

JUDGE ORR MULTI-FAMILY REZONE

LETTER OF INTENT

AUGUST 2022

OWNER:

PHILIP W BUFORD AND MARY JEAN BERG BUFORD TRUST
P.O Box 100
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APPLICANT:

DHI COMMUNITIES (A DR HORTON COMPANY)
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CONSULTANT:

N.E.S. INC.
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SITE DETAILS:

TSN: 4232302003

ADDRESS: 8507 EASTONVILLE RD

ACREAGE: 31.3 AC

CURRENT ZONING: RR-5

CURRENT USE: VACANT

REQUEST

N.E.S. Inc. and DHI Communities on behalf of Philip and Mary Buford request approval of a Rezoning/Map Amendment from RR-5 to RM-12 for the 31.3-acre Judge Orr multi-family residential project.

LOCATION

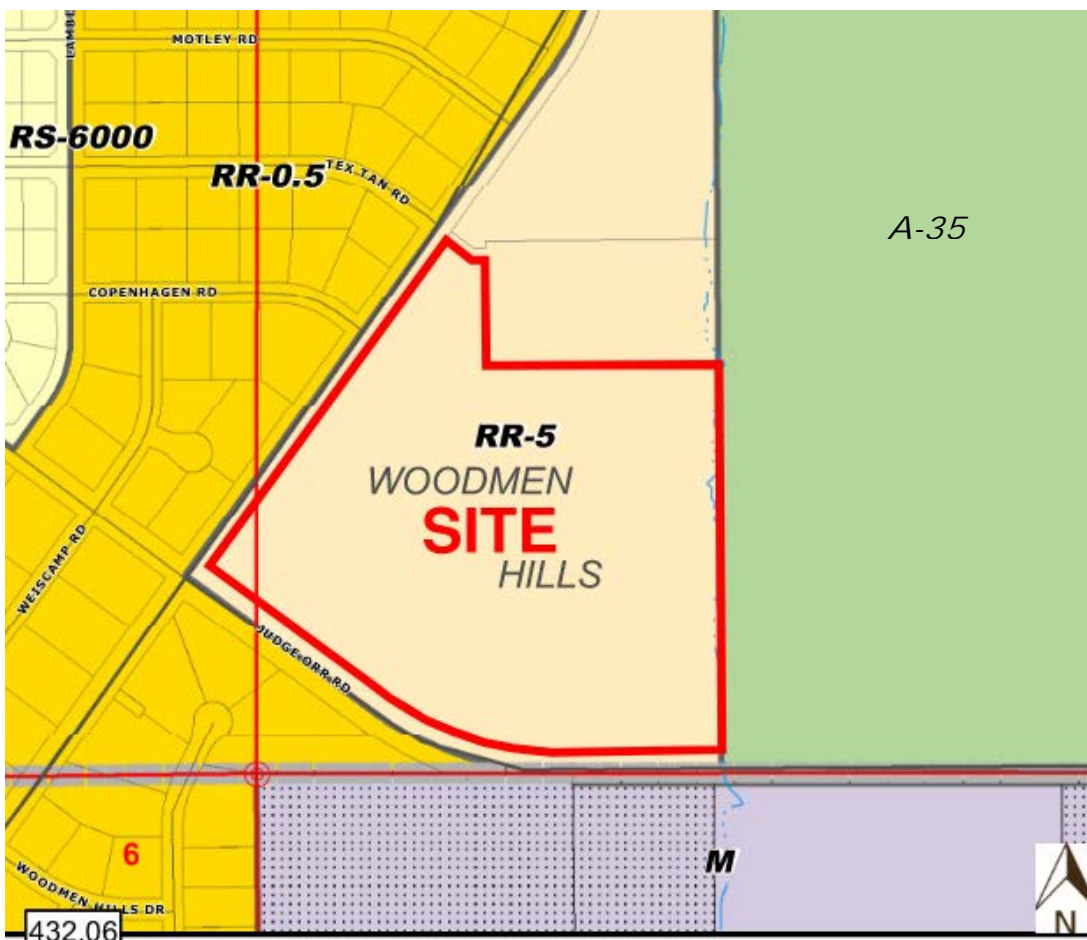
The 33.3-acre project site lies northeast of the intersection of Eastonville Road and Judge Orr Road in northcentral El Paso County. The site is surrounded by single-family residential development zoned RR-0.5 to the northwest, west and south (Woodmen Hills); a large-lot residential use with RR-5 zoning to the north, vacant and occupied land with M zoning to the south, and vacant land with A-35 zoning to the east.



PROJECT DESCRIPTION & CONTEXT

The property is currently zoned RR-5, Residential Rural District, which is a 5-Ac district intended to accommodate low-density, rural, single-family residential development. There are no overlay districts that apply to the property. The property is within the Woodmen Hills Sketch Plan (SKP97003) approved in 1997. The Sketch Plan provides for this property to be developed as residential at a density of 2 DU/AC. County Staff has determined the Sketch Plan is not valid due to inconsistencies within the plan area. Therefore, no amendment is necessary. The property is platted as LOT 1177 WOODMEN HILLS FIL NO 10.

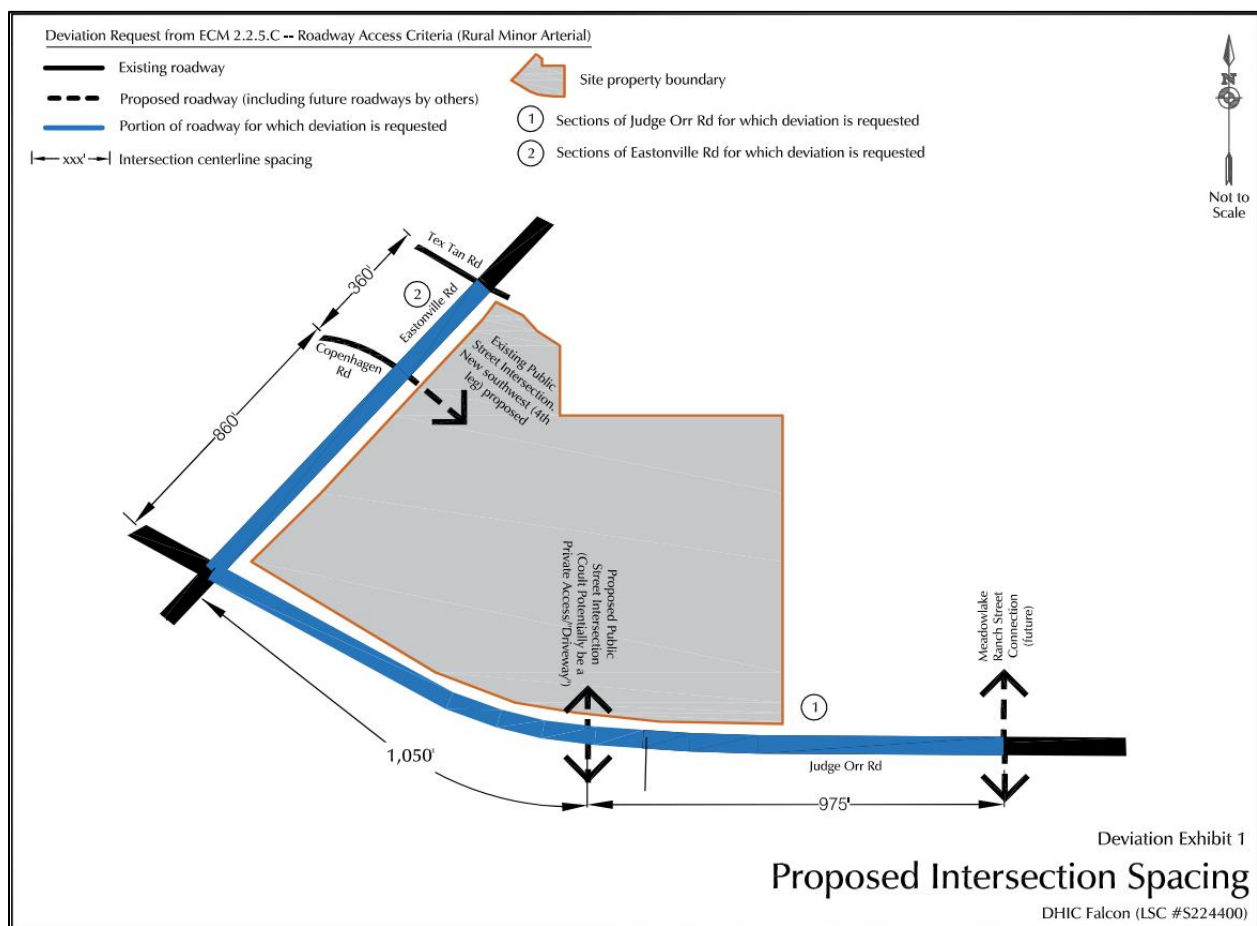
A rezone of the property to RM-12 is requested to facilitate a multi-family development of approximately 215 duplex townhomes on one 31.3-acre development lot. The townhomes will be for rental purposes, and will include one-, two-, and three-bedroom options. Duplexes are a permitted use in the RM-12 zoning district. Accessory uses and structures related to private recreation facilities which may include clubhouse, pool, open space, and play area, may also be developed on the site, and are permissible accessory uses. There are no specific development standards for the principal or accessory uses proposed on the property. The development will meet all applicable zoning and landscape standards for multi-family development in the RM-12 zoning district.



The proposed density is approximately 6.50 to 7.0 DU/AC. The site is currently undeveloped with no services, facilities, or structures. The proposed rezone to RM-12 is compatible with surrounding area, which has a mix of zoning and land use intensities. This use will provide a transition from the school to the north and the single-family detached residential to the north, west and southwest, to the industrial zoning and land use to the south, and the planned residential, commercial and industrial to the east. It is also appropriate given proximity to HWY 24.

ACCESS AND CIRCULATION

Area access to the development will be provided by HWY 24 and E Woodmen Road, with direct access provided by a full movement primary access along Eastonville Rd in alignment with Copenhagen Rd, and a full movement secondary access along Judge Orr Road. The primary access at Eastonville and Copenhagen will be approximately 860-feet northeast of the Judge Orr/Eastonville Road intersection, and approximately 360-feet southwest of Eastonville/Tex Tan Road intersection; therefore, deviation requests are required, and are filed with this application. The secondary access at Judge Orr Road, will be approximately 1,050-feet east of the Judge Orr Road/Eastonville Road intersection, and approximately 975-feet west of the proposed Meadowlake Ranch Street/Judge Orr Road intersection; therefore, deviation requests are required, and are filed with this application.



A Traffic Impact Study (TIS) is included with this submittal. The TIS provides recommendations for improvements to existing surrounding streets that will support this development as well as timing of such improvements. The proposed development of approximately 215 apartments will generate approximately 1,541 daily trips. During weekday morning peak hours, 103 trips will be generated, with 32 vehicles entering and 71 vehicles exiting the site. During weekday afternoon peak hours, 122 trips will be generated, with 70 vehicles entering and 52 vehicles exiting the site. All individual approaches and turn lanes at both site-access intersections would operate at LOS D or better during both short-term and long-term peak hours as stop-sign-controlled intersections with single-lane exiting approaches. Auxiliary left-turn and right-turn deceleration lanes would not be required at either of the site-access points, based on projected buildout traffic volumes. Left-turn queues at both site-access points are not projected to exceed the back-to-back left-turn stacking distances to adjacent upstream intersections during either peak hour.

The TIS identifies roadway improvements, including timing and financial responsibility, related to area streets. Currently planned County Road improvements include widening of Eastonville Road to 2-lane rural minor-this project is in the design phase. Widen Judge Orr Road to 4-lane rural minor arterial-timing and developer contribution will be determined with future review phases. Adding bicycle lanes to Judge Orr Road from Eastonville to S. Peyton Highway- timing and developer contribution will be determined with future review phases. There are several off-site, long-term CDOT intersection improvements planned, include realignment of eastbound and westbound approaches at Judge Orr Road to reduce intersection skew angle, which will likely be a CDOT project of unknown timing. For southwest bound right-turn deceleration and acceleration lanes, timing and developer responsibility will be determined through the CDOT access permit process. While the development will not add to the right turn movement at this intersection, the developer may have some responsibility for improvements related to a northeast-bound right turn deceleration lane.

In the long-term, reconstruction of the Eastonville Road/Woodmen Hills Drive/Judge Orr Road intersection as a modern roundabout is identified when this intersection operates at a LOS of C or worse. The project is identified as a PPRTA project, and developer responsibility for such improvements will be determined with future review phases. In the short-term adding the site access to the Eastonville Road/Copenhagen Road intersection as well as adding the site accesses to Judge Orr Road and Eastonville Road, and installing signing/stripping/traffic control will be the developer's responsibility and will occur in conjunction with site development.

The TIS analyzes pedestrian and bicycle accommodations in the area, as it relates to safe routes to schools (see Figures 10 and 11, and Pages 16 and 17). There are two existing public schools located within two miles of the site. There are no sidewalks or bike lanes on Judge Orr Road or Eastonville Road, however, in conjunction with development, sidewalk will be required on both roadways. The Transportation and Mobility chapter of the Master Plan shows a proposed Secondary Regional Trail along Judge Orr Road, and the Trail Master Plan (2013) shows a Secondary Regional Trail and Bicycle Routes along Judge Orr Road. The Transportation and Mobility Chapter of the Master Plan and the Trail

Master Plan show a Primary Regional Trail along Eastonville Road. Sidewalk and trail details for the development, as required, will be included at the SDP stage.

ROAD IMPACT FEE

Per the Road Impact Fee ordinance, all property in unincorporated El Paso County that receives a land use approval, either in a public hearing or administratively, is subject to the payment of Road Impact Fees. The applicant has not yet determined if they intend to request inclusion into a public improvement district (5 mill or 10 mill) or pay the full fee. This decision will be made in conjunction with Site Development Plan submittal and review.

UTILITIES

The proposed residential lots will be served by central water and sewer supply systems provided by Woodmen Hills Metropolitan District. A full spectrum stormwater quality and detention pond is planned in the southeast corner of the site.

Electric service will be provided by Mountain View Electric Association, Inc. (MVEA) and gas service will be provided by Colorado Springs Utilities. As indicated in their letters of commitment, MVEA states that they already have electric facilities within this parcel, and CSU states that these services are currently available to meet the demands of the proposed development.

FLOODPLAIN AND WETLANDS

Bristlecone Ecology completed a wetlands and Waters of the U.S. delineation and endangered species habitat assessment for this property in 2020 (included with this submittal). This study that some portions of the Project area are identified as a Zone A flood zone, which includes all areas within the 1-percent-annual-chance floodplains, and are located in the southeast corner of the property as well as along portions of the property's southern boundary. The study further determined that there are two jurisdictional streams running through the project area, one along the western-southern boundary, and one along the near the eastern boundary. Both classified as Riverine, unknown perennial, unconsolidated bottom, semi-permanently flooded.

WILDLIFE

Bristlecone Ecology completed a wetlands and Waters of the U.S. delineation and endangered species habitat assessment for this property in 2020 (included with this submittal). The assessment determined that there is no Critical Habitat within nine (9) miles of the project site. The assessment excluded the Preble's meadow jumping mouse due to the project's site location within the Colorado Springs Block Clearance issued by USFWS.

Community Outreach

A pre-submittal notice was sent to adjacent property owners on August 9, 2022. No neighborhood meeting has been required by County Planning Staff; however, the applicant is willing to hold such a meeting if deemed necessary.

DEVELOPMENT TIMELINE

The development is intended to be developed as one phase over the course of two years.

ANNEXATION

This property is shown within the City of Colorado Springs' Annexation Area of Interest; however, the property is not within an Annexation Focus Area, and is within an area shown as County Urban Development on the City's Annexation Area of Interest: Three Mile map from the City/County Annexation Intergovernmental Agreement. The City of Colorado Springs has expressed no interest in annexation of this property.

PROJECT JUSTIFICATION

The criteria for assessing Map Amendments (Rezoning) are set out in Chapter 5.3.5.B of the El Paso County Land Development Code. The requested rezoning from A-5 to RM-30 is justified against these criteria as follows:

- 1. THE APPLICATION IS IN GENERAL CONFORMANCE WITH THE EL PASO COUNTY MASTER PLAN INCLUDING APPLICABLE SMALL AREA PLANS OR THERE HAS BEEN A SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD SINCE THE LAND WAS LAST ZONED;**

Your El Paso County Master Plan

A new Master Plan for El Paso County was effective on October 6, 2021. The proposed rezone from RR-5 to RM-12 is consistent with the Master Plan. This property is not identified as a Priority Annexation Area.

The Placetypes map in the Master Plan classifies this property and the surrounding area to the north, south and west as “Suburban Residential”, where the primary land use is single-family detached residential with multi-family residential as a supporting land use. The Suburban Residential placetype comprises the County’s traditional residential neighborhoods with



supporting commercial at key intersections. The Master Plan states that “this placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area”. This development meets the spirit and intent of the Suburban Residential placetype as it is a small multi-family development surrounded by larger single-family detached neighborhoods of varying lot sizes, and is secondary to, and supporting of such land use. The property also serves as a buffer and transition from the school to the north and the lower density residential to the south and southwest, and the planned residential, commercial, and industrial to the east. Characteristics of the Suburban Residential placetype include the following:

- *Properties are generally connected through a network of sidewalks often on both sides of the street.* The development is surrounded on three sides by existing developed streets, some of which have sidewalks. There is sidewalk on the school property to the north; however, there is no other sidewalk on Eastonville Road or Judge Orr Road. A 6’ detached sidewalk with 7’ landscape buffer is required along both urban minor arterials.
- *Major Roads are paved in a grid-like fashion and local roads may be curvilinear if maintenance, snow plowing, and emergency access can be efficiently and effectively provided while maintaining compact block structure.* Eastonville Road and Judge Orr Road are both paved and connect at a right angle. Internal development access drives will be private, and may be curvilinear, and will meet the access and maneuvering requirements of the Fire Department. Maintenance and snow plowing will be handled privately.
- *Connectivity to trails, hiking paths, and bike lanes provide access to parks, open space, different neighborhoods, jobs, services, and transit if available.* The Transportation and Mobility chapter of the Master Plan shows a proposed Secondary Regional Trail along Judge Orr Road, and the Trail Master Plan (2013) shows a Secondary Regional Trail and Bicycle

Routes along Judge Orr Road. The Transportation and Mobility Chapter of the Master Plan and the Trail Master Plan show a Primary Regional Trail along Eastonville Road. Trail details for the development, as required, will be included at the SDP stage.

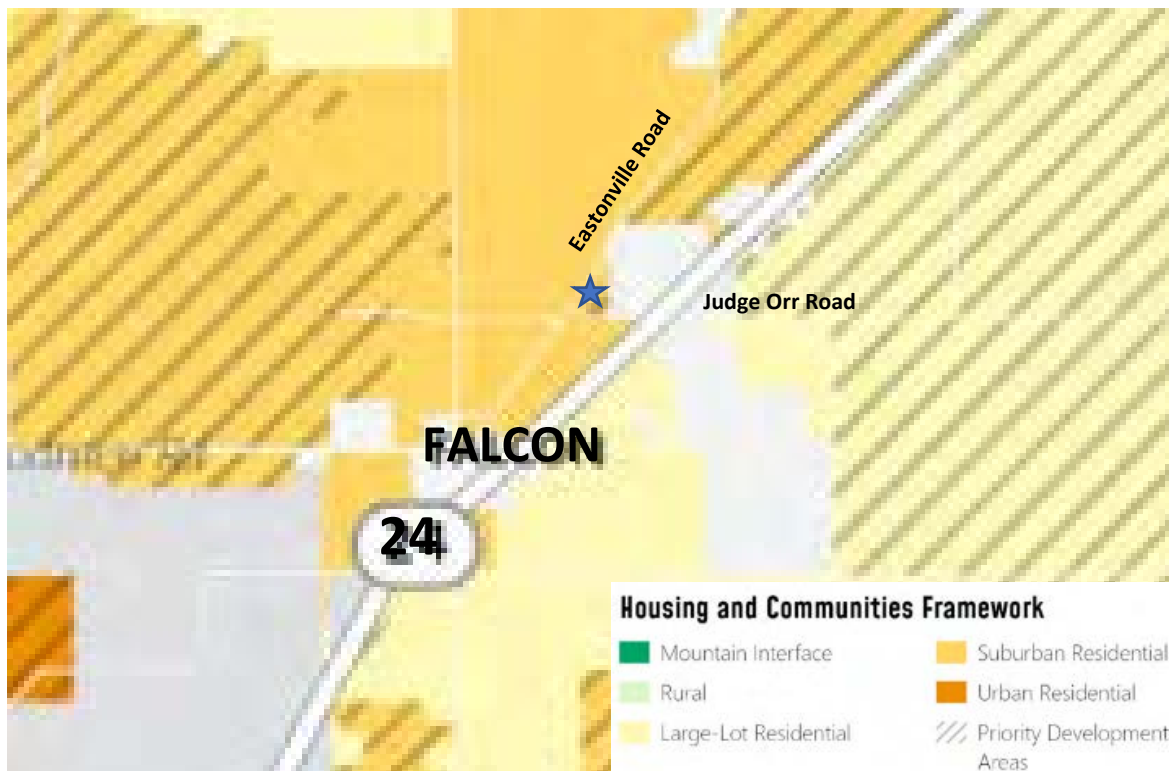
- *Primarily consists of single-family detached homes, that follow a uniform setback from street. Homes may reflect a variety of architectural design but maintain a similar scale and character to the surrounding homes.* The area primarily consists of single-family detached development, which exists to the north, south and west. These uses follow uniform setback, reflect a variety of architectural design but are similar in scale and character. The proposed twin-home uses will provide additional architectural variety in buildings of similar character and scale.
- *Neighborhood scale parks and open space are distributed throughout the residential development and support community gathering and recreation.* Balcon Park, comprised of 3-acres is located approximately two blocks from the subject property, Woodmen Hills Recreation Center and Woodmen Hill Horseshoe Park and Trails and Open Space are just over ½ mile from the subject property, the Woodmen Hills Disc Golf Course and the Woodmen Hill Community Park are ¾ of a mile from the subject property, and Falcon Regional Park is approximately 2 miles from the subject property.
- *Residential blocks are fully developed and well maintained with higher-density uses adjacent to urban residential placetypes. This site is not adjacent to urban placetypes; however, it is adjacent to a job center placetype to the east, the land for which is planned as commercial and industrial, which will likely be urban style development.*

The Areas of Change Map identifies the property as New Development. These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.



Land Use goals of the Master plan include “Encourage a range of development types to support a variety of land uses (Goal 1.3) and “Continue to encourage policies that ensure development pays for itself (1.4)”.

The Housing and Communities Framework Map shows the property as a Suburban Residential Priority Development area. El Paso County is expecting significant growth over the next 20 years. While large expanses of undeveloped land exist throughout the County, particularly in the Rural Placetype, development should be prioritized elsewhere to efficiently utilize and extend existing infrastructure, conserve water resources, and strengthen established neighborhoods. This framework identifies specific locations throughout the County that should be prioritized first for new residential development to help accommodate growth.



The Housing and Communities chapter of the Master Plan identifies its core principle to “preserve and develop neighborhoods with a mix of housing types”, and indicates that “Housing variety provides multiple options to support residents regardless of income, household size, and age. Providing an equitable mix of housing can ensure the viability of El Paso County as a home for all.” This chapter also indicates a shift toward renting, projecting that by 2050, 41% of housing units will be rental, and that multi-family housing will make up the majority of rental units. The plan recognizes that “Existing multifamily units provide rental housing options, but the County will need significantly more throughout the life of this Plan to capture projected growth within the region” and that “it is important that a mix of housing types be developed to provide options that support market demand and ensure affordability.” The plan goes on to say the “The County should increase density in key areas to reduce the land cost per unit for development. The primary focus should be in Urban Residential and Suburban Residential placetypes, which are appropriate for accommodating significant density that still conforms to the community’s desired character.”

Housing and Communities goals include “promote development of a mix of housing types” (2.1), “Preserve the character of rural and environmentally sensitive areas” (2.2), “Locate attainable housing that provides convenient access to goods, services, and employment” (2.3), and “Support aging-in-place housing options to meet residents’ needs through all stages of life” (2.4).

The Transportation and Mobility Chapter of the Master Plan identifies this area, and specifically Judge Orr Road for County Road Capacity Improvements, Eastonville Road for Rural County Road Upgrades and HWY 24 in this area as a project in the next 1-4 years . The Traffic Impact Study for this project did not identify any development related improvements to surrounding roads, but acknowledges that the developer may has some responsibility for costs associated with planned improvements to area roads. Further, Judge Orr Road is identified as a proposed Secondary Regional Trail Route, and Eastonville Road is identified as a Proposed Primary Regional Trail Route. Trail details for the development, as required, will be included at the SDP stage.

The Public Facilities chapter of the Master Plan shows no future publica County Fire Facility to the northwest of the subject property along but not adjacent to the subject property.

Water Master Plan

The subject property lies within the El Paso County Water Master Planning area, Region 3, within the Woodmen Hills Metropolitan District. This area is identified as an expected growth area, likely due to its proximity to existing built-out development areas.

The subject parcel is in Region 3 of the El Paso County Water Master Plan. Region 3 has a current water supply of 7,164-acre feet per year and a current demand of 4,494 -acre feet per year. The 2040 water supply is projected to be 7,921-acre feet per year and the projected demand is 6,403-acre feet. The 2060 water supply is projected to be 8,284-acre feet per year, whereas the demand is anticipated to be 8,307-acre feet per year; therefore, there is projected to be a deficiency in supply of water for central water providers in this region of the County. The Plan indicates that “It appears that water providers are generally aware of their future needs, and are planning to develop and connect the new supplies they will need. Water providers tend to purchase a quantity of water rights and then separately develop the infrastructure capacity to deliver and treat the water, so water supplies will normally be added to their systems in incremental blocks ahead of the needs.”

A finding of water sufficiency regarding quantity, dependability, and quality is not being requested, nor is it required, with the proposed rezoning, but would occur later at the site development plan stage of development. The applicant is proposing the subject development be served by the Woodmen Hills Metropolitan District, which has indicated ability to serve this property.

- **Policy 5.2.4:** *Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs. The proposed subdivision is located within the service area of the Security Water and Sanitation District (SWSD). Water and Sewer service will be provided by extending water and sewer*

lines from adjacent developed areas west and south of the subject property. A Will Serve Letter will be provided with later development review requests.

- **Policy 5.5.1:** *Discourage individual wells for new subdivisions with 2.5 acre or smaller average lot sizes, especially in the near-surface aquifers, when there is a reasonable opportunity to connect to an existing central system, alternatively, or construct a new central water supply system when economies of scale to do so can be achieved.* This site will be developed using a central public water supply.

Parks Master Plan

The Parks Master Plan (2013) shows a potential Regional Park in the northcentral area of the county, to the east of the subject property near the Drake Lake Natural Area. The existing Falcon Regional Park is approximately 2 miles north of the subject property along Eastonville Road. Balcon Park, comprised of 3-acres is located approximately two blocks northwest of the subject property, Woodmen Hills Recreation Center and Woodmen Hill Horseshoe Park and Trails and Open Space are just over ½ mile from the subject property, and the Woodmen Hills Disc Golf Course and the Woodmen Hills Community Park are ¾ of a mile from the subject property.

The Transportation and Mobility chapter of the El Paso County Master Plan shows a proposed Secondary Regional Trail along Judge Orr Road, and the Trail Master Plan (2013) shows a Secondary Regional Trail and Bicycle Routes along Judge Orr Road. The Transportation and Mobility Chapter of the Master Plan and the Trail Master Plan show a Primary Regional Trail along Eastonville Road. Trail details for the development, as required, will be included at the SDP stage.

2. THE REZONING IS IN COMPLIANCE WITH ALL APPLICABLE STATUTORY PROVISIONS, INCLUDING BUT NOT LIMITED TO C.R.S. §30-28-111 §30-28-113, AND §30-28-116;

As the proposed rezoning is consistent with the County Master Plan and is compatible with adjacent land uses, it therefore complies with the statutory provisions that allow County's to establish, limit, regulate, or amend zoning within the unincorporated parts of El Paso County in the interests of public health, safety and welfare.

3. THE PROPOSED LAND USE OR ZONE DISTRICT IS COMPATIBLE WITH THE EXISTING AND PERMITTED LAND USES AND ZONE DISTRICTS IN ALL DIRECTIONS; AND

As noted above, the proposed RM-12 zoning is compatible with adjacent zoning and land uses, as it will be subordinate to the surrounding single-family residential uses and acts as a transition between the single-family neighborhood to the north, west and south, and the planned residential, commercial and industrial area to the east.

4. THE SITE IS SUITABLE FOR THE INTENDED USE, INCLUDING THE ABILITY TO MEET THE STANDARDS AS DESCRIBED IN CHAPTER 5 OF THE LAND DEVELOPMENT CODE, FOR THE INTENDED ZONE DISTRICT.

It is proposed to develop the single parcel as one lot with multi-family twin homes, which is a permitted use in the RM-12 zone. The property is adequate to accommodate the RM-12 zone required setbacks, which include 15' front, 20' rear and 10' side (minimum of 10' between buildings); maximum lot coverage of 70%; as well as landscape setbacks and open space requirements. The one- and two-story buildings will fit within the maximum allowed height of 40'. Based on the requirement of 7,000 square feet minimum lot area for each duplex, the 33.1-Acre parcel would allow for 195 duplexes, or 390 units at 11.79 DU/AC. This is significantly more than the approximately 215 units proposed.

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