



December 22, 2021

Nina Ruiz, Planning Manager
El Paso County
Development Services Department
2880 International Circle
Colorado Springs, CO 80910

RE: Caliber at Constitution

Dear Ms. Ruiz,

Thank you for the comments on December 7, 2021 for the above-mentioned project. In an effort to address your comments concisely and simplify your review of the rezoning application, we have summarized your comments and our responses below.

COMMENT RESPONSE LETTER

EL PASO COUNTY

Community Services Department

Environmental Division: Mike Bonar (719) 520-7846

The El Paso County Environmental Division has completed its review of the Caliber at Constitution Rezone. Our review consisted of the following items: wetlands, federal and state listed threatened or endangered species, general wildlife resources and noxious weeds.

1. Based on a preliminary assessment of the site, a small drainage appears to bisect the western edge of the parcel. Based on assessment, a completed U.S. Army Corps of Engineers (USCOE) permit shall be provided to the Planning and Community Development Department prior to project commencement if ground-disturbing activities will occur in wetland areas. Alternatively, a letter from a qualified wetland scientist indicating why such a permit is not required for this project will be acceptable. The applicant is hereby on notice that the USCOE has regulatory jurisdiction over wetlands. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including, but not limited to, the Clean Water Act.
 - *Response: Acknowledged. We do not intend to disturb the existing drainage feature.*
2. Documentation from the U.S. Fish and Wildlife Service (USFWS) regarding threatened and endangered species shall be provided to the Planning and Community Development Department prior to project commencement. The applicant is hereby on notice that the USFWS has regulatory jurisdiction over threatened and endangered species and migratory birds. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including but not limited to, the Endangered Species Act and the Migratory Bird Treaty Act.
 - *Response: Acknowledged. We will ensure the project complies with all USFWS requirements.*
3. The project may interfere with wildlife habitat. Information regarding wildlife protection measures shall be provided including fencing requirements, garbage containment, and riparian/wetland protection/buffer zones, as appropriate. Information can be obtained from Colorado Parks and Wildlife.

- *Response: Acknowledged. We will ensure the project complies with all Colorado Parks and Wildlife requirements.*
4. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including but not limited to the Colorado Noxious Weed Act and the El Paso County Weed Management Plan.
- *Response: Acknowledged. We will ensure the project complies with the Colorado Noxious Weed Act and the El Paso County Weed Management Plan.*

It is strongly recommended that the applicant obtain the necessary approvals from all federal, state and county agencies as a part of their planning process.

EL PASO COUNTY PARKS DEPARTMENT

Community Services Department

Landscape Architect, Greg Stachon GregStachon@elpasoco.com

1. The Community Services Department has reviewed the Caliber at Constitution Rezone application and is providing the following preliminary comments on behalf of El Paso County Parks.

This is a request by The Garrett Companies on behalf of Feathergrass Investments LLC to rezone the subject property from CS CAD-O to RM-30. The proposed development is located at the southwest corner of Constitution Ave. and Marksheffel Road. The applicant intends to develop 226 multifamily unit in two buildings on the 12.26 acre site. The proposed development would include a clubhouse, amenity spaces, and a combination of attached and detached garages.

The El Paso County Parks Master Plan (2013) identifies the proposed Marksheffel Road Bicycle Route directly to the east of the tract. This route will be accommodated within existing public right of way and will not impact the development. The City of Colorado Springs' Rock Island Trail is located approximately 0.25 mile west of the site, at a location where the trail crosses Constitution Avenue, while another proposed City of Colorado Springs trail is located immediately north of the project site. The project is not located within any Candidate Open Space.

Park fees will be calculated upon future submittal of final plat(s). Furthermore, staff recommends that the applicant consult with the City of Colorado Springs Parks and Recreation Department, since the City is actively working on proposed trail connections in this area.

- *Response: Acknowledged. We will contact the City of Colorado Springs Parks and Recreation Department regarding any proposed trail connection in the area.*

COLORADO SPRINGS AIRPORT ADVISORY COMMISSION MEETING

Staff Recommendation/Conditions of Approval

Subject to Airport Advisory Commission Action

*Airport staff recommends **no objection** with the following conditions:*

1. Avigation Easement: An avigation easement is requested or provide proof of previous recording (book/page or reception number).
 - *Response: An avigation easement was previous recorded, Book 5497 at Page 502.*
2. Airport Acknowledgement: Upon accepting residency within Caliber at Constitution, all adult residents and occupants shall be required to sign a notice in which the tenant acknowledges that Caliber at Constitution lies within an Airport Overlay Zone and is located less than 4 miles from Colorado Springs Municipal Airport and may, at times (24 hours per day), experience noise and other activities and operations associated with aircraft and the Airport.

- *Response: Acknowledged.*
- 3. Noise: Although it appears that the property will be located outside of the 65 DNL noise contour, future development and its occupants may be impacted by noise caused by aircraft arriving to and departing from the Colorado Springs Airport. The developer should engage with airport staff for potential noise mitigation measures/construction materials and craft noise notification strategies for residents.
 - *Response: Acknowledged. We will contact airport staff regarding potential mitigation measures strategies.*
- 4. FAA 7460-1: Based on elevation data and distance to runway, the applicant will need to file Federal Aviation Administration (FAA) Form 7460-1 "Notice of Proposed Construction or Alteration" for any new vertical development at this site, including temporary construction equipment, and provide FAA documentation to the Airport before the commencement of construction activities; FAA's website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).
 - *Response: Acknowledged. We will file the required FAA Form 7460-1 as necessary.*

AGENCY REVIEW COMMENTS

**Project Manager, Nina Ruiz (719) 520-6313 NinaRuiz@elpasoco.com
PCD Engineering Division**

1. Review 1 comments on the following documents have been uploaded: -Traffic Study
 - *Response: Acknowledged. Refer to separate document for KHA responses.*

PCD Project Manager

1. I am not clear that the title commitment is picking up the recorded SIA, Pond Agreement, plat and PUDSP. Please have title commitment verify exceptions for accuracy.
 - *Response: Acknowledged, additional documents have been recently recorded. An updated title commitment is included with the resubmittal.*
2. Letter of intent was very thorough -Thank you.
 - *Response: You're welcome.*

Pikes Peak Regional Building Department

1. Enumerations has no comment at this time regarding the rezone.
 - *Response: Thank you.*

Colorado Springs Public Works

1. Engineering Development Review has no comments on this item.
 - *Response: Thank you.*

Cherokee Metro District

1. No Comment
 - *Response: Thank you.*

Colorado Springs Public Works

1. Traffic Engineering has no comments on this item.
 - *Response: Thank you.*

Colorado Springs Airport Advisory Commission

1. Attached is the land use summary with comments that was reviewed at the Airport Advisory Commission meeting with no objections.
 - *Response: Acknowledged. Refer to responses above.*

Colorado Springs Utilities, Dev, Svc. (includes water resources)

1. I have no review comments for this project AI
 - *Response: Thank you.*

EPC Parks Department

1. See Parks review attached.
 - *Response: Acknowledged. Refer to responses above.*

Mountain View Electric Association, Inc.

1. Mountain View Electric Association has no objections to the current re zone plan.
 - *Response: Thank you.*

Central Marksheffel Metro

1. This proposed re -zoning is not located within the Central Marksheffel Metropolitan District.
 - *Response: Acknowledged.*

We appreciate your review and approval of these plans. Please contact me at 303-228-2318 or dan.skeehan@kimley-horn.com should you have any questions.
Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Dan Skeehan, PE
Project Manager