

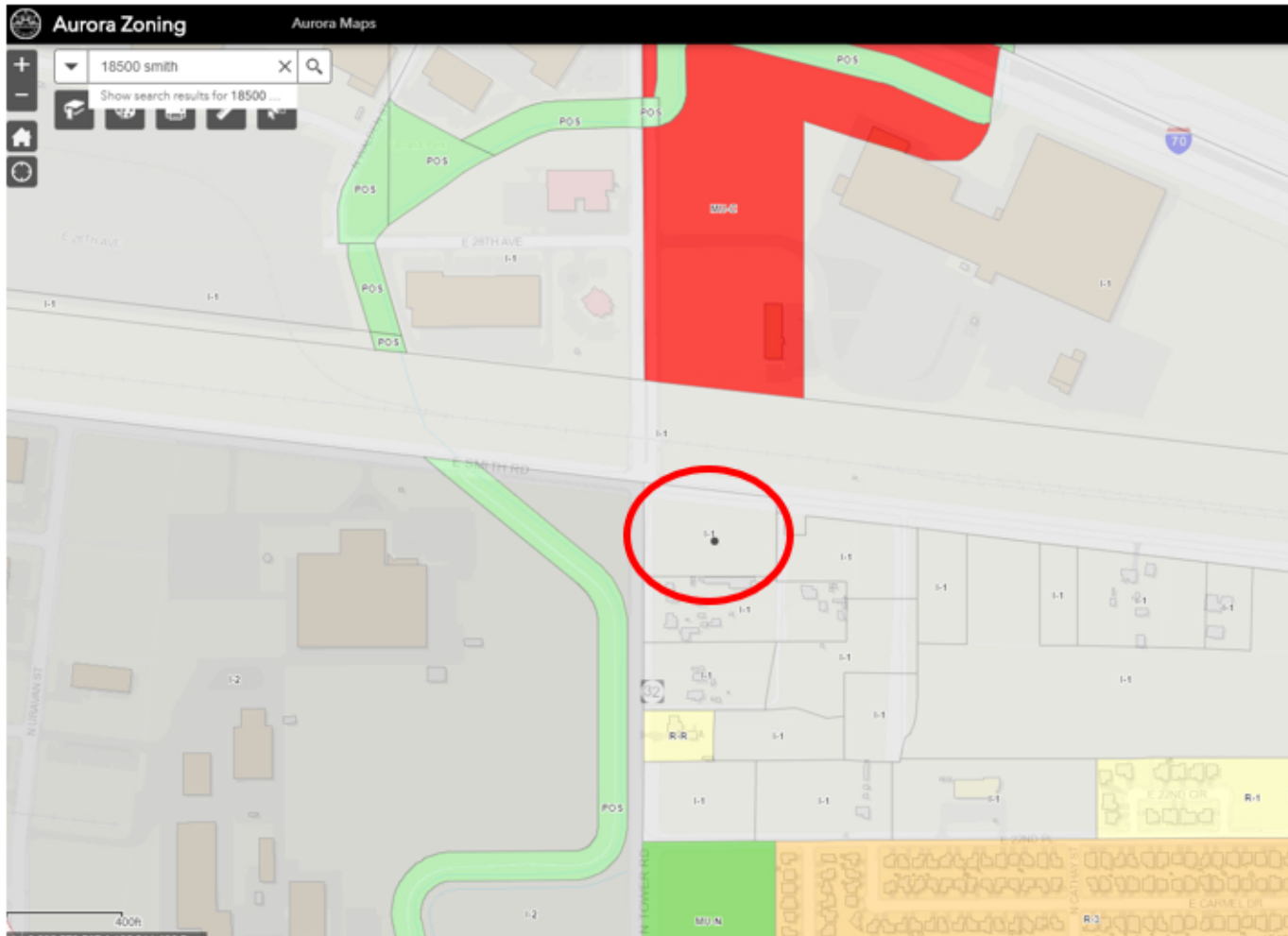
## **Letter of Introduction, Background, and Code Compliance**

<b>Proposed Uses:</b>	4,650 square foot convenience store with six fueling pumps Project includes a fast casual restaurant within building FAR-0.051 24-hour operation
<b>Project Location:</b>	Southeast corner of Tower Road and Smith Road
<b>Land Area:</b>	Approximately 2.08 acres
<b>Developer/Applicant:</b>	Cadence Development LLC 6400 South Fiddlers Green Circle, Suite 1820 Greenwood Village, CO 80111
<b>Legal Representation:</b>	Foster Graham Milstein & Calisher, LLP 360 South Garfield Street, Suite 600 Denver, CO 80209 (303) 333-9810
<b>Agent/Project Manager:</b>	Perception Design Group 6901 South Pierce Street, Suite 315 Littleton, CO 80128 303-232-8088, Ext: 301
<b>Civil Engineer:</b>	Perception Design Group 6901 South Pierce Street, Suite 315 Littleton, CO 80128 303-232-8088, Ext: 301
<b>Zoning:</b>	I-1 (Business/Tech)

### **Project Letter of Introduction**

This development proposal requests approval for the construction of a 4,650 square foot convenience store with fuel facility (the "Project") at the southeastern corner of the intersection of Tower Road and Smith Road in Aurora, Colorado (the "Property"). Included within the 4,650 square foot building will be a 1,000 square foot fast casual restaurant. The fueling facilities include an auto-oriented canopy with six (6) fuel dispensers. The Project will provide much needed retail convenience and fuel services to this growing area and will employ roughly eight employees over multiple shifts. The proposed operator, 7-Eleven is an international company that is expanding facilities in the Denver Metro Area with new first-class facilities.

The Property is located in Subarea B of the Industrial-1 (I-1) Zone District and is primarily surrounded by industrial zoning and land uses. The map below shows the zoning in the vicinity of the Property. The Property is circled in red.



As shown on the map above, the Property is adjacent to industrial zone districts on all sides of the Property, with a Mixed Use Corridor District further north of the Property across the railroad tracks and the closest residential zoning district is more than 400 feet south of the Property. As also shown on the map, the Property is close in proximity to I-70. The current uses and zone districts in the surrounding area and the Property's proximity to I-70 make the Property a compatible and viable location for the Project.

### **Project Background**

Cadence Development, LLC ("Cadence") is committed to working with the City staff in developing the Property and completing the Project in a manner that meets the needs of the community, provides an essential service, meets the applicable City codes and requirements and adequately addresses the offsite impacts generated by the Project. As requested in the pre-application comments by City Staff, Cadence hired a traffic engineer to complete a traffic impact study ("TIS"), which the Project engineers have used to design the off-site public improvements in a manner that meets the needs of the traffic generated by the Project as well as complying with the applicable codes and regulations.

While Cadence has worked closely with the City to coordinate its project with the City's desire to expand Tower Road and Smith Road to their ultimate condition, it is also important to be

mindful of the legal standards applicable to the Project. Specifically, the Colorado legislature has codified the Supreme Court of the United States' Nollan/Dolan essential nexus and rough proportionality test into C.R.S. § 29-20-203(1), which provides that "[i]n imposing conditions upon the granting of land-use approvals, no local government shall require an owner of private property to dedicate real property to the public, or pay money or provide services to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local government interest, and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of such property." Additionally, the Aurora Unified Development Ordinance Section 146-5.3.12. also contains language that codifies this legal standard.

Cadence has designed the Project in a manner that complies with all City codes and regulations and properly addresses all off-site impacts resulting from the Project. An analysis of the approval criteria for major site plans and the use-specific standards for the Project is provided below:

### **Approval Criteria in Section 146.5.4.3B.3**

The project is located within Subarea B and involves a new commercial building that is less than 10,00 square feet. Based upon these guidelines set forth by the UDO, the Project is being reviewed within the Minor Site Plan process. The criteria for approval of a Minor Site Plan is described generally within section 5.4.3.B.3.c. The applicant has provided an analysis of the application under the criteria for site plan approvals.

(a) The application complies with the applicable standards in this UDO, other adopted City regulations, any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning and Zoning Commission or City Council in a prior decision affecting the property.

**The application complies with the applicable standards in the UDO. This use is authorized in the I-1 zone district. The site plan has been designed to meet all applicable use-specific standards and general standards of the UDO. The City's 2018 master plan, Aurora Places, designates this site with the Industry Hub Placetype. The Aurora Places plan indicates that commercial retail is a supporting land use within the Industry Hub Placetype.**

(b) The City's existing infrastructure and public improvements, including but not limited to its water, wastewater, street, trail, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable.

**The City has indicated it has the ability to serve this site with water, wastewater, and related public infrastructure. The applicant is substantially improving the street, trail, and sidewalk system, as depicted in the application. This includes the dedication of 30 feet of right-of-way along Tower Road, the dedication of 18 feet of right-of-way along Andes Way, the construction of street improvements surrounding the site, and the construction of sidewalks on all three sides of the site that face public streets, where no sidewalks currently exist. This application will also substantially improve the storm sewer infrastructure at this corner. Additionally, the application has been coordinated with the City's High Line Canal Trail project, which will create a trail connection into the High Line Canal Trail using the new sidewalk infrastructure built as part of the Project.**

(c) Site Plans shall be designed to preserve and protect natural areas, ridgelines, swales, natural landforms, water quality and wildlife habitat of riparian corridors, wetlands, and floodplains affected by the proposed development and to integrate those areas into site design where practicable.

**The site is not impacted by floodplain and does not contain riparian corridors, wetlands, or similar features. The Project will create an on-site detention pond that will improve water quality for both the site improvements and the adjacent street improvements that will be constructed by the applicant. The on-site landscaping has been designed to meet the UDO and will create a high-quality site design with adequate trees, shrubs, and other living materials.**

(d) The application will improve or expand multi-modal connections with adjacent sites, neighborhoods, and urban centers.

**The construction of sidewalks along the three edges of the property that front public streets will significantly improve walkability in the area. These new sidewalks will also improve regional bike and pedestrian mobility, as they will help facilitate pedestrian and bike connections to the nearby High Line Canal Trail system. Pedestrians will be able to safely cross the street at the Tower Rd. and Smith Rd. intersection once the pedestrian crossing improvements detailed in the application are installed with the Project. In addition, the street improvements provided by the applicant by expanding Tower Rd. and Smith Rd. adjacent to the site, as detailed in the application, will improve vehicular mobility at this intersection.**

(e) The application is compatible with surrounding uses in terms of size, scale and building façade materials.

**The application is compatible with the surrounding uses. The retail store is 24' 8" at its highest point. The architectural design is high quality, utilizing neutral colors in high quality materials such as stacked stone, brick, and sandstone panels. The building design is high quality on all four sides, with vertical and horizontal building wall articulation and transparency. The application includes a fueling canopy that is coordinated with the building design and compatible with the neighborhood context. Earlier versions of the application included diesel truck fueling, and that element has since been removed from the application.**

(f) The application mitigates any adverse impacts on the surrounding area to the degree practicable.

**The application has mitigated all impacts of the Project and has further provided significant, additional right-of-way and street improvements above and beyond the impact of the Project. This includes the dedication of 30 feet of right-of-way along the Tower Rd. property line, the widening of Tower Rd. including the construction of two additional traffic lanes, and the widening of Smith Rd. including a new traffic lane that also serves as a turn lane into the site, a right turn lane from Smith Rd. onto Andes Way, and 18 feet of right-of-way dedication and street improvements along Andes Way.**

The applicant has worked cooperatively with the City to meet the future needs for this intersection to the maximum extent practicable. The public street improvements in the application clearly exceed the impacts of the Project, but have been incorporated into the site design to facilitate future efforts of the City to meet regional needs that are unrelated to the Project.