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## SOLACE OF COLORADO SPRINGS: PRELIMINARY PLAN

### LETTER OF INTENT

FEBRUARY 2020

#### PROPERTY OWNER

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

#### APPLICANT:

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

#### CONSULTANT:

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

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### REQUEST

Jackson Dearborn Partners requests approval of the following application:

1. A Preliminary Plan for Solace of Colorado Springs, consisting of 348 multi-family units within 15 buildings on approximately 29 acres. ***The Applicant requests the following:***
  - ***Phase 1: the finding of sufficiency for water quantity, dependability and quality with his Preliminary Plan so that the Final Plat for Phase 1 can be approved administratively.***
  - ***Phase 2: the finding of sufficiency for water quantity, dependability and quality be deferred to the Final Plat.***

The justification for these requests is provided in this Letter of Intent.

### SUPPORTING DOCUMENTS

The following reports are submitted in support of this Preliminary Plan and are referenced in this Letter of Intent:

- FEMA CLOMR Report prepared by JR Engineering LLC
- Fire Protection Report prepared by N.E.S. Inc.
- Geologic Hazards Evaluation and Preliminary Geotechnical Investigation prepared by CTL Thompson, Inc.
- Natural Features Report prepared by N.E.S. Inc.
- Noise Study prepared by ASTI Engineering
- Sand Creek Center Tributary Channel Analysis Report prepared by JR Engineering LLC
- Traffic Impact Study prepared by Felsburg Holt and Ullevig (FHU)
- Water Resources and Wastewater Report prepared by JR Engineering LLC
- Wildland Fire & Hazard Mitigation Plan prepared by N.E.S. Inc.
- Preliminary Drainage Report prepared by JR Engineering LLC

## SITE LOCATION AND DESCRIPTION



Solace of Colorado Springs will be located northeast of N Powers Boulevard and Galley Road, and west of the Paonia Street extension in El Paso County. The site is approximately 29 acres. Most of the area has been developed with commercial and light industrial uses. The surrounding properties are all in El Paso County and include:

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

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

## PROJECT DESCRIPTION

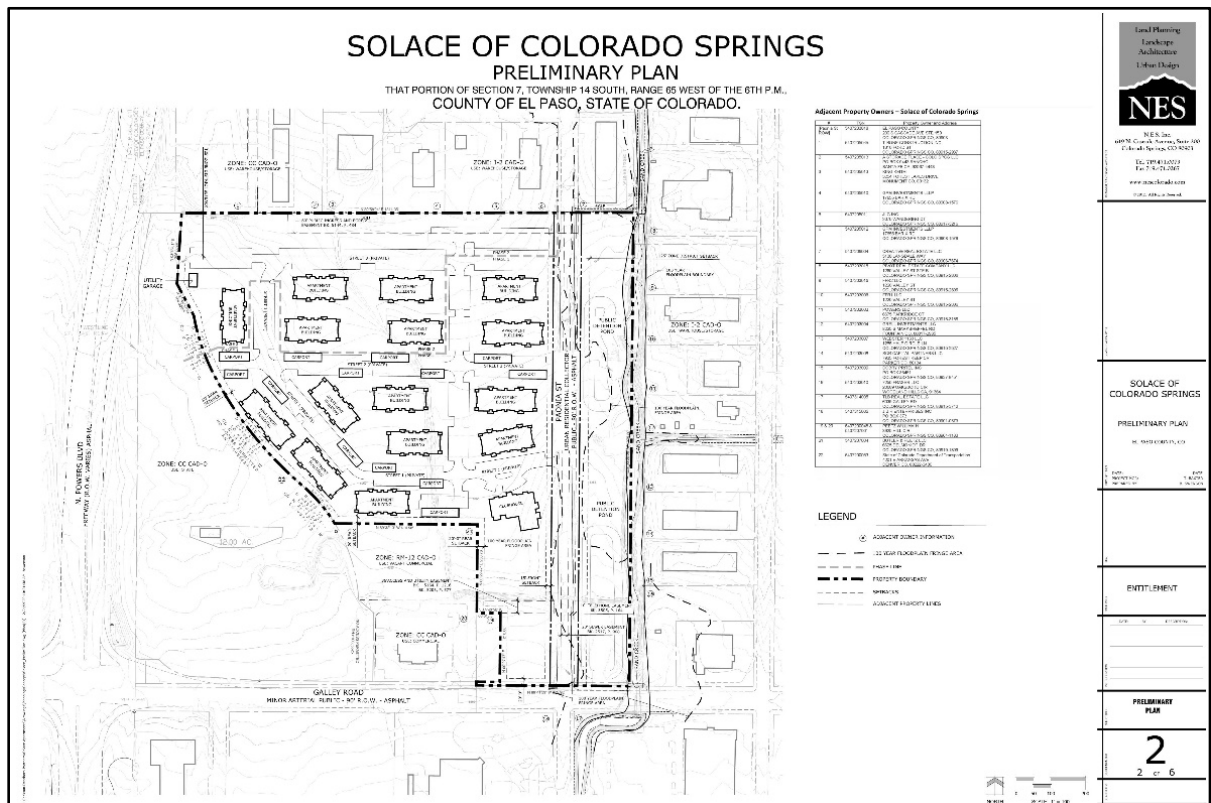
### Property Zone History

The property was rezoned to RM-12 (CAD-O) (Residential Multi-Dwelling, Commercial Airport Overlay District) in 2017 in accordance with Resolution No. 17-118. This Resolution noted that “multifamily development is appropriate at this location, despite being located within the ADNL subzone, as a result of the applicant using construction techniques to decrease indoor noise levels to 30 dB(A) or lower.” The Resolution provided a list of conditions and notations of approval which have been observed with this project.

An Administrative Decision was issued July 3, 2017. This Decision pertained to the 125’ setback along the north and east zoning district boundaries. As part of the rezone of this property, building setbacks established for the I2 zoning district for the front and rear increase to 125 feet adjacent to residential property. To mitigate potential impacts to the existing industrial properties, the rezone applicant elected to absorb the 125-foot setback requirement which would otherwise burden the neighboring I-2 zoned private properties, preventing them from any future construction.

### Preliminary Plan

The request is for a Preliminary Plan for Solace of Colorado Springs, consisting of 348 multi-family units in 15 buildings which will consist of one-, two- and three-bedroom units. In Phase 1, 234 units will be constructed in Phase 2, 114 units will be constructed. Phase 1 consists of 21.37 acres and Phase 2 consists



of 7.62 acres. The RM-12 zoning district is a 12-dwelling unit per acre district. The site is approximately 29 acres and 348 units are proposed; thus the gross density is 12 dwelling units per acre. Density and dimensional standards for the RM-12 zone set forth in the Land Development Code ("LDC") have been adhered to.

### **Access and Traffic**

Access to the site will be off Paonia Street which will be extended north from Galley Road to Paonia Street south of Omaha Boulevard. Site access will be provided via two full movement access points along the extension of Paonia Street east of the residential development. Based on current design, internal circulation or safety issues are not expected.

The 2040 Major Transportation Corridors Plan (MTCP) classifies Galley Road as minor arterial, Powers Boulevard as a freeway, and Paonia Street a collector. No roadway improvements in the area are identified on the 'Improvements Map' in the MTCP. A Transportation Impact Study ("TIS") prepared by FHU assess the trips generated by the proposed development in context of 2021 short-term and 2040 long-term background traffic. The TIS identifies road improvements which includes: "Auxiliary turn lanes should be installed along all approaches to the Galley Rd/Paonia St intersection and left turn lanes should be provided at the site accesses to Paonia St."

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

### **Open Space and Trails**

The open area east of Paonia Street, approximately 4.73 acres, will be preserved. Two natural marshland detention areas will be constructed within this open area. A network of internal pathways will be constructed through the development. The natural area and the pathways will be owned and maintained by the development associations.

A detached sidewalk along Paonia is will be constructed. This sidewalk will connect to a detached sidewalk along Galley which will extend to Powers.

Park land dedication or fees in lieu of land dedication will be due at the time of final plat recordation.

### **Drainage**

The Preliminary Drainage Report prepared by JR Engineering analyses the existing drainage characteristics of the site and any required improvements. The proposed Solace of Colorado Springs project is part of the Sand Creek Drainage Basin which is a tributary to Fountain Creek. The report notes that the on-site, existing basin drainage patterns are generally from northwest to southeast by way of on-site swales. Existing on-site areas flow directly into the Sand Creek Drainageway. According to the report, the proposed development will not adversely affect the offsite major Drainageways or surrounding development. In order to safely convey flow through the Sand Creek Drainageway, channel improvements will be necessary to ensure channel stability and prevent channel degradation. The Preliminary Drainage Report meets the latest El Paso County Drainage Criteria requirements for the site.

## **Utilities**

Water and Sewer: The Water Resources Report and a Wastewater Disposal Report were prepared by JR Engineering. This project is located in the service area for the Cherokee Metropolitan District (“District”).

The District will supply water to the proposed development via its existing water supply system via three connections discussed in the Water Resources Report. According to the Wastewater Disposal Report, the proposed wastewater discharge of the project is within the acceptance capacity of the District. The sanitary sewer system, design and modeling results conform to all applicable criteria set forth by El Paso County and the District.

The District issued a letter dated February 12, 2020. This project is located within the District’s established boundaries and is eligible for service connections from the District. The District indicated that it can provide water and sewer services for Phase 1 of the project. To confirm this commitment, a copy of the final plat approved by El Paso County Development Services must be provided to the District within 12 months of the date of this letter.

### ***The Applicant requests the following:***

- ***Phase 1: the finding of sufficiency for water quantity, dependability and quality with his Preliminary Plan so that the Final Plat for Phase 1 can be approved administratively.***
- ***Phase 2: the finding of sufficiency for water quantity, dependability and quality be deferred to the Final Plat.***

Gas & Electric: The property is located outside of the City of Colorado Springs city limits, yet it is located within the Colorado Springs Utilities’ (“CSU”) electric and gas service territories. CSU provided a letter of availability of utility services to the property, letter dated December 17, 2019. Services are presently available to meet the demands anticipated. Connection to CSU system are contingent upon meeting all requirements of CSU tariffs and City of Colorado Springs ordinances that are in effect for each requested utility service at the time application for service is made by the customer and formally accepted by CSU.

## **Natural Features**

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

## **Vegetation**

The existing ground cover on site is sparse vegetation consisting of a slight to moderate stand of mostly grasses and weeds and scattered deciduous trees. Somewhat heavier vegetation and a thicker concentration of deciduous trees are present along the eastern edge of the property in the vicinity of an

existing drainage channel that runs in a generally north-to-south direction and separates the property from existing commercial buildings to the east of the site. The parcel is crisscrossed by several narrow, dirt paths. Low earth berms (maximum height of about 5 feet) are present in the center of the property and near the southern edge of the parcel. The berms appear to have been constructed at some point in the property history to control storm runoff. This property will be completely redeveloped and a final landscape plan will be submitted with the Site Development Plan to address the pathways, common area landscaping, and the open area to the east of Paonia Street.

### **Noxious Weeds**

The site is unoccupied and undeveloped. Noxious weeds exist throughout the property. Weed control prior to and during construction shall take place to eliminate existing weeds and to prevent introducing new weeds. Following construction, the property owner/manager will be responsible for weed control in the open area and throughout the development.

### **Floodplain**

Currently a portion of the Solace site lies within Zone AE at the extension of Paonia Street to Galley Road, as seen in FEMA FIRM Map number 08041C0558G. Based on the FEMA FIRM Map number 08041C0558G, dated December 7, 2018, a portion of the existing drainageway lies also within Zone AE and Zone X. Zone AE is defined as areas subject to inundation by the 1-percent-annual-chance flood event and is a flood hazard area. Zone X is defined as areas outside the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2-percent-annual-chance (or 500-year) flood. A floodplain boundary has been assessed by JR Engineering as described in the FEMA CLOMR Report and is depicted on the Preliminary Plan. The proposed floodplain is subject to verification by FEMA through the CLOMR/LOMR process. The proposed floodplain is contained entirely within the open space area to the east of the Paonia extension, which will be platted as a separate tract and will not impact the residential development.

### **Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a low wildlife impact potential probably as it is surrounded by urban industrial development. Birds are the most common wildlife, with mammals in the treed areas. Reptiles and amphibians in and around the creek. There are no known protected species on the site.

### **Wetlands**

The Sand Creek Drainage Basin covers approximately 54 square miles in unincorporated El Paso County, CO. The Sand Creek Drainage Basin is tributary to Fountain Creek. In its existing condition, the basin is comprised of developed land with the exception of the site which is comprised of rolling rangeland with fair to good vegetative cover associated with Colorado's semi-arid climate. The natural Drainageway within the site limits is typically deep and narrow with a well-defined flow path in most areas. No wetlands have been delineated on the site.

### **Soils and Geology**

The Soils and Geology Report prepared by CTL Thompson ("CTL") dated December 10, 2019. CTL noted that no geologic hazards were identified that would preclude development of the site. The report indicates that regional geologic conditions that impact the site include seismicity and radioactivity which can be mitigated with engineering design and construction methods commonly employed in this area. Groundwater levels will vary with seasonal precipitation and landscaping irrigation. CTL indicated that

site grading and utility installation across the site can be accomplished using conventional, heavy-duty construction equipment.

### **Wildfire Hazard Mitigation**

According to the Wildfire Hazard Potential (WHP), developed by the U.S. Forest Service (USFS) and Fire Modeling Institute to help inform assessments of wildfire risk or prioritization of fuels management needs across large landscapes, the site is identified as 'non-burnable'. The site is surrounded by urban development and has limited vegetation. The development will comply with County Development Standards for Fire Protection and standards of the Cimarron Hills Fire Department.

The Colorado Wildfire Risk Assessment Portal (CO-WRAP) was developed by the Colorado State Forest Service in 2012. The primary goal stated for this project is to "provide a consistent, comparable set of scientific results to be used as a foundation for wildfire mitigation and prevention planning..." This resulted in a web-based mapping tool that provides wildfire risk assessment for Colorado. This tool was also used to assess the relative wildfire risk to the property. Within the CO-WRAP, the proposed development area is rated at the lowest wildfire threat level.

## **PROJECT JUSTIFICATION**

### **Preliminary Plan**

The Preliminary Plan is consistent with the approval criteria in Section 7.2.1.D.2.e of the LDC as follows:

#### **1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;**

The property does not lie within a Master Plan Small Area Plan. The following County Policy Plan policies are relevant to this project:

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

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

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

**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. The proposed project is consistent with the County Policy Plan as it will provide housing choice in a location accessible to employment, commercial services and public transportation.

**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 proposed subdivision is in conformance with the subdivision design standards. The subdivision design standards set out in Chapter 8 of the Land Development Code are met, including but not limited to:

- Adequate provision for traffic, drainage, open space, recreation and parks;
- Provision of properly designed roads to provide for safe and convenient vehicular circulation and identification of required road improvements;
- Adequate provision for water, sewer and other utilities;
- Ensuring that structures will harmonize with the physical characteristics of the site

**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;**

The proposed development is located in the service area for the Cherokee Metropolitan District. The District provided a 'Letter of Commitment', dated February 12, 2020, for Phase 1 of the project. It was determined by the District, based on the data provided by JR Engineering, that the following total water demand supply by this Phase 1 occupancy:

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

***The Applicant requests the following:***

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**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;**

JR Engineering prepared a Wastewater Disposal Report. The purpose of the report is to show that the proposed wastewater discharge is within the acceptance capacity of the Cherokee Hills Metropolitan District and satisfies the requirements set forth by the El Paso County Land Development Code, Section 8.4.8.D (Wastewater Disposal - Public System). No waivers are necessary. The District provided a 'Letter of Commitment' for municipal water and sewer service for Phase 1 of this development project.

**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 Geologic Hazards Evaluation and Preliminary Geotechnical Investigation report prepared by CTL Thompson evaluates the site for the occurrence of geologic hazards that may impact development of the property, and to provide preliminary geotechnical design concepts. In summary, the report notes the following:

- Geologic Hazards were not identified that would preclude the development as planned.
- Regional geologic conditions that impact the site include seismicity and radioactivity. These conditions can be mitigated with engineering design and construction methods commonly employed in the area.
- The near-surface soils consisted of 25-feet of clean silty, sand soils with widely-scattered lenses of clayey sand and sandy clay.
- Groundwater will vary with seasonal precipitation and landscaping irrigation.
- Site grading and utility installation across the site can be accomplished using conventional, heavy-duty construction equipment.
- It is likely that spread footing foundations and conventional, slab-on-grade floors for at-grade levels will be appropriate for this site.
- Overall plans should provide for rapid conveyance of surface runoff to the storm sewer system.

**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;**

These matters are addressed in the Preliminary Drainage Report prepared by Jr Engineering. The proposed stormwater conveyance system was designed to convey the developed project runoff to two proposed full spectrum water quality and detention ponds via private storm sewer. The proposed ponds

are designed to release at less than historic rates to minimize adverse impacts downstream. Treated water will outfall directly into the Sand Creek Drainageway, where it will eventually outfall into Fountain Creek.

**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;**

Site access is proposed to be provided via two full movement accesses to the extension of Paonia St east of the residential development within the project site. Internal roadways will be private. Internal circulation or safety based on the current design of the site should not cause any issues. Street names have not yet been decided for this project. El Paso-Teller County 911 Authority will be contacted when street names have been determined to seek approval.

**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;**

An approximately 4.73 open space area east of the Paonia extension will be preserved. Two natural marshland detention areas will be constructed. The Sand Creek -Center Tributary Drainageway channel will be improved in order to provide adequate capacity and prevent further erosion. These recommended improvements include widening and riprap lining to ensure the Sand Creek Drainageway remains stable during 100-year event. This open space area will be maintained by the project owner or manager. The project will have sufficient open space areas throughout the development for the residents. There is a perimeter pathway, landscaped areas around the proposed buildings, a park/playground area, two dog park areas, and a clubhouse and pool area.

**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;**

An internal perimeter pathway will be located throughout the project which will be maintained by the property owner or manager. Internal concrete sidewalks will be located throughout the project which will connect to a detached sidewalk along Paonia Street and Galley Road. Mountain Metropolitan Transit provides bus service in El Paso County. Currently there are existing bus stops located adjacent to the project site. This site is a great location for multi-family development as its close to transit, employment, commercial services and McAuliffe Elementary School is within walking distance. The County has previously supported a multi-family development at this location in accordance with Resolution No. 17-118.

**3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;**

As part of the previous rezoning and site development plan approval (Resolution No. 17-118) for a multi-family project, a 125' building setback was established along the north and east zoning district boundaries.

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The project includes these setbacks and proposes a 5' berm along the northern property line in addition to the installation of a 6' opaque fence along the north property boundary.

**4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and**

The open area to the east of Paonia Street will remain un-developed except for Drainageway channel improvements and the construction of two full spectrum water quality and detention ponds. Neither wetlands nor wildlife corridors are known on this 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 Impact Study demonstrates that the development will not materially impact existing levels of service on surrounding roads and proposed access improvements on Galley Road and Paonia Street will accommodate the site development traffic. The proposed project will not negatively impact the levels of service of County services and facilities as well as of Cherokee Metropolitan District, CSU or Cimarron Hills Fire Department.

**10. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;**

Cherokee Metropolitan District has provided a formal Letter of Commitment for water and sewer services for Phase 1 of the development. The Applicant requests that the finding of sufficiency for water quantity, dependability and quality for Phase 2 be deferred to Final Plat. Colorado Springs Utilities has provided a commitment letter for electric and gas services. Copies of these letters have been included with this submittal.

**11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and**

The Cimarron Hills Fire Department has provided a Will Serve letter which indicated that emergency services requested from the CHFPD will be provided from our full-time staffed facilities, with the closest located at 1885 Peterson Road, approximately 1.5 miles away. A copy of this letter has been included with this 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 the Code.