

BENT GRASS EAST COMMERCIAL FILING 3 – PRELIMINARY PLAN

LETTER OF INTENT

~~MARCH 2021~~ OCTOBER 2021

OWNER/APPLICANT:

Land First Inc.
1378 Promontory Bluff VW
Colorado Springs, CO. 80921

CONSULTANT:

N.E.S. Inc.
619 N. Cascade Ave. Suite 200
Colorado Springs, CO. 80903

REQUEST

Land First Inc. requests approval of the following applications:

1. A Preliminary Plan for six (6) commercial lots and, one (1) tract for a private access road and utilities on approximately 5.351 acres.
2. Water Sufficiency with the Preliminary Plan.
3. Subsequent Final Plats to be approved administratively.
4. Waiver from LDC Chapter 8.4.4.(E).(2). & (3) requesting Bent Grass Market View (Tract A) to be developed as private road serving only this development and not meeting County ECM Standards.
5. Deviation from ECM 2.2.4.B.6 & 2.5.2.B.3 Private Roads to meet County Standards.
6. Waiver from LDC Code Section 8.4.3.(B).(2) requesting no minimum lot frontage for Lot 6.

LOCATION

The approximately 5-acre site is located north of E. Woodman Road, west of Meridian Road, and south of Bent Grass Meadows Drive.

Legal Description: Bent Grass East Commercial Filing No. 3

Tract BB as platted in Bent Grass East Commercial Filing No. 2B recorded under reception No. 218714172, records of El Paso County, Colorado.

Containing a Calculated area of 219,877 SF. 5.048 AC.



PROJECT DESCRIPTION/CONTEXT

In 2007, the Bent Grass Overall PUD was approved consisting of 178.77 acres including 540 single family residential lots, 29 acres of commercial, and 7.2 acres of park and open space. In 2013, a preliminary plan was approved for Bent Grass East Commercial consisting of 4 lots including this area as Lot 4, this application further requested a rezone from PUD to CS. In 2014, a preliminary plan amendment and final plat for Bent Grass East Commercial Filing 2 was approved creating three lots and two tracts, Tract B and a lot line adjustment approved in 2018 created Tract BB (this site). The property is zoned CS (Commercial Services) and is proposing 6 lots on approximately 5 acres.

To the north is zoned PUD RR 5 (Rural Residential), currently two of the three lots are vacant and planned for commercial, the remaining lot is residential/agriculture. The adjacent property to the west is zoned PUD and is developed as urban residential, the east is developed as commercial, to the south is an animal care clinic, and a 1.5 AC detention pond serving the Bent Grass Development and rural residential development. The Falcon Market Place is currently being developed to the south at the intersection of Meridian Road and Woodmen Road. Falcon Market Place has provided a stub out at the north property line that is anticipated to connect to this development in the future at Meridian Park Drive. A fifteen (15') landscape buffer is provided as a buffer to the single family residential to the west and along Bent Grass Meadows Drive. The existing 6' opaque fence along the eastern boundary of the single family residential will serve as screening and be maintained by the Bent Grass Merchants Association.

Schools: This site is part of the El Paso County School District No. 49. There is no residential housing or increase of students associated with this development. This development is commercial and will not be required to pay school fees at plat recordation.

Traffic: Two access points are provided to the commercial site. The north access connects to Bent Grass Meadows and the east access connects to Meridian Park Drive. Meridian Park Drive is stubbed to the south for an anticipated future connection to Falcon Market Place at Woodmen and Meridian. The Traffic Study prepared by LSC anticipates no negative impacts. Tract A will be developed as a private road, classified as “Urban Local” and will be constructed to be 40ft wide. Bent Grass Market View will serve to provide access to individual lots, and connect Bent Grass Meadows Drive to Meridian Park Drive. The private road will be maintained by the Bent Grass Commercial Merchants Association. A site development plan for each individual lot will address lot access design and site circulation to accommodate the anticipated design vehicle – either single unit or multi-unit trucks. Each lot will be required to provide sufficient on-site parking as on street parking will not be allowed. With no on-street parking, two-way traffic will be maintained along the length of the Tract A.

The currently-proposed Bent Grass Market View is planned to incorporate separate left- and right-turn lanes approaching Bent Grass Meadows Drive. Bent Grass Market View will incorporate a dedicated left-turn lane and shared through and right-turn lane approaching Meridian Park Drive. The existing single-lane approach for 7-eleven access on the west side of Meridian Park Drive will be signed for “No straight through” due to the offset between the east and west legs.

The existing section of Bent Grass meadows Drive between Meridian Road and Meridian Park Drive has recently been widened to allow for a three-lane eastbound approach at Meridian/Bent Grass Meadows. As part of this improvement, Bent Grass Meadows has been restriped to remove the existing westbound left-turn lane for the 7-Eleven access, which has been closed, and lengthen the existing westbound left-turn bay approaching Meridian Park Drive. The restriped lane will be about 195 feet long plus an 85-foot taper. Based on the queuing analysis discussed above, the proposed 195-foot lane will provide adequate storage for the projected queues. A westbound left-turn already exists on Bent Grass Meadows Drive approaching the west site access. The roadway was originally striped with a 110-foot long westbound left-turn lane approaching the access location (Bent Grass Market View) and a 150-foot-long eastbound left turn lane approaching the future access that will align with Meridian Park Drive. Based on the criteria of the *ECM* and a design speed of 40 miles per hour, the westbound left turn lane approaching the west site access should be 215 feet long plus a 160 foot taper. Previous Bent Grass reports showed side-by-side left-turn lanes between Meridian Park and the west access. However, it as been agreed upon through meetings with County staff, that back to back left turn lanes are the best solution given this existing section of Bent Grass Meadows Drive. Figure 12 of the traffic report completed by LSC depicts a dedicated eastbound left turn lane at Meridian Park Drive/Bent Grass Meadows Drive and a striped center two way left turn lane west of that.

Drainage: Drainage improvements for this project are designed to the most current El Paso County Engineering Criteria Manual and the El Paso County Drainage Criteria Manual, the most recent MDDP and Urban Storm Drainage Criteria Manual. Overall, drainage of the site will be provided by an offsite 1.5AC detention pond located to the immediate south of the site.

Utilities: The property is located within the boundaries of Bent Grass Meadows Metropolitan District and Woodmen Hills Metropolitan District. Water, Wastewater, Storm water will be provided by Woodmen Hills Metropolitan District. Maintenance of right-of-way landscaping will be maintained by

the Bent Grass Merchant Association. Mountain View Electric Association, Inc. will supply electricity service and Colorado Springs Utilities will supply natural gas.

Geologic Hazards: The site was found to be suitable for development. Some areas of the proposed subdivision have been found to be impacted by geologic conditions. These conditions impose some constraints on development, which can be mitigated by avoidance, regrading or through proper engineering design and construction methods. A map of the hazard areas and proposed mitigation measures can be found in the Soils, Geology, and Geologic Hazard Study prepared by Entech Engineering Inc., dated October 15, 2020.

Wildlife: Wildlife that has been viewed on the site and surrounding areas including rodents, and small game. Potential for several species of mammals, rodents, larger game and vegetation is possible but unlikely to be impacted by the project. As development occurs within Bent Grass East Commercial Filing 3, reasonable care will be taken to minimize human and wildlife conflicts within reasonable limits.

Wildfire: The primary wildland fuel type is grassland with scattered trees. The Colorado State Forest Service has determined a low-moderate wildfire hazard potential and no specific fire mitigation plans or other actions are necessary.

Districts Serving the Property:

- Woodmen Hills Metropolitan 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.
- Bent Grass Metropolitan District
- Bent Grass Merchant Association
- Woodmen Road Metropolitan District.
- Pikes Peak Library
- School District 49

PROJECT JUSTIFICATION

The relevant County Plans for Bent Grass East Commercial Filing 3 are the County Policy Plan, the 2040 Major Transportation Corridor, the County Parks Master Plan, and the Water Master Plan. The proposed commercial preliminary plan and final plat satisfies the following policies for the County Policy Plan and the Water Master Plan.

FALCON/PEYTON SMALL AREA PLAN

The site is located within a Proposed Urban Density area of the Falcon/Peyton SAP and designated as Potential Node and Corridor of Activity. These areas are suitable for urban density development and a

concentration of mixed land uses. This development furthers the goals of providing a buffer and transition of uses from the Meridian Road corridor and the single-family residential.

3.1.1: Provide a balance of land uses that respects existing and historical patterns while providing opportunities for future residents and businesses.

3.1.2 Promote the concepts of urban cores and community identity.

3.1.5 Promote the idea of mixed-use, historical town centers that attract and provide for residents.

3.2.2.: Advocate for quality-of-life amenities that will bring jobs and tax base to the area.

The proposed development will provide commercial resources and local jobs in the nearby area. The development of this area will promote a balance of land uses because of its adjacency to an existing residential development to the west and existing commercial to the east. The additional commercial will provide opportunities and local jobs for the nearby neighborhood that would not otherwise be present.

This proposed commercial development will enhance the quality-of-life amenities for residents within the area by increasing the tax base with commercial development, providing local job opportunities, and providing local commercial resources. This area currently has minimal developed commercial resources for nearby residents, commercial development within this area will aide to fulfill this need, thus increasing the quality of life to the area.

COUNTY POLICY PLAN

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 6.1.3: 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 6.1.5: Support the development of well-planned mixed-use projects which promote all, or most, of the following objectives:

- maximize the economy and efficiency of land use
- integrate employment, housing, shopping, schools and other use

Policy 6.1.7: Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans.

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 development provides additional commercial opportunities in an urbanizing area planned for commercial development. The site connects to two existing access points provided by Meridian Park Drive and Bent Grass Meadows Drive which will connect to Meridian Road. Landscaping is provided along the west side of the site to buffer the commercial use from the existing residential. The commercial uses are anticipated to be neighborhood commercial services that will support the surrounding residential.

WATER MASTER PLAN

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

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

Goal 3.2 – Promote cooperation among water providers to achieve increased efficiencies on treatment.

Goal 3.7 – Encourage the interconnection of infrastructure owned by water providers and projects that will have access to more than one water source, both to foster conjunctive use and to better accommodate water supply emergencies.

Goal 5.1 – Identify the potential water supply gap at projected full development build-out (2060).

Goal 5.4 – Promote the long-term use of renewable water. Goal 5.5 – Identify any water supply issues early on in the land development process.

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.

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

The project is located within Region 3, Falcon Area, containing 4 growth areas projected to be completed by 2040, three areas to be completed by 2060, and two other growth areas located on the north and south sides of Falcon Highway directly east of Falcon. Specifically, the Water Master Plan states:

“Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Other areas of 2040 growth are projected for the north-central part of the region west of Highway 24 extending from Falcon to 4-Way Ranch. North of Falcon along Highway 24, growth is projected by 2060 on both sides of the highway. Just west of Falcon, another small development is projected by 2060 on the north and south sides of Woodmen Road. On the east side of Highway 24, three separate areas of growth are projected for development by 2060, with the largest of the three spanning from south of Judge Orr Road to east of Peyton Highway into Region 4c. This development will likely consist of 35-acre lots that will require individual wells to use Denver Basin groundwater. The other two growth areas will be located on

the north and south sides of Falcon Highway directly east of Falcon. See Figure 5.5 for Region 3 growth map projections.”

Region 3 has a current water supply of 7,164-acre feet per year and a current demand of 4,494-acre feet per year.

Full build out of the Woodmen Hills Metro District (District) is anticipated within the 2040 timeframe. The Water Resources Report indicates that the District has sufficient supply to meet the expected need at full build out by 2040 and 2060. As stated in the Water Resources Report, the 2040 Woodmen Hills Metro District projected buildout needs are estimated at 1218.0 annual acre-feet and the 300-year current supply is 1459.5 annual acre-feet.

As stated in the Water Resources Report, this development proposes 6 lots totaling 4.57 acres 17% coverage suggests probable total building space of 33,814SF. The planner estimates that two areas of landscaping are anticipated being 26,810 SF and 10,280 SF of active landscaping. Per County code the water resources report projects that indoor use will demand 3.79 Acre-feet a year with the landscaped area generating a demand of 2.09 acre-feet a year. In total, this development is projected to need 5.88 annual-acre feet of water per year. Currently, the Woodmen Hill Metropolitan District supply is 1,459.5-acre feet on a 300-year basis.

The District currently incorporates a 20% reserve into their future planning. Based on the needs, current supply, and reserve the District has sufficient water to meet the needs but a possible very small shortage of 23.5 annual acre-feet might be expected due to the 20% reserve. However, additional long-range planning, regionalization, and acquisitions are discussed in the Water and Wastewater Report under future supplies.

Woodmen Hills Metropolitan Districts (District) has provided a water and wastewater commitment letter to serve the development. The Districts has roughly 14 wells and four different types of water supply from renewable and non-renewable sources:

- local wells mainly in the Arapahoe and Laramie Fox-Hills formations, (non-renewable source)
- off-site wells four operating in the Denver Basin in the Guthrie Ranch and adjacent area (non-renewable source)
- offsite alluvial wells also in the Guthrie Ranch Area which pump renewable water from Upper Black Squirrel Basin (renewable source)
- a perpetual right to 350 acre-feet of water per year from Cherokee Water utilizing the Upper Black Squirrel Basin (renewable source).

The District developed a water policy intended to facilitate goals of continual addition of water sources prioritizing renewable sources. In addition, the District will be acquiring and or improving sources of supply and increasing water reliability and efficiency over time. New sources/expansions are expected to come from five areas: developer inclusion, acquisition, regionalization, facility expansion (including extensions of existing jointly owned transmission systems), and indirect, lawn irrigation return flows (LIRF) credits and direct reuse. The District has Municipal Interconnects on both the raw water and potable water systems. Current connecting systems include Meridian Service Metropolitan District;

Cherokee Metropolitan District; and Falcon Highlands Metropolitan District. The District has two major off-site transmission lines which are jointly owned with Meridian Service Metropolitan District. The District is responsible for the operation of both the Tamlin and Guthrie systems. The District owns and operates three water treatment plants and three water storage facilities. The District treats and filters 100% of their water supply. A fourth tank is under construction and will bolster fire flows, service pressures, system reliability, and potable water storage.

The District's current use is based on an average of 53% renewable water sources and is continually acquiring and working towards establishing additional renewable sources. Discussions of long-term planning are included in the Water Wastewater Report. Current Water Quality is presented in the Water and Wastewater Report in the Appendix E being the WHMD 2020 Consumer Confidence Report.

Waiver of an existing LDC or ECM Standard (LDC Chapter 7.3.3)

A Waiver is requested for Bent Grass Market View to be developed as a private road not meeting County ECM standards. Bent Grass Market View is being developed as an access road with the primary purpose of providing access to each private lot and utilities. Development of a private road will allow for the Bent Grass Merchants Association to maintain the road and access to each lot.

A second waiver is requested for Lot 6 to be developed with no minimum lot frontage. An access and utility easement is proposed to provide access to this lot. This easement will provide direct access to Lot 6 and enable Lot 6 to develop internally and promote a more efficient use of land. A note and easement for common use and cross access for parking, vehicular, and pedestrian maneuvering is provided to allow all the properties to function as one cohesive development.

Deviations from Standards (ECM Chapter 5.8)

A deviation is requested for the roadway design criteria for an urban local roadway. Including deviations to the minimum CL curve radius, right of way width, paved width, intersection spacing, and sidewalks on both sides of the roadway. The proposed private roadway consists of a 30' paved width, with a sidewalk along one side. This site is a small commercial development that has 6 individual lots ranging from 25,706 SF to 45,047 SF that all have direct access to the proposed private roadway. Given the total site acreage of 5.0 ac. and its configuration related to the surrounding public roadways and adjacent properties, the Min. CL curve radius of 200' would not be reasonably functional. The typical public Right-of-Way requiring easements and setbacks would not allow for efficient commercial land use of this type. Each individual lot will be required to provide adequate parking and thus parking is not needed or allowed on the private roadway based on the proposed paved width of 30'. This width is consistent with the County urban local roadway standards. Each individual lot will have its own direct driveway access to the private road and given the lot dimensions the intersection spacing will likely need to be less than the typical 175' min. This commercial development is proposing 5.0' wide sidewalk along one side only of the private roadway which will allow for adequate pedestrian access and circulation. Two mid block pedestrian ramp crossings are proposed along Bent Grass Market View.

The ECM does not provide criteria for a private roadway in commercial development such as this. A public Right-of-Way meeting all County standards limits the development ability for this type of

commercial project. Per the TIS, the proposed roadway design will be adequate for the projected site generated traffic. Per the provided truck turning exhibit, the proposed CL radius provides adequate and efficient truck movement throughout the site. A proposed 5' sidewalk with two mid-block crossings, along the northern side of Bent Grass Market View, provides pedestrian connectivity throughout the site. Additional sidewalk is provided on the perimeter of the site adjacent to Bent Grass Meadows Drive and Meridian Park Dr. which further increases pedestrian circulation.

Preliminary Plan Review Criteria Chapter 7.2.1.D.2.e

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

As stated previously, this project is in conformance with the goals, objectives and policies of the County Water Master Plan, Falcon/Peyton small area master plan, 2040-2060 Major Transportation Corridor Plan, and County Master Plan. This project provides sufficient quality water to meet 300-year demand and is maintained by Woodmen Hills Metropolitan District. As previously described, the Falcon/Peyton small area master plan is supported by this project providing a balance of land uses and increasing the quality of life with nearby commercial resources and local employment opportunities. Bent Grass Meadows Drive and Meridian Road are not planned for roadway expansion in 2040 however commercial development in this area will serve as an amenity to commuters along Highway 24. The proposed development provides additional commercial opportunities in an urbanizing area. The uses are anticipated to be neighborhood commercial services that will support the surrounding residential.

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. Land use compatibility with this purpose is determined through zoning. This subdivision is consistent with CS zoning and approved Preliminary Plan.

3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;

The subdivision design standards are met and the subdivision is compatible with the approved Bent Grass East Commercial Preliminary Plan.

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;

A sufficient water supply is available as demonstrated by the water supply commitment letter provided by Woodmen Hills Metropolitan District and the Water Resources Report provided by JDS Hydro.

- 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;**

Public sewage disposal is addressed in the Wastewater Treatment Report provided by JDS Hydro.

- 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)];**

Some areas of the proposed subdivision have been found to be impacted by geologic conditions. These conditions impose some constraints on development, which can be mitigated by avoidance, regrading or through proper engineering design and construction methods. These matters are addressed in the Geohazard Evaluation Report prepared by Entech Engineering Inc., dated October 15, 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;**

These matters are addressed in the Preliminary Drainage Report prepared by Classic Consulting.

- 8. 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.**

This commercial development is situated between urban residential and existing commercial. A fifteen (15) foot landscape buffer has been provided between the existing urban residential to the east and proposed commercial development. Access to the site will be provided by Bent Grass Meadows Drive and Meridian Park Drive. Both Bent Grass Meadows Drive and Meridian Park Drive are existing and presently serve both residential and commercial traffic. There are no major impacts to the adjacent land uses anticipated with this application.

- 9. 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;**

All lots will be accessible by existing public streets, a private road, or an access easement that comply with the LDC and ECM. All streets shall be named and constructed to El Paso County Standards and any approved deviations. Upon acceptance by El Paso County, public streets shall be maintained by the County.

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

Water and sanitary sewer service are to be provided by Woodmen Hills Metropolitan District. Electric Service is provided by Mountain View Electric Association, Inc. The site is entirely within Colorado Springs Utility territory for natural gas services. The required Will Serve letters are included with the submittal. Recreation opportunities are provided through connected sidewalks from the

residential properties to the west and commercial properties to the east and southeast. No formal open space is provided with this application.

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 Rescue Protection District. A Fire Protection Report and Fire Commitment Letter is 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 these parts of the Code.

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