

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



September 1, 2022

Don Provost  
GVP Windler, LLC  
5750 DTC Parkway, Ste 210  
Greenwood Village CO 80111

**Re: Initial Submission Review – Windler Neighborhoods H and I – Site Plan and Plat**  
Application Number: **DA-1707-15**  
Case Numbers: **2022-4022-00 (Site Plan), 2022-3052-00 (Plat)**

Dear Mr. Provost:

Thank you for your initial submission, which we started to process on June 23, 2022. We have reviewed your plans and attached our comments along with this cover letter. The first section of our review highlights our major comments. The following sections contain more specific comments, including those received from other city departments and community members.

Since several important issues remain, you will need to make another submission. Please revise your previous work and send us a new submission on or before September 15th. There is an outstanding balance of \$74,567.75 for this submittal application fee. This balance must be paid prior to the acceptance of your second submittal.

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 Administrative Decision date is tentatively set for October 12, 2022. Please remember that all abutter notices must be sent, and the site notices must be posted at least 10 days prior to the decision date. These notifications are your responsibility and the lack of proper notification will cause the decision date to be postponed. It is important that you obtain an updated list of adjacent property owners from the county before the notices are sent out. Take all necessary steps to ensure an accurate list is obtained.

As always, if you have any comments or concerns, please let me know. I may be reached at 303-739-7227 or [atibbs@auroragov.org](mailto:atibbs@auroragov.org).

Sincerely,

Aja Tibbs, Senior Planner  
City of Aurora Planning Department

cc: Debbie Klisis, Olsson, 1525 Raleigh Street, Ste. 210, Denver CO 80204  
Scott Campbell, Neighborhood Liaison  
Cesarina Dancy, ODA  
Filed: K:\SDA\1707-15rev1



## Initial Submission Review

### SUMMARY OF KEY COMMENTS FROM ALL DEPARTMENTS

- The plan is inconsistent when identifying the product types for green court products, and lot typicals have not been provided for green court products. Please clarify. (Planning)
- Clarify minimum sizes for the proposed lots. Lot typicals seem only to vary by lot size and nothing else, but some of the lots proposed in the plat do not meet these minimum dimensions. (Planning)
- Provide pedestrian scale lighting with the park spaces and throughout the linear parks, open spaces, and local park spaces for security and use at night. (PROS and Planning)
- Longview Drive does not match the typical section provided. (Public Works)
- A minimum 250' centerline radius for Local Type 1 streets is needed. (Public Works)
- Verify that perpendicular intersections are provided in redlined intersection locations (Traffic)
- Provide typical lot utility layouts. Include dimensions from side lot lines to the nearest service and between the services. Label and dimension utility easements, if present. (Aurora Water)
- An easement will be required for private storms crossing another private owner's property. An easement would likely make some lots undevelopable. (Aurora Water)
- Review water meter locations for rear-loaded lots. The placement of water meters appears to prevent driveways in redlined locations. Water meters are to be a minimum of 2-feet from concrete and other hard surfaces as measured from outside of the meter lid. (Aurora Water)
- Community parkland dedication shall be satisfied by a cash-in-lieu payment prior to subdivision plat/replat. Park Development Fees shall also be required and paid at the time of building permit issuance. (PROS)
- Discuss the timing for the submittal of Discovery Park, when will this be submitted? Based on the PIP, it should have been submitted with this submittal of Planning Group Two, since all planning areas within Planning Group Two were submitted. (PROS)
- There are many lots with 10-foot-wide utility easements, will the natural gas and electric distribution facilities collocate in these areas? If this is the case, natural gas requires minimum 6-foot-wide utility easements within each lot on the side of the lot that is drivable pavement (minimum 8-foot wide, 6-inches thick) with space for service truck access and plowing in snowy conditions with a minimum 5-foot clearance from any structure. (Xcel Energy)
- The proposed development is within the "10,000' Critical Area for Wildlife-Attractant Separation Area" for the final build-out of future DEN Runways, as defined by the Federal Aviation Administration (FAA). The USDA Wildlife Biologist assigned to DEN ([Benjamin.J.Massey@usda.gov](mailto:Benjamin.J.Massey@usda.gov)) assists in implementing DEN's Wildlife Hazard Management Plan and has requested coordination as this project progresses. (DEN)

### PLANNING DEPARTMENT COMMENTS

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

- 1A. No public comments were received with this submittal. A neighborhood meeting will not be required at this time.

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

- 2A. There is an outstanding balance of \$74,567.75 for this application submittal. This fee must be paid prior to the acceptance of the application resubmittal.
- 2B. See redlines to the letter of introduction regarding clarification between the planning area narratives. Revise and resubmit accordingly.
- 2C. There are several variances from the public works standards included in the letter of introduction. Please continue to work with Public Works to determine if these variances will be acceptable.
- 2D. Add missing page numbers to the site plan and plat. Ensure that all page numbering is consistent between the site plan and plat documents.



- 2E. Thank you for providing the executed mineral rights affidavit. The avigation easement for this site is being coordinated at the master plan level. This easement needs to be finalized and recorded prior to the development of this site.
- 2F. Include with the site plan resubmittal a photometric lighting plan for all private parks and open spaces.

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

- 3A. No issues. The proposed neighborhood layout is in compliance with the MU-R and R-2 (FRLO) use requirements. Thank you for removing the single-family detached uses from the MU-R zone district area.

### **4. Streets and Pedestrian Comments**

- 4A. Please provide street names for all proposed streets. Ensure that the names of each street are clearly labeled and consistent on all sheets within the site plan and plat.
- 4B. Based on separate meeting discussions, please work to incorporate the street network for abutting local streets (acting as collectors) into the master plan.
- 4C. It is difficult to identify the location of the 6' wide enhanced park connector and the 8' wide secondary connection required per the master plan. Please identify these on the site plan and landscaping sheets. Additionally, please label all sidewalk and street widths on the site plan sheets.

### **5. Architectural and Urban Design Comments**

- 5A. The plan is inconsistent when identifying the product types for green court products. The single-family attached product is labeled as a green court for the same layout as the single-family detached. The pre-application responses indicate that all lots which are fronting an open space that is more than 20' will be classified as a green court. However, several of the single-family detached lots (4A) are fronting linear parks along Fultondale and are not classified as green courts. Please clarify/correct.
- 5B. Identify dimensional standards for green courts. If this product type is meant to meet the same standards as the "non" green court types, please specify. Also, there are several houses fronting a "variable green court" which are outlined within Tab 10 Urban Design Standards of the Windler Master Plan. Dimension all variable green courts and demonstrate compliance with the standards in the master plan.
- 5C. Clarify the intent of the setback tables as they relate to the proposed lot layouts. It appears the alley-loaded single-family detached units all have the same setback requirements, just different lot sizes. Do the setback tables need to be repeated for each lot typical? Are the lot sizes meant to be minimum requirements? Please specify minimum requirements on the site plan document and ensure that all proposed lots on the plat comply with those standards.
- 5D. Address end unit lot sizes and building setbacks that are adjacent to open spaces and alleys. There are several lots proposed that don't meet the corner lot width requirement for these areas and interior lot standards may not be appropriate. Please identify these conditions in the setback tables and clarify the design standard for these lots. If they will not meet the corner lot width standard, then what (if any) additional width is required? Please consider that the master plan indicates corner/end units will be highlighted with supplemental architectural features that may need more room within the building envelope, and that separation from an alley may need to look and act like that of a street.
- 5E. Consider revising the singular SFD lot on the corner of Buchanan St and 53<sup>rd</sup> St. so that more than one unit of this type is offered on the block. This seems out of place among the long row of paired home green courts. Additionally, the site plan and landscaping plans do not appear to be consistent regarding the use or shape of this lot. Please review and revise as needed.
- 5F. Add an 800' buffer around all parks on sheet L0.32 to demonstrate compliance with the master plan FRLO standards.
- 5G. Review/revise the park table and map on sheet L0.32 to match the proposed subdivision plat. Some of the tract sizes and labels are not aligning with the plat descriptions and labels.

### **6. Signage, Fencing & Lighting Comments**

- 6A. Specify the material proposed for each fence type.



- 6B. The corner lot diagram indicates a 2' setback from the back of walk on corner lots, but Table 4.7-4 requires a minimum 4' setback from the back of walk on all corner lot fencing. If you desire a reduced setback, the fencing must meet the front yard requirements (use demarcation fencing), or an adjustment may be requested.
- 6C. The fence diagrams appear to show alley-loaded (rear) fencing going to the alley and beyond the rear plane of the garage/building. Is this correct? Please clarify. Please also check with public works to identify if a sight triangle requirement will apply to fencing on corner lots for the alley (a sight triangle is not identified on the plan).
- 6D. Address fencing requirements for "reverse corner lots" which are proposed throughout the site plan. The fencing typical should address how the side corner lot fence will transition to the front yard fence around the corner.

## **7. Landscaping Issues (Kelly Bish / 303-739-7189 / [kbish@auroragov.org](mailto:kbish@auroragov.org) / Comments in bright teal)**

### **Cover Sheet-C1.0**

- 7A. Make sure the sheet numbering is consistent throughout the plan set. The numbering should be cumulative. There appear to be 98 sheets in the full set. Please include Sheet XX of XX-total sheets.

### **Sheet L0.00**

- 7B. Have consistent sheet numbering in the entire plan set. The other sheets have sheet X of X. That type of numbering should be carried through.
- 7C. Update the landscape notes to remove the reference to the previous landscape code.
- 7D. Remove the contractor notes from the Landscape Notes as the city does not review landscape construction drawings.

### **Sheet L0.10**

- 7E. Label streets on the key map so that they are legible.
- 7F. Note each tree noted with an "X" is a deficient tree per the requirements.
- 7G. Please recalculate the shrub requirements as it is 10 shrubs per tree equivalent, please recalculate.
- 7H. Sheet L0.03
- 7I. Please label all streets on this plan.

### **Sheet L0.05**

- 7J. The lot typicals should be to a scale. See examples from other projects provided. The examples provided are what is being expected for these lot typicals.
- 7K. How wide is the gravel band around the perimeter of the building?
- 7L. Provide a specific plant list. City staff needs to verify that the plant material selected will work given the size of the lots.
- 7M. Include a plant list with the sizes of plant material specified. What is considered a medium shrub? The plant list should be specific to what will ultimately fit in these lot typicals.
- 7N. Include a legend for what the circles mean.
- 7O. Include the approximate location of the utilities and driveways going to each lot and any easements. If fencing is proposed for any of the lots, including that on the typicals.
- 7P. Include the streets, sidewalks, etc. with these lot typicals.
- 7Q. Provide a sheet designating the lot types and then under each lot type category, provide a list of the expected plant material to be included in that lot type. See the example below on this page. The Residential Lot Typical Plan could be used for that purpose if modified. See Sheet C1.2.
- 7R. Update the notes provided in accordance with the review comments provided.
- 7S. Add "Not for Construction" to this sheet.
- 7T. All ornamental trees must be 2" at the time of installation.
- 7U. For the curbside landscape table, the calculations for the plant material along the streets should be further broken down by either east and west or north and south streets. i.e. Road 1 North, Road 1 South. The calculations are not cumulative for both sides of a street.
- 7V. Provide the exact number of trees that are being provided and not an average.
- 7W. Ensure that for each lot the total sod square footage does not exceed 33%.



Sheet L0.00

7X. Update with any streets that have names.

Sheet L1.01

7Y. Update the tree sizes for the specific trees indicated. All collector roads require the trees to be 2.5" calipers.

7Z. Provide a Table that documents the high, medium, and low water use areas by square footage and by percentage.

7AA. of the overall landscape area for the entire development.

Sheet L1.10

7BB. Label the stop sign and show the 50' setback area dimension on the plan.

7CC. Add the following note to the street tree sheets: The location of the street trees is approximate and will depend upon the ultimate location of the utilities to each lot.

7DD. Provide 8-foot clearance around each fire hydrant.

7EE. Include the City's CN number.

7FF. Replace the Key Map with a more legible version similar to the Civil Key Map.

Sheet L1.11

7GG. Please provide a matchline on this perimeter and include the planting keys if they are to be included on this sheet.

7HH. Please provide a label for this element.

7II. Show the locations of all stop signs and provide the 50' dimension on the plan.

7JJ. Explain why this understory planting is not called out.

7KK. Provide 8-foot clearance around each fire hydrant.

7LL. Replace the Key Map with a more legible version similar to the Civil Key Map.

7MM. Add the following note to the street tree sheets: The location of the street trees is approximate and will depend upon the ultimate location of the utilities to each lot.

Sheet L1.12

7NN. Add the following note to the street tree sheets: The location of the street trees is approximate and will depend upon the ultimate location of the utilities to each lot.

7OO. Replace the Key Map with a more legible version similar to the Civil Key Map.

7PP. Show the locations of all stop signs and provide the 50' dimension on the plan.

7QQ. Provide 8-foot clearance around each fire hydrant.

Sheet L1.13

7RR. Add the following note to the street tree sheets: The location of the street trees is approximate and will depend upon the ultimate location of the utilities to each lot.

7SS. Show the locations of all stop signs and provide the 50' dimension on the plan.

7TT. Replace the Key Map with a more legible version similar to the Civil Key Map.

7UU. Provide 8-foot clearance around each fire hydrant.

Sheet L1.14

7VV. Replace the Key Map with a more legible version similar to the Civil Key Map.

7WW. Add the following note to the street tree sheets: The location of the street trees is approximate and will depend upon the ultimate location of the utilities to each lot.

7XX. Show the locations of all stop signs and provide the 50' dimension on the plan.

7YY. Provide 8-foot clearance around each fire hydrant.

Sheet L1.15

7ZZ. Replace the Key Map with a more legible version similar to the Civil Key Map.

7AAA. Add the following note to the street tree sheets: The location of the street trees is approximate and will depend upon the ultimate location of the utilities to each lot.

7BBB. Show the locations of all stop signs and provide the 50' dimension on the plan.

7CCC. Provide 8-foot clearance around each fire hydrant.



Sheet L1.16

- 7DDD. Replace the Key Map with a more legible version similar to the Civil Key Map.
- 7EEE. Add the following note to the street tree sheets: The location of the street trees is approximate and will depend upon the ultimate location of the utilities to each lot.
- 7FFF. Show the locations of all stop signs and provide the 50' dimension on the plan.
- 7GGG. Provide 8-foot clearance around each fire hydrant.

Sheet L1.17

- 7HHH. Add the following note to the street tree sheets: The location of the street trees is approximate and will depend upon the ultimate location of the utilities to each lot.
- 7III. Replace the Key Map with a more legible version similar to the Civil Key Map.
- 7JJJ. Show the locations of all stop signs and provide the 50' dimension on the plan.
- 7KKK. Provide 8-foot clearance around each fire hydrant.

Sheet L1.18

- 7LLL. Add the following note to the street tree sheets: The location of the street trees is approximate and will depend upon the ultimate location of the utilities to each lot.
- 7MMM. Replace the Key Map with a more legible version similar to the Civil Key Map.
- 7NNN. Show the locations of all stop signs and provide the 50' dimension on the plan.
- 7OOO. Provide 8-foot clearance around each fire hydrant.

Sheet L1.19

- 7PPP. Add the following note to the street tree sheets: The location of the street trees is approximate and will depend upon the ultimate location of the utilities to each lot.
- 7QQQ. Show the locations of all stop signs and provide the 50' dimension on the plan.
- 7RRR. Provide 8-foot clearance around each fire hydrant.

Sheet L2.01

- 7SSS. Add the call-outs for the planting (two to three letters shown on Landscape Plan) in the Landscape Legend.
- 7TTT. Update the tree sizes for the specific trees indicated. All collector roads require the trees to be 2.5" caliper.
- 7UUU. Update the Landscape Notes to remove the reference to the previous landscape code.
- 7VVV. Remove the contractor notes from the Landscape Notes as the city does not review landscape construction drawings.

Sheet L3.01

- 7WWW. Cottonwood is a prohibited species per the UDO and landscape manual. Please change to a different tree specification.
- 7XXX. Provide a table that documents the high, medium and low water use areas by square footage and by the percentage of the overall landscape area for the entire development.

Sheet L3.12

- 7YYY. Provide a table that documents the high, medium and low water use areas by square footage and by the percentage of the overall landscape area for the entire development.

**8.Addressing (Phil Turner / 303-739-7357 / [pcturner@auroragov.org](mailto:pcturner@auroragov.org))**

- 8A. Please provide a digital .shp or .dwg file for addressing and other GIS mapping purposes. Include the parcel, street line, easement, and building footprint layers at a minimum. Please ensure that the digital file provided in a NAD 83 feet, Stateplane, Central Colorado projection so it will display correctly within our GIS system. Please eliminate any line work outside of the target area. Please contact me if you need additional information about this digital file.



## REFERRAL COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES

### **9. Civil Engineering** (Kristin Tanabe / 303-739-7306 / [KTanabe@auroragov.org](mailto:KTanabe@auroragov.org) / Comments in green)

- 9A. The site plan will not be approved by Public Works until the preliminary drainage letter/report is approved.
- 9B. Label/dimension Addison(?) ROW
- 9C. Add a note that street light locations are conceptual. Final street light locations will be determined by photometric analysis submitted with the street lighting plan in the civil plan submittal.
- 9D. Longview Drive does not match the typical section provided.
- 9E. Minimum 250' centerline radius for Local Type 1 streets. (site plan and plat)
- 9F. The intersection of Catawba Street and Road 10 is missing a street light.
- 9G. It is not recommended to use less than 0.8% slopes for streets, typical
- 9H. Show connections to "existing" offsite storm sewer, typical.
- 9I. Add a note indicating if the storm sewer system is public or private and who will maintain it.
- 9J. Min 2% in all non-paved areas.
- 9K. Min 0.5% street slope required
- 9L. Check slope label in redlined location on sheet 22.
- 9M. Label existing storm sewer, typical on sheet 28.

### **10. Traffic Engineering** (Steve Gomez / 303-739-7336 / [sgomez@auroragov.org](mailto:sgomez@auroragov.org) / Comments in amber)

#### Site Plan

- 10A. Remove note 18 which is a duplicate to note 21.
- 10B. Revise curb ramps as redlined throughout the site plan.
- 10C. Provide STOP signs and sight triangles at all alley intersections public ROW, typ.
- 10D. Verify perpendicular intersection +/- 5 degrees at intersections of Alley 21 and Alley 22 (Sheet 10), Coolidge St and Rd. 10 (Sheet 12), Alley 32 and Alley 33 (Sheet 13), Alley 32 and Alley 31 (Sheet 13), Alley 51 and Alley 51 (Sheet 15), and Alley 49 and Alley 48 (Sheet 15).

#### Landscape Plans

- 10E. Add sight triangles and verify the fence is not within them
- 10F. In coordination with any Postal Service requirements, mail kiosks shall be located:
- Outside of sight triangles as defined by COA Roadway Manual, standard TE-13
  - Outside of the influence area (including traffic queues) for a controlled intersection (stop-controlled, signal controlled, or otherwise)
  - A minimum of 30' away from stop signs (for stop sign visibility)
  - A maximum of 50' away from curb ramp crossings (curb ramps to be located on both sides of roadway)
  - Preferred location for mail kiosks is on side lots or other common areas for a neighborhood, and while meeting the above criteria, to avoid conflicts with mail kiosk traffic and specific homeowner ingress/egress.
  - The United States Postal Service (USPS) must be included in the final determination for placement of mail kiosks within your site, what equipment is USPS approved and what is not. Please contact the USPS Growth Coordinator at 303-853-6994
- 10G. Boulders are not allowed along arterial streets. Add notes:
- Boulder locations shall be outside of clear zones of all public ROW.
  - 50% buried in public ROW.
  - No more than 14" height in public ROW
- 10H. Add sight triangles per COA TE-13 at all intersections involving public ROW.
- 10I. Ensure mature plant height within sight triangles meets COA 4.04.2.10 height requirements.

#### Traffic Memo

- 10J. Verify roadway classifications are consistent with MTIS
- 10K. TIS will not be approved until MTIS is approved
- 10L. See additional redlines within the memo.

**11. Fire / Life Safety** (Mark Apodaca / 303-739-7656 / [mapodaca@auroragov.org](mailto:mapodaca@auroragov.org) / Comments in blue)

Sheet 1 of 98 / Cover

11A. See comments to update site data block.

Sheet 2 of 98 / Notes

11B. See comments to remove and add notes.

11C. See implementation plan comments and table.

Sheet 3 of 98 / Site

11D. See note for phasing plan.

Sheet 5 of 98 / Site

11E. See updated fire lane sign details and notes for spacing.

Sheet 10 of 98 / Site

11F. See note to label the fire lane easement.

11G. See comments for fire lane requirements.

Sheet 28 of 98 / Utility

11H. See comment for fire hydrant spacing internal to the site.

11I. See note to show fire hydrants abutting this site.

Sheet 37 of 98 / Fire Access

11J. See comments for fire lane widths and turning radii.

11K. See comment for updated fire lane sign spacing.

11L. See updated aerial fire apparatus details for auto-turn.

11M. See updated street labels; fire lane &amp; street right of way.

11N. Contact Andy Niquette ([aniquett@auroragov.org](mailto:aniquett@auroragov.org)) for easement concerns. (Fire Lane Easements)

Sheet 44 of 98 / Mail Box

11O. See multiple comments for mail kiosk locations.

Sheet 51 of 98 / Landscaping

11P. Please label fire hydrants. (Typical)

**12. Aurora Water** (Casey Ballard / 303-739-7490 / [cballard@auroragov.org](mailto:cballard@auroragov.org) / Comments in red)

Site Plan

12A. Provide typical lot utility layouts. Include dimensions from side lot lines to the nearest service and between the services. Label and dimension utility easements, if present.

12B. See redlines on valve locations throughout sheets 28-30

12C. Private easements are needed through tract areas to allow the residents the right to maintain their private services.

12D. Connections are to be tee unless at the end of a cul-de-sac.

12E. Verify hydrant necessity in redlined locations.

12F. Call out easement drawn in tract G

12G. Address plans to extend the water main on 50<sup>th</sup> Avenue.

12H. Advisory: By having the services and easement aligned as proposed in Tract H, no trees will be allowed in front of these homes.

12I. 30-inches are required between water service connections. (Sheet 30)

12J. An easement will be required for these private storms crossing another private owner's property. This would likely make lots 8 and 19 undevelopable. (sheet 30)

12K. Review water meter locations for rear-loaded lots. Placement of water meters appears to prevent driveways in redlined locations. Water meters are to be a minimum of 2-feet from concrete and other hard surfaces as measured from outside of meter lid.

12L. Ensure all hydrant laterals have proper valving.

12M. Sanitary in 51<sup>st</sup> Avenue must connect to a downstream system.12N. What is the distance between water main and lip of gutter in 51<sup>st</sup> Avenue?

12O. Easements are needed for all water meters (missing on lots 11-13 of block 4 – Sheet 32)

12P. Show water connection at Biloxi and Denali.



- 12Q. Please take a look at valving on all tees and crosses. The intent is to have valves at these but also not have redundant valves when another fitting is nearby that could provide isolation.
- 12R. Pull sanitary away from the gutter on 52<sup>nd</sup> Avenue.
- 12S. Provide flow arrows on sanitary sewer.
- 12T. Connect the water main from the Alley in Tract D to Denali Street. (Sheet 34)
- 12U. Adjust the manhole in Tract L to avoid storm conflicts (Sheet 35)
- 12V. An easement is required for the storm shown east of the road.
- 12W. The maximum deflection in a manhole is 90 degrees. (Sheet 36)

#### Landscape Plans

- 12X. No trees within utility easements
- 12Y. I would advise replacing sod with xeric landscaping and other water-conserving plant material.

### **13. Revenue / Aurora Water – TAPS** (Melody Oestmann / [moestman@auroragov.org](mailto:moestman@auroragov.org) / 303-739-7244)

- 13A. Storm Drain Develop Fees Due: 225 acres x \$1242 = \$279,450.00

### **14. Public Art** (Roberta Bloom / [rbloom@auroragov.org](mailto:rbloom@auroragov.org) / 303-739-6747)

- 14A. It appears that this application covers Planning Areas 15, 16, 18, and 19. While the public art plan does not indicate artwork “within” any of these planning areas, public art is indicated in roundabouts at 50<sup>th</sup> and Buchanan and at 53<sup>rd</sup> and Buchanan. This site plan should address how and when these public art elements will be addressed including timeline, budget, materials, and artist selection. Please resubmit this information.

### **15. PROS** (Alex Grimsman / 303-739-7154 / [agrimisma@auroragov.org](mailto:agrimisma@auroragov.org) / Comments in mauve)

- 15A. Community Park Cash-in-Lieu Payment  
Given the small overall acreage of community parkland impact generated by the population increase and the fact that the subject development is not conducive to on-site dedication due to minimum park size criteria, the land dedication shall be satisfied by a cash-in-lieu payment prior to subdivision plat/replat. The amount of the payment is computed by multiplying the dedication acreage (1.69 acres) by the estimated market value for the land.
- 15B. Community Park Development Fees  
In accordance with City Code and Section 4.1 of the PROS Dedication and Development Criteria Manual, Park Development Fees shall be collected by the city to cover the cost of constructing new park facilities to serve the needs of the projected population. These fees apply to the project because community park facilities are not proposed to be provided on-site. Fees are based on the parkland dedication acreages and an annual cost per acre for the construction of park facilities. The fees, which are computed and collected on a per-unit basis, shall be paid at the time of building permit issuance. The current per-unit fee of \$527.30 would apply if permits for the construction of the residential units are pulled in 2022.

#### Site Plan

- 15C. Discuss the timing for the submittal of Discovery Park, when will this be submitted? I believe based on the PIP, it should have been submitted with this submittal of Planning Group Two, since all planning areas within Planning Group Two were submitted.
- 15D. Make sure to include the width of all sidewalks/trail connectors.
- 15E. Sheet C2.4 – make sure the tract names are visible and not hidden behind the text.
- 15F. Provide a standard note on the grading sheet noting that areas being requested for open space or park credit may not exceed 4:1 slope.

#### Landscape Plans

- 15G. Provide a column within the Open Space tracking table noting the required buffer and amenities proposed for each open space/park requested to meet the required land dedication acreage.
- 15H. Note these amenities within the landscape plan as well.
- 15I. Provide pedestrian scale lighting with the park spaces and throughout the linear parks, opens spaces and local park spaces for security and use at night.



- 15J. Note when Discovery Park will be submitted.
- 15K. Open Space 28 does not add up to the 7.38 as noted in the master plan.
- 15L. Any homes backing open space or parkland that are being requested for dedication must use the PROS open style fences or similar. Provide cut sheet within plan set.
- 15M. Pet waste stations should be provided throughout the pathways.
- 15N. Tract UU needs to provide some type of park element noted in the Local Park criteria in Tab 10, if not, removed from credit.
- 15O. Provide cut sheets for play structures.
- 15P. Comment for all Park Spaces: Provide bike racks at entry areas or near seating.
- Plat
- 15Q. Provide a note identifying the tracts receiving credit toward open space and/or parkland dedication is noted: "...for public purpose."

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

- 16A. Provide AES Board monument records reflecting the monuments described on this subdivision plat.
- 16B. Provide certificate of taxes due.
- 16C. Provide Title work dated within 120 days of subdivision plat acceptance date.
- 16D. See redline comments on subdivision plat and site plan.

**17. Xcel Energy** (Donna George / 303-571-3306 / [donna.l.george@xcelenergy.com](mailto:donna.l.george@xcelenergy.com))

- 17A. Public Service Company of Colorado's (PSCO) Right of Way & Permits Referral Desk has determined there are conflicts with Windler Neighborhoods H and I. It is unclear where the natural gas and electric distribution facilities will be located in a number of lots.
- 17B. There are many lots with 10-foot-wide utility easements, will the natural gas and electric distribution facilities collocate in these areas? If this is the case, natural gas requires minimum 6-foot-wide utility easements within each lot on the side of the lot that is drivable pavement (minimum 8-foot wide, 6-inches thick) with space for service truck access and plowing in snowy conditions with a minimum 5-foot clearance from any structure.
- 17C. What are the 1.5-foot-wide utility easements for? That is not enough space for either gas or electric distribution facilities.
- 17D. Please be aware of these easement needs:
- 6-foot wide for natural gas facilities
  - 8-foot wide for electric facilities including space for transformers, pedestals, and cabling
  - If natural gas and electricity are within the same trench, a 10-foot-wide utility easement is required, not to overlap any wet utility easement.
  - Bear in mind that these utility easements must have 5-feet of separation from gravity-fed wet utilities and 10-feet of separation from forced-fed water utilities
- 17E. PSCO requests that tracts are dedicated for utility use, or if that is not possible, that 10-foot-wide utility easements are dedicated along the public rights-of-way within the tracts.
- 17F. The property owner/developer/contractor must complete the application process for any new natural gas or electric service via [xcelenergy.com/InstallAndConnect](http://xcelenergy.com/InstallAndConnect). It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.
- 17G. Additional easements may need to be acquired by separate document for new facilities (i.e. transformers) – be sure to contact the Designer and request that they connect with a Right-of-Way and Permits Agent in this event.
- 17H. Comment response requested. Letter has been attached for reference.

**18. Aurora Public Schools** (Josh Hensley / 303-365-7812 / [jdhensley@aurorak12.org](mailto:jdhensley@aurorak12.org))

- 18A. Based on the land use plan in the Windler Zoning Map Amendment and Master Plan application, the total school land dedication requirement is approximately 42 acres. The land use plan in the Master Plan application includes a 15.5 acre school site adjacent to a 2.5 acre shared park and



school playfield. The 18-acre school and school/ park playfield site will meet the district's need for a P-8 school to serve the future Windler community.

- 18B. Aurora Public Schools will require cash-in-lieu for the school land obligation above the acreage to be dedicated for the school site in order to serve high school-age students at other district locations. The school district will apply the school land dedication requirement for the purposes of calculating cash-in-lieu as site plans are approved. The district will request cash-in-lieu of land when the balance of the obligation from approved site plans exceeds the school site that will be dedicated. In accordance with Section 4.3.18 of the Unified Development Ordinance, land value for cash-in-lieu will be based on the fair market value of zoned land with infrastructure in place. Cash-in-lieu is due prior to plat recording.

**19. DEN (Lisa Nguyen/Elise Brenninkmeyer / 303-342-4105 / [lisa.nguyen@flydenver.com](mailto:lisa.nguyen@flydenver.com))**

- 19A. We appreciate the note regarding avigation easement in the pre-app comments. Attached, please find a blank Avigation Easement; please complete and return it to DEN.

- 19B. The proposed development is within the “10,000’ Critical Area for Wildlife-Attractant Separation Area” for the final build-out of future DEN Runways, as defined by the Federal Aviation Administration (FAA). The USDA Wildlife Biologist assigned to DEN ([Benjamin.J.Massey@usda.gov](mailto:Benjamin.J.Massey@usda.gov)) assists in implementing DEN's Wildlife Hazard Management Plan and has requested coordination as this project progresses. USDA and DEN will provide assistance with the requirements outlined in the current version of FAA Advisory Circular 150/5200-33C (see link below). DEN also requests that the landscape plan include the maintenance of trees and grasses to reduce attractants for wildlife such as raptor species, blackbirds/starlings, and geese. Fruit-producing trees and shrubs should be avoided. Water quality ponds/detention structures must be designed to meet a 40-hour drain time following a 100-year event.

[https://www.faa.gov/airports/resources/advisory\\_circulars/index.cfm/go/document.current/documentnumber/150\\_5200-33](https://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.current/documentnumber/150_5200-33)

- 19C. The site is found within/under the navigable airspace associated with DEN, as promulgated and regulated by the Federal Aviation Administration (FAA) under 14 CFR Part 77, Objects Affecting the Navigable Airspace. Based on Part 77 and the development site location, the proponent is required to file the notice with the FAA, via the FAA Form 7460-1 process (Notice of Proposed Construction or Alteration), of any structure or temporary construction equipment (e.g., cranes) that penetrate Part 77 surfaces. The FAA website from which the need for the 7460 processes can be determined (“Notice Criteria Tool”) and/or the filing can be initiated is <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

**20. MHFD (Haley Koesters / [hkoesters@mhfd.org](mailto:hkoesters@mhfd.org))**

- 20A. This is in response to the request for our comments concerning the Windler Neighborhood H and I Site Plan and Plat Applications. We appreciate the opportunity to review this proposal and have no comment on the site plan and plat. We are interested and look forward to reviewing the preliminary drainage plans and report when available.



## MEMO

Date: July 2, 2022

To: City of Aurora

From: DEN Planning + Real Estate Through: Lisa Nguyen/Elise Brenninkmeyer

**Subject: WINDLER NEIGHBORHOOD H AND I - SITE PLAN AND PLAT**

Denver International Airport (DEN) received your referral letter, and we appreciate the opportunity to comment on the proposal. DEN provides the following comments:

- We appreciate the note regarding avigation easement in the pre-app comments. **Attached, please find a blank Avigation Easement; please complete and return to DEN.**
- The proposed development is within the “**10,000’ Critical Area for Wildlife-Attractant Separation Area**” for the final build-out of future DEN Runways, as defined by the Federal Aviation Administration (FAA). The USDA Wildlife Biologist assigned to DEN ([Benjamin.J.Massey@usda.gov](mailto:Benjamin.J.Massey@usda.gov)) assist in implementing DEN's Wildlife Hazard Management Plan and have requested coordination as this project progresses. USDA and DEN will provide assistance with the requirements outlined in the current version of FAA Advisory Circular 150/5200-33C (see link below). DEN also requests that the landscape plan include maintenance of trees and grasses to reduce attractants for wildlife such as raptor species, blackbirds/starlings, and geese. Fruit-producing trees and shrubs should be avoided. Water quality ponds/detention structures must be designed to meet a 40-hour drain time following a 100-year event.

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- The site is found within/under the navigable airspace associated with DEN, as promulgated and regulated by the Federal Aviation Administration (FAA) under 14 CFR Part 77, Objects Affecting the Navigable Airspace. Based on Part 77 and the development site location, the proponent is required to file notice with the FAA, via the FAA Form 7460-1 process (Notice of Proposed Construction or Alteration), of any structure or temporary construction equipment (e.g., cranes) that penetrate Part 77 surfaces. The FAA website from which the need for the 7460 process can be determined (“Notice Criteria Tool”) and/or the filing can be initiated is: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

Thank you for the continued opportunity to provide comments.



## GRANT OF AVIGATION EASEMENT

This GRANT OF AVIGATION EASEMENT (“**Avigation Easement**”) is executed and delivered as of this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_ [a Colorado corporation \_\_\_\_\_], as owner of the Property as described below (“**Grantor**”), and **the City and County of Denver**, a municipal corporation of the State of Colorado (“**Grantee**”).

### RECITALS

A. Grantor is the owner [in fee simple] of that certain real property located in the [City and County of Denver] [Aurora] [County of Adams], State of Colorado, legally described in **Exhibit A** attached hereto and incorporated herein by reference (the “**Property**”).

B. Grantee is the owner and operator of Denver International Airport (the “**Airport**”) situated in the County of Adams and in the City and County of Denver, State of Colorado.

#### 1. GRANT OF AVIGATION EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Grantor, for itself and its successors and assigns, does hereby grant, bargain, sell, and convey to Grantee and its successors and assigns, for the use and benefit of Grantee, the public, and all users of the Airport, the following easements, rights, and servitudes, which shall be appurtenant to the Airport as to Grantee, and in gross as to tenants and licensees of Grantee, and as to all users of the Airport, based on current as well as full Airport buildout of at least twelve runways, and other future development and/or increase in or expansion of Airport operations (collectively the “**Avigation Easement**”):

1.1 **Passage of Aircraft.** A perpetual nonexclusive easement and right of way for the passage of any and all **Aircraft** (as defined below) landing at, taking off from, or otherwise operating to or from the Airport in, to, over and through all airspace of the Property to an indefinite height (“**Passage of Aircraft**”).

1.1.1 As used herein, the term “**Aircraft**” shall include, but not be limited to, any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, whether manned or unmanned and regardless of propulsion method.

1.2 **Incidental Effects.** A perpetual nonexclusive easement and right to cause or create noise from the Passage of Aircraft over or above the Property, and to enter or penetrate into or transmit through any improved or unimproved portion of the Property or any airspace above the ground surface of the Property (the “**Airspace**”), such noise, sounds, vibrations, dust, turbulence, illumination, electronic interference, fumes, fuel vapor particles, interference with sleep and communication, and all other effects that may reasonably be caused by the Passage of Aircraft, (collectively “**Incidental Effects**”), including, without limitation, any Incidental Effects that may be objectionable or would otherwise constitute a trespass, a permanent or continuing nuisance, personal injury or taking or damage to the Property due to invasiveness, intermittence, frequency, loudness, intensity, toxicity of Aircraft emissions or fuel, interference, emission, odor, annoyance



or otherwise. This grant includes Incidental Effects from any future additions to or increases in or changes made to operations at the Airport, including full Airport buildout of at least twelve runways, and other future development and/or increase in or expansion of Airport operations.

1.3 **Waiver of Claims.** Grantor hereby waives, remises, and releases any right or cause of action Grantor may now have or which Grantor may have in the future against Grantee and any department, division, or agent of Grantee or the Airport and the United States of America due to the Passage of Aircraft or Incidental Effects. However, nothing stated in this easement shall divest Grantor or its heirs, successors or assigns of any right or cause of action for damages resulting from the unlawful or negligent operation of any aircraft.

## 2. COVENANTS

2.1 **Interference With Air Navigation.** In furtherance of the easements and rights herein granted, Grantor hereby covenants, for itself and its successors and assigns, at all times hereafter, as follows:

2.1.1 Grantor will not take any action, cause or allow any electronic, electromagnetic or light emissions, allow any obstruction to exist that would penetrate the “imaginary surfaces” per 14 CFR Part 77 for the Airport’s full twelve runway buildout, or construct any structure on the Property which would conflict or interfere with or infringe Grantee’s rights hereunder, including the full use and enjoyment of the Avigation Easement.

2.1.2 Grantor, its heirs, successors, and assigns shall comply with 14 C.F.R. Part 77 including as it may be amended or replaced.

2.1.3 Grantee may clear and keep the Airspace clear of any portions of buildings, structures, or improvements of any and all kinds, and of trees, vegetation, or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees or any other objects, which extend into the Airspace and the right to cut to the ground level and remove any trees which extend into the Airspace.

2.1.4 Grantee may mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects now upon, or that in the future may be upon, the Property, and which extend into the Airspace.

2.1.5 Grantor will not use or permit the use of the Property in such a manner as to create electrical or electronic interference with radio communication or radar operation between any installation upon the Airport and any Aircraft.

2.2 **Changes.** The rights, easements, benefits, waivers, covenants and Agreements granted hereunder, including the Avigation Easement, shall continue notwithstanding any increase or other change in the boundaries, volume of operations, noise, development of new runways or pattern of air traffic at the Airport. The Avigation Easement and this Avigation Easement may not be modified, amended, terminated or abandoned except by execution and delivery of an instrument executed and acknowledged by Grantee, and



Grantor agrees that, in the absence of such an instrument, no conduct by Grantee or increase, diminution or change in use of the Avigation Easement shall constitute either an overburdening of the Avigation Easement or a termination or abandonment of the Avigation Easement.

### 3. GENERAL PROVISIONS

3.1. **Interpretation.** No provision of this Avigation Easement is to be interpreted for or against any party because that party or that party's legal representative drafted such provision.

3.2. **Waiver.** No violation or breach of any provision of this Avigation Easement may be waived unless in writing. Waiver of any one breach of any provision of this Avigation Easement shall not be deemed to be a waiver of any other breach of the same or any other provision of this Avigation Easement.

3.3. **Severability.** In the event that any one or more covenant, condition, right, or other provision contained in this Avigation Easement is held to be invalid, void, or illegal by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Avigation Easement and shall in no way affect, impair, or invalidate any other covenant, condition, right, or other provision contained in this Avigation Easement.

3.4. **Additional Documents.** In addition to the documents and instruments to be delivered as provided in this Avigation Easement, Grantor or its successors and assigns shall, from time to time at the request of Grantee, execute and deliver to Grantee such other documents and shall take such other action as may be reasonably required to carry out more effectively the terms of this Avigation Easement.

3.5. **Governing Law.** This Avigation Easement Agreement has been negotiated and entered into in the State of Colorado, and shall be governed by, construed and enforced in accordance with the statutory, administrative and judicial laws of the State of Colorado. Venue for any action arising from this agreement shall be in the City and County of Denver.

3.6. **Integration.** This Avigation Easement, including the exhibits, constitutes the final, complete and exclusive statement of the parties relative to the subject matter hereof and there are no oral or parol agreements existing between Grantor and Grantee relative to the subject matter hereof which are not expressly set forth herein and covered hereby. This is an integrated agreement.

3.7. **Recordation.** This Avigation Easement shall be recorded in the real property records of the Clerk and Recorder of *[the City and County of Denver] [the County of Adams]*, State of Colorado.

[END OF PAGE]





**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303. 571.3284  
donna.l.george@xcelenergy.com

July 8, 2022

City of Aurora Planning and Development Services  
15151 E. Alameda Parkway, 2<sup>nd</sup> Floor  
Aurora, CO 80012

Attn: Aja Tibbs

**Re: Windler Neighborhoods H and I, Case # DA-1707-15**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has determined there are **conflicts** with **Windler Neighborhoods H and I**. It is unclear where the natural gas and electric distribution facilities will be located in a number of lots.

There are many lots with 10-foot-wide utility easements, will the natural gas and electric distribution facilities collocate in these areas? If this is the case, natural gas requires minimum 6-foot-wide utility easements *within each lot* on the side of the lot that is drivable pavement (minimum 8-foot wide, 6-inches thick) with space for service truck access and plowing in snowy conditions with a minimum 5-foot clearance from any structure.

What are the 1.5-foot-wide utility easements for? That is not enough space for either gas or electric distribution facilities.

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PSCo requests that tracts are dedicated for utility use, or if that is not possible, that 10-foot-wide utility easements are dedicated along the public rights-of-way within the tracts.

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Additional easements may need to be acquired by separate document for new facilities (i.e. transformers) – be sure to contact the Designer and request that they connect with a Right-of-Way and Permits Agent in this event.

Comment response requested.

Donna George - Right of Way and Permits - Public Service Company of Colorado dba Xcel Energy  
Office: 303-571-3306 – Email: [donna.l.george@xcelenergy.com](mailto:donna.l.george@xcelenergy.com)