

30 January 2020

Katie Carleo, Principal Planner
City of Colorado Springs
Planning & Development Department
Land Use Review
30 S. Nevada Ave. Suite 701
Colorado Springs, CO 80903

RE: Sorpresa East Annexation and Development Review; Sorpresa East Filing No. 1
Files: CPC A 19-00068, CPC PUZ 19-00138, CPC PUP 19-00139, CPC PUD 19-00140,
AR FP 19-00678

Dear Ms. Carleo:

The Sorpresa East Annexation and Development Review; Sorpresa East Filing No. 1
Files: CPC A 19-00068, CPC PUZ 19-00138, and CPC PUP 19-00139 have been
corrected to address your review comments dated November 22, 2020. We have
included the following responses.

The applicant, on behalf of the Owner, Challenger Homes, has bifurcated their
application for the proposed Development Plan CPC PUD 19-00140 and AR FP 19-
00678. A formal letter, requesting the bifurcation of the application, has been forwarded
to you. The Owner will proceed with a revised application for the PUD and Final Plat at a
future date (to be determined).

A separate letter, responding to citizens comments, has been prepared and is included in
as part of the re-submittal package.

ANNEXATION (CPC A 1900068)

Land Use Review

1. File Number – add the file number to each sheet of the plan
Response: The City file number has been added to the sheets of the annexation document.
2. Further discussion may take place for the inclusion of Ski Lane in this annexation.
Response: Acknowledged

City Surveyor (Cory Sharp)

1. Please revise the language of the Owner Statement and move so that it above the
Notary Statement. Challenger Communities, LLC, a Colorado Limited Liability
Company has executed this instrument this ___ day of
____, 20__, A.D.

James Byers, VP of Land Development
Challenger Communities, LLC, a Colorado Limited Liability Company
Response: The notes have been reorganized and revised.

2. Please add "a Colorado Limited Liability Company" at the end of the Notary
Statement.
Response: The text has been added to the end of the Notary Statement
3. Please revise a portion of the Surveyors Statement to include "that the annexation
plat hereon shown is a correct delineation of the above described parcel of land and
at least one-sixth (1/6) of the perimeter boundary of said parcel is contiguous with the
boundaries of the City of Colorado Springs, Colorado".
Response: The Surveyors Statement has been revised.

Land Patterns, Inc.
PO Box 60112
Colorado Springs, CO
80960

719 578-8689 phone

dtm@lplach.com

4. Please clearly label the area of Sorpresa Lane that was platted in Cumbre Vista Subdivision Filing No. 6B.

Response: The label has been corrected.

Annexation Notes:

Information Items:

- The first draft Annexation Agreement will be supplied by staff to the owner after the 2nd review of the Land Use applications. This will establish further details for contributions beyond those identified in this letter.
 - Colorado Springs Fire Department will include standard fees as part of this annexation agreement. These will be required at time of annexation recordation.
 - Colorado Springs Police Department will include standard fees as of this annexation agreement. These fees are due at time of annexation plat recordation.

Response: Acknowledged

- The subject property is identified not being part of the Southeastern Colorado Water Conservancy District (SECWCD) at this time. This form was processed through the City to the SECWCD for review and acceptance by the Bureau of Reclamation. Acceptance by the Bureau is required prior to moving items forward to public hearing.

Response: The applicant has received acceptance by the Bureau of Reclamation. The acceptance letter is included in the re-submittal documents.

- The Owner is responsible for providing staff with a copy of the Letter of Inclusion from the Southeastern Water Conservatory District once received. This letter will need to be submitted to staff prior to scheduling for City Council hearing on this annexation.

Response: The applicant has received acceptance by the Bureau of Reclamation. Acceptance letter is included in the re-submittal documents.

- In accordance with the Southeastern Colorado Water Conservancy District the owner shall supply the Southeastern District and Bureau of Reclamation the final ordinance from the City of Colorado Springs after approval.

Response: Acknowledged.

- The Mineral Estate Owner Notification Certification Affidavit will need to be submitted and notification give to mineral owner of public hearing per this process.

Response: Acknowledged.

- The City will complete a Fiscal Impact Analysis (FIA) as part of the annexation review. This is completed by the City Finance Department and is required to be complete prior to public hearing. These findings will be presented to City Council as part of the annexation.

Response: Acknowledged.

Parks and Recreation (Connie Perry)

This development will require standard PLDO requirements and further details will be captured in the Annexation Agreement.

Response: Acknowledged.

Fire (Steven Smith, 719-385-7362))

Fire fee as part of annexation will apply.

Response: Acknowledged.

Utilities (Kyle Schelhaas, kschelhaas@csu.org)

Action Items:

1. Unless otherwise approved by CSU, the Owner must provide an inventory of well permits and water rights with documentation from the Colorado Division of Water Resources (or other source) identifying all of the Owner's known water rights or

deeds associated with the property to be annexed (Property). If the Owner does not have any water rights, then the Owner must provide a letter stating such.

Response: A letter describing the owners known water rights, along with the Source of Water Addendum. is included in the re-submittal package.

2. Owner must complete the questionnaire provided by City Planning from the Bureau of Reclamation (Bureau) and Southeastern Colorado Water Conservancy District (District).

Response: The applicant has received acceptance by the Bureau of Reclamation. The acceptance letter is included in the re-submittal documents.

3. Owner must confirm that Informational Items listed below have been reviewed.

Response: Acknowledged.

Informational Items:

1. If there are existing wells within the Property that are owned by the Owner, then unless otherwise approved by CSU, the existing wells must be plugged and abandoned at Owner's expense. Prior to receiving water service from CSU, the Owner shall provide CSU with documentation confirming that all existing wells have been plugged and abandoned in compliance with all applicable regulations from the Colorado Department of Water Resources.

Response: Acknowledged.

2. In order to receive water service from CSU, the Property must be included in the District. If the property is not included in the District, then the Owner must complete the Bureau/District questionnaire provided by City Planning in order to receive consent from the Bureau for the Property to be included into the District. The Bureau may require the Owner to provide the following confirmations for the subject Property:
 - a. Endangered Species Act - a letter or email from the Fish and Wildlife Department stating there are no Endangered Species within the Annexation Boundary.
 - b. Clean Water Act - a letter or email from the Corp of Engineers stating that there are no wetlands within the Annexation Boundary.
 - c. National Historic Preservation Act - a report that addresses the existence of any Native American Indian relics or buildings of historic significance (the report is to be completed by an Archaeologist that is approved Bureau). Once the Archaeologist is chosen, he/she must contact the Bureau for final instructions.

Response: Acknowledged.

Traffic Engineering (Zaker Alazzeh)

Annexation agreement language to follow in agreement drafted by staff. Planning and Traffic staff will have further conversation to ensure legal access and access configuration and may have comments with second review.

Response: Acknowledged.

El Paso County Development Services (Gabe Sevigny)

Please see enclosed comment letter for annexation.

Response: Acknowledged.

Engineering Division

1. County Engineer General: 1. It appears that offsite construction easements will be required on the properties to the east and west of the subject property with the proposed site plan. Verify that the adjacent property owners will provide the easements.

Response:

2. Drainage:

- A. The proposed EDB on the west side of the site appears to be changing the manner and quantity of drainage discharge onto the property to the west. Has an easement been obtained from the property owner(s) to the west of the proposed

pond outlet? Please provide the flow path to a suitable outfall (this should be an inlet or pipe system).

Response: Proposed EDB on the southwest portion of the development is not being pursued. Initial filing contains the easterly portion of the development and will be conveyed to and treated in proposed EDB A in the northerly portion of the development. Development of subsequent phases will be collected and conveyed in storm sewer to EDB A. EDB design will be presented in final drainage reports for initial and subsequent filings at time of final plat.

- B. The "General Location and Description" section of the report appears to have several typos and/or outdated information. Please verify.

Response: The general location and description has been modified to reflect concept plan changes and detail with submittal of the preliminary drainage report.

Traffic/Transportation:

1. The Trip Generation Memorandum ("TGM") does not appear to address Ski Lane (private or metro district road?) at all. Please address this private road.

Response: Ski Lane is a private drive maintained by the Woodmen Heights Metropolitan District. An access agreement is provided to the 3 remaining Ski Lane residents by the district. This agreement will remain in place for the sole purpose and use of the Ski Lane residents and therefore does not affect the applicant's traffic memorandum.

2. The site plan in the TGM shows "future" access points to the residences to the east and west. It appears that these connections will be needed with the proposed Sorpresa Addition No. 1. development to provide the existing residents access. Clarify how access will be provided to the adjacent County parcels.

Response: The Developer of the project will have an agreement in place with the adjoining neighbors once entitlements have been approved. A draft of the agreement is included in the resubmittal documents.

3. Ski Lane appears to be needed for an access connection to the existing three County lots to the west. Ski Lane should be included in the annexation. Confirm that the settlement agreement regarding access to Ski Lane does not require additional work to be completed to Sorpresa Lane with future development in this area.

Response: The re-submittal removes the notation of the abandonment of the Sorpresa 'Ramp'. This ramp, which provides access to Ski Lane and is within the Sorpresa Lane ROW, will remain in place.

ZONE CHANGE (CPC PUZ 19-00138)

Land Use Review (Katie Carleo)

1. File Number – add the file number to each sheet of the plan.

Response: The City File Number has been added to the zone Change documents.

2. Add project label at top of page, Sorpresa East

Response: Project labels have been added to the top of the zone Change documents.

3. As a PUD zone district, the height, type and density needs to be defined. As a PUD ordinance this would read as (ex.) Planned Unit Development (PUD); single-family detached, xx DU/AC, 35-foot maximum height with Airport Overlay. Please clarify density so this can be included in zoning.

a. Add zoning description, Planned Unit Development (PUD); etc. to this exhibit.

Response: The project data has been added to the Zone Change Exhibit B

City Surveyor (Cory Sharp)

Please add the "point of commencing, point of beginning and tie from point of commencing" to Exhibit B.

Response: The POC has been added to the Zone Change Exhibit B

Airport Overlay, Colorado Springs Airport (Kris Andrews)

Pending comments from review with the Airport Advisory Commission

Response: Applicant has not received comments from Colorado Springs Airport

El Paso County Development Services

See enclosed comment letter.

Response: Acknowledged.

CONCEPT PLAN (CPC PUP 19-00139)

Land Use Review (Katie Carleo)

1. File Number – add the file number to each sheet of the plan.

Response: The City File Number has been added to the Concept Plan

2. Site Data – add or correct the following to the site data on sheet one of the plan:

- a. Correct spelling for 'setback'.

Response: The spelling of setback has been corrected

- i. Is this intended for a total building envelope?

Response: The setback notations define the building envelope.

- ii. What/ how will accessory structures be addressed?

Response: Accessory Structures will not be allowed on any of the lots.

- iii. With the PUD please be as descriptive as possible for future single-family site plan review to be smooth and expedited.

Response: Acknowledged.

- b. Provide overall density information

Response: The overall density has been notated in the Project Information tabular.

- c. Detail a PUD zone district height/type/density note.

Response: The data has been notated in the Project Information tabular.

3. Label street names (Public Safety will have another review once these are added).

Response: Street names have been temporally alphabetically labeled until CSPD Street Name Administrator approves proposed submitted street names.

4. Staff understands streets are intended to all be private, the streets should be shown in tracts identified and noted as private roads.

Response: The private drive tracts have been identified on the concept plan

5. Access

- a. Access easement labeled on upper portion of wall access, north along Sorpresa Ln, is noted as to be abandoned. Staff understands this is Public ROW, please clarify. This would not just be an easement being abandoned.

Response: The access easement will not be abandoned. It will remain as labeled on the re-submitted concept plan.

- b. City Planning and El Paso County are in contact and discussing the possible inclusion of Ski Lane. Further City Planning is coordinating with the City Attorney's Office to ensure the proper handling of access to remain to these county residents. Improvements here may be required.

Response: Acknowledged.

- c. Relating to the southern access point, has any further conversations happened on the private side with this developer? Staff would like to ensure this access point for future.

Response: Due to existing steep slopes and utilities on the south side of the property the proposed southern access point has been removed from the concept plan.

6. General Notes

- a. Add note that temporary blockades should be placed at the end of the roadways where the future road will continue. Add note that these blocks shall be installed when the road is complete until such time the roadway continues.

Response: A blockade note (note 6) has been added to the Concept Plan. A Blockade symbol and label has been added to the east end of Sorpresa Lane.

- b. Further notes on access may be needed. An agreement to be established with property owner to the east and west will be required to be recorded and agreement note should be updated with recordation information. Provide staff with a copy of this access agreement. City Planning Staff is also engaged with the City Attorney's Office to ensure the appropriate approach for the access granted.

Response: A note (note #1) has been added to the general notes of the Concept Plan.

- c. Add note detailing that roadways are private and the Owner and Maintenance

Response: A note (note # 2) has been added to the general notes of the Concept Plan

- d. Please add a new note explaining that the development is subject to the CC&Rs of the HOA. Example language is provided below:

"THE PARCELS WITHIN THIS DEVELOPMENT ARE SUBJECT TO THE COVENANTS, CONDITIONS, AND RESTRICTIONS OF THE _____ HOMEOWNERS ASSOCIATION."

Response: Response: A note (note # 3) has been added to the general notes of the Concept Plan

- e. Please add/revise a plan note to read as follows: "NO DIRECT VEHICULAR ACCESS SHALL BE ALLOWED ONTO SKI LANE FROM THE PARCEL(S) WITHIN THIS DEVELOPMENT."

Response: A note (note # 5) has been added to the general notes of the concept Plan

City Surveyor (Cory Sharp)

1. Please remove "Addition" from the title, addition is reserved for annexation plats.

Response: The word has been removed for the title of the Concept Plan.

2. To the north of the project area are shown open circles and darkened circles which appear to be monuments that can be removed.

Response:

3. In regards to the note for "access easements and agreements": do the easements need to be depicted and noted on the development plan and final plat? (See Planning comment above)

Response: A note (note # 1) has been added to the Concept Plan General notes.

4. Please revise the "avigation easement statement" to the following:

An avigation easement effecting the subject property and development is therein established by the "Sorpresa East Filing No. 1" subdivision plat. This easement is subject to the terms and conditions as specified in the instrument recorded under reception no. av217069667 of the records of El Paso County, Colorado.

Response: The revised avigation easement has been added to the concept plan.

Traffic Engineering (Zaker Alazzeah)

1. Further conversation with Planning; traffic direction may be to remove the eastern access point to Sorpresa Lane.

Response: Further discussions(after the release of City review comments dated November 22, 2019, with Traffic Engineer has indicated the revised Concept plan will satisfy their concerns.

2. Show the pavement width of 30' for the section of Sorpresa Lane to be constructed from the Street A access intersection the eastern property line.

Response: The Sorpresa pavement width is indicated on the concept plan to be 30' from the Sorpresa 'Ramp' to the developments' east property line.

Engineering Development Review (Joel Dagnillo, 719-385-5412)

The Geologic Hazard Waiver has been reviewed and approved. A final signed copy is enclosed with this letter.

Response: Acknowledged

1. On this Concept Plan, the easement on the north of the filing is called out as "To Be Abandoned," but the final plat is not showing this. Correct accordingly so the two submittals are showing consistent information.

Response: The label has been removed. The easement will not be removed. See updated/revised concept plan.

2. Please add a note stating that the Future Access to Ski Lane will be opened immediately after the current access point is blocked off.

Response: the revised concept plan indicates the existing Ski Lane access easement shall remain

2. On the southeast of this filing, where access is provided to the adjacent lot, add a note that this will be a future connection with Center Ridge Dr., if this is the intent.

Response: The future access has been removed from the Concept Plan.

Water Resource Engineering (Anna Bergmark, 719-385-5613)

A final Drainage Report was reviewed and returned to the engineer. Comments on the Final Drainage Report should not affect the Concept Plan.

Response: Acknowledged.

CSPD, Street Name Administrator, (Bootsy Jones 719-385-5362)

Standard Comment: All street name submissions must be approved by this department and reserved prior to an approved Development Plan. Street designations (Public or Private) must be included on all plans. Private streets can only be assigned the following suffixes; Point (PT), Grove (GV), Heights (HTS), or View (VW). Please contact this department for street name approvals prior to re-submittal, or any questions.

Response: Acknowledged.

Airport Overlay, Colorado Springs Airport (Kris Andrews)

Pending comments from review with the Airport Advisory Commission

Response: The applicant has not received comments from CS Airport

El Paso County Development Services

See Enclosed comment letter

Response: Comments are a repeat of annexation comments. See responses above

Comcast Cable (Jason Jacobsen)

Comcast has UG Fiber Optic facility on the north side of the project area that feeds a cell tower. Furthermore, Comcast has UG Fiber Optic facility on the east side of the project area and also UG COAX on the south side of the project area.

Response: Acknowledged.

Academy School District 20 (Don Smith)

Academy School District 20 is requesting fees in lieu of land dedication per the existing City Code for any or all residential development that may occur within the Sorpresa East Development.

Response: Acknowledged.

With the resubmittal of the application, supporting documents and addressing all of City Review comments, per the City review letter dated November 22, 2019, the applicant requests approval of the Sorpresa East Annexation CPC A 19-00068, Zone Change CPC PUZ 19-00138, and Concept Plan (CPC PUP 19-00139). Should you require additional information please do not hesitate to contact me at 719.578.8689.

Respectfully Submitted,
Land Patterns, Inc.



David Morrison, MLA, RLA
President