

EL PASO

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COUNTY

STAN VANDERWERF
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Jim Egbert, Chair

FROM: Nina Ruiz, PM/Planner II
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: SF 18-001
Project Name: Flying Horse North Final Plat
Parcel Nos.: 51000-00-334, 61000-00-075, 61000-00-526, 61000-00-527

OWNER:	REPRESENTATIVE:
PRI 2 LLC 6385 Corporate Drive, Suite 200 Colorado Springs, CO 80919	NES Inc. 619 N Cascade Ave, Suite 200 Colorado Springs, CO 80903

Commissioner District: 1

Planning Commission Hearing Date:	7/17/2018
Board of County Commissioners Hearing Date	8/14/2018

EXECUTIVE SUMMARY

A request by PRI2, LLC, for approval of a final plat to create 80 single-family residential lots and 21 tracts to be used as a golf course, open space, drainage, and other uses. The applicant has requested concurrent review of a preliminary plan for 283 lots. The four parcels, totaling 557 acres, are zoned PUD (Planned Unit Development) and are located west of Highway 83, south of Hodgen Road, and east of Black Forest Road and are within Sections 31, 34, 35, and 36 Township 11, Ranges 66 and 65. The parcels are included within the Black Forest Preservation Plan (1987) area.

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

The Board of County Commissioners approved a rezoning request from the RR-5 (Rural Residential) to the PUD (Planned Unit Development) zoning district as well as a request for early grading on December 13, 2016. That approval included two PUD modifications pertaining to roadway design as well as 11 Conditions of Approval and 1 Notation (BoCC Resolution No. 16-442). The Flying Horse North Subdivision has several unique components: it utilizes multiple aquifers for the proposed water supply, it connects to multiple jurisdictional roadways, and it includes an open space deed restriction.

Access and Roadway Improvements

The approval of the Flying Horse North Planned Unit Development included the approval of the proposed density, uses, and general road layout. The roadway network shown on the PUD connects to Highway 83, Hodgen Road, Black Forest Road, Holmes Road, and provides for a future extension of Milam Road. The traffic study for the Flying Horse North Planned Unit Development identified necessary improvements needed at Highway 83. These improvements include a northbound right-turn deceleration lane with the first filing and an acceleration lane on Highway 83 from Stagecoach Road with future filings.

Highway 83 is owned and maintained by the Colorado Department of Transportation (CDOT). CDOT has issued an access permit to allow for up to 40 lots without roadway improvements being required (permit No. 216020). This first filing includes a request for 80 lots. The final plat includes a note identifying the lots that may be issued a building permit prior to a new CDOT access permit being issued. The remaining 40 lots cannot obtain building permits until such time as CDOT has approved the construction plans for the improvements required and the developer has posted the required financial assurances with CDOT for such improvements. CDOT has reviewed the requested plat note and has no objection.

Open Space and Conservation

Condition of Approval No. 9 of BoCC Resolution 16-442 required a conservation easement to be placed upon the open space tracts to ensure they are not developed for any other purpose in the future. The County Attorney's Office requested an executive session with the BoCC on March 1, 2018, to discuss if a use restriction could be implemented instead of conservation easements. Staff was advised that a use restriction would meet the intent of the BoCC action and would be an acceptable instrument to prohibit future development of the open space. The applicant has submitted an agreement to restrict the open space that is identified on the final plat. The applicant has submitted an agreement to restrict the open space identified on this final plat filing.

A finding of consistency with the Policy Plan and the Black Forest Preservation Plan was made with the approval of the Flying Horse North PUD. The concurrently reviewed preliminary plan is in conformance with the Flying Horse North Planned Unit Development (PUD) and with all applicable conditions of approval included within the Board of County Commissioner Resolution 16-442. This proposed final plat is in conformance with the proposed preliminary plan.

A. REQUEST/WAIVERS/AUTHORIZATION

Request: A request by PRI2, LLC, for approval of a final plat to create 80 single-family residential lots and 21 tracts comprised of a golf course, open space, drainage, and other uses within the Flying Horse North Planned Unit Development (PUD).

Waiver(s): No associated waivers are being requested with the final plat.

Authorization to Sign: Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a final plat, the BoCC shall find that the application meets the review criteria listed in Section 7.2.1.D.3 of the Land Development Code (2018):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;

- 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 that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

D. LOCATION

North: PUD & RR-5 (Residential Rural)	Developed residential
South: PUD & RR-5 (Residential Rural)	Developed residential/undeveloped
East: RR-5 (Residential Rural)	Developed residential
West: RR-5 (Residential Rural)	Developed residential

E. BACKGROUND

A portion of the property was zoned from an unzoned state to the A-5 (Rural) zoning district on January 4, 1955. The remainder of the property was zoned from an unzoned state to the A-4 (Agricultural) zoning district on September 21, 1965. Nomenclature changes over the years have resulted in the A-4 and A-5 zoning districts being renamed to the RR-5 (Residential Rural) zoning district.

The Board of County Commissioners approved a rezoning request from the RR-5 (Rural Residential) to the Planned Unit Development (PUD) zoning district as well as a request for early grading on December 13, 2016. Approval of the PUD rezoning included two modifications pertaining to roadway design as well as 11 Conditions and 1 Notation (BoCC Resolution No. 16-442). The 1,417.5 acre Flying Horse North PUD includes 283 single-family residential lots with a minimum lot size of 2.5 acres, and 313.5 acres of open space comprised of 199.1 acres dedicated to golf course uses, 92.3 acres dedicated to park uses, and 22.1 acres dedicated to other open-space type uses (detention ponds).

The Flying Horse North PUD approval included extending Stagecoach Road from Highway 83 west to Black Forest Road, three other new roadways being extended off of Black Forest Road, one new road off of Hodgen Road, the extension of Holmes Road to the south, and it identified proposed right of way for the anticipated future extension of Milam Road to the south.

The PUD included a phasing plan with 13 anticipated phases. Phase 1 was anticipated to consist of the establishment of Stagecoach Road to State Highway 83 on the western end of the property, 35 lots and the associated required public improvements, as well as grading of the golf course. Stagecoach Road was previously proposed as an emergency access only in Phase 1. Phase 1 also includes entry landscaping and streetscaping. The phasing plan included language to indicate that it may vary depending upon the market and is subject to change. This means the sequence, number of lots, or lots to be included in each phase are subject to change. Filing 1 of the Flying Horse development does not follow the phasing plan as outlined with the PUD, but is based more upon the market demand. Filing 1 (representing the first phase of platting of the overall development) includes 80 single-family residential lots and 21 tracts to be used as a golf course, open space, drainage, and other uses.

Numerous neighborhood meetings were hosted by the applicant prior to the Board of County Commissioner hearing where the Flying Horse North PUD was approved. The applicant also hosted a meeting on February 12, 2018, which was prior to submission of the preliminary plan and first final plat filing for the Flying Horse North

development. A summary of this meeting prepared by the applicant has been included with the preliminary plan application. Much of the discussion at the meeting was about the anticipated roadway connections and if there would be adequate water for the project. The majority of the roadway concerns had to do with the extension of Holmes Road north. Many of the property owners who live on Holmes Road do not want to see additional traffic, they do not believe the roadway is safe, and they do not want to see the roadway improved. The neighbors also expressed a concern that groundwater used to supply the Flying Horse North development would deplete the aquifer to the point that it would cause failure of their existing wells.

F. ANALYSIS

1. Land Development Code Compliance

The Board of County Commissioners made a finding of compatibility and conformity with the Land Development Code (2018), with the Flying Horse North Planned Unit Development rezoning (BoCC Resolution 16-442). This request for approval of a final plat containing 80 lots and the concurrent request for approval of a preliminary plan for 283 lots are in conformance with the previously approved PUD. This application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code (2018), with exception of the waivers requested with the preliminary plan.

2. Zoning Compliance

The proposed final plat is in conformance with the Flying Horse North PUD requirements. The dimensional standards of the Flying Horse North PUD are as follows:

- Setbacks - 30 feet in the front, 10 feet on the sides, 35 feet in the rear
- Minimum lot size - 2.5 acres
- Maximum Lot Coverage - 20 percent
- Maximum Building Height 35 feet, with an allowance for a maximum height of 45 feet for the golf course clubhouse

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 3.1.7 – Carefully analyze each new development’s proposed use of water.

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 6.1.4 – *Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.*

Policy 6.1.8 - *Encourage incorporation of buffers or transitions between areas of varying use or density where possible.*

Policy 6.1.10- *Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing.*

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 6.1.13 - *Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.*

Policy 6.2.2 – *Promote the unique identity of neighborhoods through the use of focal points, parks, trails and open spaces, preservation of significant natural features, compatible location and design of mixed uses, and promotion of pedestrian and other non-motorized means of travel.*

Policy 6.4.4 – *Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density or undevelopable areas.*

The Flying Horse North subdivision is compatible with the previously developed areas in this region in terms of density, land use, and access with the incorporation of buffers and transitions between areas of varying density. The clustering concept has allowed for the conservation of 98.9 acres, or seven percent (7%) of the total land area, of the concurrently proposed preliminary plan to be preserved as open space, parks, and trails.

Flying Horse North is surrounded by both developed and undeveloped land. Those parcels that are undeveloped are within the RR-5 (Residential Rural) zoning district, which require a minimum lot size of five (5) acres. To the north is the High Forest Ranch PUD which has a minimum lot size requirement of 2.5

acres. The subdivision to the south is the Cathedral Pines PUD, which has a minimum lot size requirement of 2.5 acres. The subdivisions to the east and west are within the RR-5 (Residential Rural) zoning district, which requires a minimum lot size requirement of 5 acres. The Flying Horse North subdivision has a minimum lot size requirement of 2.5 acres and an overall density of one (1) dwelling unit per five (5) acres.

Several roadways terminate at the property boundary of Flying Horse North; Stagecoach Road to the west, Holmes Road and Milam Road to the south, and Terra Ridge Circle and Monty Place to the east. The concurrently proposed preliminary plan shows the roadways internal to the Flying Horse North subdivision connecting to and extending these existing roadways.

Holmes Road and Milam Road dead end at the limits of the proposed subdivision. This limits the potential exit routes for residents in the event of an emergency. The proposed development would extend these roadways into the subdivision. The connection to the proposed subdivision will serve as a secondary access point for residents so that they may evacuate the area in the event of an emergency. The proposed preliminary plan is compatible with previously developed areas in terms of factors such as density, land use, and access.

A finding of consistency with the Policy Plan was made by the El Paso County Board of County Commissioners with the previously approved PUD (PUD-16-002). This final plat is in conformance with the Flying Horse North Preliminary Plan and PUD.

4. Small Area Plan Analysis

The parcel is included within the boundaries of the Black Forest Preservation Plan (1987), specifically the Timbered Area and the Northern Grasslands planning units. Both areas recommend densities no greater than one (1) dwelling unit per five (5) acres. The Flying Horse north Planned Unit Development was approved with an overall density of one (1) dwelling unit per five (5) acres.

The Black Forest Land Use Committee was sent a referral for the final plat and concurrently reviewed preliminary plan. They responded voicing concerns that extending Holmes Road south would be unsafe for residents on Holmes Road. No technical analysis supporting the concerns was included as an attachment to the response by the Black Forest Land Use Committee. They also requested the setback be amended along Black Forest Road and Hodgen Road to require a

100 foot setback. An amendment of the setback requirement would require an amendment to the PUD zoning since the zoning was already approved. In reference to the overall layout and design, the Black Forest Land Use Committee responded:

“1. We appreciate that the applicant followed the Black Forest Preservation Plan and maintained the 5-acre average for the density.

2. We appreciate that the border lots on Hodgen and BF Road and parts of the rest of the development are full 5-acre lots in order to provide separation and maintain the ‘country feel’ of the development.”

A finding of consistency with the Black Forest Preservation Plan was made with the approval of the Flying Horse North PUD. The preliminary plan is in conformance with the Flying Horse North Planned Unit Development (PUD) and with all applicable conditions of approval included within the Board of County Commissioner Resolution 16-442

5. Other Master Plan Elements

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

The El Paso County Master Plan for Mineral Extraction (1996) indicates areas of floodplain deposits and stream terrace deposits. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, the mineral right have been severed from the surface ownership. The mineral rights owners will be notified of the public hearing dates.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

The soils and geology report indicated potentially hazardous areas, such as seasonally wet areas, downslope creep, and erosion. A plat note has been added to require an engineered site plan, should a future owner wish to construct within any of these areas.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low to moderate wildlife impact potential. El Paso County Community

Services Department, Environmental Division and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

3. Floodplain

The area included within this final plat filing is located in Zone X (area determined to be out of the 500-year floodplain) as determined by the FEMA Flood Insurance Rate Map (FIRM) panel numbers 08041C0295 F and FIRM 08041C0315 F for El Paso County dated March 17, 1997.

4. Drainage and Erosion

The proposed project is located in the East Cherry Creek (CYCY0200) and Black Squirrel Creek (FOMO3600) drainage basins. East Cherry Creek drainage basin is an unstudied basin with no drainage basin fee or bridge fee requirements. The Black Squirrel Creek drainage basin is a studied basin with drainage and bridge fees due at the time of final plat recordation.

Drainage within the East Cherry Creek basin generally flows to the north. Roadside ditches, culverts and channels are proposed to convey runoff through the subdivision and into a full spectrum detention (Pond 12) and a jurisdictional dam (Pond 13). Stagecoach Road is planned to be constructed atop the jurisdictional dam embankment. The applicant is working with the Colorado Division of Water Resources to obtain the necessary permit and approval for the associated construction drawings. The jurisdictional dam is currently classified as a "Low Hazard" dam, which is a dam for which no loss of human life is expected and significant damage to structures and public facilities is not expected to result from failure of the dam. The hazard classification is perpetually monitored by the State Dam Safety Engineering Unit and would be reclassified if conditions change downstream. If the hazard classification is upgraded, it will be the owner's responsibility, or the responsibility of the owner's successor(s), to retrofit the dam to meet the design criteria of the new classification.

Drainage within the Black Squirrel Creek basin generally drains to the southwest. Roadside ditches, culverts and natural drainage swales will convey runoff through the subdivision and into four full spectrum detention ponds (Pond 1, Pond 4, Pond 6, and Pond 8), and three permanent sedimentation basins.

The Black Squirrel Creek Drainage Basin Planning Study (DBPS), dated January 1989, specified that all developments within the basin that are tributary to the sub-regional detention ponds are required to construct either 1) the sub-regional

facility affecting this site or 2) a temporary on-site detention facilities to release developed peak flows at historic levels. Once the permanent detention facility is constructed, the temporary facility must be modified to become non-operational so that the basin drainage system may operate as intended. Due to changes in criteria since the DBPS was implemented, the on-site full spectrum detention facilities constructed by the developer shall be permanent facilities to remain even after the sub-regional pond downstream is constructed.

This subdivision filing qualifies for a reimbursement of 50 percent of the construction costs of the permanent on-site detention ponds in accordance with Appendix L Section 3.10.4a of the El Paso County Engineering Criteria Manual. This recognizes that small on-site ponds provide some benefits to the regional system of the basin and provide adequate protection to downstream properties that may be impacted from increased flows from the development when regional improvements downstream have not yet been implemented.

All permanent ponds and sediment basins will be owned and maintained by the Flying Horse North Homeowners' Association (HOA). The box culvert under Old Stagecoach Road for the jurisdictional dam spillway will be maintained by the County.

A grading and erosion control plan has been submitted with this application. The plan calls for permanent and construction best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after grading activities.

The Preliminary/Final Drainage Report concludes that "the proposed development will not adversely impact surrounding developments".

5. Transportation

Access to this subdivision filing is via the proposed Old Stagecoach Road linkage from State Highway 83 to Black Forest Road. The platting and development of Flying Horse North Filing No. 1 will result in the dedication of approximately 4.49 miles of developer-constructed roadways for ongoing County ownership and maintenance (3.67 miles of rural collector roadway and 1.82 miles of rural local roadway).

In accordance with the 2016 Major Transportation Corridors Plan Update (MTCP), the applicant is dedicating 20 feet of additional right-of-way (ROW)

along Black Forest Road and is identifying an additional 40 feet for future ROW preservation.

The initial CDOT access permit (permit no. 216020) restricts building permit issuance to 40 lots. The number of lots included within this first filing exceeds the condition of the access permit; therefore, the subdivision will be limited to 40 building permits until specific Highway 83 improvements associated with the overall development are complete or collateral for those improvements is posted and a new access permit is granted by CDOT. A note has been added to the plat memorializing these requirements.

Multiple access points are identified for the overall subdivision: State Highway 83, Hodgen Road, Black Forest Road, and Holmes Road. The applicant shall dedicate additional right-of-way (ROW) and identify ROW preservation along the frontages of Black Forest Road and Hodgen Road in accordance with the 2016 Major Transportation Corridors Plan Update (MTCP).

Based on the traffic impact study submitted by LSC Transportation Consultants, Inc., dated June, 2018, off-site improvements for auxiliary turn lanes are required on Highway 83 and Black Forest Road. All internal roadways will be constructed to County standards and dedicated to the County for ownership and maintenance.

Five (5) deviation requests were approved with the application under the following PCD file numbers:

- DEV182 – The applicant proposed 10% maximum grade at specific locations of the subdivision due to the hillside topography. Maximum grade for rural collector and local roads is 8% with 10% allowed with approval by the ECM administrator.
- DEV183 – A request formalizing the approved PUD modification allowing direct lot access to Old Stagecoach Road (rural major collector) for the following lots: Lots 6-8 (single joint driveway access), Lots 9-15, and Lot 73.
- DEV184 – The cul-de-sac length created by Longwall Drive and Gold Run Court is 2,600 feet, which exceeds the maximum cul-de-sac length of 1,600 foot for rural roads. Black Forest Fire Department required a pull out area to accommodate a pump truck located approximately 1,100 feet from the beginning of the cul-de-sac as a condition as a means of mitigating the proposed condition.

- DEV185 –A request to allow horizontal curves located near the crest of a vertical curve due to the hillside topography. The deviation is mitigated by reducing the posted speed limit from 30 miles per hour (mph) to 25 mph and restricting the allowable driveway location of the adjacent lots to specific locations to meet sight distance. The second part of the request is to exclude the tangent length between reverse curves on a collector road where a minimum tangent length of 150 feet is required. The request provides an improved entry design into the second roundabout.
- DEV186 – A request for a three percent (3%) grade at the cul-de-sac bulb on Gold Run Court where the maximum allowable grade is 2 percent.

The subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 16-454). Fees for each lot shall be paid in full at the time of building permit issuance. The applicant has elected to include this subdivision within the El Paso County Public Improvement District No. 3 and as such will be subject to the applicable road impact fees and mil levy.

H. SERVICES

1. Water

Sufficiency:

Quality: Sufficient

Quantity: Conditional Sufficiency

Dependability: Conditional Sufficiency

Attorney's summary: The applicant is seeking a determination of water quality, quantity, and dependability with the concurrently proposed preliminary plan.

2. Sanitation

Wastewater disposal will via Onsite Wastewater Treatment Systems (OWTS).

The soils report submitted with the preliminary plan demonstrates that the requirements of Section 8.4.8, Wastewater Disposal, of the Code, have been met.

3. Emergency Services

The property is within the Donald Wescott and Black Forest Fire Protection Districts. The districts were sent a referral and had no response.

4. Utilities

Natural gas service will be provided by Black Hills Energy. Mountain View Electric Association will provide electrical service.

5. Metropolitan Districts

The property is not within the boundaries of a metropolitan district.

6. Parks/Trails

The applicant is providing open space and 25 foot wide trail easements through the property. The trail easements will be dedicated to the County. The application was presented to the Park Advisory Board which endorsed the plan with a recommendation that fees in lieu of park land dedication be required in addition to requesting an additional 25 foot wide park trail easement on the southern property boundary.

7. Schools

The site is within the boundaries of the Lewis Palmer School District No. 38 and the Academy School District No. 20. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of the Lewis Palmer School District No. 38 and Academy School District No. 20 at time of final plat recordation.

I. APPLICABLE RESOLUTIONS

Approval Page 19

Disapproval Page 20

J. STATUS OF MAJOR ISSUES

The specifics of the proposed water supply for the overall Flying Horse North development have been identified and discussed in greater detail in the staff report associated with the concurrently proposed preliminary plan.

K. CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1, Subdivisions, of the El Paso County Land Development Code (2016) staff recommends the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is

granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. 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 Division of 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 species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 12-382), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Park fees in lieu of land dedication for regional parks (Area 2) fees in the amount of \$34,400.00 shall be paid at time of plat recordation.

11. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of Academy School District No. 20 in the amount of \$22,338 and Lewis Palmer School District No. 38 in the amount of \$2,156 at time of plat recording.
12. Drainage fees in the amount of \$85,214.60 and bridge fee in the amount of \$13,751.40 for the Black Squirrel Creek (FOMO3600) drainage basin shall be paid to El Paso County at the time of plat recordation.
13. The use of the open space shall be restricted by recording a use restriction covenant, which shall be referenced in a plat note on the final plat.
14. The applicant shall enter into an agreement with El Paso County following the approval of the concurrent preliminary plan to ensure the water lease is paid in perpetuity until such time as the water rights are purchased and shall provide the associated financial assurance. This agreement shall be referenced in a note on the final plat.
15. If the water pumps located within the jurisdictional dam are removed or are otherwise rendered inoperable, the HOA be required to shall install an emergency drawdown pipe.
16. All remaining technical issues shall be resolved prior to the BoCC hearing date.
17. Building permits shall be limited to the first 40 lots as identified via plat note until such time as the developer has received approval of a new access permit from the Colorado Department of Transportation and provided the State with collateral for the roadway improvements to Highway 83.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. The applicant is proposing to be included into the Public Improvement District No. 3 to satisfy the El Paso County Road Impact Fee program requirements

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 67 adjoining property owners on June 27, 2018, for the Planning Commission hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Final Plat

Letter from the Black Forest Land Use Committee dated February 19, 2018

State Engineer's Letter (will be provided at hearing)

County Attorney's Letter (will be provided at hearing)

El Paso County Parcel Information

File Name: SF-18-001 & SP-17-012

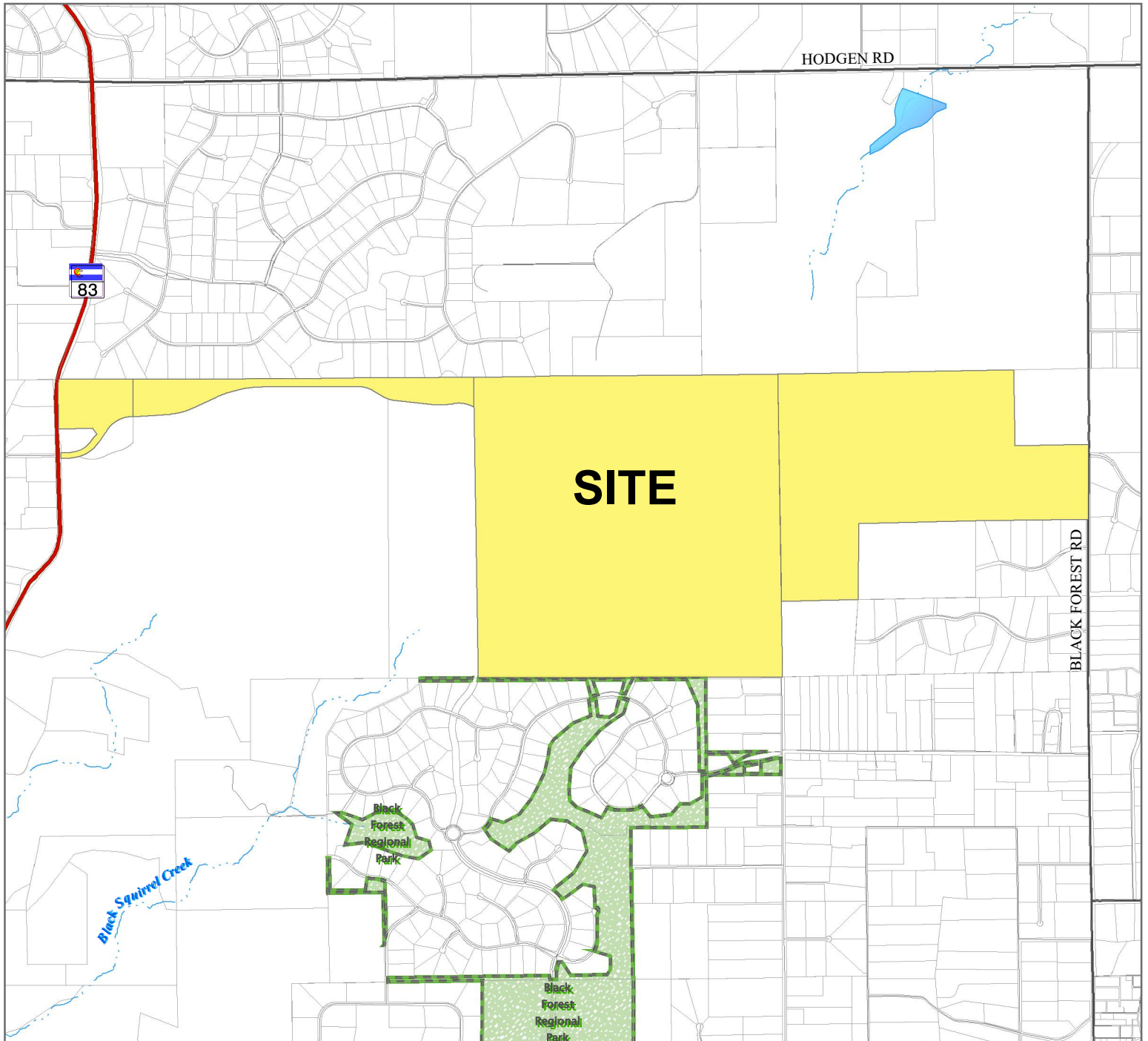
PARCEL	NAME
5100000334	PRI #2 LLC
6100000075	PRI #2 LLC
6100000527	PRI # 2 LLC
6100000526	PRI # 2 LLC

Zone Map No.: --

ADDRESS	CITY	STATE
6385 CORPORATE DR	COLORADO SPRINGS	CO
6385 CORPORATE DR	COLORADO SPRINGS	CO
6385 CORPORATE DR STE 200	COLORADO SPRINGS	CO
6385 CORPORATE DR STE 200	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80919	5901
80919	5901
80919	5912
80919	5912

Date: June 28, 2018



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
918 520-6600



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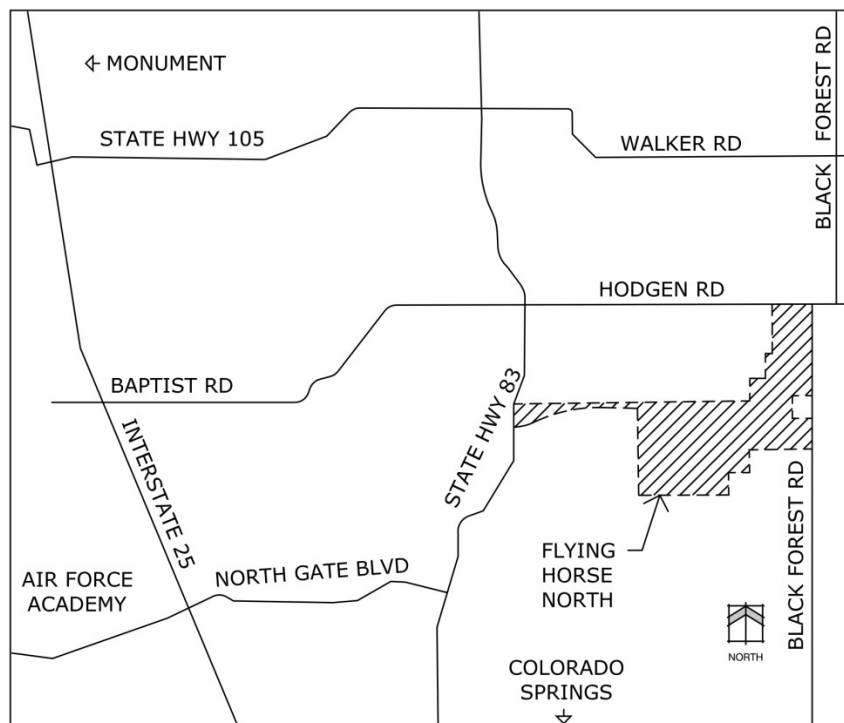
LETTER OF INTENT
FLYING HORSE NORTH Filing #1 FINAL PLAT
March 2018 (Revised 7-6-18)

Owner /Developer: PRI #2 LLC
6385 Corporate Center Drive
Colorado Springs, CO 80919

Planner: N.E.S. Inc.
619 North Cascade, Suite 200
Colorado Springs, CO 80903
(719) 471-0073

Engineer: Classic Consulting Engineers & Surveyors
619 North Cascade
Colorado Springs, CO 80919
(719) 785-0790

SITE LOCATION: Flying Horse North encompasses 1417 acres bounded by State Highway 83 on the west and Black Forest Road on the east in El Paso County, Colorado.



INTRODUCTION: The Flying Horse North PUD was approved by the El Paso County Board of County Commissioners in December of 2016. This application is for a Final Plat for Filing #1 of the project consisting of 80 lots and 557 acres. An Early Grading Permit has been approved for the site; it is currently being graded per the permit for the Golf Course, drainage detention ponds and the phase one street system.

PROPOSAL: The applications covered by this Letter of Intent are for approval of the Final Plat for Filing #1 and for the Landscape Plan which was deferred to the Plat stage of approvals. The Water Report is also a requirement of this stage.

DESCRIPTION: Filing #1 of Flying Horse North includes portions of several phases described on the PUD Development Plan for the site. Roadway platting and improvements for this filing include construction of all of Stagecoach Road from Highway 83 to Black Forest Road. Also included are all of the intersection improvements required for the entire project at highway 83 and Stagecoach Road. The golf course will be platted as tracts, including land designated for golf clubhouse and golf maintenance. 80 residential lots are included in this filing.

PHASING DISCUSSION: Phasing of Flying Horse North was described in the PUD Development Plan. Construction and Occupancy of lots was tied to road improvements. Filing #1 will include road improvements that are well in excess of requirements for the first phase of development. All improvements to Stagecoach Road and to Highway 83 will be with this filing, the intent being to provide infrastructure before homes are occupied and the golf course is operational.

Approval of the PUD Development Plan allowed for the occupancy of 40 lots before construction of the Highway 83 first phase improvements was to be required. The Filing #1 Plat has a restriction identifying the 40 lots for which building permits may be granted prior to completion of Highway 83 improvements. Although the Filing #1 Plat includes 80 lots, no building permits for lots above this number may be approved until the highway 83 improvements are in place. Construction of those improvements is anticipated to occur in 2018.

All of Stagecoach Road improvements will be in place in 2018. The golf course is expected to open in June of 2019 after all Filing #1 road improvements are in place.

LANDSCAPE INTENT: Landscaping will be provided along Stagecoach Road and at entryways. Themed signage will be placed along Stagecoach Road that will be directional in nature. The two distinct landscape regimes found on Flying Horse North warrant two different approaches to landscape treatment. Within the forested area, emphasis will be placed on preservation of healthy trees. This approach includes removal of trees damaged by fire, and removal of trees where recommended by good management practices and fire-wise development. Trees will be

planted to supplement the existing forest where appropriate and where the Black Forest Fire affected the forest.

Within the prairie landscape, a landscape theme will be employed that will augment the landscape with native species, and with transplanted trees from the forested area where trees would be removed as a result of road and golf course construction.

DRAINAGE: An MDDP for Flying Horse North has been prepared by Classic Consulting Engineers & Surveyors and is included in this submittal as a separate document.

GRADING AND EROSION CONTROL PLAN: Classic Consulting Engineers & Surveyors has prepared a Grading and Erosion Control plan for the portions of the site for which an Early Grading Permit is requested.

TRAFFIC: A Traffic Impact Analysis has been prepared by LSC Transportation Consultants, Inc. and is included in this submittal as a separate document.

MINERAL DEPOSITS: Entech Engineering, Inc. has evaluated the site for the presence of commercially viable mineral deposits and has found that such deposits are either absent or are not commercially viable.

WAIVERS

- Waiver to allow leased water to be used for residential development. Applicant has a lease with the State Land Board for water under Section 36. The lease runs for through 2048 after which the Dawson and Laramie Fox Hills aquifer water rights will be owned outright by the Flying Horse North Home Owners Association which manages water use for its members. An Escrow Agreement has been put in place (document included in the electronic submittal) to guarantee that the lease will be funded until the ownership of the Dawson and Laramie Fox Hills aquifer water rights transfers to the Flying Horse North Home Owners Association.
- Waiver for tree planting along Stagecoach Road, Black Forest Road and Hodgen Road. These three street frontages are in a Prairie environment where native grasses are the predominant vegetation. The applicant has planted trees along Stagecoach Road within the prairie. Homeowners will plant additional trees as they develop their lots per covenants and landscape design guidelines. Since there will be no way to irrigate plantings until homes are occupied applicant does not propose plantings for which no water will be available.

JURISDICTIONAL IMPACTS

Districts Serving the Property

- Natural Gas – Black Hills Energy. Will Serve Letter included in application
- Electricity – Mountain View Electric. Will Serve Letter included in application.
- Fire – Donald Wescott Fire Protection District; Black Forest Fire Protection District. Will serve letter included in the application.
- Schools – Lewis-Palmer School District No. 38; Academy School District No. 20. Neither School District has requested a school site.
- El Paso County Conservation District

Reports Included by Reference

- Soil, Geology, Geologic Hazard, and Wastewater Study, Flying Horse North Filing No. 1 by Entech Engineering, Inc.
- Flying Horse North Filing No 1 Traffic Report by LSC Transportation Consultants, Inc.
- Habitat Assessment Report by CORE Consultants
- Noxious Weed Management Plan by CORE Consultants
- Preliminary Drainage Report for Flying Horse North Preliminary Plan and Final Drainage Report for Flying Horse Filing No. 1 by Classic Consulting Engineers & Surveyors
- Forest Management and Fire Mitigation Report by Steve Spaulding, Forestry and Landscaping Consultant
- Land Suitability Analysis by N.E.S. Inc.

From: Black Forest Land Use Committee

February 19, 2018

To: El Paso County Development Services

Subject: Flying Horse North Filing 1 – EA-17-019

The Land Use Committee has reviewed this application and provides these comments:

1. The committee strongly opposes any waiver for the 300-year rule for the golf course water requirements in the Arapahoe aquifer. The 300-year rule is one of the few safety nets that private well-owners have in our county and this rule should not be waived for any of the aquifers. If there is not enough water for the 300-year rule, the golf course should not be part of this development.

2. The Land Use Committee concludes that the Holmes Road exit is not needed and should be reserved for an emergency exit only.

a. Holmes is just over 2 miles long. It has a poorly constructed asphalt surface that is not thick or strong. There are no shoulders. North of Vessey the road is only 19 feet wide and south of Vessey it is 23 feet wide. The standard road width is 24 feet plus any shoulders that might be added.

b. The road has 61 driveways (several serving more than one residence,) 6 blind hills and 5 feeder roads that branch off. In building Holmes, little or no cut and fill was used so the road is very hilly, resulting in the blind hills.

c. At Shoup Road, Holmes slopes downward and is very dangerous in snowy weather. Many people have slid across Shoup trying to stop. In early February with just a small amount of snow on the ground someone slid across Shoup Road and destroyed a tree on the south side. Thankfully no one was driving along Shoup at that time. A resident who lived at the Holmes/Shoup intersection for years has many stories of the accidents there. That intersection has no intersection improvements such as right in/right out to improve traffic flow and increase safety.

d. Being a straight road, people drive far too fast along all of those driveways and blind hills. Many of the numerous driveways are near blind hills making it very hard for residents to exit safely out of their driveways.

e. The traffic study says there will be an additional 185 trips per day on Holmes when Flying Horse North is built out. The study also says that some traffic from Cathedral Pines, Holmes and Vessey will drive north on Holmes through Flying Horse North to get out to highway 83 or Black Forest Road. With this small amount of traffic and the increase in traffic into FHNorth, this entrance could be closed with very little impact on the development. We understand there are traffic regulation issues with a cul-de-sac if Holmes were to be closed. A waiver is certainly possible since Howells Road off Shoup and Raygor Road off Burgess have the same issues and have more homes with a longer single entrance than this would be.

f. Holmes should be an emergency exit only and not a regular entrance. The current plan has 5 main entrances into FHNorth (in addition to the two cul-de-sacs) when only 2 are required.

3. We request that a 100-foot setback be established for homes along Black Forest Road and Hodgen Road. This would enhance the development by leaving a buffer back from the road.

Terry Stokka, Chairman, Black Forest Land Use Committee

In addition to the Black Forest Land Use comments in the attached letter, we wish to make several other comments.

1. We appreciate that the applicant followed the Black Forest Preservation Plan and maintained the 5-acre average for the density.
2. We appreciate that the border lots on Hodgen and BF Road and parts of the rest of the development are full 5-acre lots in order to provide separation and maintain the "country feel" of the development.