

SOLACE OF COLORADO SPRINGS: LOT1 (PHASE 1)

LETTER OF INTENT

DECEMBER 2020; REVISED MARCH 2021

PROPERTY OWNER

Butler & Peetz LLC
6625 Delmonico Drive
Colorado Springs, CO 80919

APPLICANT:

Jackson Dearborn Partners
404 S Wells Street, Ste 400
Chicago, IL 60607

CONSULTANT:

N.E.S. Inc.
619 North Cascade Ave.
Colorado Springs, CO 80903

REQUEST

Jackson Dearborn Partners request the approval of:

1. Site Development Plan (SDP) for Lot 1 (Phase 1) (234 units) of the Solace of Colorado Springs project.
2. A Final Plat consistent with the Preliminary Plan for Solace of Colorado Springs (SP-20-001)

SITE DESCRIPTION

Solace of Colorado Springs project is located northeast of N Powers Boulevard and Galley Road, and west of the Paonia Street extension in El Paso County. The entire project site is approximately 28.83 acres. Solace of Colorado Springs is split into two phases for construction. Lot 1 (Phase 1) is the subject of this application. Lot 1 (Phase 1) contains most of the site and covers the southern three-fourths of the property. Lot 1 is 13.75 acres, in addition to Tract B (east of Paonia Street) consisting of 4.70 acres and the Paonia Street right-of-way which is 2.7 acres. Lot 2 (Phase 2) is the northern fourth of the property, referred to as Tract A on the Final Plat, consisting of 7.68 acres. Most of the area has been developed with commercial and light industrial uses. The site is zoned RM-12 (CAD-O) (Residential Multi-Dwelling, Commercial Airport Overlay District)



The surrounding properties are all in El Paso County and include:

- **North:** To the immediate north is O K Subdivision and Powers Pointe Filing No 1, light industrial use parcels.
- **East:** To the immediate east is Cimarron Industrial No 2 and Mcelhinny Subdivisions, light industrial use parcels.
- **South:** To the south (south of Galley) is Kay Tee Subdivision No 4 and 5 and Powers & Galley Plaza Fil No 1, light industrial use parcels. To the southeast is a vacant parcel.
- **West:** To the immediate west is a vacant parcel owned by the State of Colorado Transportation Department.

The site is currently unoccupied and undeveloped. The property slopes from the northwest to the southeast. The site is mostly native prairie grassland and weeds with scattered deciduous trees. The Sand Creek Center Tributary Drainageway traverses the eastern portion of the property and is heavily wooded. The drainageway within the site is typically deep and narrow with a well-defined flow path in most areas.

PROJECT DESCRIPTION

A Preliminary Plan was approved by El Paso County Board of County Commissioners on November 5, 2020 for the entire property. This approval allowed for administrative review of the Site Development Plan for Lot 1 and the Final Plat for Lot 1 based on finding of water sufficiency for 234 units. The Preliminary Plan approval did not authorize administrative approval for future final plat filing for Phase 2 of the project which included an additional 108 units and will be the subject of a future submittal.

This Site Development Plan request is for Lot 1 of the Solace of Colorado Springs project. Lot 1 consists of 13.75 acres. The remainder of the property, per the Final Plat, will be placed in three tracts.

- Tract A: Future residential development (Lot 2 on Preliminary Plan) approximately 7.68 acres in size;
- Tract B: Area east of the Paonia Street extension consisting of the two detention ponds and Sand Creek Tributary approximately 4.70 acres in size;
- Paonia Street extension consisting of 2.7 acres in size.

Lot 1 of the project consists of 234 units within 10 buildings. The project proposes garages throughout the project, clubhouse with amenities include a pool, a dog park near the clubhouse, and pedestrian trails through the development. The interior amenities of the clubhouse include the following: fitness center, full service locker rooms, café, business center, community room, lounge with kitchen and fireplace, dog wash, and bike service center. The exterior amenities of the clubhouse include: pool, spa, outdoor fire and sitting area and pergola.

Architectural elevations of the structures (buildings, clubhouse, and garages) are provided with the Site Development Plan set. The building materials will include stone, siding, metal roofing, and timber braces and posts. The color palette is brown (oak) and dark blue. A lighting plan and photometric plan has been provided with the Site Development Plan set. Overall site lighting includes 20' site/parking pole fixtures and site walk bollard lights. Building lighting includes wall mounted lighting near all entrances, decorative accents on garages and on clubhouse / pergola exterior.

The maximum building height in the RM-12 zone district is 40'. The maximum building height for the project structures are 40' for residential buildings, 37' for the clubhouse and 16' garages.

ACCESS AND TRAFFIC:

Access to the site will be off Paonia Street, which will be extended north from Galley Road to Paonia Street south of Omaha Boulevard. Site access will be provided via two full movement access points along the extension of Paonia Street east of the residential development. Internal driveways will be private and have been designed to provide convenient and safe circulation throughout the site. Street names have been approved by the El Paso-Teller County 911 and are reflected on the Preliminary Plan. A Transportation Impact Study ("TIS"), dated August 2020, prepared by FHU for the Preliminary Plan assessed the trips generated by the proposed development in context of 2021 short-term and 2040 long-term background traffic.

Accordance with the TIS, the following is a summary of the findings and recommendations related to the analysis for the development:

- When constructed, this development would generate an estimated 2,547 vehicle-trips during the day with 160 of these trips occurring during the AM peak and 195 trips occurring during the PM peak.
- No improvements to existing Paonia St north of the site are required.
- Based on the results of this analysis, current and future conditions at the intersection of Galley Rd and Paonia St would meet signal warrants. This intersection should be monitored to determine when signalization is necessary. An annual warrant study should be performed, starting with a study approximately 1 month after completion of the intersection reconstruction adding a new north leg. The warrant study should be based upon 10-12 hours of turning movement counts in order to provide actual rather than scaled values, and the evaluation should incorporate the most recent crash history. The proposed development is expected to generate approximately 9 percent of the traffic traveling through the intersection in the short term and 7 percent in the long term. Coordination with the Engineering Manager and/or County Engineer may be required to determine further responsibility of the developer.
- Consideration should be given to restricting the northbound left turn movement at the Galley Rd/Conrad St intersection to reduce congestion at this location.
- Auxiliary turn lanes should be installed along the southbound and eastbound approaches to the Galley Rd/Paonia St intersection and left turn lanes should be provided at the site accesses to Paonia St.
- When the intersection of Galley Rd and Paonia St is reconstructed with a new north leg as an unsignalized intersection, a crosswalk should be striped on the north leg of the intersection, and, when signalized, on the west leg of the intersection.
- McAuliffe Elementary School is within 2 miles of the project site; therefore, missing sidewalk gaps and improvements to existing sidewalks should be made for better access. A six-foot sidewalk will need to be constructed on the north side of Galley Rd between Powers Blvd and east of Paonia St.

Mountain Metropolitan Transit provides bus service in El Paso County. Currently there are existing bus stops located adjacent to the project site. Route #23 runs east/west on Galley Rd and have frequent stops that are less than 0.2 mile apart.

WATER AND SEWER:

The Water Resources Report and a Wastewater Disposal Report were prepared by JR Engineering for the Preliminary Plan. This project is located in the service area for the Cherokee Metropolitan District (“District”). The District provided a ‘Letter of Commitment’, dated February 12, 2020 and June 15, 2020, for Lot 1 (Phase 1) of the project for 234 units. The commitment letter has been provided with this request. To confirm this commitment, a copy of the final plat approved by El Paso County Planning and Community Development must be provided to the District within 12 months of the date of this letter. A new commitment letter from the District will be required for Lot 2 (Phase 2) of this development.

With the Preliminary Plan approval, the County Attorney’s Office recommended a finding of conditional sufficiency with regard to water quantity and dependability for Phase 1, which is graphically depicted on the preliminary plan. A separate finding of water quality, quantity, and dependability will be required at a later date with the final plat for Phase 2 of the development. The State Water Engineer’s Office had made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights.

UTILITIES/SERVICES:

Colorado Springs Utilities has provided a commitment letter for electric and gas services. The Cimarron Hills Fire Department has provided a Will Serve letter which indicated that emergency services requested from the CHFDP will be provided from our full-time staffed facilities, with the closest located at 1885 Peterson Road, approximately 1.5 miles away. A copy of both letters has been included with this submittal. A Fire Protection Plan has been provided with this submittal.

DRAINAGE:

A Final Drainage Report prepared by JR Engineering is included with this submittal. The purpose of this report is to:

1. Identify on-site and off-site drainage patterns.
2. Design storm water facilities to collect and convey storm runoff from the proposed development to appropriate discharge and/or detention locations.
3. Design water quality and detention facilities to control discharge release rates to below historic.
4. Demonstrate compliance with surrounding major drainage basin planning studies, master development drainage plans and flood insurance studies.

In summary, the Final Drainage Report analyzed the existing drainage characteristics of the site and any required improvements. The development is consistent with pre-development drainage conditions with construction of the recommended drainage improvements, including storm sewer, detention pond and existing drainways. Offsite major drainways or surrounding development will not be adversely affected by this development. Flows will be safely conveyed through the Sand Creek Drainageway, channel improvements will be necessary to ensure channel stability and prevent channel degradation. Improvements to the Sand Creek Center Tributary Drainway are addressed in the Sand Creek Center Tributary Channel Improvements letter. The Final Drainage Report meets the latest El Paso County Drainage Criteria requirements for the site.

NOISE:

A Noise Attenuation report was prepared by ASTI Environmental (ASTI) and submitted with the Preliminary Plan. According to ASTI, “based on the data sources cited in this letter (report) and noise level calculations using HUD methodology, the required 30 dB(A) reduction and less than 30 dB(A) interior noise will be attained by the proposed development.”

FLOODPLAINS/SAND CREEK TRIBUTARY:

A floodplain boundary has been assessed by JR Engineering as described in the FEMA CLOMR Report and is depicted on the Site Development Plan. The proposed floodplain is subject to verification by FEMA through the CLOMR/LOMR process. The proposed floodplain is contained entirely within the open space area to the east of the Paonia extension, which will be platted as a separate tract and will not impact the residential development. Since none of the apartment buildings are within the mapped 100 year floodplain, the current development strategy is to not modify the FEMA flood mapping for the parcel and obtain a floodplain development permit. El Paso County RDB Floodplain noted that the LOMR will be required after the floodplain improvements are complete.

A Sand Creek Center Tributary Channel Improvements memo and plans prepared by JR Engineering have been provided with this submittal. The memorandum and plans provide design details for the existing conditions of the Sand Creek Center Tributary Drainageway. The memorandum discusses proposed improvements for the channel, design methodology, and the modeling results. In summary, the analysis proposed improvements of the Sand Creek Center Tributary Drainageway and its secondary drainageway located in Paonia Street. The proposed diversion channel also redirects flow that would otherwise flood the proposed extension of Paonia Street back into the channel, thus alleviating the risk of the roadway flooding in a 100 year event.

GEOLOGIC & SOIL HAZARDS:

The Soils and Geology Report prepared by CTL Thompson (“CTL”) dated December 10, 2019, notes that no geologic hazards were identified that would preclude development of the site. The report indicates that regional geologic conditions that impact the site include seismicity and radioactivity which can be mitigated with engineering design and construction methods commonly employed in this area. Groundwater levels will vary with seasonal precipitation and landscaping irrigation. CTL indicated that site grading and utility installation across the site can be accomplished using conventional, heavy-duty construction equipment. Colorado Geologic Survey (CGS) concurs with CTL that the site does not include geologic hazards that would preclude the planned development. CGS noted during the Preliminary Plan entitlement process “provided CTL’s recommendations are strictly adhered to, CGS has no objection to approval of the Preliminary Plan.”

The Soils and Geology Report provided the following engineered design and construction methods:

- **Expansive Soil:** Soils are predominately non-expansive, clean to silty sand. The proposed structure can be constructed with conventional, shallow foundations and slab-on-grade, first-level floors without soil improvement.
- **Radon and Radioactivity:** No unusual hazard exists from naturally occurring sources of radioactivity on the site. Passive and active mitigation procedures are commonly employed in this region to effectivity reduce the buildup of radon gas. The measures can be taken after a structure is enclosed during construction and if radon is a concern, mitigation systems should be installed to reduce the risk.

- Foundation and Floor System Concepts: A Soils and Foundation Investigation report should be prepared after completion of site grading should address appropriate foundation systems and floor system alternatives on a building-by-building basis.
- Site Development Considerations (Flooding and Stream Bank Erosion & Unstable Slopes): The Sand Creek Center Tributary Drainageway traverses the property along the east property boundary. Improvements to the Sand Creek channel has been addressed in the Final Drainage Report and the Sand Creek Center Tributary Channel Improvements memo and plans prepared by JR Engineering submitted with this application.

NATURAL FEATURES/HAZARDS:

A Natural Features and Hazard Report and Wildland Fire and Hazard Mitigation Plan are provided with submittal which address wildlife, wildlife, soils and geologic, wetlands, floodplain, and noxious weed management. The property slopes from northwest to southeast at grades between 2 and 3 percent. The topography of the property can be characterized by rolling rangeland. There is one major Drainageway that runs along the east boundary of the site: Sand Creek Center Tributary Drainageway. The Sand Creek Drainage Basin covers approximately 54 square miles in unincorporated El Paso County, CO. The Sand Creek Drainage Basin is tributary to Fountain Creek. The Drainageway within the site is typically deep and narrow with well-defined flow path in most areas. Based on the Sand Creek Channel Analysis Report prepared by JR Engineering, the existing channel sections will need protection from erosion as a result of the development. Current conditions of the channel are inadequate as velocities in the channel exceed allowable limits and overtopping occurs at Galley Road. The Report recommends several improvements to ensure channel stability. These improvements will ensure the drainageway functions properly as a primary drainage conveyance system for the development.

LANDSCAPE PLAN:

A Landscape Plan has been provided with the Site Development Plan set. The Landscape Plan is only for Lot 1 of this project. A detailed Landscape Plan will be provided for Phase 2 of the project when Phase 2 Site Development Plan is submitted to the County at a later date. The Landscape Plan for Phase 2 will address the 125' setback from the industrial uses to the north.

Alternative Landscape Justification:

In accordance with Section 6.2.2.(A)(4) of the El Paso County Land Development Code, alternative landscape design is being requested to allow for a more xeric landscape for the project while still meeting the purpose of the landscape section of the LDC and promoting the concepts contained in the Landscape and Water Conservation Manual. Water conservation is encouraged in the El Paso County Water Master Plan and is critical within the Cherokee Metro District which will be providing water services to this project. The project is surrounded by industrial type uses and a xeric / water sensitive landscape is reflective of the surrounding area.

The landscape plan reflects the following alternatives to allow for native and drought-tolerant landscaping, minimize landscape area covered with non-native turf, and increase cover with non-living landscape materials to encourage water efficient irrigation techniques.

- The reduction in the overall internal live coverage required from 75% to 50% will reduce.
 - Shrub bed irrigation area from approximately 111,000 SF down to 55,00 SF, and therefore lower water demand.

- During establishment, for shrub beds alone, from 340,000 gal/month down to 170,000 gal/month, or once less water is needed from 110,000 gal/month down to 40,000 gal/month.
- Overall Lot 1 landscape irrigation water use will be a reduction from 350,000 gal/month down to 290,000 gal/month.
- Minimized areas of sod to be tall fescue / buffalo grass blend
- Internal tree requirements will be partially provided with shrub substitution as noted in the landscape requirement table on the landscape plan.
- A Relief of 25% of internal shrub substitute count is being requested as identified on the landscape plan.

Landscaping in the area to the east of Paonia Street and around the two detention ponds will be a native seed mix.

FINAL PLAT

The Solace of Colorado Springs Preliminary Plan was approved to development 342 units in two phases. Lot 1 (Phase 1) consisting of 234 units and Lot 2 (Phase 2) consisting of 108 units. A finding of water sufficiency was issued by both the County Attorney and State Water Engineer was obtained for Lot 1 (Phase 1) with the Preliminary Plan.

Final Plat Criteria of Approval (7.2.1.D.3.f.)

1. THE SUBDIVISION IS IN CONFORMANCE WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE MASTER PLAN; EL PASO COUNTY, COLORADO LAND DEVELOPMENT CODE RULES GOVERNING DIVISIONS OF LAND – CHAPTER 7- PAGE 9 EFFECTIVE 05/2016

The development is consistent with the intent of the Policy Plan as it is an infill project surrounded by a mix of compatible uses. The property does not lie within a Master Plan Small Area Plan. The following County Policy Plan policies are relevant to this project:

- **Policy 6.1.1:** Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.
- **Policy 6.1.7:** Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans.
- **Policy 6.1.8:** Encourage incorporating buffers or transitions between areas of varying use or density where possible.
- **Policy 6.1.11:** Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.
- **Policy 6.2.10:** Utilize buffer zones to provide mutually compatible transitions between neighborhoods and adjoining development with differing uses or densities.
- **Policy 6.3.4:** Commercial, office, industrial and, residential development should be compatible with surrounding land uses in terms of scale, intensity and potential impacts.
- **Policy 13.1.1:** Encourage a sufficient supply and choice of housing at varied price and rent levels through land development regulations.
- **Policy 13.1.2:** Support the provision of land use availability to meet the housing needs of county residents.

- **Goal 13.4:** Encourage a positive relationship between housing development, land use planning and transportation systems.

The proposed project is consistent with the policies of the County Plan which encourages infill development which complements existing uses. The County Plan encourages a variety of housing options that allows for a balance of mutually supported land uses in a more urban area of the County. This project is in a location that is accessible to employment and public transportation. A buffer area of 125' from the industrial uses to the north will be maintained.

The project is located within Region 5, Cherokee Metropolitan District service area of the EL Paso County Water Master Plan (WMP). The WMP specifically states: *“Region 5 consists of areas served by Cherokee Metropolitan District and is not expected to experience significant growth by 2060. But the District could consider expanding water and sewer service to growth areas outside of Region 5. No specific growth map was created for Region 5; these areas are shown in other maps.”*

The WMP notes that Region 5 has a current water supply of 4,849-acre feet per year and a current demand of 4,396-acre feet per year. The 2040 water supply is projected to be 6,800-acre feet per year and the project demand is 6,468-acre feet.

The *Water Resource Report* prepared by JR Engineering and submitted with the Preliminary Plan application provided calculations on the portable water supply. Cherokee Metropolitan District will supply water to the proposed development by means of its existing water supply system. A demand of 100.6 acre-feet of water per year has been determined to be needed at full build out. Per the phasing of the Solace development, Lot 1 has a demand 64.0 acre-feet of water per year and Lot 2 will have a demand of 36.6 acre-feet of water per year. Potable water demand was calculated to be 71.9 acre-feet per year with 28.7 acre-feet per year for landscape irrigation demand. A commitment letter from the Cherokee Metropolitan District has been submitted for Lot 1 (Phase 1).

2. THE SUBDIVISION IS IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PRELIMINARY PLAN;

Final Plat for Lot 1 is in substantial conformance with the Solace of Colorado Springs Preliminary Plan. The Board of County Commissioners approved the Preliminary Plan on November 5, 2020.

3. THE SUBDIVISION IS CONSISTENT WITH THE SUBDIVISION DESIGN STANDARDS AND REGULATIONS AND MEETS ALL PLANNING, ENGINEERING, AND SURVEYING REQUIREMENTS OF THE COUNTY FOR MAPS, DATA, SURVEYS, ANALYSES, STUDIES, REPORTS, PLANS, DESIGNS, DOCUMENTS, AND OTHER SUPPORTING MATERIALS;

The proposed Final Plat meets the applicable sections of the Code, subject to the approved Preliminary Plan. All necessary studies, plans, reports and supporting material have been submitted. The subdivision design standards set out in Chapter 8 of the Land Development Code are met. Specific conditions were set out in the Preliminary Plan approval. Comments to these conditions are provided:

- Condition #1: All applicable fees will be paid upon Final Plat approval and recordation of the Final Plat mylar.
- Condition #2: All applicable school and park fees will be paid upon Final Plat approval and recordation of the Final Plat mylar.
- Condition #3: The Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. The Developer acknowledges the general recommendations of the Colorado Park and Wildlife

- Division outlined in the letter dated January 19, 2021. There is no mapped Preble's Meadow Jumping Mouse habitat on this property. There are no wetlands in the reach of the Sand Creek Center Tributary which traverses the property, however since this reach is considered Waters of the US, Section 404 Clean Water Act (CWA) permit is necessary for any possible impacts to aquatic resources.
- Condition #4: Acknowledge.
 - Condition #5: Acknowledge.
 - Condition #6: According to the Airport Staff, the Noise Attenuation report prepared by ASTI Environmental (ASTI) and submitted with the Preliminary Plan, acts as the Noise Reduction Certificate. Indoor noise reduction based on approved construction techniques can be achieved.
 - Condition #7: Note added to Final Plat.
 - Condition #8: A 'Determination of No Hazard' from the FAA was required to be obtained prior to the formal submittal. In accordance with the submitted FAA letters, dated December 20, 2020, the aeronautical study revealed that the structures did not exceed obstruction standard and would not be a hazard to air navigation. The letters from the FAA noted that the required FAA Form 7460-2, Notice of Actual Construction or Alteration, is required to be filed "within 5 days after construction reaches its greatest height (7460-2, Part 2).
 - Condition #9: The turn lane widening of Paonia at Galley on the west side required an additional 2-ft beyond the plat submittal.
 - Condition #10.
 - 10a: Will be covered under separate agreement.
 - 10b: Shown on CD's and included on Financial Assurance.
 - 10c: Not warranted at this time per the approved Traffic Impact Study.
 - 10d: Connection is shown on CD's and included in Financial Assurance
 - 10e: No off-site impacts not covered by current fees.
 - Condition #11: An opaque privacy fence (6' height cedar or vinyl) around the majority of the perimeter of the development. This includes the north boundary of Lot 2, the west boundary of Lot 2 and Lot 1 down to the extent adjacent to the dog park (stopping at the 36' Access and Utility Easement), and segments within the detention Tracts on the edge of the Sand Creek channel way. The fence locations are shown and called out on the site plan and landscape plan sheets. Details have been provided on the landscape notes and detail sheet.
 - Condition #12. In accordance with RBD Floodplain, CLOMR/LOMR or No-Rise/LOMR is required for modifications the floodplain and floodway. Post project LOMR is required for detention ponds in the SFHA. General note # 20 on the Site Development Plan has been revised to reflect this requirement.

4. A SUFFICIENT WATER SUPPLY HAS BEEN ACQUIRED IN TERMS OF QUANTITY, QUALITY, AND DEPENDABILITY FOR THE TYPE OF SUBDIVISION PROPOSED, AS DETERMINED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THE WATER SUPPLY STANDARDS [C.R.S. §30-28-133(6)(A)] AND THE REQUIREMENTS OF CHAPTER 8 OF THIS CODE;

Cherokee Metro District has a sufficient water supply to support Lot 1 (Phase 1) of this development. Letter of commitment was issued by the District on June 15, 2020, which is provided with this submittal. A new commitment letter from the District will be required for Lot 2 (Phase 2) of this development. A finding of water sufficiency by the County Attorney and the State of Colorado Water Engineer for Lot 1 (Phase 1) was obtained with the Preliminary Plan. The

District will supply water to the proposed development via its existing water supply system via three connections discussed in the Water Resources Report prepared by JR Engineering. The District will supply water to the proposed development via its existing water supply system via three connections discussed in the Water Resources Report. In accordance with the commitment letter provided by the Cherokee Metro District, the following will be the total water demand for Phase 1 which corresponds with 234 units, clubhouse and pool. Irrigation allocation is sufficient for traditional grass landscaping for areas not covered in roads, walkways or structures.

Type of Use	Demand (AF/yr)
Domestic	47.0
Irrigation	14.8
Total	61.8

5. A PUBLIC SEWAGE DISPOSAL SYSTEM HAS BEEN ESTABLISHED AND, IF OTHER METHODS OF SEWAGE DISPOSAL ARE PROPOSED, THE SYSTEM COMPLIES WITH STATE AND LOCAL LAWS AND REGULATIONS, [C.R.S. §30-28-133(6)(B)] AND THE REQUIREMENTS OF CHAPTER 8 OF THIS CODE;

Cherokee Metro District will serve the project and has sufficient capacity. According to the Wastewater Disposal Report prepared by JR Engineering, the proposed wastewater discharge of the project is within the acceptance capacity of the Cherokee Metro District. The sanitary sewer system, design and modeling results conform to all applicable criteria set forth by El Paso County and the District.

6. ALL AREAS OF THE PROPOSED SUBDIVISION WHICH MAY INVOLVE SOIL OR TOPOGRAPHICAL CONDITIONS PRESENTING HAZARDS OR REQUIRING SPECIAL PRECAUTIONS HAVE BEEN IDENTIFIED AND THAT THE PROPOSED SUBDIVISION IS COMPATIBLE WITH SUCH CONDITIONS [C.R.S. §30-28-133(6)(c)];

The Soils and Geology Report prepared by CTL Thompson (“CTL”) dated December 10, 2019, notes that no geologic hazards were identified that would preclude development of the site. The report indicates that regional geologic conditions that impact the site include seismicity and radioactivity which can be mitigated with engineering design and construction methods commonly employed in this area. Groundwater levels will vary with seasonal precipitation and landscaping irrigation. CTL indicated that site grading and utility installation across the site can be accomplished using conventional, heavy-duty construction equipment. Colorado Geologic Survey (CGS) concurs with CTL that the site does not include geologic hazards that would preclude the planned development. CGS noted during the Preliminary Plan entitlement process “provided CTL’s recommendations are strictly adhered to, CGS has no objection to approval of the Preliminary Plan.” Engineering design and construction methods have been outlined previously in this Letter of Intent.

7. ADEQUATE DRAINAGE IMPROVEMENTS ARE PROPOSED THAT COMPLY WITH STATE STATUTE [C.R.S. §30-28-133(3)(c)(VIII)] AND THE REQUIREMENTS OF THIS CODE AND THE ECM;

Drainage improvements are addressed in the Final Drainage Report and the grading and erosion control plans prepared by JR Engineering. Detention and water quality are provided on site and meets the DCM criteria. In summary, the Final Drainage Report analyses the existing drainage characteristics of the site and any required improvements. The development is consistent with pre-development drainage conditions with construction of the recommended drainage improvements, including storm sewer, detention pond and existing drainways.

Offsite major drainways or surrounding development will not be adversely affected by this development. Flows will be safely conveyed through the Sand Creek Drainageway, channel improvements will be necessary to ensure channel stability and prevent channel degradation. Improvements to the Sand Creek Center Tributary Drainage are addressed in the Sand Creek Center Tributary Channel Improvements letter. The Final Drainage Report meets the latest El Paso County Drainage Criteria requirements for the site.

8. LEGAL AND PHYSICAL ACCESS IS PROVIDED TO ALL PARCELS BY PUBLIC RIGHTS-OF-WAY OR RECORDED EASEMENT, ACCEPTABLE TO THE COUNTY IN COMPLIANCE WITH THIS CODE AND THE ECM;

The proposed development will have two accesses located along the Paonia Street extension. Paonia Street is anticipated to be extended from Galley Road north to connect with the existing Paonia Street terminus located south of Omaha Blvd. The internal streets in the project will be private. A Traffic Impact Study prepared by FHU has been provided with this submittal.

9. NECESSARY SERVICES, INCLUDING POLICE AND FIRE PROTECTION, RECREATION, UTILITIES, AND TRANSPORTATION SYSTEMS, ARE OR WILL BE MADE AVAILABLE TO SERVE THE PROPOSED SUBDIVISION;

Water and sanitary sewer service are to be provided by Cherokee Metropolitan District. Colorado Springs Utilities will provide electric and natural gas services to the subdivision respectively. The required Will Serve letters are included with the submittal. The Cimarron Hills Fire Department will provide fire protection and emergency services.

10. THE FINAL PLANS PROVIDE EVIDENCE TO SHOW THAT THE PROPOSED METHODS FOR FIRE PROTECTION COMPLY WITH CHAPTER 6 OF THIS CODE;

The site lies within The Cimarron Hills Fire Department. A will serve letter from the Department and a Fire Protection Report are included with the submittal.

11. OFF-SITE IMPACTS WERE EVALUATED AND RELATED OFF-SITE IMPROVEMENTS ARE ROUGHLY PROPORTIONAL AND WILL MITIGATE THE IMPACTS OF THE SUBDIVISION IN ACCORDANCE WITH APPLICABLE REQUIREMENTS OF CHAPTER 8;

Off-site improvements were evaluated with the Preliminary Plan. Improvements on Galley Road at Paonia Street were addressed. A Transportation Impact Study ("TIS") prepared by FHU, was reviewed and approved by the County. The TIS assessed the trips generated by the proposed development in context of 2021 short-term and 2040 long-term background traffic. The TIS provided recommendations related to the analysis for the development based on two future scenarios: Short Term Future (Y2021) and Long-Term Future (Y2040). The Traffic Impact Study demonstrated that the development will not materially impact existing levels of service on surrounding roads and proposed access improvements on Galley Road and Paonia Street will accommodate the site development traffic.

Off-site impacts to the Sand Creek Center Tributary Drainageway which requires channel improvements have been addressed in the following reports prepared by JR Engineering:

- *Sand Creek Center Tributary Channel Improvements Memorandum,*
- *Sand Creek – Center Tributary Channel Analyses Report for Solace Apartments, and*
- *Final Drainage Report for Solace Apartments*

12. ADEQUATE PUBLIC FACILITIES OR INFRASTRUCTURE, OR CASH-IN-LIEU, FOR IMPACTS REASONABLY RELATED TO THE PROPOSED SUBDIVISION HAVE BEEN CONSTRUCTED OR ARE FINANCIALLY GUARANTEED THROUGH THE SIA SO THE IMPACTS OF THE SUBDIVISION WILL BE ADEQUATELY MITIGATED;

The Subdivision Improvement Agreement (SIA) includes provision to guarantee construction of the necessary infrastructure. The platting of the site will include the collection of the applicable Drainage Fees, School Fees and Park Fees.

13. THE SUBDIVISION MEETS OTHER APPLICABLE SECTIONS OF CHAPTER 6 AND 8; AND EL PASO COUNTY, COLORADO LAND DEVELOPMENT CODE RULES GOVERNING DIVISIONS OF LAND – CHAPTER 7-PAGE 10 EFFECTIVE 05/2016

The proposed subdivision meets the applicable sections of the Code. Deviation requests from the Engineering Criteria Manual (ECM) have been submitted with this application.

Deviation Requests

The following Deviations request of the Engineering Criteria Manual (ECM) were submitted and approved with the Preliminary Plan approved by the County:

1. Section 2.2.4.B.4 of the Engineering Criteria Manual (ECM) for Roadway Cross Sections for Paonia Street
 2. Section 2.3.7.E of the ECM for Turn Lane Design along Paonia Street
 3. Section 2.3.7.E of the ECM for Turn Lane Design along Galley Street
-
1. Section 2.2.4.B.4 Deviation Request: The ECM criterion for an 80' ROW width (Urban Non-Residential Collector) typical section is 48' of pavement (lip-lip) typical, typical curb and gutter, and 8' tree lawns with 5' detached sidewalk on the west side. The request for the deviation is that Paonia Street to the north and south of the development exists as a 60' ROW with 36' (lip-lip) pavement area. The proposed design is to maintain a consistent section through the development and the entire Paonia corridor while still providing the requested 80' ROW of an Urban Non-Residential Collector. The proposed alternative is for Paonia Street to have an 80' ROW but the same road section as the "Typical Urban Residential Collector Cross Section" listed in Chapter 2, section 2.2.4.B.5 of the ECM. The only difference will be a 14' tree lawn instead of an 8' tree lawn due to the extra ROW width.
 2. Section 2.3.7.E Deviation (Paonia): The required deceleration length ECM criteria for a 155' deceleration lane length from Table 2-26 for a 40 MPH design speed. The ability to provide the required northbound left turn lane length for the left turn lane required at the southernmost site access to Paonia Street is limited by the planned construction of a required southbound left turn lane approaching Galley Road. The intersection spacing does not provide sufficient distance to provide the full required length. The deviation for the proposed design will provide adequate storage capacity for northbound traffic turning left into the development while protecting the required southbound left turn lane at Galley Road. The deviation will provide a comparable design and quality to a full standard turn lane because deceleration length will only be limited by 50 feet.
 3. Section 2.3.7.E Deviation (Galley): A smaller left turn lane is needed to prevent restricting turn movements in and out of the surrounding businesses along Galley Road. Access for an existing parcel located at 6020 Galley Road and a parcel located at 6035 Galley Road would be directly impacted by the proposed turn lane. The deviation for the proposed design will provide

adequate capacity for westbound traffic turning left onto Paonia Street while still providing full movement access to the businesses on the north and south side of Galley Road. The deviation will prevent any negative impacts to the surrounding properties. By shortening the left turn lane's deceleration lengths, any negative impacts to the existing businesses will be resolved while also removing conflict points at these access locations that will improve public safety.

14. THE EXTRACTION OF ANY KNOWN COMMERCIAL MINING DEPOSIT SHALL NOT BE IMPEDED BY THIS SUBDIVISION [C.R.S. §§34-1-302(1), ET SEQ.]

No known mineral deposits are impeded by the subdivision.