

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

August 25, 2020

Feathergrass Investments, LLC
4715 N. Chestnut St.
Colorado Springs, CO. 80907

NES, Inc.
619 N Cascade Avenue, Suite 200
Colorado Springs, CO 80903

RE: Urban Collection at Palmer Village - (PUDSP-19-011)

This is to inform you that the above-reference request 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) to develop 100 single-family attached residential lots, drainage, open space, and utility tracts was heard by the El Paso County Board of County Commissioners and an approval was made at the August 25, 2020 hearing. The applicant is also requesting approval of a 23.1 are 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, quantity, 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.

Parcel Nos.: 54051-00-041, 54051-00-042, 54051-00-043, 54051-00-044, 54050-00-035, and 54050-00-051

This approval is subject to the following:

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.

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.

This represents the Planning and Community Development Department's understanding of the action taken by the Board of County Commissioners.

Should you have any questions, or if I can be of further assistance, please contact me at 719-520-6300.

Sincerely,

A handwritten signature in blue ink that reads "Kari Parsons". The signature is written in a cursive, flowing style.

Kari Parsons, Planner III

File No. PUDSP-19-011