

FLYING HORSE NORTH FILING NO. 2 FINAL PLAT

LETTER OF INTENT

JANUARY 2022, REVISED MARCH 2022

OWNER:

PRI #2 LLC
2138 FLYING HORSE CLUB DR.
COLORADO SPRINGS, CO 80921
JOEL@CLASSICHOMES.COM
719. 592.9333

APPLICANT:

JOE LOIDOLT
C/O 2138 FLYING HORSE CLUB DR.
COLORADO SPRINGS, CO 80921
JOEL@CLASSICHOMES.COM
719. 592.9333

CONSULTANT:

N.E.S. INC.
ANDREA BARLOW
619 N. CASCADE AVE. SUITE 200
COLORADO SPRINGS, CO 80903
ABARLOW@NESCOLORADO.COM
719.471.0073

SITE DETAILS:

TSN: 6136000004

ADDRESS: QUARTZ CREEK DR

ACREAGE: 2.898 AC

CURRENT ZONING: PUD

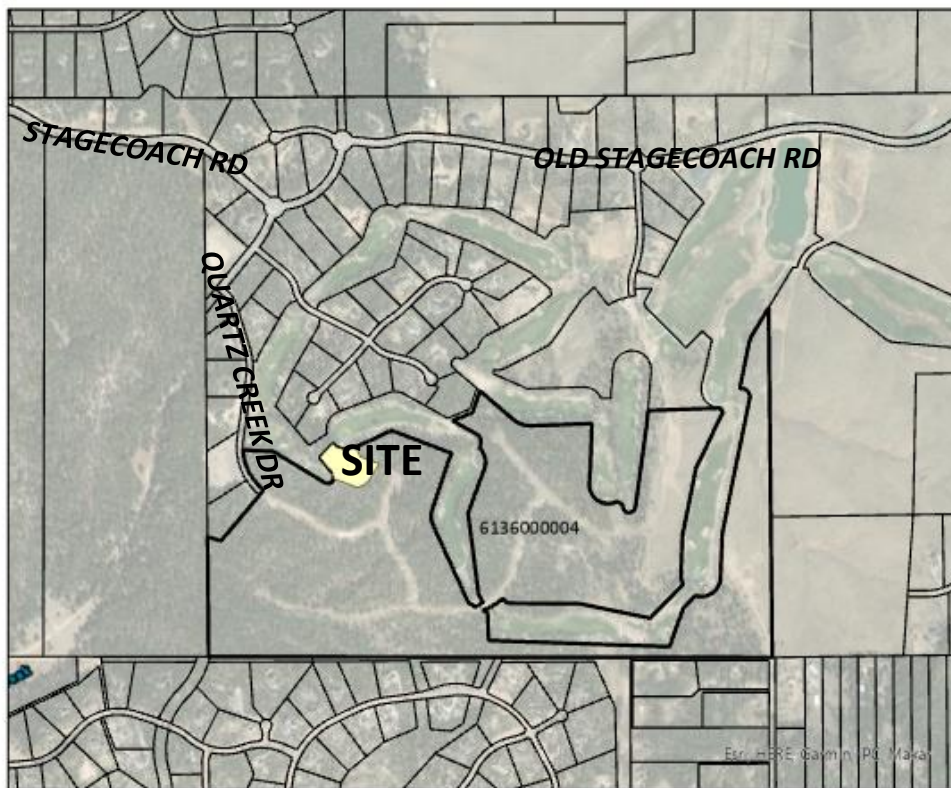
CURRENT USE: VACANT

REQUEST

N.E.S. Inc. on behalf of Joe Loidolt requests approval of Flying Horse North Filing No. 2, a Final Plat for a single lot (2.898 AC) within Flying Horse North (209.75 AC).

LOCATION

Flying Horse North encompasses 1,417 acres bounded by State Highway 83 on the west and Black Forest Road on the east in El Paso County, Colorado. This site backs on to the golf course, between holes 14 and 15.



PROJECT CONTEXT

A PUD Development Plan was approved by the Board of County Commissioners on November 13, 2016 (Res. No 16-442). This request was followed by a Preliminary Plan for Flying Horse North was approved by the Board of County Commissioners on September 4, 2018 (Res. No 18-251). This plan designates 283 single-family lots, 324.1 acres of open space, comprised of a golf course, park and other open space uses. Filing 1 was concurrently reviewed and approved by the Board of County Commissioners (Res. No. 18-352), approving a final plat for 80 single-family residential lots and 21 tracts comprised of a golf course, open space, drainage, and other uses. Roadway improvements were also included in Filing 1. Opening of the golf course and total build-out of homes was contingent on these roadway improvements. Flying Horse North is anticipated to be built out in many phases, as described in the PUD Development Plan (approved November 2016).

PROJECT DESCRIPTION

The project proposes one single family lot on 2.898 acres, with necessary access and utility easements. This lot is shown as lot 91 within the Flying Horse North Preliminary Plan.

ACCESS AND CIRCULATION: Access to the site is provided by a 60-foot access easement, connecting to Quartz Creek Drive (an 80' public ROW). Following the proposed alignment of Coffey Street, this is an interim measure until Coffey Street is constructed, connecting to Quartz Creek Drive.

TRAFFIC: A Traffic Impact Analysis was prepared by LSC Transportation Consultants, Inc. for the entirety of the Flying Horse North Preliminary Plan, and updated for the Filing No. 1 Final Plat in July 2018. A TIS is not required for this single-lot subdivision. The applicant will pay the full road impact fee at time of building permit.

COMPATIBILITY/TRANSITIONS: The site is surrounded by residential development, or vacant land zoned or planned for residential. To the north is Filing 1 of Flying Horse North and the Flying Horse North Golf Course. To the east is future phases of Flying Horse North and vacant land zoned RR-5. To the south is the Cathedral Pines Subdivision, comprised of 2.5 acre lots zoned PUD. To the west is agricultural land zoned RR-5. The proposed 2.89-acre lot is compatible with these surrounding land uses.

WATER: The lot will have an individual well system. This individual well is the responsibility of the property owner, and a well permit must be obtained from the State Water Engineer. Well water will come from the Dawson aquifer per the water rights conferred by Water Court Decree Case 16CW3190 (Div. 1). Finding of water sufficiency was completed with the Preliminary Plan, and the findings of the State Water Engineer and County Attorney are included in this submittal. A Water Supply Information Summary is also included in this submittal, providing evidence of sufficient water availability.

WASTEWATER: The lot will have an individual on-site wastewater treatment system. Contamination of surface and subsurface water resources should not occur provided the OWTS sites are evaluated and installed in accordance with El Paso County and State guidelines. An OWTS Wastewater Study, provided by Entech Engineering is included in this submittal.

FLOODPLAIN: Flying Horse North Filing No. 2 is not within a designative FEMA floodplain as determined by the flood insurance rate map, map number 08041C0315G, dated December 7, 2018 (zone X).

GEOLOGIC HAZARDS: The site is suitable for development but the existing geologic conditions may impose minor constraints, such as potentially unstable slopes and potentially seasonal shallow groundwater. These conditions can be mitigated by avoidance, due to the size of the lot, 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 January 25, 2022.

FOREST MANAGEMENT/WILDFIRE MITIGATION: According to Colorado Wildfire Risk Assessment Portal (CO-WRAP), the fire risk is low. A Wildfire Hazard and Mitigation report was prepared for the site in 2016 and is included in this submittal. The Wildfire Hazard and Mitigation report mentions a field inspection was conducted in 2016, concluding the current wildfire hazard could be considered as moderate. According

to the Flying Horse North covenants, each owner acknowledges that the Community Area may be subject to fire and forest management guidelines as adopted from time to time by the Association, which guidelines, as adopted, will be part of the Community Standards.

Due to wildfire concerns, the applicants and subsequent homeowners are encouraged to incorporate wildfire fuel breaks provisions as recommended by the Colorado State Forest Service and illustrated through publications available through the State Forest Planning Service. The commitment letter from the Black Forest Fire Rescue Protection District, and a supporting Fire Protection Report are also included in this submittal.

DRAINAGE: The property owner is responsible for maintaining proper storm water drainage in and through their property. Drainage easement are maintained by the lot owner unless otherwise indicated on the plat. The proposed development, drainage patterns, and quantities remain consistent with the previously approved final drainage report for Flying Horse North Filing 1. The development was previously accounted for with stormwater quality/detention provided in the existing downstream facility (Pond 9) and will not impact surrounding properties. These matters are addressed further in the Drainage Report prepared by Classic Consulting.

UTILITIES: Water and sanitary sewer will be provided by an individual well and septic system. Mountain View Electric Association, Inc. will supply electricity service and Black Hills Energy will supply natural gas. The utility commitment letters are submitted with this application.

DISTRICTS SERVING THE PROPERTY:

The following districts will serve the property:

- Black Hills Energy
- Mountain View Electric
- Black Forest Fire Protection District
- Lewis Palmer School District No. 38
- El Paso County Conservation District

WAIVERS:

This request will require a waiver of LDC section 8.4.3.B.2.e which states “Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E).” A waiver is requested as access to the site is provided by a 60-foot access easement, connecting to Quartz Creek Drive (an 80’ public ROW). This access easement follows the proposed alignment of Coffey Street and is an interim measure until Coffey Street is constructed and dedicated as right-of-way with future filings. When Coffey Street is constructed, the lot will have direct access from a public road. Justification for this waiver is provided on page 9.

RELATIONSHIP TO THE ADOPTED COUNTY MASTER PLANS:

The relevant County Plans for Flying Horse North Filing 2 are the Your El Paso Master Plan, the Water Master Plan, the Parks Master Plan and the 2040 Major Transportation Corridor Plan. A detailed analysis of the relationship of the Flying Horse North Filing 2 Final Plat and the goals and objectives of these plans are outlined below.

YOUR EL PASO MASTER PLAN

The new County Master Plan denotes the site as a large-lot residential placetype, which consists of predominantly single-family homes with supporting commercial retail, commercial service, as well as parks and open space. This placetype has roughly 2.5 acre lots, and provide a sense of community and are well-connected.

In this placetype, designing with a similar development density as existing large-lot areas, while maximizing open space is encouraged. Flying Horse North proposes large single family detached residential units with a curvilinear pattern of streets that characterizes the large-lot residential placetype and the Filing 2 Final Plat aligns with this placetype.

The Key Areas map indicates this site is a potential area for annexation, and is adjacent to a forested area. The plan for this development aligns with the City of Colorado Springs plan for controlled growth, and collaboration with the city will prevent duplication of efforts. Since this site is in proximity to Black Forest, it is critical to ensure development does not negatively impact the natural environment. Development should be low density to mitigate impacts, and provide safe access to major roads. This is a low-density site, with proper access, and does not negatively impact the forested area.

Areas of Change shows this site as an area of minimal change, developed. This is largely due to the already approved preliminary plan, and the build out of Filing 1. It is, however, an area of approved new development. The master plan designates this area, known as Black Forest/North Central Area, as a priority development area. The master plan encourages new development in this area to maintain the large lot residential placetype, and promote health of natural areas, especially the forest. The proposed 2.89-acre lot in Flying Horse Filing No. 2 is consistent with the objective of maintaining the large lot character of the area.

Flying Horse North is also consistent with Core Principle 1, Land Use and Development, which seeks to “manage growth to ensure a variety of compatible land uses that preserve all character areas of the county,” in addition to goal 1.1, “ensure compatibility with established character and infrastructure capacity.” The proposal is a low-density, single-family lot that is compatible with surrounding land uses. This lot fits in with the established character of Filing 1, and does not create a strain to infrastructure or other services.

Since this is a low-density development, with proper access and will be constructed to prevent additional hazard, it is also consistent with Goal 2.2 to “Preserve the character of rural and environmentally sensitive areas.”

2018 WATER MASTER PLAN

The subject property lies within the El Paso County Water Master planning area Region 2. The WMP notes that Region 2 has a current water supply of 13,607-acre feet per year and a current demand of 7,532-acre feet per year and is as an area expected to see significant growth by 2060. The 2040 water supply is projected to be 20,516-acre feet per year and the project demand is 11,713-acre feet. The WMP specifically states: *“Region 2, located in the northwest corner of El Paso County, is expected to experience significant growth through 2060. The I-25 corridor passes through the center of the region and offers optimal growth areas in and around the Towns of Palmer Lake and Monument. Growth is anticipated along both the east and west sides of I-25 by 2040.”*

The site lies within the Denver designated groundwater basin and four aquifers lie beneath the Flying Horse North subdivision; the Dawson, Denver, Arapahoe and Laramie-Fox aquifers. An individual domestic well will be used to provide water to the single lot within Flying Horse Filing No. 2. Well water will come from the not non-tributary Upper Dawson aquifer per the water rights conferred by Water Court Decree Case 16CW3190 (Div. 1) and post-pumping depletions will be augmented with water from the non-tributary Laramie-Fox aquifer. These water rights have been assigned to the Flying Horse North Homeowners Association.

Flying Horse North Filing No. 2 satisfies the following policies of the WMP:

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

A finding of water sufficiency was completed with the Preliminary Plan, and the findings of the State Water Engineer and County Attorney are included in this submittal. A Water Supply Information Summary is also included in this submittal, providing evidence of sufficient water availability for the 0.5875-acre feet per year required to serve this single lot.

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

The development is a 2.89-acre rural residential lot that will be served by an individual well and septic system. This is consistent with the goal of concentrating urban level development where it can be served by centralized services.

2013 EPC PARKS MASTER PLAN

There is a proposed El Paso County primary regional trail through the Flying Horse North development, traversing north/south connecting Hodgen Road to Black Forest Regional Park. The proposed trail through Flying Horse North is shown in an alignment from the southeastern corner of Sundance Ranch to the eastern edge of Cathedral Pines where multi-use Regional Trail dedication has previously been made. The trail will follow Cherokee Metropolitan District water line easements, traverse the larger of the two internal parks, and then follow the southern boundary of Flying Horse North. There is also an internal trail system within Flying Horse North that will be on easements on lots which will be developed as indicated on the Preliminary Plan. This internal system will be owned and maintained by the Flying Horse North Homeowners Association. The proposed lot in Filing No. 2 will benefit from this

trail system.

2040 MAJOR CORRIDOR TRANSPORTATION PLAN

There are no MTCP road improvements that directly affect Flying Horse North or Lot 1 of Filing No. 2. The MCTP outlines projected and necessary improvements to roadways. According to the MCTP, Hodgen Rd is becoming a congesting road between Roller Coaster Rd and Black Forest Rd. Surrounding roads are expected to be near congesting or congested by 2040. By 2040, adjacent roads Shoup Road and Black Forest Rd will be upgraded from unimproved county roads to minor arterials. Hodgen Rd will also be designated as a minor arterial. Additional improvements to Hodgen, Shoup and Black Forest are expected by 2060.

PROJECT JUSTIFICATION

FINAL PLAT

The Final Plat addresses the Final Plat Review Criteria in Chapter 7.2.1.D.3.F of the LDC as follows:

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

As outlined above, the subdivision is in conformance with the master plan.

2. THE SUBDIVISION IS IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PRELIMINARY PLAN;

Lot 1, Flying Horse North Filing No. 2 is shown as lot 91 on the approved Flying Horse North Preliminary Plan and is consistent with the preliminary plan.

3. 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;

All regulations and design standards are met.

4. EITHER 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, OR, WITH RESPECT TO APPLICATIONS FOR ADMINISTRATIVE FINAL PLAT APPROVAL, SUCH FINDING WAS PREVIOUSLY MADE BY THE BOCC AT THE TIME OF PRELIMINARY PLAN APPROVAL

There is an estimated water requirement for this single lot subdivision of 0.3-acre-feet per year for household use and 0.2875-acre-feet per year for irrigation. This property will be served by an individual well from the Upper Dawson aquifer, with post-pumping depletions augmented by the Laramie-Fox aquifer. A finding of water sufficiency was issued with the preliminary plan.

- 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;**

This site will have an individual on-site wastewater treatment. An OWTS Wastewater Study, provided by Entech Engineering is included in this submittal.

- 6. 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)];**

Per the Soils and Geology report provided by Entech Engineering Inc., the lot is suitable for the proposed single-family home development, but existing geologic conditions may impose minor constraints, such as potentially unstable slopes and potentially seasonal shallow groundwater. These conditions can be mitigated by avoidance, due to the size of the lot, regrading or through proper engineering design and construction methods.

- 7. 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;**

Per the Drainage Report prepared by Classic Consulting, the proposed development, drainage patterns, and quantities were previously accounted for with stormwater quality/detention provided in the existing downstream facility (Pond 9) and will not impact surrounding properties.

- 8. 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;**

Access to the site is provided by a 60-foot access easement, connecting to Quartz Creek Drive (an 80' public ROW). This easement follows the proposed alignment of Coffey Street and is an interim measure until Coffey Street is constructed and dedicated as right-of-way with future filings. As there is no direct lot access to a public street, a waiver of the LDC Chapter 8.4.3.B.2.e is required, the justification for which is provided on page 9.

- 9. NECESSARY SERVICES, INCLUDING POLICE AND FIRE PROTECTION, RECREATION, UTILITIES, AND TRANSPORTATION SYSTEMS, ARE OR WILL BE MADE AVAILABLE TO SERVE THE PROPOSED SUBDIVISION;**

All necessary services will be made available to serve the lot. Will serve letters are included with this submittal.

- 10. THE FINAL PLANS PROVIDE EVIDENCE TO SHOW THAT THE PROPOSED METHODS FOR FIRE PROTECTION COMPLY WITH CHAPTER 6 OF THIS CODE;**

The site lies within the Black Forest Fire Protection District. A service commitment letter from the District and a Fire Protection Report are included with the submittal.

11. 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;

No off-site improvements are necessary with this final plat. The applicant will pay the full road impact fee at time of building permit.

12. 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;

No impacts are associated with this final plat.

13. THE SUBDIVISION MEETS OTHER APPLICABLE SECTIONS OF CHAPTER 6 AND 8;

The proposed subdivision meets the applicable sections of these parts of the Code.

14. THE EXTRACTION OF ANY KNOWN COMMERCIAL MINING DEPOSIT SHALL NOT BE IMPEDED BY THIS SUBDIVISION [C.R.S. §§ 34-1-302(1), ET SEQ.]

There are no known mining deposits.

REQUESTED WAIVER

The requested waiver addresses the Criteria for Approval of Waivers in Chapter 7.3.3 of the LDC as follows:

1. THE WAIVER DOES NOT HAVE THE EFFECT OF NULLIFYING THE INTENT AND PURPOSE OF THIS CODE;

This waiver for the proposed access easement is an interim measure until the full build out of Coffey Street and does not nullify the intent of this code.

2. THE WAIVER WILL NOT RESULT IN THE NEED FOR ADDITIONAL SUBSEQUENT WAIVERS;

No subsequent waivers will be requested.

3. THE GRANTING OF THE WAIVER WILL NOT BE DETRIMENTAL TO THE PUBLIC SAFETY, HEALTH, OR WELFARE OR INJURIOUS TO OTHER PROPERTY;

This waiver is a temporary measure that does not have a detrimental impact to other property. Maintenance of this access easement is subject to a maintenance agreement.

4. THE CONDITIONS UPON WHICH THE REQUEST FOR A WAIVER IS BASED ARE UNIQUE TO THE PROPERTY FOR WHICH THE WAIVER IS SOUGHT AND ARE NOT APPLICABLE TO OTHER PROPERTY;

Future filings will include the full build out of Coffey Street. At that time, this waiver will no longer be relevant, as the lot will have public street access.

5. A PARTICULAR NON-ECONOMICAL HARDSHIP TO THE OWNER WOULD RESULT FROM A STRICT APPLICATION OF THIS CODE;

As the proposed access easement is only a temporary measure, the strict application of Code in the interim would provide a hardship for this individual lot when an alternative and acceptable easement solution is available.

6. THE WAIVER WILL NOT IN ANY MANNER VARY THE ZONING PROVISIONS OF THIS CODE; AND

The waiver does not vary any zoning provisions. The Plat meets the requirements of the PUD zone.

7. THE PROPOSED WAIVER IS NOT CONTRARY TO ANY PROVISION OF THE MASTER PLAN.

The Master Plan does not have any applicable sections relating to this proposed waiver.