



Architects & Planners Inc.

February 1, 2021

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Suite 3550
Golden, CO 80419

RE: Conifer Center Rezone ODP Submittal – 3rd Referral Response Comments – Response Letter
Project Record Number: 20-111200RZ

Nick,

We received the 3rd Referral Response Letter for Conifer Commons (renamed Conifer Center) ODP, 2nd Long Range referral Comments and ODP Redlines on January 14, 2021. Please find this response letter addressing each comment with a written response. This written response is intended to coincide with revised project drawings dated February 1, 2021 and other exhibits listed below in the resubmittal requirements.

Please find the following items in the submittal:

1. Conifer Metro District Will Serve Letter with current date
2. Revised ODP Drawing and Written Restrictions.
3. Clarification about treated water returning to the ground water system has been incorporated into Water Letter with revised date 2/1/2021, the written restrictions and the response comment in letter.
4. Additional justification for meeting CMP Criteria
5. Language has been inserted to the written restrictions to align with Colorado Division of Wildlife comments.
6. Revised Visual Analysis per staff redlines 1/25/2021
7. 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.
8. Written response to all comments
9. Revised Evacuation Plan responding to staff comments 2/1/2021.
10. The Elk Creek Fire Protection District will serve letter anticipated week of 2/8/2021

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 4th referral for this Rezoning case.

Resubmittal dated 2/1/21

2. The letter for service by Conifer Metro District is no longer valid as it had an expiration date of January 1, 2021. Please provide an updated letter. *The letter has been updated and provided as a revised document in this submittal.*
3. Planning Staff has reviewed the proposed Official Development Plan document and have requested revisions from the applicant. *3rd referral comment responses have been addressed on the ODP drawing and written restrictions resubmittal dated 2/1/2021.*
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 staff requests clarification in the Written Restrictions requiring the treated water for this development to be returned to the groundwater system, either on the subject property, or in conjunction with treated water returned to groundwater by Conifer Metro District using their infiltration galleries. The letter dated September 8, 2020 from Foothills Housing references that this development “planned to put the water back in to the aquifer with an infiltration gallery but the district does it a different way”. Please clarify what is meant by this statement. *It has been clarified in coordination with the Conifer Metro District the wastewater will be returned to the groundwater system via infiltration galleries.*
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. Colorado Division of Wildlife has provided comments, which are attached. *The development team believes the ODP currently follows the recommendations of the CDPW by keeping development out of the meadow, requiring in the written restrictions, migratory friendly fencing and prescribing landscaping of native trees, shrubs and grasses.*
6. The Visual Analysis provided does not show roads. Please update the Visual Analysis to show the proposed road. *A revised visual analysis showing the proposed is part of this submittal 1/25/2021.*
7. The evacuation plan does not address impacts to the surrounding community. The evacuation plan needs to address delays which may be experienced by the community to the south and east of Light Lane and what impacts this development may impose on their evacuation routes. The same is required for Scenario 2 farther south and east on Pleasant Park Road. *The evacuation plan has been updated to respond to Staff Comments.*

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 year has been updated to 2021 per redline and drawing dated 2/1/2021*

The following revisions have been made to the Written Restrictions.

- *In section 10.2 of the written restrictions the word Decks has replaced Patio Area.*
- *In section 11.3 of the written restrictions wording has been revised to clarify that treated wastewater will be returned to the site via an infiltration gallery.*
- *In section 13.4 a mis-spelled word has been corrected. Pedestrian.*
- *The drawing date has been updated to 2/1/2021*

Long Range Comments

Key Issues:

- Water; Fire Protection, design Guidelines. *The 3rd referral comment responses resubmittal dated 2/1/21 are intended to address any outstanding questions in these three categories.*

Physical constraints

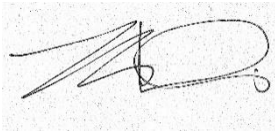
- The ODP contains several restrictions to address minimizing wildfire risk. We appreciate that vertical cladding and decking material is now required to be fire resistant. We continue to recommend that the area below decks be enclosed to prevent embers from collecting in ignitable areas. Patios are typically at-grade structures and would not need to be enclosed below. *The written restrictions section 10.2 has been revised to address this concern.*
- The applicant should be prepared to address how this proposal may impact existing evacuation times. While there is not a CMP policy specifically related to this, it has been an issue that arose at past hearings. *The planning team has reached out to Elk Creek Fire Protection District for input on the evacuation plan and included their comments in the evacuation plan response.*
- If any additional measures are recommended by the Division of Parks and Wildlife, we will request that those are incorporated into the ODP as appropriate. *The development team believes the ODP currently follows the recommendations of the CDPW by keeping development out of the meadow, requiring migratory friendly fencing in the written restrictions and prescribing landscaping of native trees, shrubs and grasses.*

Infrastructure, Water, & Services

- 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 contemplating in-stream discharge of their treated wastewater. This application has not been made and Conifer Metro District is exploring all possibilities continue to discharge to ground water, but staff is concerned about the future impacts to water in the surrounding area if in-stream discharge is allowed after a rezoning is approved (if approved). *The design intent has been revised in written restrictions section 11.3 and in a revised water letter that the treated wastewater will be returned to the site by way of an of infiltration gallery.*
- Development should be at a scale consistent with Locally Available Water Resources. (CMP p. 50)
 - o Concerns about recharge bring into question whether this policy can be met. The ODP proposes a water supply feasibility study and pilot scale aquifer production and recharge demonstration project at the time of Preliminary and Final Plat or Site Development Plan. If Conifer Metro District will continue to recharge to ground water, it seems like this policy could be met due to the additional restrictions on water and wastewater in the ODP.
- Perhaps restriction 11.3 could be modified to make it clear that infiltration will occur in the area, whether that be through the Conifer Metro District infiltration gallery, or on the Conifer Center site.

- Include Infiltration Gallery as an accessory use in Use Areas 1, 2, and 3, so that it is allowed if necessary. *Section 11.3 of the written restrictions have been modified per staff recommendation that infiltration galleries may be incorporated into Use Areas, 1, 2 and 3 as required by future utility design to be determined, but having requirement insured in written restrictions.*
- The Fire District is in discussions with the developer about their concerns about serving this potential development. *A will serve letter is expected the second week of February 2021 per ECFPD discussions.*

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Davis', is positioned above the typed name.

Tom Davis, AIA, NCARB, LEED AP
Senior Associate Architect
PWN Architects and Planners