounting for the provision (subsection 7) that permits a reduction in the distance requirement if the other use (state-licensed day care facility) is at a higher elevation than the fuel station. To permit a fuel facility within 300' of a state-licensed day care facility, a 2' elevation difference must be provided.



The proposed FFE of the fuel facility is approximately 5605' and the FFE of the day-care facility (per grades within Cornell Ave) is conservatively assumed to be 5611'.

13. Traffic

A. (Victor Rachael) See orange redline comments on the Site Plan.

RESPONSE: Redline comments have been addressed with this submittal.

14. Aurora Water

- A. *(Edward Frances) See red redline comments on the Site Plan.*

RESPONSE: Redline comments have been addressed with this submittal.

- B. *(Edward Frances) A sidewalk easement will be necessary on certain portions of the property as indicated by the redlines.*

RESPONSE: Comment noted. A sidewalk easement will be included with the Plat.

- C. *(Edward Frances) A proposed monument sign appears to be encroaching into a 20-foot utility easement. Remember to obtain a license agreement for all encroachments.*

RESPONSE: Comment Noted. A license agreement will be submitted separately to Real Property.

- D. *(Edward Frances) Off-site fire lane dedication may be necessary.*

RESPONSE: A fire lane easement will be dedicated to the south of the property, please refer to the Plat.

15. Xcel Energy

- A. *(Donna George) Please be aware PSCo owns and operates existing electric distribution facilities within the proposed project area. 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. Additional easements may need to be acquired by separate document for new facilities.*

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.

RESPONSE: Comment noted.

16. Arapahoe County

- A. *(Cathleen Valencia) ESD has no comment on the referral based on the information submitted. Please know that other Division in Arapahoe County may submit comments as well.*

RESPONSE: Comment noted.

Comment Response Letter
King Soopers #139
July 28, 2017

B. (Julio Iturreria) Arapahoe County Planning has no comment of this referral.

RESPONSE: Comment noted.

17. Planning Commission

At the Planning Commission hearing, we received a request to expand upon operations in the back of the King Soopers store.

KS operates the majority of their stores in neighborhoods, and takes great pride in being a good neighbor.

The building is to be designed to meet the required city noise ordinances. All mechanical units will also be screened to reduce noise.

18. Parking layout revision

Since our last submittal, King Soopers Corporate (Kroger) reviewed the proposed site plan and had serious concerns with the reduced parking ratio and being able to adequately serve the customer base at this location. Given Kroger's tightened review criteria for allocation of their capital expenditure for proposed store construction, Kroger strongly recommended that the parking field be revised from 60-degree angled parking to 10-foot wide 90-degree parking to increase the proposed parking ratio. While this angle of parking is not their preferred parking field alignment, they felt it was necessary to make this change to achieve a higher and more acceptable parking ratio for their anticipated customer base.

Please do not hesitate to call us at 303-770-8884 if you have any questions related to these responses or this resubmittal. Thank you.

Sincerely,

Mike Cerbo
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