



Architects & Planners Inc.

December 18, 2020

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RE: Conifer Center Rezone ODP Submittal – 2nd Referral Response Comments – Response Letter
Project Record Number: 20-111200RZ

Nick,

We received the 2nd Referral Response Letter for Conifer Commons (renamed Conifer Center) ODP, 2nd Long Range referral Comments and ODP Redlines on November 10, 2020. Please find this response letter addressing each comment with a written response. This written response is intended to coincide with revised project drawings dated December 18, 2020 and other exhibits listed below in the resubmittal requirements.

Please find the following items in the submittal:

1. Revised Written Restrictions.
2. Verification from the Colorado Division of Wildlife as available
3. Additional justification for meeting CMP Criteria
4. Updates to the ODP per Planning Engineering comments
5. Visual Analysis
6. Letter provided to ECFPD to address their will serve letter request concerns. Will Serve letter from Elk Creek Fire District will be submitted under separate cover.
7. Written response to all comments
8. Emergency Evacuation Impact Narrative

Response Letter Conifer Center ODP

Key Issues to address with Case Manager

1. Based on the materials submitted with the formal application and ensuing internal and external agency responses, Staff will be requiring a 3rd referral for this Rezoning case.
Resubmittal dated 12/18/20
2. The name of the proposed Official Development Plan will have to be changed as there is already an approved "Conifer Commons Official Development Plan". *The name of the ODP has been changed to Conifer Center. 2nd referral comment responses resubmittal dated 12/18/20.*

3. Planning Staff has reviewed the proposed Official Development Plan document and have requested revisions from the applicant. *2nd referral comment responses resubmittal dated 12/18/20.*
4. The property is recommended for Residential uses at a maximum density of 4 dwelling units per acre if served by public water and sanitation and all design guidelines are met. The property will be served by public water and sanitation, but it is unclear if the treated wastewater will be returned to the groundwater system or is proposed to be surface discharged. Clarification is required on some design guidelines to determine if they are being met as well. Staff is especially concerned with development in the Meadow area. *It has been clarified in coordination with the Conifer Metro District the wastewater will be returned to the groundwater system. Recommendations of staff noted within the comments. No development is intended within the meadow with the exception of an access road to Light Lane.*
5. Portions of the property are identified as a Maximum Wildlife Quality Area. Colorado Division of Wildlife is still working on a response to this proposal. The US Fish and Wildlife has commented that they have reviewed the Biologic Assessment and will require consultation at the time of Subdivision/Site Development Plan, if the Rezoning is approved. *Noted.*
6. *The Official Development Plan lists uses in the Meadow such as Community Gardens and Active and Passive Recreation. Staff does not support these uses in the Meadow as it does not fully preserve the Meadow to the furthest extent possible. The uses of Community Gardens and Active and Passive recreation have been removed from the meadow area.*
7. The Visual Analysis provided does not show the areas with the tallest buildings and roads. Please refer to the new image provided by Staff and incorporate the tallest buildings and roads in an updated image. *A new visual analysis using the revised photograph provided by staff is included in 2nd referral comment responses resubmittal dated 12/18/20.*
8. Colorado State Forest Service is still reviewing the Wildfire Mitigation Plan and comments will be sent when available. *Noted.*
9. Please provide a detailed comment response letter detailing how you have addressed each comment from staff and each referral agency. *2nd referral comment responses resubmittal dated 12/18/20.*
10. Staff requests an evacuation plan demonstrating the impacts the proposed development would have to the surrounding community in case of emergency. *Please find evacuation plan submitted with 2nd referral comment responses resubmittal dated 12/18/20.*

Written Restrictions:

1. Please see redmarked ODP from Planning and additional redmarked copy from Planning Engineering.

The following revisions have been made to the ODP Site Plan from red marks.

- *The existing Ingress and Egress easement that is not used in the ODP has been removed at staff's request.*
- *Graphic representation for disturbed land area and forested area have been removed from the ODP*
- *The ODP and Written Restrictions have been renamed to Conifer Center.*

The following revisions have been made to the Written Restrictions.

- *The ODP and Written Restrictions have been renamed to Conifer Center.*
- *Under 3. Permitted Uses, The Units Per Acre measure has been removed and the Maximum number of units will be the verbiage.*

- 3. *Permitted Uses*
 - Under sections 3.1.3, 3.2.3, and 3.3.3 the connectivity uses have been removed from the ODP
 - The Use Area 4 the community gardens and active and passive recreation area uses have been removed.
 - Section 3.4.1.A clarification has been added that an access road between Light Lane and the site may occur in the wetlands and wetlands buffer.
 - Section 3.4.4 has revised "Roadways" to be worded as "An Access Road".
 - 3.5 Accessory uses has been clarified to include a zone district and has removed reference to Use Area 4.
- 4. *Lots and Building Standards*
 - A minimum lot size has been defined for each building type.
 - Front setback language has been modified.
 - Setbacks have been added to 4.3.2.
 - A maximum number of stories has been added for each building type. The proposed maximum three-story building under 4.3.1 can be achieved in less than 45 foot height.
 - 4.3.6 limits maximum building area to 50,000 sf.
- 5. *Parking Standards*
 - 5.3 has been revised to remove reference to a set-back for parking and language revised per staff comment.
 - 5.4 has been revised to clarify screen views at parking lots to be screened by landscaping or landscape element.
- 6. *Fences and retaining walls*
 - 6.1.1 has been reworded per staff comment.
 - 6.4 has been removed as was covered in 6.1
 - 6.5-6.8 have been removed from the written restrictions at the recommendation of staff.
- 8. *Signs*
 - 8.1 has been revised to clarify one monument sign per building for Use Area 2 and 1 monument sign for Use Area 1. Use Areas 3 and 4 do not require monument signs.
 - 8.1.4 has been added to clarify to refer to standards for construction for road signs described in the manual on Uniform Traffic Control Devices.
- 9. *Landscaping/ Open Space Requirements*
 - 9.5 "setback landscape buffer" has been revised to be "shaded fuel break" and no landscape requirements are required in fuel break. Trees are to be thinned per Fire Mitigation report with native ground cover.
 - 9.6 The word native has been removed.
 - 9.7 has been revised per staff recommendation to remove first sentence.
 - 9.8 has been removed per staff comment.
 - 9.10 has been removed per staff comment.
- 10. *Architectural Standards*
 - 10.2 the last sentence has been reworded per staff recommendation
 - 10.3 has been revised to emphasize roofing materials to be fire resistant material. This note has been expanding to include use of fire-resistant sheathing materials and decking as well.
 - 10.8 has been revised per staff recommendation.
- 12. *Wildfire Mitigation & Forest Health*
 - Language has been added to clarify a timetable, "to be enforced at the time of preliminary and final plat.

- **13. Circulation**
 - 13.1 Has been revised per staff comment.
 - 13.2 language has been revised to reflect staff comment to revise landscape buffer to shaded fuel break.
 - 13.3 and 13.4 have been removed
 - 13.5 The language referring to when applicable has been removed.
 - 13.6 Language has been revised to reflect staff comment.
- **14. General Standards**
 - 14.1 has been revised to remove outside watering.
 - 14.4 has been removed at staff's suggestion.
 - 14.5 has been reworded to clarify building siting should be oriented to the site amenity of the mountain meadow and valley view when possible.
 - 14.6 has been added that all temporary stockpiled materials are to be removed prior to approval of any development of the site.

Long Range Comments

Key Issues:

- Water; Fire Protection, design Guidelines *The 2nd referral comment responses resubmittal dated 12/18/20 are intended to address any outstanding questions in these three categories.*

Land Use Recommendation

- There are 11 recommendations for developments that contain a Mountain Meadow Area within an Activity Center. (Conifer p. 10 – 11) The preference is to keep out of the meadow entirely, but is that is not possible due to a significant portion of the property being a meadow or because the portions of the property not within the meadow are not feasible due to other constraints, then the Plan proposes specific site design.

*The ODP shows the Meadow Area and restricts uses in that area. Community gardens, passive and active recreation and roadways are permitted in this area. Community gardens and recreation uses could negatively impact the meadow areas and it is recommended that those uses be stricken. It is also recommended that the language about roadways be consistent with the circulation section and only reference one access road. The Plan does allow some activity in the Mountain Meadow Areas within Activity Centers, but development should impact the meadow minimally. At least 60% of the meadow should be left as natural area. The uses proposed in Use Area 4 do not have a limit on size. A roadway crossing could have minimal impacts if done properly. *Community Gardens and Active and Passive Recreation uses areas have been removed from Use Area 4. An access road with minimal impact to meadow has been clarified as an allowed improvement in the meadow, wetland and wetland buffer. It would be anticipated the access road may impact the meadow less than 5%, leaving 95% left as natural area. See revised ODP and Written Restrictions resubmitted in this submittal.**

Physical Constraints

- Wetlands, and a buffer around the wetlands, have been identified on the ODP and are entirely within Use Area 4, which has more limited uses. Staff does think the uses should be further limited, but the proposed ODP does help in preservation of the meadow, and especially the wet meadow area. *Community Gardens and Active and Passive Recreation uses areas have been removed from Use Area 4.*

- A Wildfire Hazard Mitigation Plan was completed. The LDR states that a Wildfire Hazard Mitigation Plan will be prepared and reviewed, however, it does not state when this plan needs to be implemented. There is language to address this in the ODP that staff has modified slightly. *Additional language has been added in the Written Restrictions, 12.1, "to be enforced at the time of preliminary and final plat.*

The applicant is proposing a 50 foot landscape buffer. This is a good concept to attempt to minimize visual impacts, however, any new vegetation should comply with the Wildfire Mitigation Plan. Perhaps language could be developed that encourages the 50 foot buffer to be a shaded fuel break and minimize the number of trees removed. *Please see revised items in Written Restrictions above. Landscape buffer has been revised to shaded fuel break, removes landscaping standards, and calls for tree thinning per Wildfire Mitigation Plan and native ground cover to remain.*

- Portions of this property do show up in the Elk Creek Fire Protection's Community Wildfire Protection Plan(CWPP), in the Aspen Park and Conifer areas.

- The Aspen Park area covers the northern portion of this property and has a Moderate wildfire hazard rating. While densely populated, roads are generally good and there is quick access from Station 1. Most homes are not built on steep slopes. Several of the recommendations are addressed through the defensible space requirements. The ODP does discuss enclosing the areas below patios to minimize wildfire spread, as requested. There is some modification proposed to this language, but staff does agree with the concept.
- The Conifer area covers the southwestern corner of the property and has a High wildfire hazard rating. This area has a heavy fuel load with varying terrain. Access roads are generally good and roads are well marked. Response times should be good. Several of the recommendations are addressed through the defensible space requirements. The ODP does include fire resistant roofing materials, but does not discuss fire resistant siding and decking on homes. The ODP does discuss enclosing the areas below patios to minimize wildfire spread, as requested. There is some modification proposed to this language, but staff does agree with the concept. *Please see revised Written Restriction revisions above. Language has been modified in 10.3. to reflect roofing materials required to use fire resistant material. This note has been expanded to include use of fire-resistant sheathing materials and decking as well.*

- Setbacks from the perimeter of a new development should accommodate Defensible Space management zone 2 requirements. (CMP p. 36) The various zones are noted in the Wildfire Hazard Mitigation Plan. The applicant has increased the perimeter buffer to 50 feet with tree thinning to address this comment. Given the potential wildfire risk and water availability in this area, staff is reconsidering the practicality of some of the landscape design guidelines. See the Design Guidelines section. *Landscape Buffer term has been revised to Shaded Fuel Break. Landscaping requirements have been revised in Written Restrictions to address the mountain community/high wildfire risk zone context including sections 9.5, 9.6, 9.7, 9.8 and 9.10.*

Community Resources

- This property is shown as being Less Visible from US Hwy 285 on the Viewshed Analysis. The policies regarding development in meadows and the design guidelines will be adequate to mitigate visual impact.
 - The ODP does address most of these policies and is keeping buildings out of the meadow area. There are some additional comments that staff has about

the uses proposed in Use Area 4. *Community Gardens and Active and Passive Recreation uses areas have been removed from Use Area 4.*

- The Plan discusses the use of Open Lands in new developments for buffers and integrating it into the development. The applicant is creating a large area of open space for the meadow area and then additional open space integrated into the development. The entire meadow area is within its own Use Area where uses are very restricted. Staff does have additional suggestions for the proposed uses in this Use Area. *Community Gardens and Active and Passive Recreation uses areas have been removed from Use Area 4.*

Infrastructure, Water, & Services

- New development should protect existing wells and ground water resources from contamination. (CMP p. 49) The applicant states in their Water Letter that water treatment will be handled by Conifer Metro District. Such a district would be subject to water quality standards enforced by the Colorado Department of Health and Environment (CDPHE). Therefore, ground water resources should be protected from contamination.) *Noted.*
- Ground water recharge from sewage treatment systems should occur in the same general area from where water is withdrawn. (CMP p. 49) The infiltration gallery for the Conifer Metro District would allow for infiltration will occur in the same general area as the development. However, Conifer Metro District is requesting in-stream discharge of their treated wastewater. Will the wastewater from this development be lumped in with the currently requested in-stream discharge, or will water need to be pumped back to the subject property to be infiltrated into the ground water to meet the water rights that are proposed to be purchased. If infiltration will no longer occur through Conifer Metro, it should be provided on the subject property, or else this policy would not be met. *In discussion with Conifer Metro District it has been clarified that the treated wastewater will be returned to the subject property to be infiltrated into the groundwater to meet the water rights that are proposed to be purchased.*
- The Fire District continues to state that they would be "unable to protect" the proposed development and recommends denial of the case. The Plan states that the scale of development should be appropriate for the needs of the local area. (Conifer p. 22) and that new development should be service by fire protection and emergency services (CMP p. 51). This development would not meet these policies. *Foothills Housing I, LLC is in discussion with Elk Creek Fire Protection District to address concerns of servicing the proposed land area and ODP described development. A will serve letter is expected to be submitted under separate cover soon after the resubmittal dated 12/18/20.*

Other Area Plan Policies

The Conifer/285 Corridor Area Plan has a large chapter on Design Guidelines. These Design Guidelines should be reviewed for proposals in the Conifer Area in addition to those Site Design Policies. The Design Guidelines contain general Design Guidelines, Alternative Solutions, and Minimums. Staff has included only the main Design Guidelines in this review. Alternative Solutions can be found in the plan document and offer various methods to achieve the Design Guideline. Not all alternatives need to be met to achieve compliance with the Guideline. The Guidelines are not differentiated by importance. It is understood that in some cases not all Guidelines can be obtained – trade-offs must be made. However, the fundamental purpose of this section is to create a logical and consistent means by which the community can evaluate the degree to which various projects meet those Guidelines, and then reward or reinforce that achievement of community benefit. The policies are listed below with information following in italics about whether they are applicable and whether the ODP appears to address the guideline. (Conifer p. 33 – 48)

Site Design Guidelines

Vistas, View Corridors & Scenic Areas

Mountain Meadows are considered a visual resource.

1. Avoid negative visual impact of transportation facilities such as park'n'Ride structures.

- *This policy is not applicable. Noted.*

2. Preserve view corridors for existing or future adjacent development.

- The ODP has added a use area for the Meadow Area. Limited uses are allowed in this area.

Staff recommends reducing them further as shown on the red-marked ODP. *Community Gardens and Active and Passive Recreation uses areas have been removed from Use Area 4.*

5. Avoid outdoor lighting within view corridors or on prominent ridges.

- The ODP has added a use area for the Meadow Area. Limited uses are allowed in this area.

Staff recommends reducing them further as shown on the red-marked ODP. *Community Gardens and Active and Passive Recreation uses areas have been removed from Use Area 4.*

6. Ensure that meadows and grasslands are not partially denuded or damaged by overgrazing.

- The written restrictions do allow the access road through the meadow. There is conflicting language in the ODP, one area talks about "roadways", where the other talks about "the access road", making it sound like a singular road. This should be limited as much as possible and the red-marked ODP reflects staff's suggestion. *The written restrictions have been revised to clarify that "an access road" singular will be the only construction in meadow area. The word "roadways" has been removed.*

Parking

6. Orient building to site amenities. Separate parking from these areas.

- Staff does not see the restrictions that address this as stated in the applicant's response letter. *The written restrictions have been modified to address the orientation of buildings to site amenities in 14.5, under 14. General Requirements.*

Fencing & Screening

6. Use living landscape materials instead of fencing wherever possible.

- The response letter states that this is addressed, however, it is unclear how it is addressed in the landscaping section. Something could be added to 6.1.1 noting that landscaping may also be used for screening if appropriate in considering wildfire hazards. *Section 5.4 has been revised to clarify that screening be achieved through Landscaping. 6.1.1 has also been revised to clarify that screening shall be achieved by Landscaping wherever possible.*

Air, Odor, Light & Noise

5. Reduce the impact of vehicular noise on residential areas.

- This has been added to the restrictions, however, it seems that the intent was between commercial parking and residential areas and between new residential parking and existing

residential. It does not make sense to have parking for new residences setback 20 feet from new buildings. The 50 foot setback will be achieved through the 50 foot landscape buffer around Use Areas 1, 2, and 3. *The setback has been removed from Section 5.3.*

Wildlife & Vegetation

3. Thin forests to allow light and water, etc. to filter downward to increase forest vigor and restore under story vegetation (ground cover) which increase visual and environmental quality (erosion and sediment, runoff, growth, etc.).

- A Wildfire Mitigation & Forest Health Plan has been created and the ODP specifies who is responsible for maintaining that Plan. However, it is unclear when that Plan will be implemented. Staff has added language regarding when this will be implemented. *Section 12 of the Written Restrictions has been modified to include "to be enforced at the time of the preliminary and final plat."*

Open Space(s) & Recreation

6. Create visual diversity and interest through selection of plant materials. Plant materials should achieve a visual and aesthetic balance between newly planted and existing vegetation as to character, form, size, and color.

- This will be addressed with a future process. A 50 foot landscape buffer is proposed. The buffer should not add landscape materials that may contradict the Wildfire Mitigation Plan. Perhaps the 50 foot buffer should be a shaded fuelbreak.

- Additionally, as staff is looking at the guidelines below more critically, it seems that these minimums may have an unintended consequence of increasing wildfire risk and utilizing additional water and may not be appropriate.

Minimums

a. Provide at least 1 shrub for every 40 square feet of lot area. NOTE: Not to be construed to mean shrubs placed on center.

b. A minimum of 75% of the required landscape area should have a planted groundcover or other plant materials.

c. The remaining 25% may be covered with dry landscaping (rock, stone, bark, etc.) and walks if located through a landscape feature.

The 50 foot landscape buffer has been replaced with the term "Shaded Fuel Break" and clarified as natural ground cover with thinning of trees per the Fire Mitigation Report. The landscape minimums have been removed and new language put in its' place to encourage natural ground cover and with minimal landscaping of xeriscaped origin at monument signs and to enhance buildings and parking areas only.

Circulation

1. Minimize visual scarring of road cuts, or disruption of scenic areas (e.g., meadows).

- The ODP does contain restrictions regarding roadways in the meadow. There are some modifications that staff is recommending. *Staff comments have been incorporated into written restrictions as noted in this response letter.*

2. Preserve or create a rural image, even in more intensely developed areas.

- This guideline is mainly related to how roads look. County regulations will require a more rural characteristic to any roads that are on this property. Landscaping will occur along roads

Collector level and above. To preserve that rural image, staff recommends shaded fuel breaks and preserving existing trees and shrubs. *Staff comments have been incorporated into written restrictions as noted in this response letter on this issue. Addressed already in above responses.*

Energy

3. Encourage on-site production of food.
 - Food production on individual lots is not prohibited. Community garden has been added to all use areas. It is appropriate in Use Areas 1, 2 and 3, but not in Use Area 4. *Community Gardens and Active and Passive Recreation uses areas have been removed from Use Area 4.*

Architectural Design Guidelines

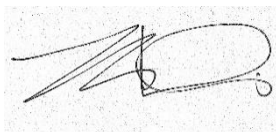
Scale, Form & Massing

1. Orient, design, and construct structures that are people oriented and facilitate interaction.
 - Building heights have been addressed. There could be restrictions added to address things like building length, orientation and size. *Additional restrictions have been added to Written Restrictions Section 4. Lot and Building Standards to address building number of stories, minimum lot size and maximum building length. Building orientation to site amenities has been added to Section 12.*

Façade, Openings, & Details

3. Use sculptures, fountains/water features, wood carvings, awnings and canopies, balconies, patios and terraces, flags and banners, umbrellas, the annual colors of flowers and trees (i.e., Aspen), accent lighting, painted wall graphics, etc., in detailing projects.
 - This was added to the restrictions by the applicant, but then stricken when discussed with all staff for practicality reasons. *This section has been removed from the written restrictions.*

Sincerely,



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