

EL PASO COUNTY COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
 Mark Waller, Chair

FROM: Kari Parsons, Planner III
 Jeff Rice, PE Engineer III
 Craig Dossey, Executive Director

RE: Project File #: PUDSP-19-011
 Project Name: Urban Collection at Palmer Village
 Parcel Nos.: 54051-00-041, 54051-00-042, 54051-00-043, 54051-00-044,
 54050-00-035, and 54050-00-051

OWNER:	REPRESENTATIVE:
Feathergrass Investments, LLC 4715 N. Chestnut St. Colorado Springs, CO. 80907	N.E.S., Inc. 619 N. Cascade Ave. Suite 200 Colorado Springs, CO. 80903

Commissioner District: 2

Planning Commission Hearing Date:	7/23/2020
Board of County Commissioners Hearing Date	8/25/2020

EXECUTIVE SUMMARY

A request by Feathergrass Investments, LLC, for approval of a map amendment (rezoning) of 10.84 acres of the overall 23.1 acre development area from a conceptual PUD (Planned Unit Development), CAD-O (Commercial Airport District Overlay) and CS (Commercial Service) to a site-specific PUD (Planned Unit Development), CAD-O (Commercial Airport District Overlay) to allow for the development of 100 single-family



attached residential lots, drainage, open space, and utility tracts. The applicant is also requesting approval of a 23.1 acre preliminary plan, which includes 100 single-family attached residential lots, 12 tracts for drainage, open space, and utility tracts, and two (2) future development tracts. In accordance with Section 4.2.6.E of the El Paso County Land Development Code (2019), a PUD Development Plan May be Approved as a Preliminary Plan; the applicant is also requesting the PUD development plan be approved as a preliminary plan with a finding of water sufficiency for water quantity, quality, and dependability. Approval by the Board of County Commissioners of the preliminary plan with a finding of sufficiency for water quality, quantity, and dependability authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s). The parcels are located south of the Constitution Avenue and Hannah Ridge Drive intersection and are within Section 5, Township 14 South, Range 65 West of the 6th P.M. The subject property is not located within the boundaries of a small area plan.

A. REQUEST/MODIFICATIONS/AUTHORIZATION

Request: Approval of a map amendment (rezoning) from a conceptual PUD (Planned Unit Development), CAD-O (Commercial Airport District Overlay) and CS (Commercial Service) to a site-specific PUD (Planned Unit Development), CAD-O (Commercial Airport District Overlay) to allow for the development of 100 single-family attached residential lots of 10.84 acres of the overall 23.1 acre preliminary plan development area, which includes 100 single-family attached residential lots and two (2) future development tracts. The applicant is also requesting approval of a 23.1 acre preliminary plan, which includes 100 single-family attached residential lots, 12 tracts for drainage, open space, and utility tracts, and two (2) future development tracts. In accordance with Section 4.2.6.E of the El Paso County Land Development Code (2019), a PUD Development Plan May be Approved as a Preliminary Plan; the applicant is also requesting the PUD development plan be approved as a preliminary plan with a finding of water sufficiency for water quality, dependability and quantity.

Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:

For approval of a modification of a general development standard in the LDC or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;

- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The applicant requests the following modification(s) of the LDC:

1. The applicant is requesting a PUD modification to Sections 8.4.4.C. and 8.4.4.E.3 of the Code to allow for private roads that are not proposed to be built to public road standards.

- Section 8.4.4.C, *Public Roads Required*, of the Code states: “Divisions of land, lots and tracts shall be served by public roads.”
- Section and 8.4.4.E.3, *Private Road Allowances*, of the Code states: “Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may include design standards for the following:
 - Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;
 - Design speed where it is unlikely the road will be needed for use by the general public;
 - Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;
 - Maximum and minimum block lengths; and
 - Maximum grade.

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested PUD modifications. Per the proposed PUD/Preliminary Plan, adequate lot accessibility can be provided via the proposed private roads. The applicant has depicted a sidewalk design and layout that accommodates pedestrians throughout the proposed PUD/preliminary plan and allows for connections to the adjacent existing sidewalks.

As summarized in the applicant’s letter of intent, reducing the requirement of constructing private roads to public road standards to a lesser standard is proposed to provide for a more livable environment and provision of more efficient pedestrian spaces. The applicant has obtained written endorsement from Falcon Fire Protection District and the applicant is proposing the maintenance for the private roads to be provided by a homeowners’ association.

The applicant is requesting the following modification(s) of the ECM:

1. The applicant is requesting a PUD modification to Section 2.3.2 .A, Table 2-7, which specifies the 300 ADT criterion for Local (low volume) roads of the ECM to allow for a lower road classification cross section and associated design attributes for Fountain Grass Grove where the Local (low volume) design average daily traffic (ADT) is 300 and the proposed private road is anticipated to have 395 ADT on the west side of Hannah Ridge Drive and 337 ADT on the east side.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification because Fountain Grass Grove, as a proposed private road, in essence provides direct lot access as prescribed in the ECM, Section 2.2.4.B.7, which states that “Local (low volume) roadways provide direct lot access and deliver lot-generated trips to collector roadways.”, and the anticipated traffic volumes are not excessive.

2. The applicant is requesting a PUD modification to Section 2.3.3. E, Table 2-7, which specifies the 100-foot centerline radius criterion for Local (low volume) roads of the ECM to allow for reduced centerline radii of 37 feet where 100 feet is required on a Local (low volume) road.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification in conjunction with the overall design requiring slow vehicle speeds on the proposed private roads. Turning templates were provided for the typical fire truck and trash truck that are anticipated to serve the subdivision showing that these vehicles can make the turns within the proposed road layout, and the Falcon Fire Protection District has no objections to the design.

3. The applicant is requesting a PUD modification to 2.3.7.F.1, Table 2-31, which specifies the 20-foot curb return radii criterion for local-to-local road intersections of the ECM to allow for reduced intersection curb return radii of 10 feet where 20 feet is required. This deviation is requested so that the private roads have space to provide parking areas and only applies to the internal alley/road intersections.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification in conjunction with the overall design requiring slow vehicle speeds on the proposed private roads. Turning templates were provided for the typical fire truck and trash truck that are anticipated to serve the subdivision showing that these

vehicles can make the turns within the proposed road layout, and the Falcon Fire Protection District has no objections to the design. Urban local roadways allow on-street parking within the clear zone.

Authorization to Sign: PUD Development Plan and any other documents required to finalize the approval. Approval by the Board of the preliminary plan with a finding of sufficiency for water quality, quantity, and dependability authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s) consistent with the preliminary plan as well as the associated Subdivision Improvements Agreements, Detention Pond Maintenance Agreements and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Consent item at the July 23, 2020 hearing.

Recommendation: Approval based on recommended conditions and notations.

Modification Recommendation: Approval

Vote: 9 to 0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing.

Legal Notice: Advertised in Shopper's Press on August 5, 2020.

C. APPROVAL CRITERIA

The BOCC shall determine that the following criteria for approval outlined in Section 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (2019), have been met to approve a PUD zoning district:

- The proposed PUD district zoning advances the stated purposes set forth in this section.
- The application is in general conformity with the Master Plan;
- The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;
- The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment, and will not have a negative impact upon the existing and future development of the surrounding area;

- The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;
- The allowed uses, bulk requirements and landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;
- Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
- Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;
- The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;
- The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;
- The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;
- Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and
- The owner has authorized the application.

The applicant has requested the proposed PUD also be reviewed and considered as a preliminary plan. Compliance with the requirements identified in Chapter 7 and Chapter 8 of the El Paso County Land Development Code (2019) for a preliminary plan requires the Planning Commission and the BoCC find that the following additional criteria for a preliminary plan have also been met.:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;

- 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;
- 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;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be 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 subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
- Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;

- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

D. LOCATION

North: PUD (Planned Unit Development)/CS (Commercial Service)	
Single-family residential/Vacant	
South: PUD (Planned Unit Development)	Single-family residential
East: CS (Commercial Service)	Vacant
West: RM-30 (Residential Multi-Dwelling)	Multi-family residential

E. BACKGROUND

The Urban Collection at Palmer Ridge PUD (Planned Unit Development) is located at the northern end of the Jessica Heights PUD development plan (PUD-03-008). The Jessica Heights Planned Unit Development (PUD-03-008) and the Jessica Heights Preliminary Plan (SP-03013) included 34-acres and were approved by the Board of County Commissioners on September 9, 2004. The Jessica Heights PUD plan depicted future commercial uses in the subject area. The Jessica Heights PUD plan also depicted a 20-foot buffer between the future commercial uses and the single-family residential uses within the PUD. The eastern 5.2-acres of the Jessica Heights PUD plan, which is the eastern portion of the requested Urban Collection at Palmer Ridge PUD plan, was rezoned from commercial PUD to CS (Commercial Service) (CS-13-003) on July 8, 2014.

The Urban Collection at Palmer Ridge PUD plan proposes a density of 9.23 dwelling units per acre. The requested PUD plan includes the development of 100 attached single-family lots; 2.37 acres of private right-of-way; 0.57 acres of public right-of-way; and twelve (12) tracts for drainage, utilities, associated easements, a pocket park, and open space (3.02 acres) totaling 10.84 acres. A preliminary plan is also proposed which includes the Urban Collection at Palmer Ridge PUD plan area as well as two future development tracts (12.26 acres) for a combined preliminary plan total area of 23.1 acres. The future development tracts depicted on the preliminary plan are east of the proposed attached single-family residential. The homeowners' association is anticipated to own and maintain the tracts exclusive of the future development tracts, which are to be owned and developed by others.

The future development tracts depicted on the eastern portion of the requested Urban Collection at Palmer Ridge Preliminary Plan were rezoned from M (Industrial) to PBD (Planned Business District (PBD-04-004) on February 25, 2005. Nomenclature

changes to the Land Development Code have renamed the PBD zoning district to the CS (Commercial Service) zoning district. The map amendment (rezone) from commercial PUD to single-family attached PUD does not include the area of the two future development tracts depicted in the preliminary plan. That area is proposed to remain zoned CS (Commercial Service).

If the Urban Collection at Palmer Ridge PUD Development Plan and Preliminary Plan are approved, and a finding of water sufficiency for water quality, quantity, and dependability is made by the Board of County Commissioners, then it is anticipated that the applicant will request administrative approval by the Planning and Community Development Department Executive Director of all subsequent final plats.

F. ANALYSIS

1. Land Development Code Analysis

This application meets the preliminary plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 as well as the Planned Unit Development (PUD) requirements outlined in Chapter 4 of the El Paso County Land Development Code (2019).

Section 4.2.6.F.8 of the Land Development Code requires a minimum of ten (10) percent of the overall residential PUD be set aside as open space area. The PUD area is 10.84 acres in size, which would require a total of 1.84 acres of open space area. The applicant is providing 3.02 acres of designated open space tracts which include drainage, utilities, associated easements, and landscaping.

Section 8.4.4.D of the Land Development Code requires two access points to be provided where more than 25 lots are proposed. The Urban Collection at Palmer Ridge provides a second access through the proposed future development tracts to the east, which, again, are currently zoned CS (Commercial Service). The location of the second access is in the same general area as the location of the future extension of Akers Drive, which will likely need to be constructed when the future development tracts are developed.

2. Zoning Compliance

The PUD Development Plan identifies allowed and permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverage, and maximum building height; and overall landscaping requirements. The PUD Development Plan and Preliminary Plan are consistent with the proposed PUD development guidelines and with the submittal and processing requirements of the Land Development Code.

The property is also within the CAD-O (Commercial Airport Overlay District) zoning overlay. The CAD-O was adopted by the Board of County Commissioners pursuant to C.R.S §30-28-113 and 41-4-101. The purpose of the CAD-O district is to ensure compliance with the Federal Aviation Administration, to ensure free and unobstructed passage of all aircraft through and over airspace, and to acknowledge that private property owners have a property interest in usable airspace above the surface of their property. A referral was sent to the Colorado Springs Airport Advisory Commission (CSAAC) for review and comment. The CSAAC provided comment that an avigation easement is requested at the time of plat recordation. Section 4.3.1 of the Land Development Code requires an Airport Activity Notice and Disclosure to be recorded against the title of the property at the time of the final plat but does not require provision of an avigation easement. The applicant has, however, agreed to provide the requested avigation easement.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

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 10.2.2 - Carefully consider the availability of water and wastewater services prior to approving new development.

Policy 11.3.2 - When possible, safely design and incorporate drainage facilities as an aesthetic element with developments.

Goal 13.1 - Encourage an adequate supply of housing types to meet the needs of County residents

The Cherokee Park Townhomes, a multi-family apartment complex, is located to the west of the subject properties and has an overall density of 11.92 dwelling units per acre. A regional commercial center is being developed to the east at the southeastern corner of the intersection of Marksheffel Road and Constitution Avenue. North of the subject development lies the Midtown Collection at Hannah Ranch, a single-family detached development with an average density of 7.19 dwelling units per acre and an average lot size of 2,080 square feet. South of the subject property is the Jessica Heights subdivision. The average detached single-family lot size in the Jessica Heights subdivision is approximately 6,250 square feet.

The Urban Collection at Palmer Ridge PUD and Preliminary Plan propose an overall density of 9.23 dwelling units per acre and attached single family lots with a minimum lot size of 2,100 square feet, which is compatible in terms of density, lot size, and land use to the Midtown Collection at Hannah Ridge located to the north. The proposed development is also compatible with the multi-family development located adjacent to the west. However, the densities and proposed land uses may not be compatible with the single-family residential development (Jessica Heights) located to the south without the provision of adequate buffering.

The applicant is proposing to buffer the 6,250 square foot lot sizes in Jessica Heights subdivision from the 2,100 square foot lots in the Urban Collection at Palmer Ridge development with the planned open space areas. The open space tract depicted on the eastern boundary of the Urban Collection PUD and preliminary plan provides a 39-foot minimum buffer at the southeastern boundary, adjacent to the existing single-family lots within the Jessica Heights neighborhood, and then transitions north to a larger combined 207-foot buffer and detention tracts which are intended to buffer the proposed single-family attached from the future commercial development to the east. The applicant proposes to provide an additional 15-foot buffer and to leave the existing 5-foot concrete wall on the southern boundary of the Urban Collection at Palmer Ridge PUD between the Jessica Heights single family detached subdivision and the proposed single-family attached lots included within the proposed development. A detail of the buffer is provided on sheet 5 of the attached PUD and preliminary plan.

The single-family residential development depicted on the PUD development plan and preliminary plan is a compatible with both the existing single-family residential (Jessica Heights) as well as the future commercial uses with incorporation of the proposed transition and buffering. Furthermore, the development is a practical extension of the planned and existing urban single-family attached residential and

is consistent with multi-family residential development in the area, particularly to the north and west. Staff recommends that the layout and design of the Urban Collection at Palmer Ridge PUD development plan and preliminary plan is consistent with the goals and policies pertaining specifically to the concept of integrating new compatible land uses in terms of density, transitions, buffers, and access.

According to the water and wastewater resources reports submitted in support of the development plan, Cherokee Metropolitan District has available water supply and wastewater treatment capacity to provide adequate service to the development. Please see the Water Master Plan section below for additional analysis regarding master plan consistency pertaining to water.

4. Small Area Plan Analysis

The parcels included within the Urban Collection at Palmer Ridge PUD and Preliminary Plan are not located within the boundaries of a small area plan.

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

Goal 1.2 – Integrate water and land use planning.

Goal 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.

Policy 4.1.4 – Work collaboratively with water providers, stormwater management agencies, federal agencies, and State agencies to ensure drinking water sources are protected from contamination and meet or exceed established standards.

Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.

The subject property is located within Region 5, Cherokee Metropolitan District Service Area, which is not expected to experience significant growth in the County by 2060. Specifically, the Plan states:

“Region 5 consists of areas served by the 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 on other maps.”

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 projected demand is 6,468 acre feet.

Cherokee Metropolitan District participated in the water provider surveys in conjunction with developing the Water Master Plan. The needs analysis in the Plan quantifies that the District will need to obtain additional water supplies required for the 2040 and 2060 horizons compared to the supplies currently available today. The District’s participation in the planning effort indicates that the District is very aware of their future water needs and anticipates adding water supplies incrementally to meet the growing and projected demands.

The Cherokee Metropolitan District has provided a water and wastewater commitment letter to serve the development. The applicant’s water resource report indicates the District has ample supply of water to serve this development and future developments within the District. The report summarizes that the majority of the District’s water supply comes from the Upper Black Squirrel Creek Designated Groundwater Basin, which is considered a renewable resource. However, the District also receives supplies from the Sundance Ranch well field which draws from the Denver Basin aquifers, a nonrenewable water source. The District assumes that the Denver Basin will not be reliable beyond 2050. Therefore, the District has implemented three methods to provide a sustainable water supply to its customers:

- i. Water efficiency: The District set a goal of reducing demand by 3 to 5 percent per capita and already has one of the lowest per capita usages in the state.
- ii. Water reuse: The District recharges the Upper Black Squirrel Creek aquifer with the wastewater provided by the District and by Meridian Service Metropolitan District via intergovernmental agreement.
- iii. Additional renewable water supplies: The District is part of the Pikes Peak Regional Water Authority; whose goal is to provide water suppliers with a new regional water supply system.

As stated in the applicant's water resource report, this development is projected to demand 33.6 acre-feet of water per year. As of 2018, the District had a surplus of 319.803 acre-feet per year, so accounting for this development, the District will be left with a surplus of 286.203 acre-feet per year for future developments. Staff notes that the District's accounting of current water demands and water supply, which have been provided for year 2018, should be updated annually in order to appropriately evaluate the District's ability to increase water resources in conjunction with development applications and to show that the District is taking steps to address future projected water supply deficiencies.

Please see the Water section below for a summary of the water findings and recommendations for the proposed development with regard to water quantity, quality, and dependability.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services Environmental Division and Colorado Parks and Wildlife (CPW) were sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential windblown sands, which is anticipated to have little resource value, in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

The El Paso County Parks Master Plan (2016) does not identify a trail within the subject property. However, the Rock Island Regional Trail is located to the west, adjacent to Cimarron Eastridge Park, a City of Colorado Springs park. The applicant is proposing a sidewalk connection to Constitution Avenue which will allow for a connection to the regional trail.

The El Paso County Major Transportation Corridors Plan (2016) is discussed below in Section G.5 of this report.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the combined PUD and preliminary plan application that would impede development. The Geological Investigation and Geologic Hazard Evaluation prepared by CTL Thompson, Inc.,

dated April 24, 2020, indicates potential shallow ground water which is proposed to be mitigated by the elimination of basements throughout the entire subdivision, as indicated by a corresponding note on the face of the PUD development plan/preliminary plan (see PUD/Preliminary Plan General Note No. 6).

A Traffic and Aircraft Noise Assessment prepared by Engineering Dynamics, Inc., dated May 13, 2020, indicates that the traffic noise generated from Constitution Avenue will require mitigation. Interior noise reduction construction practices are required for Lot No. 10-15, 34-39, 42-47, 62-67, and 82-87. The applicant has memorialized the need for the constraint mitigation via Note No. 13 of the PUD development plan and preliminary plan as stated below:

“Lots 10-15, 34-39, 42-47, 62-67, and 82-87 are within the DNL 65 noise contour and will require noise mitigation for compliance with HUD Interior 45 DNL noise requirements. This will be accomplished by adherence to the interior noise reduction construction methods related to exterior walls, attic space, insulation, exterior glazing, and roofing materials, as recommended in the Traffic and Aircraft Noise Assessment prepared by Engineering Dynamics, Inc., dated May 13, 2020.”

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services, Environmental Division, and Colorado Parks and Wildlife (CPW) were sent a referral and have no outstanding comments.

3. Floodplain

As indicated on FEMA Flood Insurance Rate Map (FIRM) panel numbers 08041C0752G and 08041C0756G, the property is located entirely outside of the 100-year regulatory floodplain and no proposed lots are shown to be within a floodplain. The East Fork Reach No. 6 Tributary to Sand Creek runs through the proposed future development tracts in the eastern portion of the site, mostly within a culvert.

4. Drainage and Erosion

The proposed development is located within the studied Sand Creek Drainage Basin. Drainage from the site generally flows from northwest to southeast, towards the East Fork Reach No. 6 Tributary to Sand Creek, an existing drainageway east of the proposed residential development flowing south through the proposed future development tract. Approximately 390 feet of the drainageway is within a concrete box culvert extending south from Constitution

Avenue, with an outfall within the southern 60 feet of the property into the open, unimproved channel.

Two full spectrum detention and water quality facilities are proposed within drainage tracts depicted on the PUD development plan and preliminary plan, one for each side of the project straddling Hannah Ridge Drive. The Urban Collection at Palmer Village Homeowners' Association is proposed to be created in conjunction with the subsequent final plat(s) and is proposed to be the entity responsible for maintaining the detention and water quality facilities and landscaped areas. The Preliminary Drainage Report for Urban Collection at Palmer Village concludes that "The proposed development will not adversely affect the offsite drainageways or surrounding development."

Drainage and bridge fees are required to be paid at the time of the subsequent final plat(s) recordation.

The applicant has not requested approval of pre-development site grading. Grading and Erosion Control Plans and associated construction permits will be required with the final plat(s).

5. Transportation

The proposed residential development within the Urban Collection at Palmer Village development will access Hannah Ridge Drive south of Constitution Avenue, with proposed emergency access roads to Constitution Avenue at the east and west ends of the initial residential development. The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) classifies Constitution Avenue as a principal arterial road and Hannah Ridge Drive as a non-residential collector. An additional 20 feet of right-of-way will need to be dedicated along Constitution Avenue with the final plat(s) for this project; the required Hannah Ridge Drive 80-foot right-of-way already exists. The internal roads are proposed private urban local roads within tracts which include 40 to 50-foot access and utility easements. The private roads will be maintained by the Urban Collection at Palmer Village HOA, which will be funded by HOA fees. The private roads and associated PUD modifications/deviations described above are acceptable to the Falcon Fire Protection District as stated in the letter from the District provided by the applicant.

No improvements to County roads are proposed with the initial residential development. A recent intersection analysis of the Hannah Ridge Drive/Constitution Avenue intersection was referenced in the Transportation Impact Study (TIS) submitted for this project, showing that signalization is not

warranted at this time. The future development of the tracts on the eastern portion of the site will require construction of Akers Drive through the preliminary plan area and associated intersection improvements at Constitution Avenue.

Per the TIS, traffic generated from the 100 dwelling units proposed in the Urban Collection at Palmer Village PUD will be approximately 732 average daily trips (ADT), which is in conformance with the MTCP and the roads serving the development. This development is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended, at the time of final plat recording.

Modifications to the LDC and ECM are requested by the applicant as identified previously in this staff report.

H. SERVICES

1. Water

Cherokee Metropolitan District provides water service and has committed to serve the property.

Water Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office has made a favorable recommendation for a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality.

2. Sanitation

Wastewater service is provided by Cherokee Metropolitan District. The District has provided a wastewater commitment letter demonstrating the District has adequate capacity to serve the development.

3. Emergency Services

The property is within the Falcon Fire Protection District. The District provided a commitment letter and has made a recommendation for approval of the PUD plan with the requested modifications and preliminary plan designs.

4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service to the property. Colorado Springs Utilities will provide natural gas services to the property.

5. Metropolitan Districts

The property is within Constitution Heights Metropolitan District, which was established to construct public infrastructure and has a mill levy of 27.83 mills. The District designed and constructed the public improvements associated with Constitution Avenue. The District does not provide maintenance service to developments within the service area. Constitution Heights Metropolitan District traffic impact fees associated with the District shall be paid in accordance with El Paso County Road Impact Fee Program, Resolution 19-471.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) or preliminary plan application. Fees in lieu of park land dedication will be due at the time of recording the final plat.

7. Schools

The subject property is located within the boundaries of Falcon School District No. 49. Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezone) or preliminary plan application.

I. APPLICABLE RESOLUTION

See attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land

Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.

2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
6. Applicable park, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of recording the final plat(s).
7. The developer shall participate in a fair and equitable manner in the design and future construction of Akers Drive south of Constitution Avenue. The fair share attributed to Urban Collection at Palmer Village, shall be identified in the applicant's traffic study for the final plat(s) of the residential development east of Hannah Ridge Drive. The corresponding escrow shall be determined and deposited at the time of recording the final plat(s).
8. The extension of Akers Drive from Constitution Avenue to the south property boundary shall be depicted on the future preliminary plan for the areas identified as Tracts M and N located east of the proposed residential development within this PUD/Preliminary Plan. The Akers Drive extension shall be constructed with the first final plat that includes land within Tract M and/or N as depicted on the face of the preliminary plan (PUDSP-19-11).

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director pursuant to Section 7.2.1.3.D of the Land Development Code.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department 24 adjoining property owners on July 2, 2020, for the Board of County Commissioners hearing. Responses received to date are attached; others may be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Development Plan / Preliminary Plan
State Engineers Letter
County Attorney's Letter
Adjacent Property Owner Opposition Email
Planning Commission Resolution
Board of County Commissioners' Resolution

El Paso County Parcel Information

File Name: PUDSP-19-011

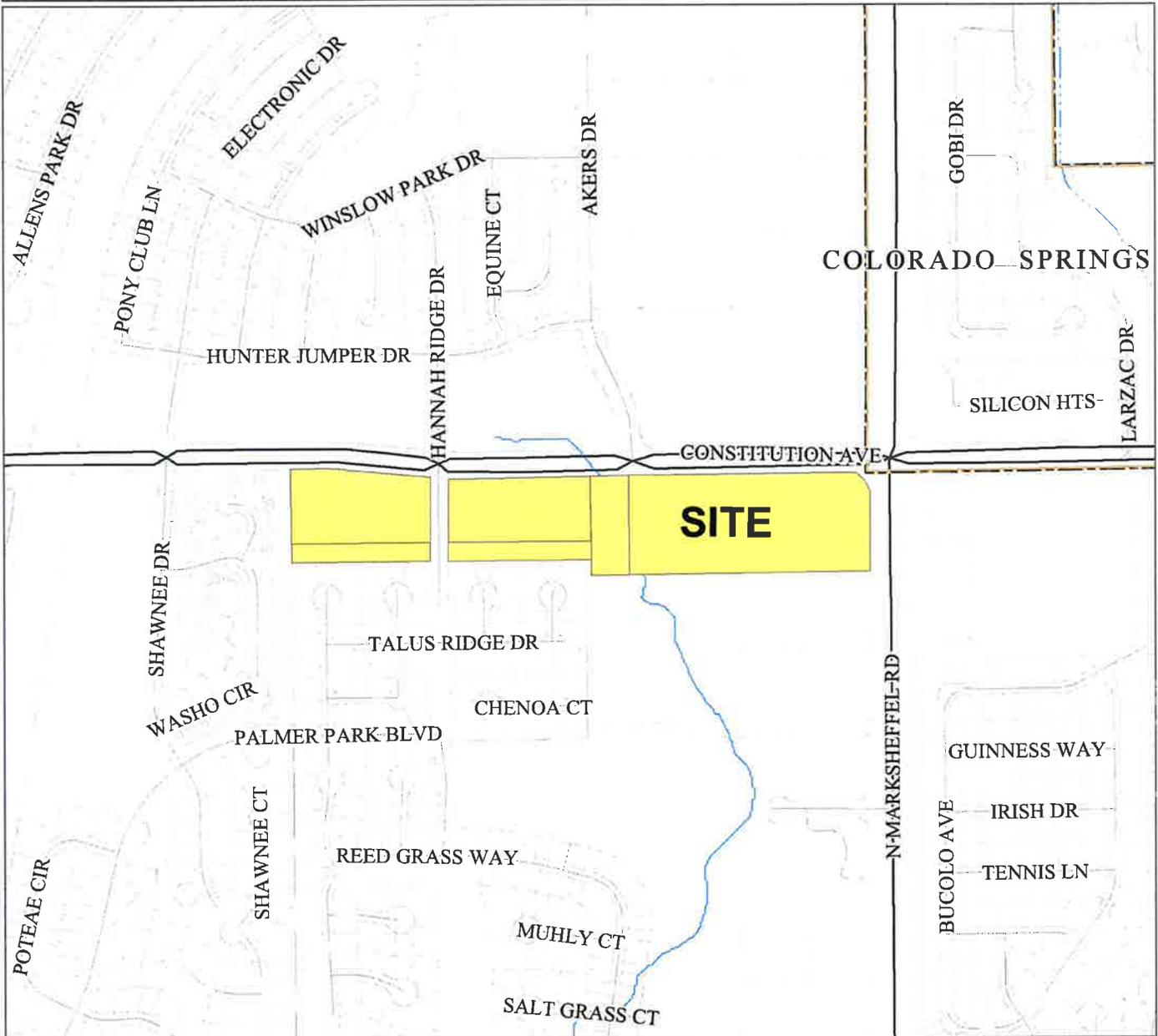
Zone Map No. --

Date: July 1, 2020

PARCEL	NAME
5405000051	FEATHERGRASS INVESTMENTS LLC
5405000035	FEATHERGRASS INVESTMENTS LLC
5405100041	FEATHERGRASS INVESTMENTS LLC
5405100042	FEATHERGRASS INVESTMENTS LLC
5405100043	FEATHERGRASS INVESTMENTS LLC
5405100044	FEATHERGRASS INVESTMENTS LLC

ADDRESS	CITY	STATE
4715 N CHESTNUT ST	COLORADO SPRINGS	CO
4715 N CHESTNUT ST	COLORADO SPRINGS	CO
4715 N CHESTNUT ST	COLORADO SPRINGS	CO
4715 N CHESTNUT ST	COLORADO SPRINGS	CO
4715 N CHESTNUT ST	COLORADO SPRINGS	CO
4715 N CHESTNUT ST	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80907	3531
80907	3531
80907	3531
80907	3531
80907	3531
80907	3531



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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URBAN COLLECTION AT PALMER VILLAGE

LETTER OF INTENT

NOVEMBER 2019, REVISED JULY 2020

OWNER: Feathergrass Investments LLC 4715 N Chestnut Colorado Springs CO, 80907	APPLICANT: MCD Holdings, Inc - Richmond American Homes 4350 S Monaco St. Denver, CO 80237	CONSULTANT: N.E.S. Inc 619 N Cascade Ave. Colorado Springs, CO 80903
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REQUEST

N.E.S. Inc. on behalf of Richmond American Homes request approval of the following applications:

1. A PUD Development/Preliminary Plan for the Urban Collection at Palmer Village, comprising:
 - a. A PUD Zoning and Development Plan for 100 single family attached lots on 10.84 acres, at a gross density of 9.23 dwelling units per acre, with PUD modifications. (Parcels 5405100041-00044)
 - b. A Preliminary Plan for 21.3 acres, to include Tracts M & N of the adjacent property for future platting for commercial development and Right-of-Way dedication. (Parcels 5405100041-00044, 5405000035, and 5405000051)
2. A finding of Water Sufficiency with the PUD Development/Preliminary Plan for the 10.84-acre portion of the Preliminary Plan only.
3. Subsequent Final Plat for the Urban Collection at Palmer Village subdivision to be approved administratively for the 10.84-acre portion of the Preliminary Plan only.
4. PUD Modifications are requested as referenced below.

LOCATION

The project site is located south of Constitution Avenue and bisected by Hannah Ridge Drive. The existing Jessica Heights single family residential subdivision is located to the south. To the east is the Cherokee Park town home development. The Midtown at Hannah Ridge development is proposed to the northwest, which is a higher density, small lot single family attached development. The remaining surrounding area to the east and north east are proposed for commercial development.

The project site is owned in its entirety by Feathergrass Investments LLC. The Preliminary Plan relates to Parcels 5405100041-00044, 5405000035, and 5405000051, comprising a total of 21.3 acres. The PUD Zoning and Development Plan relates to parcels 5405100041-00044 only, comprising 10.95 acres, on which Richmond American Homes is proposing to develop 100 single family attached lots.



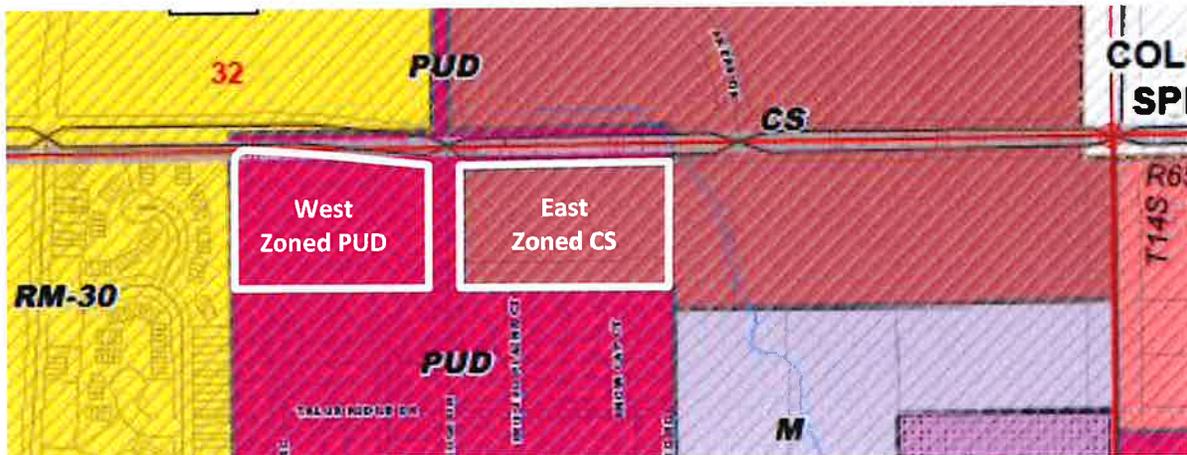
PROJECT CONTEXT

In 2013, the east portion of the site was zoned CS CAD-O as part of a larger parcel extending east to Marksheffel Road, to accommodate the Shops at Feathergrass. The west side is zoned PUD CAD-O for commercial development. The Jessica Heights PUD Preliminary Plan approved in 2004 anticipated the need for a 20' landscape buffer and 6' opaque wall or fence to provide a separation from the commercial to the residential (See excerpt below from PUD 03-008 PC Staff Report).

- 1) The landscape buffer on the south side of the commercial areas shall be twenty (20) feet deep, as denoted on the plan. One tree shall be provided for each 15 feet of buffer length, half of the trees to be evergreen. A minimum six-foot high opaque wall or fence shall be provided between the commercial and residential properties.

The development provides a transition between the single-family development, townhomes, and Constitution Avenue. The wall has been built adjacent to the existing single family subdivision to the south providing screening between the proposed single family attached and the single family detached residential. A 15' landscape buffer is provided along the southern boundary. This project removes the previously approved commercial and therefore the need for a 20' buffer.

The site is surrounded by residential, and planned commercial uses. To the north of Constitution is planned single family residential (Midtown) and a vacant commercially zoned lot, and to the east is a vacant lot. The south is developed with single family residential and the west is developed with townhomes.



PROJECT DESCRIPTION

The proposed PUD rezone and Development Plan occupies 10.84 acres. The Preliminary Plan is extended to include Tracts M & N adjacent to the development for a total of 23.1 acres. The inclusion of this area allows for future platting for commercial use and right-of-way dedication, as well as providing emergency access for the east side of the development project in the interim.

The Urban Collection at Palmer Ridge proposes the development of 100 single family attached lots on 10.84 acres, with a gross density of 9.23 units per acre. The units face open space areas and back on to private drives with alley loaded garages. Access is provided to the east and west portions of the site from Hannah Ridge Drive. A gated emergency access is proposed on Constitution Avenue for the west portion of the site. A gated emergency access road is also provided from the east portion of the site through the adjacent property (Tracts M & N) to the east and connecting to Constitution Avenue, to be constructed with this development.

A general building envelope and lot typicals are identified on the PUD Plan. The overall building height is approximately 30'. Two parking spaces per dwelling unit in the form of garages and 56 total guest parking spaces are provided. The west portion provides 26 guest spaces. The east portion provides 30 guest spaces. This meets the requirement of two spaces per dwelling unit and 1 guest space per 4 units. Handicapped accessible parking is also included, with final location to be determined with construction drawings. Private road maintenance, snow removal, and parking enforcement will be the responsibility of the HOA.

Open Space is provided throughout the development including 39,482 sq. ft. on the west side and 45,363 sq. ft. on the east side, for a total of 84,845 sq.ft. This equates to 18% of the site area, which exceeds the PUD requirement of 10%. The 25% usable and contiguous open space requirement is also exceeded by the provision of 15,700 sq. ft. (35%) of continuous open space. The buildings front onto greenways that provide 34 ft. minimum of separation between buildings and the greenways are interconnected and accessible to all residents, so provides a contiguous open space area.

Landscaping is included to buffer the development from adjacent uses where appropriate. A 25' landscape setback is provided along Constitution Ave and a 10' setback along Hannah Ridge. An existing wall and 15' landscape buffer are adjacent to the single-family subdivision to the south providing screening between the proposed single family attached and the existing single family detached.

PROJECT JUSTIFICATION

IDENTIFICATION OF POTENTIAL SOURCES AND ZONES OF AIR, WATER, AND NOISE POLLUTION.

AIR QUALITY: The proposed residential use will not negatively impact air quality. The proposed infill development is located within an urban area with convenient access to Constitution Avenue providing shorter travel time to employment and commercial facilities.

WATER: The proposed residential development is not a source of water pollution.

NOISE: The Land Development Code requires the impacts of noise pollution to residents be mitigated. The entire development is outside the DNL 65 Noise Contour. Therefore, no noise mitigation is required for aircraft noise from Peterson AFB / Colorado Springs Airport.

Estimated 2040 Time Frame DNL 65 Noise Contour, ~150 feet from the Constitution Ave. right-of-way centerline (centerline of roadway). Any residential buildings closer than 150-feet to the roadway centerline will require some level of noise mitigation that can be mitigated through noise barriers or construction techniques. (Traffic and Aircraft Noise Assessment, May 2020)

IDENTIFICATION OF POTENTIAL HAZARD AREAS

FLOODPLAINS: No FEMA floodplains exist on the site.

GEOLOGIC & SOIL HAZARDS: The Geotechnical Report prepared by CTL Thompson Inc. indicates that the identified geologic hazards do not preclude development of the site but require mitigation. Areas of the proposed subdivision have been found to be impacted by geologic conditions including artificial/ undocumented fill, potentially shallow groundwater, expansive soils, and bedrock. These conditions can be mitigated by regrading, properly engineered foundations, and recognized construction techniques. Some removal of existing fill may be required. The proposed units within this subdivision will not include basements, which will mitigate the potential shallow groundwater constraint. (Geohazard Report, April 2020)

VEGETATION & WILDLIFE:

The Biological Assessment prepared by Wildland Consultants, Inc. provided the following information regarding vegetation and wildlife.

The sites remnant native grasslands provide low/moderate quality wildlife habitat. There is no black-tailed prairie dog colonies on the site. Sand Creek (1.2 miles west of the site) and East Fork of Sand Creek (0.6 miles east of the site) provide local wildlife movement corridors. The Hannah Ridge site is separated from Sand Creek by intensive urban development.

The construction and development of the site does not impact any threatened or endangered species of plants or wildlife.

USE OF, OR CHANGES IN PREEXISTING WATERFORMS, WATERCOURSES OR BODIES OF WATER: There are no National Wetland Inventory (NWI) mapped wetlands on the site. Based on the field reconnaissance there are no wetlands on the site. There is an NWI mapped wetland associated with an intermittent drainage channel just east of the east site boundary. The drainage adjacent to the east site boundary has been filled and is no longer present. (Biological Assessment, Nov. 2018)

IDENTIFICATION AND LOCATION OF SITES OF HISTORICAL OR ARCHEOLOGICAL INTEREST

The site has historically been vacant with a farmstead to the southeast as early as 1930. None of the past uses of the site are identified as historically significant. (Environmental Site Assessment, Dec. 2018)

IDENTIFICATION AND LOCATION OF SITES OF NATURAL OR SCENIC IMPORTANCE

There are no sites of natural or scenic importance.

SOCIAL IMPACTS

The proposed infill project provides an additional housing option for the area and provides a buffer for the single family to the south and Constitution Ave. to the north. The site is conveniently located near bus routes, parks, and trails. Cimarron Eastridge Park and the Rock Island Trail are within a ¼ mile of the site. While, no bus service exists adjacent to the site City Bus Line 23 runs approximately a ½ mile away at Constitution and Peterson Road. Two elementary schools and one middle school are within 1 mile of the site.

JURISDICTIONAL IMPACTS

The following districts will serve the property:

- Proposed Urban Collection at Palmer Village HOA
- Cherokee Metro District will provide water and wastewater services. A will serve letter is provided with this application.
- Mountain View Electric Association will provide electric service. A will serve letter is provided with this application.
- Colorado Springs Utilities will provide natural gas service. A will serve letter is provided with this application.
- Falcon Fire Protection District will provide fire protection and emergency services. A will serve letter is provided with this application.
- School District 49 will serve the property.
- Pikes Peak Library District.
- Constitution Heights Metropolitan District.
- El Paso County Public Improvement District No. 2 (10 Mil PID)

RELATIONSHIP TO THE ADOPTED COUNTY MASTER PLANS

The Master Plan for the County comprises the County Policy Plan, relevant small area plans, the 2040 Major Transportation Corridor, the County Parks Master Plan, and the Water Master Plan. The site is not covered by a small area plan. The proposed residential subdivision satisfies the following policies of the County Policy Plan and the Water Master Plan.

COUNTY POLICY PLAN

Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

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.

The proposed infill development provides an additional housing choice in an urban area. The product is similar in scale and density to the surrounding residential, existing and proposed. Access is provided by Hannah Ridge Drive connecting to Constitution and the surrounding area.

WATER MASTER PLAN

Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

Goal 6.0 – Require adequate water availability for proposed development.

Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.

Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.

Cherokee Metro District has sufficient supply and existing infrastructure in the area to serve this infill development. Water quality is good and Cherokee is in compliance with all regulatory limits.

2040 MAJOR TRANSPORTATION CORRIDOR PLAN

The 2040 Functional Classification map identifies Constitution as a Principal Arterial with 6 lanes and Hannah Ridge as a Collector. The 2060 Corridor Preservation Map identifies portions of Constitution for preservation. The current ROW width for Constitution is 120' and an additional 20' of ROW designation is shown.

TRAFFIC IMPACT FEES: This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 18-471. The owner is petitioning for inclusion of the new residential lots into the Public Improvement District No. 2 (10 Mil PID).

PUD MODIFICATIONS/DEVIATION REQUESTS

PUD Modifications are requested for the use of private roads and for the requirement that private roads be constructed and maintained to ECM standards. The private roads will be maintained by the Urban Collection at Palmer Village HOA, which will be funded by HOA fees. The private roads and deviations are accepted by Falcon Fire Protection District.

PUD Modifications are requested as follows:

	LDC/ECM Section	Category	Standard	Modification	Justification
1	LDC Chapter 8.4.4(E)(2)	Private Roads	Use of private roads shall be limited	Private roads proposed to serve only this subdivision	Private roads provide more flexibility for the development to accommodate the higher density infill development and allow for open space provision in excess of the 10% PUD requirement. The private roads will be owned and maintained by the Homeowners Associations.
2	LDC Chapter 8.4.4(E)(3)	Private Roads to meet County standards	Private roads shall be constructed and maintained to ECM standards	Road classification, horizontal curve radius and curb return (see 3, 4, and 5 below)	
3	ECM Section 2.3.2, Table 2-7	Roadway Classification based on ADT	300 ADT max for Urban Local (Low Volume)	The ADT for each parcel (west and east) is anticipated to be 395 and 337, respectively	The development will utilize alleys for access to each of the units. The County criteria does not address alleys. The low anticipated traffic demand for the neighborhood best aligns with the Urban Local (Low Level) road classification, as the internal driveway and alleys only serve the residents of the development.
4	ECM Section 2.3.3.E, Table 2-7	Minimum horizontal curve radius	100' for Urban Local (Low Volume) road	A 37' centerline radii at the entrance to the east and west parcels.	The reduced curvature at the entrance will be a benefit to the development by reducing speeds and creating a safer residential environment.
5	ECM Section 2.3.7.F.1, Table 2-31	Minimum curb return radii	20' for a Local/Local intersection.	A 10' curb return radii throughout the development.	The development requires parking for the units to be along the roadway, therefore the tighter radii will facilitate maximizing available parking areas.

Chapter 4.2.6.F.2.h of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM). The proposed PUD modifications allow for a more efficient layout that minimizes grading, thereby achieving the identified benefits in Chapter 4.2.6.F.2.h of providing 18% accessible open space within the development where 10% is required for PUDs, of which 35% is contiguous open space, where 25% is required. The site layout has been reviewed and approved by the Fire Department for safety subject to certain stipulations, which are addressed in the revised plans.

PUD ZONING CRITERIA CHAPTER 4.2.6.D

1. THE APPLICATION IS IN GENERAL CONFORMITY WITH THE MASTER PLAN;

The development is consistent with the intent of the Policy Plan as it is an infill project surrounded by a mix of compatible uses.

2. THE PROPOSED DEVELOPMENT IS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CODE AND ALL APPLICABLE STATUTORY PROVISIONS AND WILL NOT OTHERWISE BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF THE PRESENT OR FUTURE INHABITANTS OF EL PASO COUNTY;

The proposed residential is not detrimental to the public health, safety, and general welfare of the citizens and businesses of El Paso County. This development will provide an additional housing option in the area in a location that is appropriate for higher density infill residential development. The Airport Advisory Commission recommended sound mitigation construction techniques consistent with best practice. The Traffic and Aircraft Noise Assessment prepared by EDI dated May 2020 indicates that noise impacts caused by aircraft or traffic can be mitigated through the typical construction methods as recommended in Section 4 of the report.

3. THE SUBJECT PROPERTY IS SUITABLE FOR THE INTENDED USES AND THE USE IS COMPATIBLE WITH BOTH THE EXISTING AND ALLOWED LAND USES ON THE NEIGHBORING PROPERTIES, WILL BE IN HARMONY AND RESPONSIVE WITH THE CHARACTER OF THE SURROUNDING AREA AND NATURAL ENVIRONMENT; AND WILL NOT HAVE A NEGATIVE IMPACT UPON THE EXISTING AND FUTURE DEVELOPMENT OF THE SURROUNDING AREA;

The proposed infill project provides an additional housing option for the area and provides a buffer for the single family detached to the south and Constitution Avenue to the north. The design of the project preserves a substantial amount of open space and is a more harmonious use than the previously approved commercial.

The Geotechnical Report prepared by CTL Thompson Inc. indicates that the identified geologic hazards do not preclude development of the site but require mitigation. Areas of the proposed subdivision have been found to be impacted by geologic conditions including artificial/ undocumented fill, potentially shallow groundwater, expansive soils, and bedrock. These conditions can be mitigated by regrading, properly engineered foundations, and recognized construction techniques. Some removal of existing fill may be required. The proposed units within this subdivision will not include basements, which will mitigate the potential shallow groundwater constraint. (Geohazard Report, April 2020).

4. THE PROPOSED DEVELOPMENT PROVIDES ADEQUATE CONSIDERATION FOR ANY POTENTIALLY DETRIMENTAL USE TO USE RELATIONSHIPS (E.G. COMMERCIAL USE ADJACENT TO SINGLE FAMILY USE) AND PROVIDES AN APPROPRIATE TRANSITION OR BUFFERING BETWEEN USES OF DIFFERING INTENSITIES BOTH ON-SITE AND OFF-SITE WHICH MAY INCLUDE INNOVATIVE TREATMENTS OF USE TO USE RELATIONSHIPS;

The proposed single family attached project is similar in intensity to the surrounding single family detached residential. Substantial open space is preserved on-site and appropriate buffers are provided to surrounding uses. A half-acre detention pond and 30 ft. to 40 ft. wide open space tracts are provided on the east property boundary to buffer the proposed residential from future commercial uses to the east.

5. THE ALLOWED USES, BULK REQUIREMENTS AND REQUIRED LANDSCAPING AND BUFFERING ARE APPROPRIATE TO AND COMPATIBLE WITH THE TYPE OF DEVELOPMENT, THE SURROUNDING NEIGHBORHOOD OR AREA AND THE COMMUNITY;

The proposed homes are similar to and comparable to the surrounding single family residential properties in terms of bulk and scale. The building height is limited to 30 feet. The buffering and landscape requirements are met and substantial open space is preserved throughout the community.

6. AREAS WITH UNIQUE OR SIGNIFICANT HISTORICAL, CULTURAL, RECREATIONAL, AESTHETIC OR NATURAL FEATURES ARE PRESERVED AND INCORPORATED INTO THE DESIGN OF THE PROJECT;

There are no significant historical, cultural, recreational, aesthetic, or natural features on the site.

7. OPEN SPACES AND TRAILS ARE INTEGRATED INTO THE DEVELOPMENT PLAN TO SERVE AS AMENITIES TO RESIDENTS AND PROVIDE A REASONABLE WALKING AND BIKING OPPORTUNITIES;

Open Space is provided throughout the development including 39,482 sq. ft. on the west side and 45,363 sq. ft. on the east side, for a total of 84,845 sq.ft. This equates to 18% of the site area, which exceeds the PUD requirement of 10%. The 25% usable and contiguous open space requirement is also exceeded by the provision of 15,700 sq. ft. (35%) of continuous open space. The buildings front onto greenways that provide 34 ft. minimum of separation between buildings and the greenways are interconnected and accessible to all residents, so provide a contiguous open space area.

8. THE PROPOSED DEVELOPMENT WILL NOT OVERBURDEN THE CAPACITIES OF EXISTING OR PLANNED ROADS, UTILITIES AND OTHER PUBLIC FACILITIES (E.G., FIRE PROTECTION, POLICE PROTECTION, EMERGENCY SERVICES, AND WATER AND SANITATION), AND THE REQUIRED PUBLIC SERVICES AND FACILITIES WILL BE PROVIDED TO SUPPORT THE DEVELOPMENT WHEN NEEDED;

All necessary utility and fire protection commitments have been obtained. The traffic report demonstrates that the development is within the capacity of the existing roadways. Water and sanitary sewer for the project are provided Cherokee Metropolitan District.

9. THE PROPOSED DEVELOPMENT WOULD BE A BENEFIT THROUGH THE PROVISION OF INTERCONNECTED OPEN SPACE, CONSERVATION OF ENVIRONMENTAL FEATURES, AESTHETIC FEATURES AND HARMONIOUS DESIGN, AND ENERGY EFFICIENT SITE DESIGN;

Interconnected open space is provided throughout the development including 39,482 sq. ft. on the west side and 45,363 sq. ft. on the east side. Continuous open space is provided totaling 15,700 sq. ft. (35%). The buildings front onto greenways that provide 34 ft. minimum of separation between buildings. These greenways are to be maintained by the HOA, even when within individual lots.

10. THE PROPOSED LAND USE DOES NOT PERMIT THE USE OF ANY AREA CONTAINING A COMMERCIAL MINERAL DEPOSIT IN A MANNER WHICH WOULD UNREASONABLY INTERFERE WITH THE PRESENT OR FUTURE EXTRACTION OF SUCH DEPOSIT UNLESS ACKNOWLEDGED BY THE MINERAL RIGHTS OWNER;

No mineral deposits are identified on the site.

11. ANY PROPOSED EXCEPTION OR DEVIATION FROM THE REQUIREMENTS OF THE ZONING RESOLUTION OR THE SUBDIVISION REGULATIONS IS WARRANTED BY VIRTUE OF THE DESIGN AND AMENITIES INCORPORATED IN THE DEVELOPMENT PLAN AND DEVELOPMENT GUIDE; AND

The proposed subdivision meets the applicable sections of the Code. Subject to the requested PUD modifications per Chapter 4.2.6.2.h as described above.

12. THE OWNER HAS AUTHORIZED THE APPLICATION.

A Letter of Authorization from the owner is provided.

PUD PRELIMINARY PLAN REVIEW CRITERIA CHAPTER 4.2.6.E

1. THE PROPOSED SUBDIVISION IS IN GENERAL CONFORMANCE WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE MASTER PLAN;

The development is consistent with the intent of the Policy Plan as it is an infill project surrounded by a mix of compatible uses.

2. THE SUBDIVISION IS CONSISTENT WITH THE PURPOSES OF THIS CODE;

The stated purpose of the Code is to preserve and improve the public health, safety, and general welfare of the citizens and businesses of El Paso County. This development will provide an additional housing option in the area in a location that is appropriate for higher density infill residential development.

3. THE SUBDIVISION IS IN CONFORMANCE WITH THE SUBDIVISION DESIGN STANDARDS AND ANY APPROVED SKETCH PLAN;

There is no approved sketch plan for this property. The subdivision design standards are met with the exception of the PUD modifications described above.

The Jessica Heights PUD Preliminary Plan approved in 2004 anticipated the need for a 20' landscape buffer and 6' opaque wall or fence to provide a separation from the commercial to the residential. The wall has been built adjacent to the single-family subdivision to the south providing screening between the proposed single family attached and the single family detached residential. A 15' landscape buffer is provided along the southern boundary. This project removes the previously approved commercial and therefore the need for a 20' buffer.

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 this development. The raw water supplied to the District is generally of good quality and only requires chlorination at the wellhead. The quality of the water is monitored, and the District has been successful in complying with regulatory limits. (Water Resources Report, June 2020).

- 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. Public sewage disposal is addressed in the Water Resources and Wastewater Treatment Report prepared by JR Engineering.

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

The Geotechnical Report prepared by CTL Thompson Inc. indicates that the identified geologic hazards do not preclude development of the site but require mitigation. Areas of the proposed subdivision have been found to be impacted by geologic conditions including artificial/undocumented fill, potentially shallow groundwater, expansive soils, and bedrock. These conditions can be mitigated by regrading, properly engineered foundations, and recognized construction techniques. Some removal of existing fill may be required. The proposed units within this subdivision will not include basements, which will mitigate the potential shallow groundwater constraint. (Geohazard Report, April 2020).

- 7. ADEQUATE DRAINAGE IMPROVEMENTS COMPLYING WITH STATE LAW [C.R.S. §30-28- 133(3)(c)(VIII)] AND THE REQUIREMENTS OF THIS CODE AND THE ECM ARE PROVIDED BY THE DESIGN;**

Drainage improvements are addressed in the 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.

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

Both portions of the site have 24-hour legal access via Hannah Ridge Drive and private roads within the development. A gated emergency second point of access is provided on the east and west portion of the site for emergency ingress and egress only to Constitution Avenue. The east access is provided through the adjacent property (Tracts M & N).

- 9. THE PROPOSED SUBDIVISION HAS ESTABLISHED AN ADEQUATE LEVEL OF COMPATIBILITY BY**

- 1) INCORPORATING NATURAL PHYSICAL FEATURES INTO THE DESIGN AND PROVIDING SUFFICIENT OPEN SPACES CONSIDERING THE TYPE AND INTENSITY OF THE SUBDIVISION;**

There are no natural physical features on the site. Open Space is provided throughout the development including 39,482 sq. ft. on the west side and 45,363 sq. ft. on the east side. The buildings front onto greenways that provide 34 ft. minimum of separation between buildings. The 25% usable and contiguous open space requirement is met by a total of 15,700 sq. ft. (35%) of continuous open space as greenways are interconnected and accessible to all residents.

- 2) INCORPORATING SITE PLANNING TECHNIQUES TO FOSTER THE IMPLEMENTATION OF THE COUNTY’S PLANS, AND ENCOURAGE A LAND USE PATTERN TO SUPPORT A BALANCED TRANSPORTATION SYSTEM, INCLUDING AUTO, BIKE AND PEDESTRIAN TRAFFIC, PUBLIC OR MASS TRANSIT IF APPROPRIATE, AND THE COST EFFECTIVE DELIVERY OF OTHER SERVICES CONSISTENT WITH ADOPTED PLANS, POLICIES AND REGULATIONS OF THE COUNTY;**

Appropriate provision is made in this regard given the context of the site and surrounding area. The plan was designed to minimize cost of transportation and utility infrastructure improvements. Cimarron Eastridge Park and the Rock Island Trail are within a ¼ mile of the site. While, no bus service exists adjacent to the site City Bus Line 23 runs approximately a ½ mile away at Constitution and Peterson Road. Two elementary schools and one middle school are within 1 mile of the site.

- 3) INCORPORATING PHYSICAL DESIGN FEATURES IN THE SUBDIVISION TO PROVIDE A TRANSITION BETWEEN THE SUBDIVISION AND ADJACENT LAND USES;**

Landscaping is included to buffer the development from adjacent uses where appropriate. The development provides a transition between the single-family development, townhomes, and Constitution Avenue. A 15’ landscape buffer and an existing wall are adjacent to the single-family subdivision to the south providing screening between the proposed single family attached and the detached residential (See photo below). A 20’ landscape buffer was specified with previous plans in order to buffer the residential and the commercial. The commercial is no longer specified; therefore, the 20’ buffer is no longer needed.



- 4) INCORPORATING IDENTIFIED ENVIRONMENTALLY SENSITIVE AREAS, INCLUDING BUT NOT LIMITED TO, WETLANDS AND WILDLIFE CORRIDORS, INTO THE DESIGN; AND**

There are no environmentally sensitive areas on the site. No wetland or wildlife corridors exist on the site.

- 5) INCORPORATING PUBLIC FACILITIES OR INFRASTRUCTURE, OR PROVISIONS THEREFORE, REASONABLY RELATED TO THE PROPOSED SUBDIVISION SO THE PROPOSED SUBDIVISION WILL NOT NEGATIVELY IMPACT THE LEVELS OF SERVICE OF COUNTY SERVICES AND FACILITIES;**

The Traffic Report prepared by Aldridge Transportation Consultants demonstrates that the proposed access points will function within acceptable traffic engineering parameters. The reports relating to water supply, wastewater treatment, and drainage demonstrate that there will be no negative impact on the levels of service of County services and facilities.

The adjacent land within Tracts M and N are included within the Preliminary Plan to ensure future platting of Akers Drive right-of-way to connect to Constitution Avenue. This will be

dedicated to the County with the replatting those tracts for future commercial development. The proposed eastern emergency access will then be replaced with a permanent secondary access for the east half of the development, per agreement between the developer of the Urban Collection at Palmer Village and the adjacent landowner.

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

Water and sanitary sewer service is to be provided by Cherokee Metropolitan District. Mountain View Electric Association Inc. and Colorado Springs Utilities will provide electric and natural gas services to the subdivision respectively. The required Will Serve letters are included with the submittal. Falcon Fire Protection District will provide fire protection and emergency services.

11. THE SUBDIVISION PROVIDES EVIDENCE TO SHOW THAT THE PROPOSED METHODS FOR FIRE PROTECTION COMPLY WITH CHAPTER 6 OF THIS CODE; AND

The site lies within the Falcon Fire Protection District. A will serve letter from the FPD and a Fire Protection Report are included with the submittal.

12. THE PROPOSED SUBDIVISION MEETS OTHER APPLICABLE SECTIONS OF CHAPTER 6 AND 8 OF THIS CODE.

The proposed subdivision meets the applicable sections of these parts of the Code. Subject to the requested PUD modifications per Chapter 4.2.6.2.h.

REFERENCE DOCUMENTS

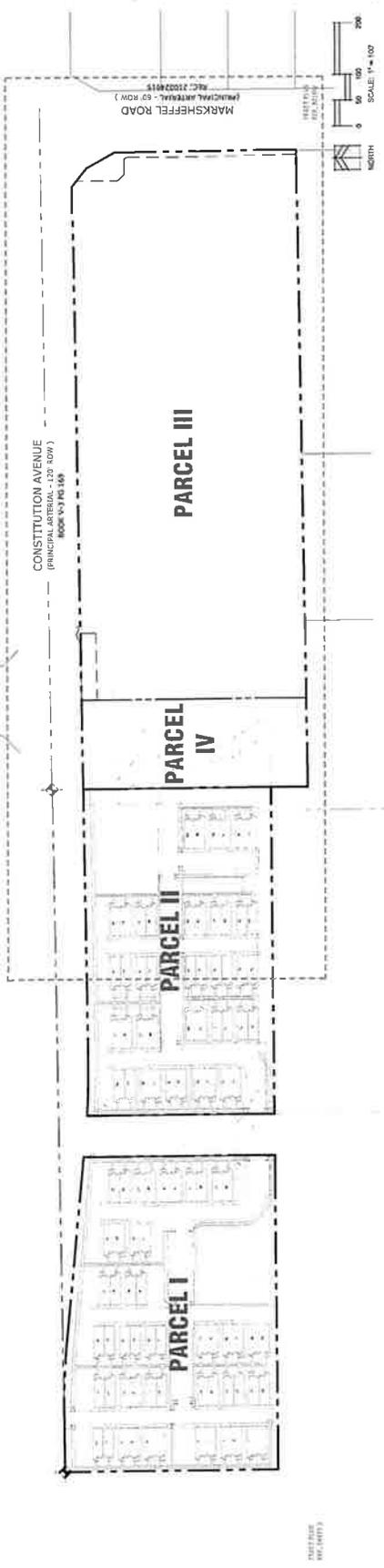
1. Water Resources Report, Prepared By: JR Engineering, June 2020
2. Phase I Environmental Site Assessment Hannah Ridge, Prepared By: A.G. Wassenaar Inc. December 2018
3. Hannah Ridge Biological Assessment – Vegetation, Wildlife, Wetlands, Special Status Species, Prepared by: Wildland Consultants, Inc. November 2018
4. Traffic and Aircraft Noise Assessment, Prepared By: Engineering Dynamics Incorporated, May 2020
5. Preliminary Soils & Geology Report, Prepared by: CTL Thompson, Inc. April 2020



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 610 N. Cascade
 Colorado Springs, CO 80903
 TEL: 719.471.0073
 FAX: 719.471.0077
 www.nescolorado.com
 #1011 ARPA-Registered

URBAN COLLECTION AT PALMER VILLAGE PUD DEVELOPMENT/PRELIMINARY PLAN

A PORTION OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. OF
 EL PASO COUNTY, COLORADO



**URBAN
 COLLECTION
 AT PALMER
 VILLAGE**
 PUD DEVELOPMENT/
 PRELIMINARY PLAN
 CONSTITUTION AVE. AND
 MARKSHEFFEL RD.
 EL PASO COUNTY,
 COLORADO

ENTITLEMENT

DATE	DESCRIPTION
05-28-18	PRELIMINARY PLAN

**OVERALL PRELIMINARY
 PLAN**

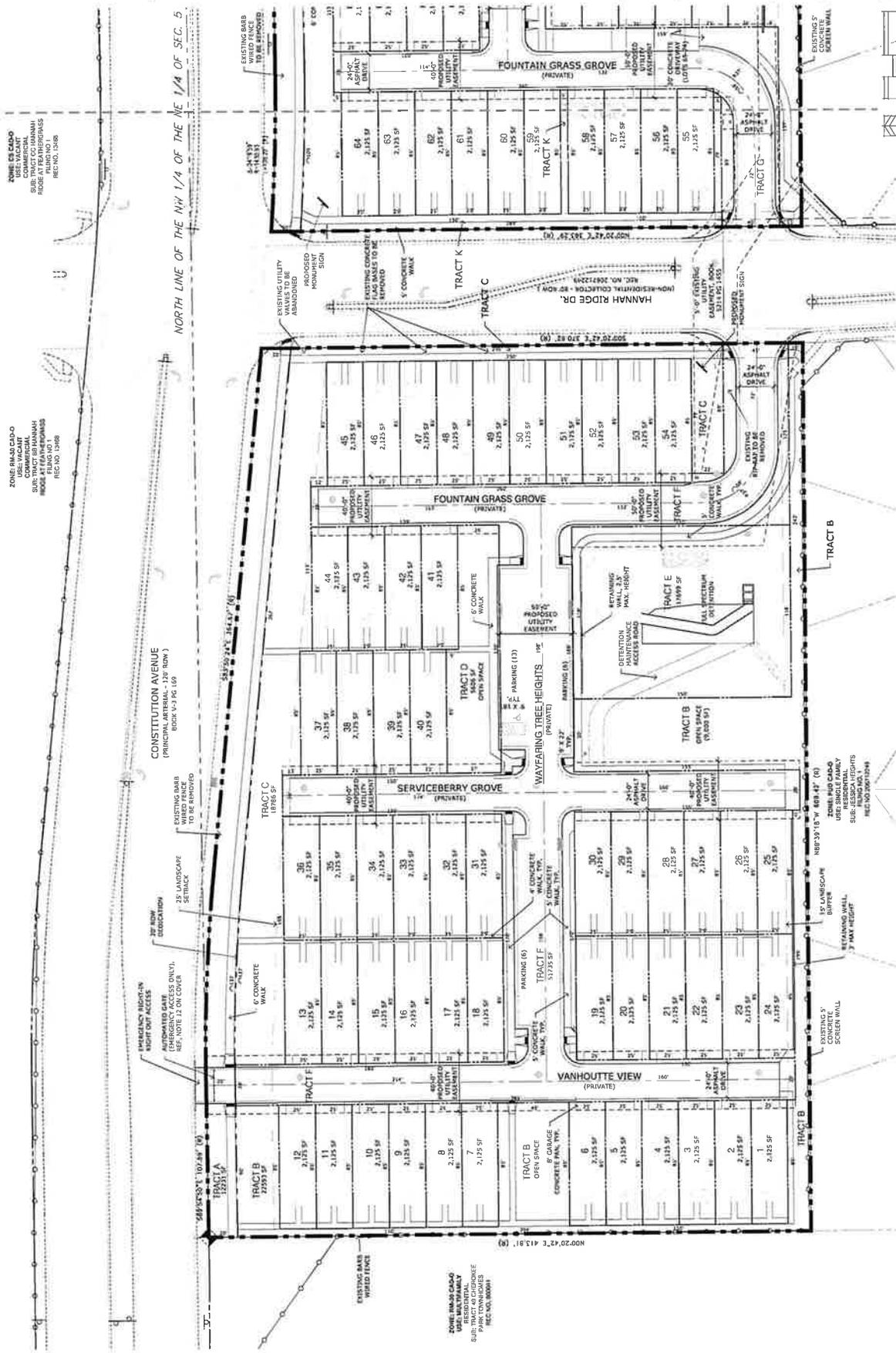
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 of 13



URBAN COLLECTION AT PALMER VILLAGE

PUD DEVELOPMENT/PRELIMINARY PLAN

A PORTION OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. OF EL PASO COUNTY, COLORADO



URBAN COLLECTION AT PALMER VILLAGE
 PUD DEVELOPMENT / PRELIMINARY PLAN
 CONSTITUTION AVE AND HANNAH RIDGE DR.

DATE: 11/11/2014
 PROJECT NO: 13488
 DRAWN BY: J. HANNAH
 CHECKED BY: J. HANNAH

ENTITLEMENT

DATE: 11/11/2014
 PROJECT NO: 13488
 DRAWN BY: J. HANNAH
 CHECKED BY: J. HANNAH

PUD PRELIMINARY SITE PLAN

4

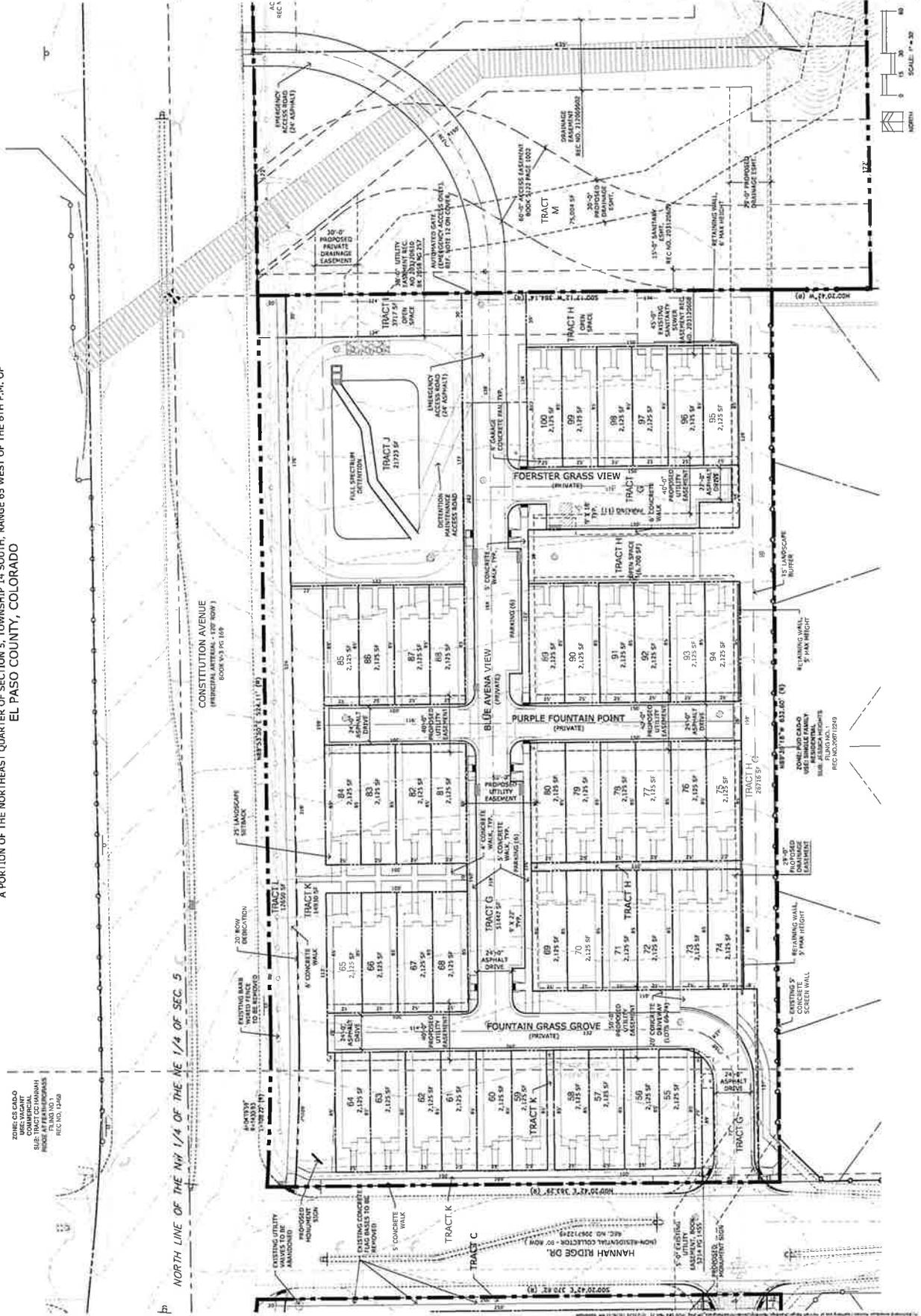
4 OF 13



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Colorado Springs, CO 80903
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Fax 719.471.0286
www.nbsplanning.com
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URBAN COLLECTION AT PALMER VILLAGE PUD DEVELOPMENT/PRELIMINARY PLAN

A PORTION OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. OF EL PASO COUNTY, COLORADO



URBAN COLLECTION AT PALMER VILLAGE
PUD DEVELOPMENT/
PRELIMINARY PLAN
CONSTITUTION AVENUE
HANNAH RIDGE DR.

ENTITLEMENT

DATE: 10-20-10
DRAWN BY: J. HARRIS
CHECKED BY: E. HARRIS
PROJECT NO. 10-000000

DATE: 10-20-10
DRAWN BY: J. HARRIS
CHECKED BY: E. HARRIS
PROJECT NO. 10-000000

PUD PRELIMINARY SITE PLAN

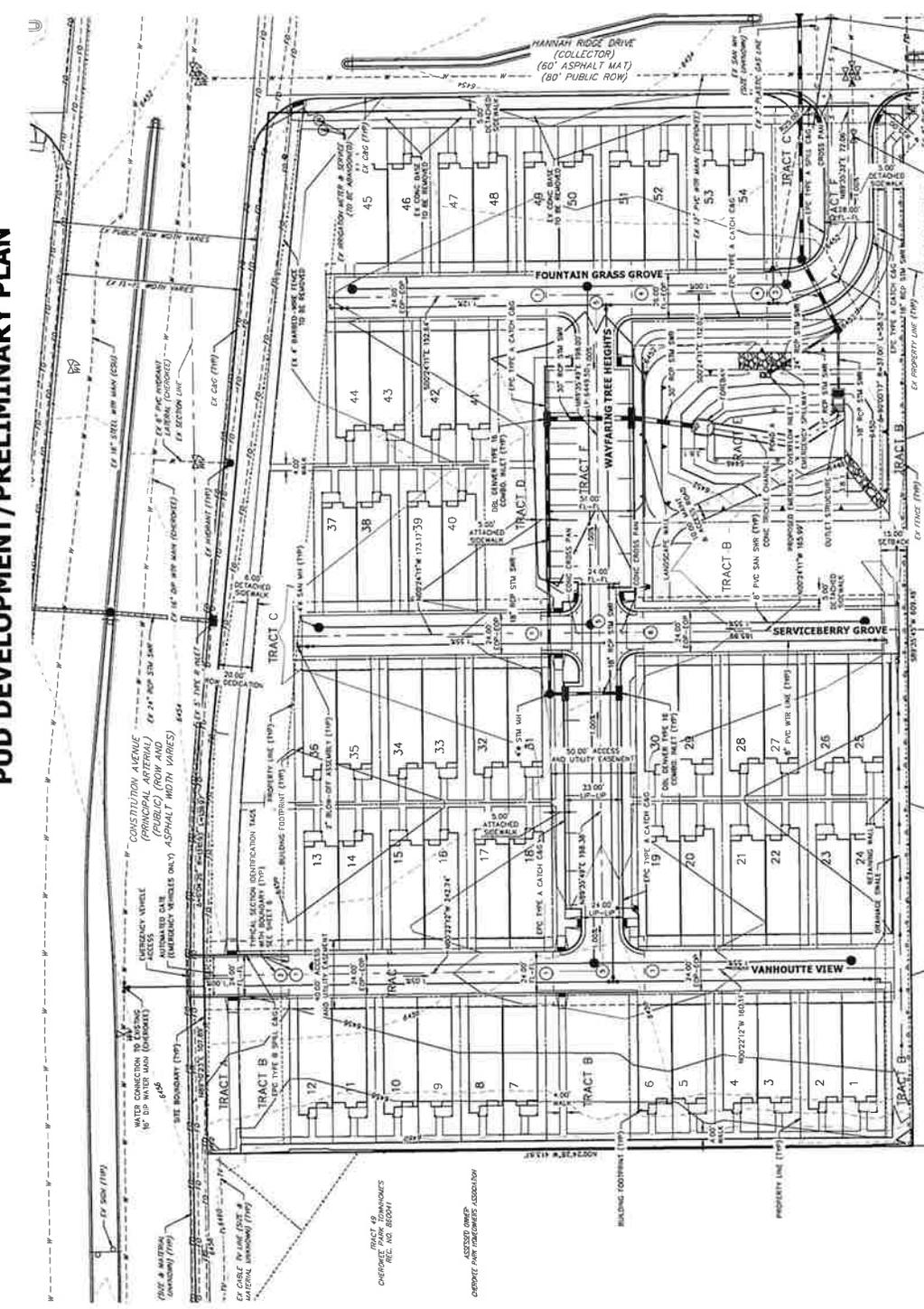
5 OF 13



URBAN COLLECTION AT PALMER VILLAGE

A PORTION OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. OF EL PASO COUNTY, COLORADO

PUD DEVELOPMENT/PRELIMINARY PLAN



PRELIMINARY PLAN NOTES

1. ALL PROPOSED LOTS ARE CLASSIFIED AS PRIVATE URBAN LOCAL.
2. ALL PROPOSED LOTS ARE TO BE SERVED BY THE PUBLIC WATER AND SANITARY SYSTEMS.
3. ALL PROPOSED WATER LINES ARE TO BE 12" DIA. PVC WITH 10' MIN. COVER.
4. ALL PROPOSED SEWER LINES ARE TO BE 12" DIA. PVC WITH 18" MIN. COVER.
5. ALL PROPOSED GAS LINES ARE TO BE 12" DIA. BLACK IRON PIPE WITH 18" MIN. COVER.
6. ALL PROPOSED ELECTRIC LINES ARE TO BE 12" DIA. PVC WITH 18" MIN. COVER.
7. ALL PROPOSED UTILITY LINES ARE TO BE 12" DIA. PVC WITH 18" MIN. COVER.
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ENGINEER'S STATEMENT

I, J.R. ENGINEERING, hereby certify that I am a duly licensed Professional Engineer in the State of Colorado, and that I am the author of the above-mentioned plan, and that the same is a true and correct copy of the original plan on file in my office.

DATE: 08/11/20
 ENGINEER: J.R. ENGINEERING
 PROJECT: URBAN COLLECTION AT PALMER VILLAGE

NO.	REVISIONS PER COMMENTS	DATE
01	ISSUED FOR PERMITS	08/11/20
02	ISSUED FOR PERMITS	08/11/20
03	ISSUED FOR PERMITS	08/11/20
04	ISSUED FOR PERMITS	08/11/20
05	ISSUED FOR PERMITS	08/11/20
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PREPARED FOR
 RICHMOND AMERICAN HOMES
 4300 S. MONACO STREET
 DENVER, CO 80237
 (303) 371-3227
 JASON.POCK@MDCH.COM

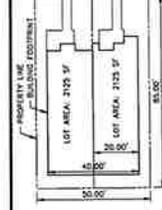
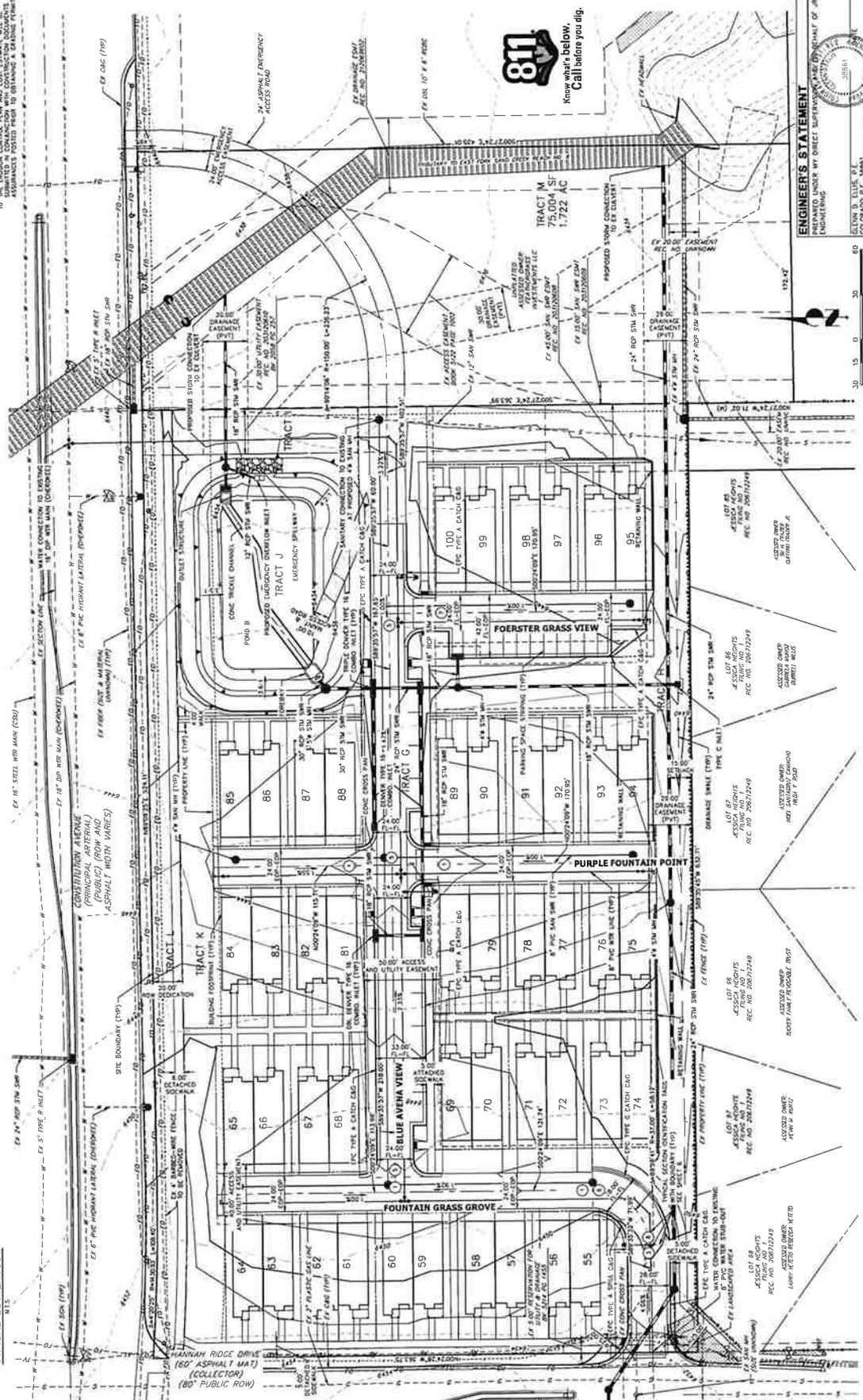
URBAN COLLECTION AT PALMER VILLAGE

A PORTION OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. OF EL PASO COUNTY, COLORADO

PUD DEVELOPMENT/PRELIMINARY PLAN

PRELIMINARY PLAN NOTES

1. ALL PROVIDED RIGHTS ARE CLASSIFIED AS PRIVATE URBAN LOCAL (PUD) RIGHTS.
2. ALL PROVIDED RIGHTS ARE CLASSIFIED AS PRIVATE URBAN LOCAL (PUD) RIGHTS.
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9. ALL PROVIDED RIGHTS ARE CLASSIFIED AS PRIVATE URBAN LOCAL (PUD) RIGHTS.
10. ALL PROVIDED RIGHTS ARE CLASSIFIED AS PRIVATE URBAN LOCAL (PUD) RIGHTS.



<p>J-R ENGINEERING</p> <p>1300 S. W. 10TH AVE. SUITE 100 DENVER, CO 80202</p> <p>TEL: 303.733.8888 FAX: 303.733.2010</p> <p>WWW.JRENGR.COM</p>	<p>PREPARED FOR RICHMOND AMERICAN HOMES 4300 S. MONACO STREET DENVER, CO 80237 JASON.POCK@MDCH.COM</p>	<p>DATE: 09/20/20</p> <p>REVISION: 1=30</p> <p>SCALE: N/A</p> <p>DATE: 09/20/20</p> <p>REVISION: 1=30</p>	<p>URBAN COLLECTION AT PALMER VILLAGE</p> <p>PUD DEVELOPMENT/PRELIMINARY PLAN</p> <p>GRADING & UTILITY</p>	<p>SHEET: 8 OF 13</p> <p>JOB NO: 25149.01</p>
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ENGINEER'S STATEMENT

I, JESSICA ALBERTS, REGISTERED PROFESSIONAL ENGINEER, STATE OF COLORADO, LICENSE NO. 208712149, HEREBY CERTIFY THAT I AM THE ENGINEER OF RECORD FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT DESCRIBED HEREON.



ORIGINAL SCALE: 1" = 30'



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 619 N. Cooper Avenue, Suite 200
 Colorado Springs, CO 80903
 Tel: 719.471.0871
 Fax: 719.471.0291
 www.nbslandscape.com
 #100 AS LA 2000-2001

**URBAN
 COLLECTION
 AT PALMER
 VILLAGE**
 PUD DEVELOPMENT/
 PRELIMINARY PLAN
 HANNAH RIDGE DR
 REC NO. 11100000

DATE: 10-20-2018
 DRAWN BY: J. HARRIS
 PROJECT NO: 18-0001

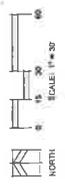
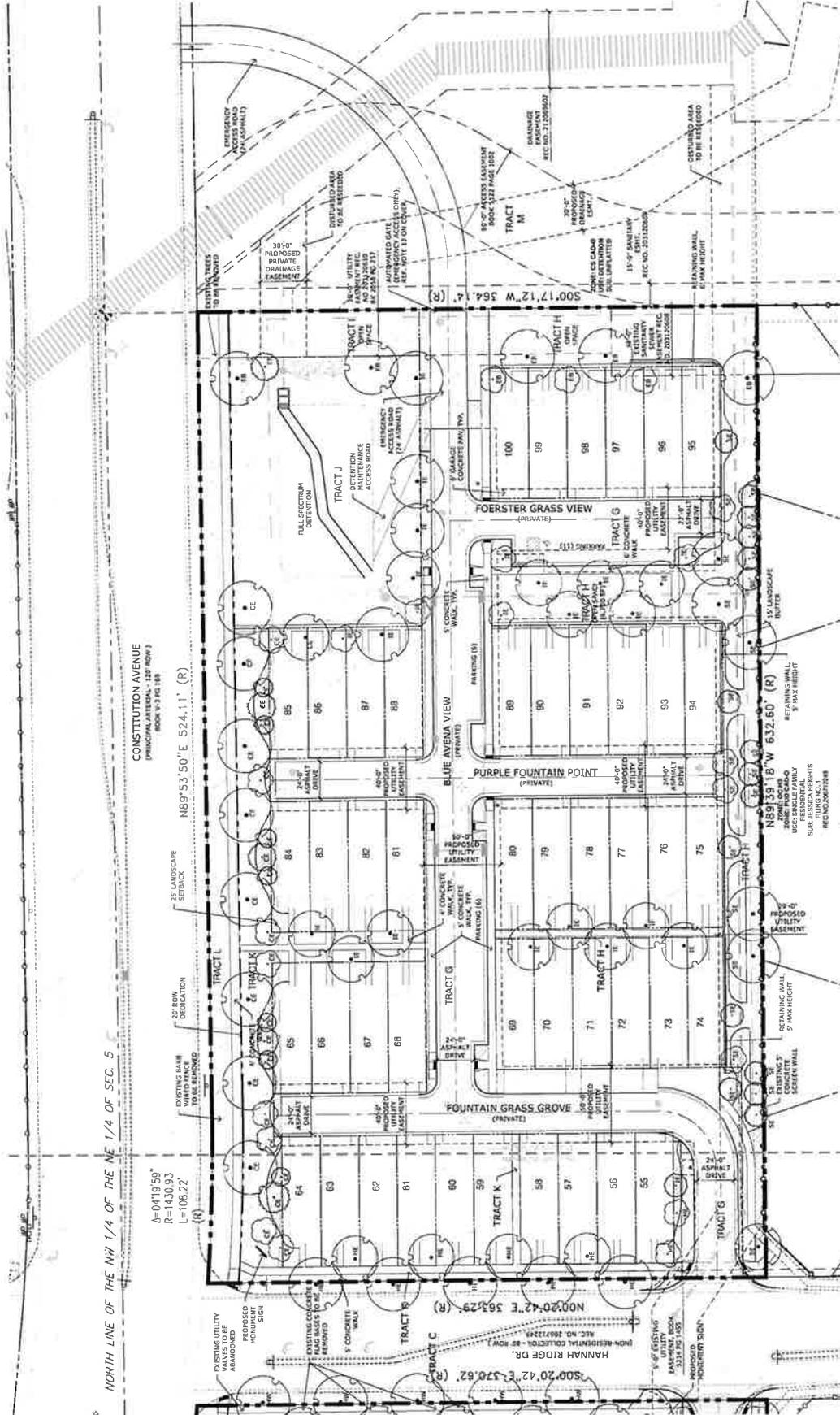
ENTITLEMENT

DATE: 10-20-2018
 DRAWN BY: J. HARRIS
 PROJECT NO: 18-0001

**PRELIMINARY
 LANDSCAPE PLAN**

11
 11 OF 13

**URBAN COLLECTION AT PALMER VILLAGE
 PUD DEVELOPMENT/PRELIMINARY PLAN**
 A PORTION OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH P.M. OF
 EL PASO COUNTY, COLORADO



FEATHERGRASS URBAN DUPLEXES

EL PASO COUNTY, COLORADO
PUD DEVELOPMENT/PRELIMINARY PLAN



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Fax: 719.471.0077
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FEATHERGRASS URBAN DUPLEXES

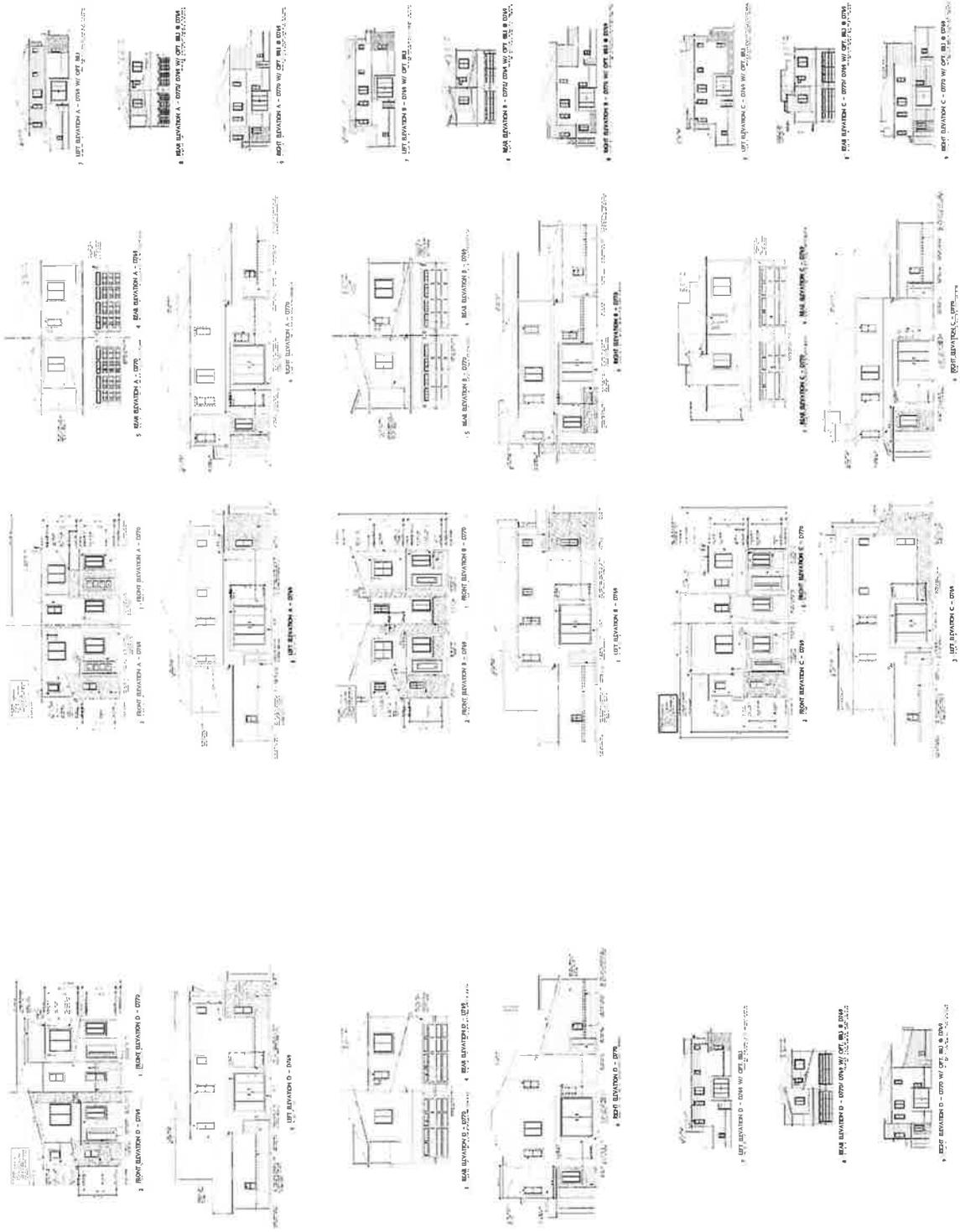
PUD DEVELOPMENT / PRELIMINARY PLAN

CONSTRUCTION AND FINISH SCHEDULE (18)
DATE: 11/14/12
PROJECT NO: 12-0001
SCALE: 1/8" = 1'-0"

ENTITLEMENT

BUILDING ELEVATIONS

13 of 13





December 16, 2019

El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

RE: Feathergrass Urban Duplexes - Preliminary Plat
Sec. 5, Twp. 14S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 26871

To Whom It May Concern:

We have received the submittal concerning the above-referenced proposal to subdivide a 10.8 +/- acre tract of land into 100 single-family lots. According to the submittal, the proposed supply of water and wastewater disposal is to be served by Cherokee Metropolitan District ("Cherokee").

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided with the submittal estimates a demand of 20.0 acre-feet/year for household use in 100 units and an additional 13.6 acre-feet/year for irrigation of 1.3 acres of lawn/garden, for a total of 33.6 acre-feet/year. This equates to approximately 0.2 acre-feet/year for household use on each lot and 10.46 acre-feet/year/acre.

Please note that standard water use rates, as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot/year for each ordinary household, 0.05 acre-foot/year for four large domestic animals, and 0.05 acre-foot/year for each 1,000 square feet of lawn and garden irrigation (2.2 acre-foot/year/acre).

Source of Water Supply

The source of water for the proposed development is to be served by the Cherokee Metropolitan District, and a November 22, 2019 letter of commitment from Widefield was provided with the submittal confirming 33.6 acre-feet have been committed to development.

Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement*



Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado, available online at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

State Engineer's Office Opinion

According to this office's records, it appears Cherokee has sufficient water resources to serve the proposed development. Based upon the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply is adequate and can be provided without causing injury to decreed water rights. Should you have any further questions, please feel free to contact me directly.

Sincerely,



Kate Fuller, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner



COLORADO
Division of Water Resources
Department of Natural Resources

June 24, 2020

Kari Parsons
El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

RE: Urban Collection at Palmer Village
Sec. 5, Twp. 14S, Rng. 65W, Sixth P.M.
Water Division 2, Water Districts 10
CDWR Assigned Subdivision No. 26871

To Whom It May Concern:

We have received the submittal concerning the above referenced proposal to approve a combined PUD/Preliminary Plan Urban Collection at Palmer Village Subdivision. This would approve the proposal to divide 51.999 +/- acres into 225 single family residential lots. The proposed supply of water is to be served by and wastewater is to be disposed of by Security Water and Sanitation Districts/Enterprises ("Security").

This office previously provided written comments, dated December 16, 2019, regarding the proposed development during the preliminary planning stage under the name of Feathergrass Urban Duplexes. The current referral does not change the water supply requirements for the subdivision; therefore, please refer to our previous comments attached to this letter.

Should you or the applicant have questions regarding any of the above, please feel free to contact me at this office.

Sincerely,

Kate Fuller, P.E.
Water Resource Engineer

ec: Bill Tyner, Division Engineer
Doug Hollister, District 10 Water Commissioner





December 16, 2019

El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

RE: Feathergrass Urban Duplexes - Preliminary Plat
Sec. 5, Twp. 14S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 26871

To Whom It May Concern:

We have received the submittal concerning the above-referenced proposal to subdivide a 10.8 +/- acre tract of land into 100 single-family lots. According to the submittal, the proposed supply of water and wastewater disposal is to be served by Cherokee Metropolitan District ("Cherokee").

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided with the submittal estimates a demand of 20.0 acre-feet/year for household use in 100 units and an additional 13.6 acre-feet/year for irrigation of 1.3 acres of lawn/garden, for a total of 33.6 acre-feet/year. This equates to approximately 0.2 acre-feet/year for household use on each lot and 10.46 acre-feet/year/acre.

Please note that standard water use rates, as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot/year for each ordinary household, 0.05 acre-foot/year for four large domestic animals, and 0.05 acre-foot/year for each 1,000 square feet of lawn and garden irrigation (2.2 acre-foot/year/acre).

Source of Water Supply

The source of water for the proposed development is to be served by the Cherokee Metropolitan District, and a November 22, 2019 letter of commitment from Widefield was provided with the submittal confirming 33.6 acre-feet have been committed to development.

Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement*



Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado, available online at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

State Engineer's Office Opinion

According to this office's records, it appears Cherokee has sufficient water resources to serve the proposed development. Based upon the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply is adequate and can be provided without causing injury to decreed water rights. Should you have any further questions, please feel free to contact me directly.

Sincerely,



Kate Fuller, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner

EL PASO COUNTY

OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys

M. Cole Emmons
Lori L. Seago
Lisa A. Kirkman
Steven A. Klatfky
Peter A. Lichtman
Mary Ritchie
Bryan L. Schmid
Nathan J. Whitney

June 23, 2020

Urban Collection at Palmer Village
PUDSP-19-11 PUD/Preliminary Plan

Reviewed by: Lori Seago, Senior Assistant County Attorney
Edi Anderson, Paralegal

1. This is a PUD and Preliminary Plan proposal by MDC Holdings, Inc. ("Applicant") for a subdivision of 100 townhomes, plus tracts for future development, and right-of-way. The PUD rezone request covers 10.8 +/- acres of land and proposes a change in zoning from PUD (commercial) and CS to PUD (residential). The Preliminary Plan includes the PUD rezone area as well as additional tracts, for a total of +/- 23.1 acres of land. The property is zoned PUD (Planned Unit Development) and CS (Commercial Service). At this time, the Applicant seeks a finding of water sufficiency only for the 10.8 acres upon which the townhomes will be developed. The remaining property within the Preliminary Plan will remain in undevelopable tracts that may be platted in the future.

2. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District ("District"). The Water Supply Information Summary sets forth a proposed water demand of 33.6 acre-feet per year for the subdivision. The water demand for the 100 townhome units is based on 0.20 acre-feet/lot for household use, plus irrigation of 13.6 acre-feet/total for community irrigation for a total of 33.6 acre-feet/year. Based on the proposed water demand, the Applicant will need to provide a supply from the District of 10,080 acre-feet (33.6 acre-feet x 300 years) to meet the County's 300-year water supply requirement.

3. The District's General Manager provided a formal letter committing to serve the subdivision dated November 22, 2019. The General Manager noted that the "proposed location for this development is located within the District's established boundaries and therefore is eligible for service connections from the District." While the District's letter did not specify the number of lots it is committing to serve, the General Manager stated that the "Cherokee Metropolitan District staff, along with the developer,

200 S. CASCADE AVENUE
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903
FAX: (719) 520-6487

have determined that the following will be the total water demand required by this occupancy: 33.6 acre-feet.”

Type of Use	Demand (AF/yr)
Domestic	20.0
Irrigation	13.6
Total	33.6

4. The Applicant provided a *Water Resources Report for Urban Collection at Palmer Village* dated June 2020, prepared by JR Engineering, LLC. The Report noted that the District has both renewable and nonrenewable water resources; however, the “majority of the District’s water supply comes from the Upper Black Squirrel Creek aquifer, which is considered a renewable resource.” The Report further states that, as of “November of 2018, the District had a surplus of 319.803 acre-feet per year for future developments.” The Report further notes that “accounting for this development, the District will be left with a surplus of 286.203 acre-feet per year for future developments.”

5. In a letter dated December 16, 2019, the State Engineer reviewed the Water Supply Information Summary and the District’s letter of commitment dated November 22, 2019. The State Engineer noted the Applicant’s estimated water demand of 0.20 acre-feet per household or 20.0 acre-feet/year for the 100 units, plus 13.6 acre-feet/year for irrigation. The Engineer stated that “[a]ccording to this office’s records, it appears Cherokee has sufficient water resources to serve the proposed development. Based on the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

6. Section 8.4.7(B)(10)(g), of the El Paso County Land Development Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary that may be provided by the El Paso County Health Department.

7. Analysis and Recommendation. Based on the Applicant’s estimated water demand of 33.6 acre-feet per year, the Cherokee Metropolitan District’s commitment to supply 33.6 acre-feet year to the subdivision, and based upon the finding of sufficiency and no injury to existing water rights by the State Engineer’s Office, the County Attorney’s Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The County Attorney’s Office recommendation is subject to the Conditions of Compliance noted below. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

CONDITION OF COMPLIANCE:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by the District.
- B. Applicant must comply with the District's requirement that Applicant must achieve appropriate zoning and a final plat land use entitlement from El Paso County within 12 months from the date of their commitment letter (November 22, 2019) in order to use the allotment. **If Applicant does not achieve final plat land use approval from 12 months from the date of the District's commitment letter, then the foregoing water review and recommendation of sufficiency will also expire.**

cc: Kari Parsons, Project Manager, Planner III

From: [JOSE A RODRIGUEZ ROSA](#)
To: [Tracey Garcia](#)
Cc: REYW251@GMAIL.COM
Subject: PUDSP-19-011 PLANNED UNIT DEVELOPEMENT URBAN COLLECTION AT PALMER RIDGE
Date: Thursday, July 16, 2020 1:51:53 AM

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

To whom this may concern: We received a notice of public hearing(s) concerning a request by Feathergrass Investments, LLC, for approval; of a map amend (rezoning) of 10.84 access etc for a planned unit development, etc

My name is Jose A. Rodriguez Rosa and I together with my wife are the owners of a house just in that corner (Constitution and Marksheffel, el Paso County, Colorado Springs). We are strongly opposed to the approval of that request. The reasons are many. This area is already overpopulated, and you cannot go outside for any reason without the need to take a car or transportation. The over population of this area impact all kind of services and the environment / ecosystem in this area. The only green area in this place is the one that they want to cover with a hundred units.... Just think in the impact to the environment and all the negatives that comes with all those houses been pile up all together in that small area of land....

What the county or city should really be looking at is to create a park where people can go outside and relax for a while. That area is perfect for that purpose.

Mark my words, if the city approves that request it will be a step closer to convert this place in to a overpopulated, overcrowded city situation where the cost caused by the results of over population will be a heavy weight in the resources, services and assets of the county: You will see increase in domestic violence issues, criminality, overpopulation and the elimination of a small area where different animals lives such as birds, hawks, owls, etc.

Please deny that request. There are enough houses here with extraordinarily little space to live (in the big sense of the word) and not just exist like tuna fish. The increase in taxes will not cover the costs of the loss of green spaces, the increase in the negatives common signs of overpopulation, the increase in demand for city and county services and the great impact (already underway) on the environment.

If I want to live in an overcrowded city, that is where we had bought. This is a suburban area and we want space to breath. Please do not take the small green areas left.

Thank you.

Jose and Reina Rodriguez
719-321-7253

MAP AMENDMENT (REZONING) – PLANNED UNIT DEVELOPMENT (PUD)
(RECOMMEND APPROVAL)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. PUDSP-19-011
Urban Collection at Palmer Village

WHEREAS, Feathergrass Investments, LLC, did file an application with the El Paso County Planning and Community Development Department to amend the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference to the PUD (Planned Unit Development) zoning district; and

WHEREAS, a public hearing was held by this Commission on July 23, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice was provided as required by law for the hearing before the Planning Commission of El Paso County.
3. The hearing before the Planning Commission was extensive and complete, all pertinent facts, matters, and issues were submitted and reviewed, and all interested persons were heard at that hearing.
4. That all exhibits were received into evidence; and
5. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado.
6. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the El Paso County Land Development Code.

7. There has been a substantial change in the character of the area since the land was last zoned.
8. The proposed development is in compliance with the requirements of the Land Development Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.
9. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area.
10. The proposed development provides adequate consideration for any potentially detrimental use-to-use relationships (e.g. commercial use adjacent to single-family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site.
11. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community.
12. The areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
13. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
14. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed.
15. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy-efficient site design.
16. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner.
17. Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide.
18. The owner has authorized the application.

19. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.
20. Sufficiency: 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 the Land Development Code.
21. 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 the Land Development Code.
22. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
23. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
24. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
25. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
26. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
27. For the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the application to amend the EL Paso County Zoning Map to rezone property to the PUD (Planned Unit Development) zoning district.

BE IT FURTHER RESOLVED that the Planning Commission recommends approval of the PUD Development Plan as a preliminary plan.

BE IT FURTHER RESOLVED that the Planning Commission recommends the following conditions, notations, and modifications be placed upon this approval:

Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:

For approval of a modification of a general development standard in the LDC or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The applicant requests the following modification(s) of the LDC:

1. A PUD Modification of Section 8.4.3.B.2 of the LDC is requested in relation to the requirement to provide midblock pedestrian crossings at specific locations.

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested PUD modifications. The applicant has depicted a sidewalk design and layout that accommodates ADA accessibility for pedestrians throughout the Proposed PUD/Preliminary plan.

The applicant is requesting the following modification(s) of the ECM:

1. The applicant is requesting a PUD modification to Section 2.3.2 .A, Table 2-7, which specifies the 300 ADT criterion for Local (low volume) roads of the ECM to allow for a lower road classification cross section and associated design attributes for Fountain Grass Grove where the Local (low volume) design average daily traffic (ADT) is 300 and the proposed private road is anticipated to have 395 ADT on the west side of Hannah Ridge Drive and 337 ADT on the east side.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification because Fountain Grass Grove, as a proposed private road, in essence provides direct lot access as prescribed in the ECM, Section 2.2.4.B.7, which states that “Local (low volume) roadways provide direct lot access and deliver lot-generated trips to collector roadways.”, and the anticipated traffic volumes are not excessive.

2. The applicant is requesting a PUD modification to Section 2.3.3. E, Table 2-7, which specifies the 100-foot centerline radius criterion for Local (low volume) roads of the

ECM to allow for reduced centerline radii of 37 feet where 100 feet is required on a Local (low volume) road.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification in conjunction with the overall design requiring slow vehicle speeds on the proposed private roads. Turning templates were provided for the typical fire truck and trash truck that are anticipated to serve the subdivision showing that these vehicles can make the turns within the proposed road layout, and the Falcon Fire Protection District has no objections to the design.

3. The applicant is requesting a PUD modification to 2.3.7.F.1, Table 2-31, which specifies the 20-foot curb return radii criterion for local-to-local road intersections of the ECM to allow for reduced intersection curb return radii of 10 feet where 20 feet is required. This deviation is requested so that the private roads have space to provide parking areas and only applies to the internal alley/road intersections.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification in conjunction with the overall design requiring slow vehicle speeds on the proposed private roads. Turning templates were provided for the typical fire truck and trash truck that are anticipated to serve the subdivision showing that these vehicles can make the turns within the proposed road layout, and the Falcon Fire Protection District has no objections to the design. Urban local roadways allow on-street parking within the clear zone.

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.
2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission.

The development guide shall be recorded in conjunction with the PUD development plan.

5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
6. Applicable park, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of recording the final plat(s).
7. The developer shall participate in a fair and equitable manner in the design and future construction of Akers Drive south of Constitution Avenue. The fair share attributed to Urban Collection at Palmer Village, shall be identified in the applicant's traffic study for the final plat(s) of the residential development east of Hannah Ridge Drive. The corresponding escrow shall be determined and deposited at the time of recording the final plat(s).
8. The extension of Akers Drive from Constitution Avenue to the south property boundary shall be depicted on the future preliminary plan for the areas identified as Tracts M and N located east of the proposed residential development within this PUD/Preliminary Plan. The Akers Drive extension shall be constructed with the first final plat that includes land within Tract M and/or N as depicted on the face of the preliminary plan (PUDSP-19-11).

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director pursuant to Section 7.2.1.3.D of the Land Development Code.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Bailey seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Bailey	aye
Commissioner Risley	aye
Commissioner Carlson	aye
Commissioner Moraes	aye
Commissioner Lucia-Treese	aye
Commissioner Greer	aye
Commissioner Trowbridge	aye
Commissioner Fuller	aye
Commissioner Blea-Nunez	aye

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: July 23, 2020

Brian Risley, Chair

EXHIBIT A

West Parcel:

That portion of the Northeast Quarter of Section 5, Township 14 South, Range 65 West of the 6th P.M. of El Paso County, Colorado, more particularly described as follows;
(Bearings referred to herein are based on the north line of said Northeast Quarter of Section 5, assumed to bear N89°53'50"E.)

Beginning at the northwest corner of said Northeast Quarter, said corner being on the southerly line of Constitution Avenue as described in "Constitution Avenue / Peterson Road Right-of-way", recorded in Plat Book V-3 at Page 169 of the records of said County (the following three (3) courses are along said southerly line.);

- 1.) Thence S89°54'50"E, 107.89 feet;
- 2.) Thence along the arc of a curve to the right, said curve having a central angle of 6°04'26", a radius of 1,310.93 feet, for an arc distance of 138.97 feet;
- 3.) Thence S83°50'24"E, 364.67 feet to the westerly Right-of-way line of Hannah Ridge Drive, an 80 foot Right-of-way as shown on Jessica Heights Filing No. 1 as recorded under Reception No. 206712249 of the records of said County;

Thence S00°20'42"W, 370.62 feet along said westerly Right-of-way line to the northeast corner of Lot 26 of said Jessica Heights Filing No. 1;

Thence N89°39'18"W, 609.42 feet along the northerly lines of said Lot 26 and Lots 25, 24, 15, 14, and 13 of said Jessica Heights Filing No. 1 to the northwest corner of said Lot 13, said corner also being on the west line of said Northeast Quarter of Section 5;

Thence N00°20'42"E, 413.81 feet along said west line to the Point of Beginning.

For a total of 243,396 SF, or 5.588 acres, more or less.

County of El Paso
State of Colorado

East Parcel:

That portion of the Northeast Quarter of Section 5, Township 14 South, Range 65 West of the 6th P.M. of El Paso County, Colorado, more particularly described as follows;
(Bearings referred to herein are based on the north line of said Northeast Quarter of Section 5, assumed to bear N89°53'50"E.)

Commencing at the northwest corner of said Northeast Quarter, said corner being on the southerly line of Constitution Avenue as described in "Constitution Avenue / Peterson Road Right-of-way", recorded in Plat Book V-3 at Page 169 of the records of said County (the following six (6) courses are along said southerly line);

- 1.) Thence S89°54'50"E, 107.89 feet;
- 2.) Thence along the arc of a curve to the right, said curve having a central angle of 6°04'26", a radius of 1,310.93 feet, for an arc distance of 138.97 feet;
- 3.) Thence S83°50'24"E, 396.82;
- 4.) Thence along the arc of a curve to the left, said curve having a central angle of 1°55'47", a radius of 1,430.93 feet, for an arc distance of 48.19 feet to a point on the easterly Right-of-way line of Hannah Ridge Drive, an 80 foot Right-of-way as shown on

Jessica Heights Filing No. 1 as recorded under Reception No. 206712249 of the records of said County, said point also being the Point of Beginning of the Tract of land herein described;

- 5.) Thence continuing along the arc of a curve to the left, said curve having a central angle of $4^{\circ}19'59''$, a radius of 1,430.93 feet, for an arc distance of 108.22 feet to a line 60 feet south of and parallel to said north line of the Northeast Quarter of Section 5;
- 6.) Thence $N89^{\circ}32'50''E$, 524.11 feet along said parallel line to its intersection with the west line of the northeast corner of said Northeast Quarter of Section 5;

Thence $S00^{\circ}17'12''W$, 364.14 feet along said west line to the northeast corner of Lot 85 of said Jessica Heights Filing No. 1;

Thence $N89^{\circ}39'18''W$, 632.60 feet along the northerly lines of said Lot 85 and Lots 86, 87, 96, 97, and 98 of said Jessica Heights Filing No. 1 to the northwest corner of said Lot 98, said corner also being on the said easterly Right-of-way line of Hannah Ridge Drive;

Thence $N00^{\circ}20'42''E$, 363.29 feet along said easterly Right-of-way line to the Point of Beginning.

For a total of 228,886 SF, or 5.254 acres, more or less.

County of El Paso

State of Colorado

RESOLUTION NO. 20-

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO

APPROVAL OF THE URBAN COLLECTION AT PALMER VILLAGE MAP
AMENDMENT (REZONING) AND PUD DEVELOPMENT PLAN (PUDSP-19-
011)

WHEREAS Feathergrass Investments, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from an overall 23.1 acre development area from a conceptual PUD (Planned Unit Development) , CAD-O (Commercial Airport District Overlay) zoning district to a site-specific PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development plan; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 23, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application and supporting PUD Development Plan; and

WHEREAS, a public hearing was held by this Board on August 25, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and Board of County Commissioners of El Paso County.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters

and issues were submitted and reviewed, and all interested persons were heard at those hearings.

4. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado.
5. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the Land Development Code.
6. The proposed development is in compliance with the requirements of the Land Development Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.
7. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area.
8. The proposed development provides adequate consideration for any potentially detrimental use-to-use relationships (e.g. commercial use adjacent to single-family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site.
9. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community.
10. The areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
11. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
12. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed.
13. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy-efficient site design.

14. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner.
15. Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide.
16. The owner has authorized the application.
17. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
18. The subdivision is in conformance with the subdivision design standards and any approved Sketch Plan.
19. Sufficiency: 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 the Land Development Code.
20. 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 the Land Development Code.
21. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
22. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
23. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
24. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.

25. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.

26. For the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

27. For the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the application to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from an overall 23.1 acre development area from a conceptual PUD (Planned Unit Development) , CAD-O (Commercial Airport District Overlay) zoning district to a site-specific PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development Plan.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby approves the PUD Development Plan as a preliminary plan.

BE IT FURTHER RESOLVED the following modifications, conditions, and notations shall be placed upon this approval:

MODIFICATIONS

Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:

For approval of a modification of a general development standard in the LDC or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
 - Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
 - Provision of a more efficient pedestrian system;
 - Provision of additional open space;
 - Provision of other public amenities not otherwise required by the Code;
- or

- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The applicant requests the following modification(s) of the LDC:

1. The applicant is requesting a PUD modification to Sections 8.4.4.C. and 8.4.4.E.3 of the Code to allow for private roads that are not proposed to be built to public road standards.

- Section 8.4.4.C, *Public Roads Required*, of the Code states:
“Divisions of land, lots and tracts shall be served by public roads.”
- Section and 8.4.4.E.3, *Private Road Allowances*, of the Code states:
“Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may include design standards for the following:
 - Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;
 - Design speed where it is unlikely the road will be needed for use by the general public;
 - Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;
 - Maximum and minimum block lengths; and
 - Maximum grade.

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested PUD modifications. Per the proposed PUD/Preliminary Plan, adequate lot accessibility can be provided via the proposed private roads. The applicant has depicted a sidewalk design and layout that accommodates pedestrians throughout the proposed PUD/preliminary plan and allows for connections to the adjacent existing sidewalks.

As summarized in the applicant’s letter of intent, reducing the requirement of constructing private roads to public road standards to a lesser standard is proposed to provide for a more livable environment and provision of more efficient pedestrian spaces. The applicant has obtained written endorsement from Falcon Fire Protection District and the applicant is proposing the

maintenance for the private roads to be provided by a homeowners' association.

The applicant is requesting the following modification(s) of the ECM:

1. The applicant is requesting a PUD modification to Section 2.3.2 .A, Table 2-7, which specifies the 300 ADT criterion for Local (low volume) roads of the ECM to allow for a lower road classification cross section and associated design attributes for Fountain Grass Grove where the Local (low volume) design average daily traffic (ADT) is 300 and the proposed private road is anticipated to have 395 ADT on the west side of Hannah Ridge Drive and 337 ADT on the east side.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification because Fountain Grass Grove, as a proposed private road, in essence provides direct lot access as prescribed in the ECM, Section 2.2.4.B.7, which states that "Local (low volume) roadways provide direct lot access and deliver lot-generated trips to collector roadways.", and the anticipated traffic volumes are not excessive.

2. The applicant is requesting a PUD modification to Section 2.3.3. E, Table 2-7, which specifies the 100-foot centerline radius criterion for Local (low volume) roads of the ECM to allow for reduced centerline radii of 37 feet where 100 feet is required on a Local (low volume) road.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification in conjunction with the overall design requiring slow vehicle speeds on the proposed private roads. Turning templates were provided for the typical fire truck and trash truck that are anticipated to serve the subdivision showing that these vehicles can make the turns within the proposed road layout, and the Falcon Fire Protection District has no objections to the design.

3. The applicant is requesting a PUD modification to 2.3.7.F.1, Table 2-31, which specifies the 20-foot curb return radii criterion for local-to-local road intersections of the ECM to allow for reduced intersection curb return radii of 10 feet where 20 feet is required. This deviation is requested so that the

private roads have space to provide parking areas and only applies to the internal alley/road intersections.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification in conjunction with the overall design requiring slow vehicle speeds on the proposed private roads. Turning templates were provided for the typical fire truck and trash truck that are anticipated to serve the subdivision showing that these vehicles can make the turns within the proposed road layout, and the Falcon Fire Protection District has no objections to the design. Urban local roadways allow on-street parking within the clear zone.

Authorization to Sign: PUD Development Plan and any other documents required to finalize the approval. Approval by the Board of the preliminary plan with a finding of sufficiency for water quality, quantity, and dependability authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s) consistent with the preliminary plan as well as the associated Subdivision Improvements Agreements, Detention Pond Maintenance Agreements and any other documents necessary to carry out the intent of the Board of County Commissioners.

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.
2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by

the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.

5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
6. Applicable park, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of recording the final plat(s).
7. The developer shall participate in a fair and equitable manner in the design and future construction of Akers Drive south of Constitution Avenue. The fair share attributed to Urban Collection at Palmer Village, shall be identified in the applicant's traffic study for the final plat(s) of the residential development east of Hannah Ridge Drive. The corresponding escrow shall be determined and deposited at the time of recording the final plat(s).
8. The extension of Akers Drive from Constitution Avenue to the south property boundary shall be depicted on the future preliminary plan for the areas identified as Tracts M and N located east of the proposed residential development within this PUD/Preliminary Plan. The Akers Drive extension shall be constructed with the first final plat that includes land within Tract M and/or N as depicted on the face of the preliminary plan (PUDSP-19-11).

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director pursuant to Section 7.2.1.3.D of the Land Development Code.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously

denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 25th day of August, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

West Parcel:

That portion of the Northeast Quarter of Section 5, Township 14 South, Range 65 West of the 6th P.M. of El Paso County, Colorado, more particularly described as follows;

(Bearings referred to herein are based on the north line of said Northeast Quarter of Section 5, assumed to bear N89°53'50"E.)

Beginning at the northwest corner of said Northeast Quarter, said corner being on the southerly line of Constitution Avenue as described in "Constitution Avenue / Peterson Road Right-of-way", recorded in Plat Book V-3 at Page 169 of the records of said County (the following three (3) courses are along said southerly line.);

- 1.) Thence S89°54'50"E, 107.89 feet;
- 2.) Thence along the arc of a curve to the right, said curve having a central angle of 6°04'26", a radius of 1,310.93 feet, for an arc distance of 138.97 feet;
- 3.) Thence S83°50'24"E, 364.67 feet to the westerly Right-of-way line of Hannah Ridge Drive, an 80 foot Right-of-way as shown on Jessica Heights Filing No. 1 as recorded under Reception No. 206712249 of the records of said County;

Thence S00°20'42"W, 370.62 feet along said westerly Right-of-way line to the northeast corner of Lot 26 of said Jessica Heights Filing No. 1;

Thence N89°39'18"W, 609.42 feet along the northerly lines of said Lot 26 and Lots 25, 24, 15, 14, and 13 of said Jessica Heights Filing No. 1 to the northwest corner of said Lot 13, said corner also being on the west line of said Northeast Quarter of Section 5;

Thence N00°20'42"E, 413.81 feet along said west line to the Point of Beginning. For a total of 243,396 SF, or 5.588 acres, more or less.

County of El Paso
State of Colorado

East Parcel:

That portion of the Northeast Quarter of Section 5, Township 14 South, Range 65 West of the 6th P.M. of El Paso County, Colorado, more particularly described as follows;

(Bearings referred to herein are based on the north line of said Northeast Quarter of Section 5, assumed to bear N89°53'50"E.)

Commencing at the northwest corner of said Northeast Quarter, said corner being on the southerly line of Constitution Avenue as described in "Constitution Avenue / Peterson Road Right-of-way", recorded in Plat Book V-3 at Page 169 of the records of said County (the following six (6) courses are along said southerly line);

- 1.) Thence S89°54'50"E, 107.89 feet;
- 2.) Thence along the arc of a curve to the right, said curve having a central angle of 6°04'26", a radius of 1,310.93 feet, for an arc distance of 138.97 feet;
- 3.) Thence S83°50'24"E, 396.82;
- 4.) Thence along the arc of a curve to the left, said curve having a central angle of 1°55'47", a radius of 1,430.93 feet, for an arc distance of 48.19 feet to a point on the easterly Right-of-way line of Hannah Ridge Drive, an 80 foot Right-of-way as shown on Jessica Heights Filing No. 1 as recorded under Reception No. 206712249 of the records of said County, said point also being the Point of Beginning of the Tract of land herein described;
- 5.) Thence continuing along the arc of a curve to the left, said curve having a central angle of 4°19'59", a radius of 1,430.93 feet, for an arc distance of 108.22 feet to a line 60 feet south of and parallel to said north line of the Northeast Quarter of Section 5;
- 6.) Thence N89°32'50"E, 524.11 feet along said parallel line to its intersection with the west line of the northeast corner of said Northeast Quarter of Section 5;

Thence S00°17'12"W, 364.14 feet along said west line to the northeast corner of Lot 85 of said Jessica Heights Filing No. 1;

Thence N89°39'18"W, 632.60 feet along the northerly lines of said Lot 85 and Lots 86, 87, 96, 97, and 98 of said Jessica Heights Filing No. 1 to the northwest corner of said Lot 98, said corner also being on the said easterly Right-of-way line of Hannah Ridge Drive;

Thence N00°20'42"E, 363.29 feet along said easterly Right-of-way line to the Point of Beginning.

For a total of 228,886 SF, or 5.254 acres, more or less.

County of El Paso
State of Colorado