

SOUTHMOOR

OVERALL DEVELOPMENT PLAN

Letter of Intent

February 15, 2024

Owner:
DHN Development, LLC

Applicant:
HR Green Development, LLC



INTRODUCTION

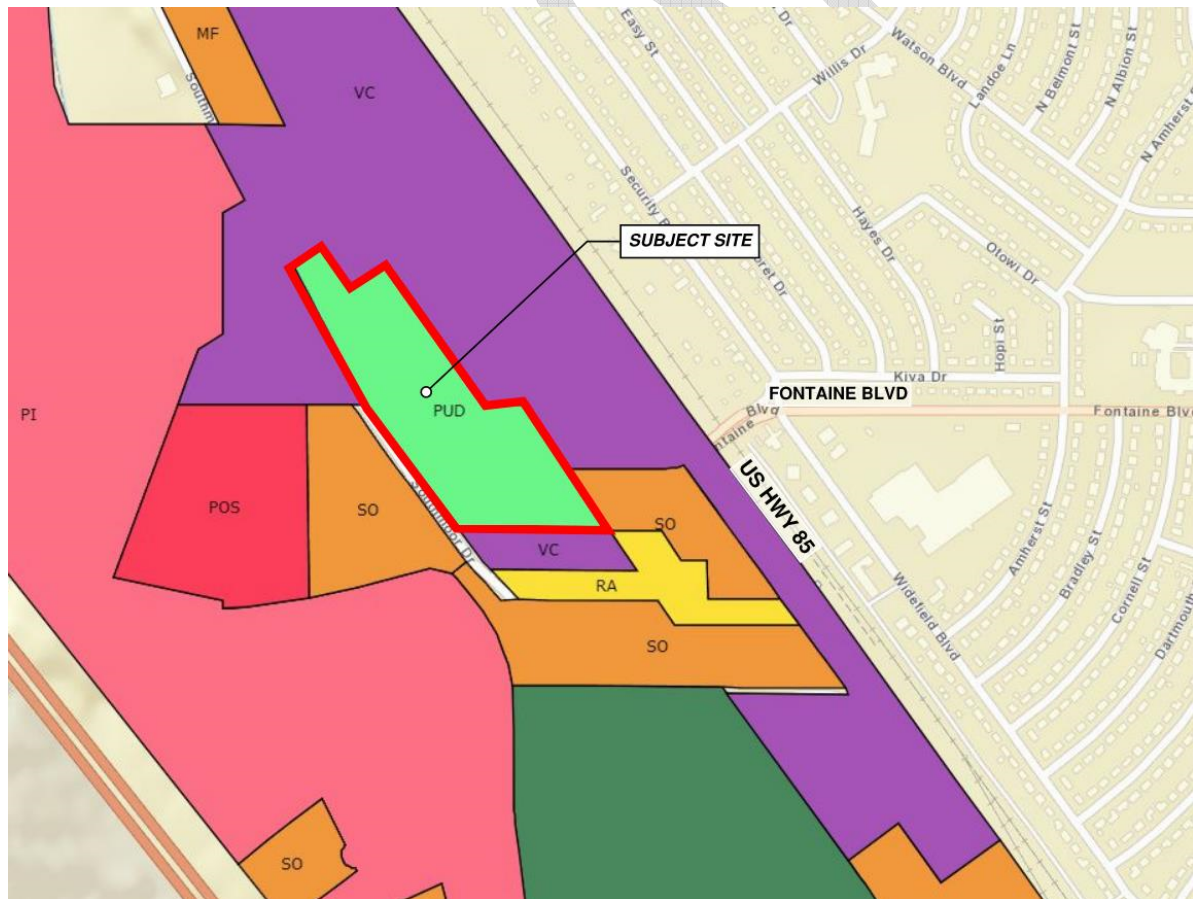
On behalf of DHN Development, LLC, HR Green is pleased to submit the Concept Plan and Official Development Plan (ODP) for the Southmoor project to the City of Fountain. The property is 17.36 acres with 16.06 acres of private development and 0.99 acres of City Right of Way for the extension of Fontaine Boulevard and 0.31 acres of City Right of Way for widening of Southmoor Drive with a 10' Right of Way dedication on the west side of the site. The subject site existing zoning is PUD (Planned Unit Development) and the applicant is seeking PUD zoning allowing multi-family (apartments) and single family attached (townhomes). The following project statement includes project information, zoning and comprehensive plan analysis and it demonstrates general compliance with the City of Fountain Review Criteria for an ODP. In summary the proposed zone change and proposed Concept Plan are in general compliance with the City of Fountain Comprehensive Development Plan, codes and ordinances and this application meets or exceed requirements of the Official Development Plan (ODP) review criteria.

The applicant is submitting a Preliminary Plan/PUD with the associated documents and reports and is requesting approval of all submitted items. This LOI focuses on how this application addresses all of the checklist items for the PUD (Zoning) and the Preliminary Plan. Also included in this LOI is how this application meets the review criteria for both the Preliminary Plan and PUD.

ZONING

Existing zoning: PUD (Planned Unit Development)

Proposed zoning: PUD (Planned Unit Development)



This application aligns with the current zoning on the property of PUD, however with this submitted ODP the development standards and PUD zoning will be updated specific for this developer and product. While there are changes to the layout and product for this site, in general the proposed zoning and development standards are very appropriate for this site and location in the City of Fountain.

OFFICIAL DEVELOPMENT PLAN (ODP) CITY REVIEW CRITERIA

Per City Ordinance (Section 17.22.030 and 17.22.040) the following review criteria are listed in City Code with the applicant response and comments on how that criteria is met.

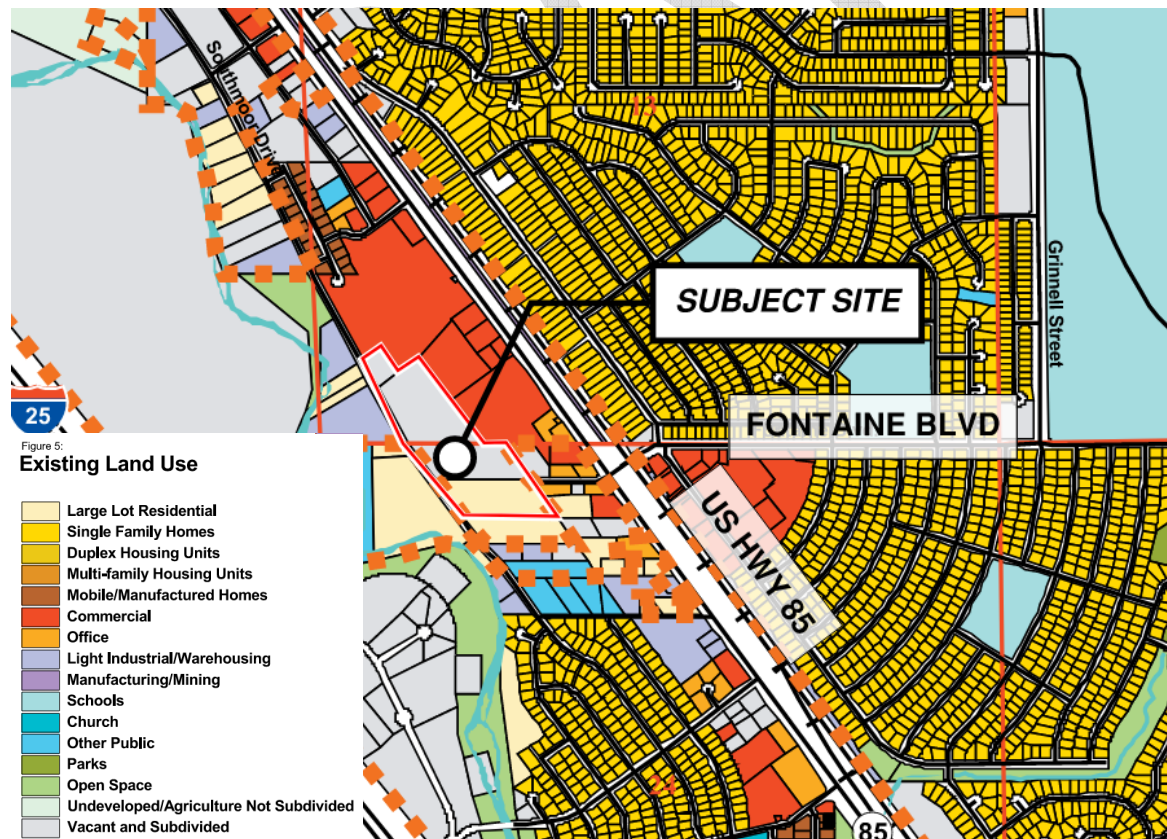
Note: City review criteria are listed in italic underline with the applicant response and comments in bold font.

CITY ODP REVIEW CRITERIA #1

The PUD is consistent with the Fountain Comprehensive Development Plan and other adopted plans.

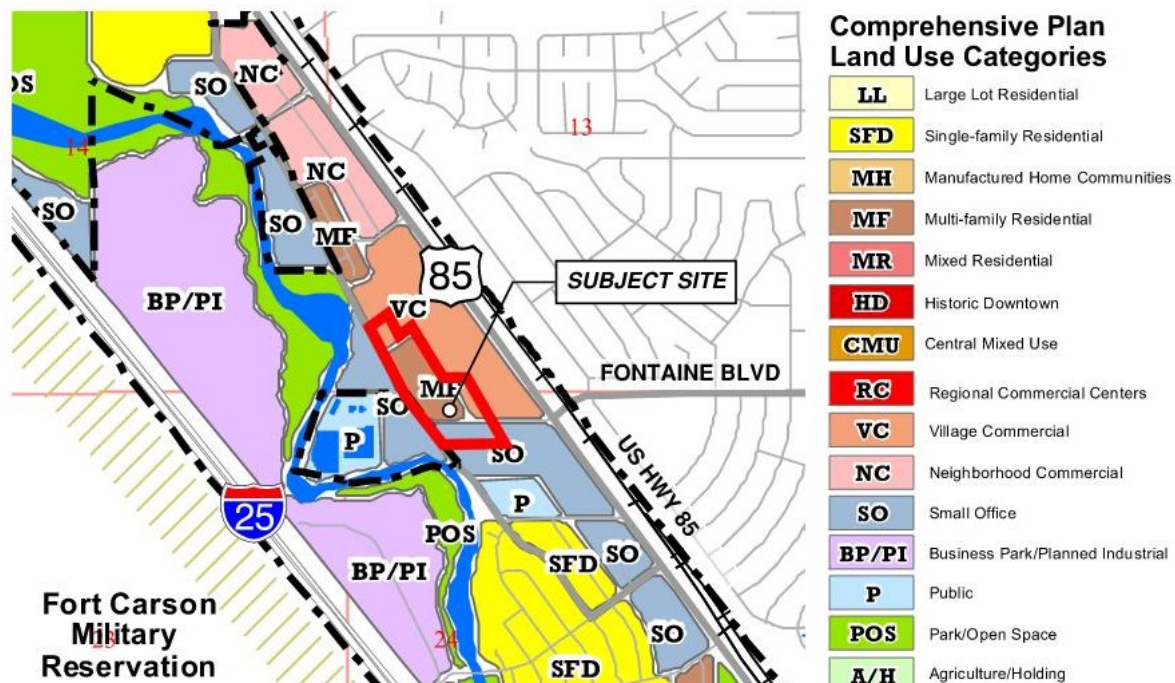
Applicant: This application and proposed land use is consistent with the Fountain Comprehensive Development Plan (2005). Existing land uses on the site and in the surrounding area are shown on the below exhibit as vacant. Surrounding the subject site is significant commercial and residential uses. The proposed use of Multi-family and Townhomes will mesh well into the existing land uses in the area and surrounding region. The proposed product increases the number of units in a key area of the City allowing future residents to walk to the mix of uses in the area.

EXISTING LAND USE (CITY OF FOUNTAIN)



PROPOSED LAND USE (CITY OF FOUNTAIN)

As seen in the exhibit below “MF” (Multi-family Residential) is shown on the subject site on the majority of the property. This proposed use of Multi-family (apartments) aligns directly with the City’s designation for this site. Some Village Commercial (“VC”) and Small Office (“SO”) is small pieces of the property on both the far north and south end of the site. The proposed use is very compatible with Village Commercial land use (north and east of the site) and Small Office land use (south and west of the site). Higher density residential is a natural land use transition from commercial and office use to apartments. The proposed use has good compatibility with the existing and proposed uses directly adjacent to the property and throughout the area. Important to note, Multi-family Residential is also depicted just north of this subject site, thus this proposed use aligns with the intent of the Comprehensive Development Plan.



The City of Fountain Comprehensive Development Plan document provides much narrative surrounding elements the City desires. The following section highlights those items that are most relevant to this subject site. As described below this proposal meets many of the Principals and Policies of the Plan.

Note: Narrative from the City of Fountain Comprehensive Development Plan is listed in italic with the applicant response and comments in bold font.

Growth Management: Principal and Policies

Principle 3

The City strongly discourages urban sprawl.

GM Policy 3.1: The City should encourage infill development and the redevelopment of under-utilized land within the Urban Services Area.

Applicant: This application and proposal is a great example of an infill site that discourages urban sprawl. The land use of Multi-family and Townhomes fits very well with the surrounding area and existing roads and infrastructure are nearby. This is not a greenfield development as the site is along

a major transportation corridor (US Highway 85) with good transportation access and utilities that can serve the site with some improvements. The proposed dwellings units will be serviced by Security Water and Sanitation District (SWSD) for water and wastewater, Colorado Springs Utilities for natural gas, and Fountain Electric for electric. All utilities have connection points within or adjacent to the site in public rights-of-way that are accessible and constructable. This project can serve as an example of how to do development in a smart and sustainable way within the urban core of Fountain.

GM Policy 3.2: Leapfrog development is discouraged. Encourage new development and redevelopment in established areas only where any impacts on existing neighborhoods can be mitigated.

Applicant: This application is not a leapfrog development as it occurs in the urban core area of Fountain. The proposed use and arrangement on the site minimize impacts to existing neighborhoods in the area.

GM Policy 3.3: Encourage new public facilities and services to locate to maximize the efficiency of services and minimize the costs and impact on the natural environment.

Applicant: This application includes new public facilities that will be installed throughout the private development within public exclusive and non-exclusive utility easements. While two parcels within the development area are not within an existing utility district, there is existing water, wastewater, natural gas, electric, telephone, and fiber optic surrounding and traversing the site. Most of the infrastructure within and surrounding the site is owned by Security Water and Sanitation District (SWSD). The two parcels with no utility district will undergo the Inclusion Process with SWSD. All utilities have connection points within or adjacent to the site in public rights-of-way that are accessible and constructable. The proposed water utility connections and extensions are anticipated to improve the existing system conditions by looping systems that were not connected previously which is anticipated to improve system pressures and provide redundancy in hydrant locations for fire suppression efforts in the future. The proposed utilities for the development minimize costs and impact on the natural environment by not requiring extensive off-site improvements for connections and extensions.

Land Use: Principles and Policies

Principle 2

Ensure that the siting, development, and construction of housing is aesthetically pleasing, safe, encourages interactive neighborhoods, and complements the existing neighborhoods' plans and surrounding land uses.

LU Policy 2.1: Require that new residential development include low water use landscaping, which should be continually maintained.

Applicant: This proposal will minimize water use with a xeriscape approach using plants that are appropriate for this area. Hydro-zoning (grouping plants with similar irrigation needs) will also be implemented.

LU Policy 2.2: Require that all new development or redevelopment be planned in ways that minimize impacts on natural areas and wildlife.

Applicant: This site does not contain any significant natural area or wildlife. However with the significant open space that is provided and planting of native vegetation and landscape throughout the community it will enhance this currently vacant property.

LU Policy 2.3: Encourage new residential development to locate so it is convenient to parks, open space, schools, mass transit, work, and shopping. In addition, residential uses should be appropriately

and conveniently connected by bike and pedestrian paths and open space to reduce dependency on the car.

Applicant: This proposal is providing significant open space and amenities such as a clubhouse, sport court, pocket parks and trails connected throughout the site. This will reduce the dependency on the automobile. Residents may choose to walk to the adjacent commercial areas on the improved walks on this site.

LU Policy 2.4: Encourage clustered residential development to more efficiently utilize land and public services, create additional useable open space, and to mitigate adverse environmental effects.

Applicant: This proposals provides significant open space and will infiltrate the stormwater into basins that will provide water quality. The site is strategically laid out to create blocks of residential uses that drain to local full spectrum detention ponds and ultimately an infiltration basin that is sized to meet the City of Fountain criteria for an infiltration basin. There are several sited planned infiltration areas in which pervious pavement and roof runoff will drain to landscaped areas prior to entering the private storm system and ponds. There is ample open space and enhanced landscape areas to improve the aesthetic of the overall development which have the secondary benefit of providing water quality.

LU Policy 2.6: Encourage the use of shield, full cut-off lighting to ensure that all new development minimizes impacts associated with visually obtrusive lighting and preserves the dark sky.

Applicant: This proposal will use lighting that complies with the dark sky philosophy.

Principle 4

Promote quality housing and a variety of residential units – both in terms of price and type of unit – allowing households with different incomes and needs to live in Fountain.

- *Encourage the establishment of “work force housing”*

Applicant: This proposal of apartments and townhomes will provide “work force housing” for the citizens and future residents of this community.

Transportation Principles and Policies:

Principle 3

Ensure that all public and private development makes the pedestrian feel welcome, safe and comfortable.

TR Policy 3.3: Establish pedestrian routes that can be used by children traveling to and from school to minimize hazards due to vehicular and train traffic.

TR Policy 3.4: Require adequate sidewalks or trails within residential and commercial developments. These side-walks or trails should include shade trees to enhance the comfort of the pedestrian.

TR Policy 3.5: Parking areas should be buffered from the street with landscaping and architectural features that are consistent with related streetscape elements used by the City of Fountain.

Applicant: This proposal and associated design layout maximizes the walkability of the community through significant walks, trails and pedestrian connections throughout the plan. This provides a more safe and comfortable pedestrian experience for future residents. Shade trees will be planted throughout the community and along the walkways. For parking areas buffering will be provided to soften the views to parking areas.

Multi-Family Residential

Desired Location and Character

This land use classification is mix of well-maintained residential types, including but not limited to single-family attached, duplexes, triplexes, fourplexes, townhomes, condominiums, and multi-family units, located near shopping, recreational amenities and transit services. Areas designated as multi-family residential are particularly suited for those who wish to decrease their dependency on the car. Multi-family residential areas are encouraged to develop in locations that can provide a transition between lower density residential neighborhoods and non-residential uses, particularly retail uses. Throughout this plan, the intent is to ensure that all land uses have varied lot sizes with adequate transitions from rural uses to urban uses.

Applicant: This application fits this principal very well as it offers two types of multi-family or attached housing with apartments and townhomes as proposed. This site is within walking distance of shopping and transit services which decreases the dependency on a vehicle. As proposed this site will provide a good transition from commercial (north and east) to multi-family, townhomes and other less uses to the west.

Desired Attributes and Uses

- *Well-maintained dwellings/properties.*

Applicant: The developer and management company will hire a professional landscape maintenance firm to maintain the property to a good standard.

- *Choice in size and cost of housing.*

Applicant: This application provides a range of size and cost of housing.

- *Multi-family units that address the demands and needs of larger families.*

Applicant: This application provides multi-family that has some larger units that would allow larger families to live in this community.

- *Well-landscaped properties with landscaping along all perimeter lot lines.*

Applicant: This application

- *Parking that is subordinate to the principal use and located to the side or rear of the structure.*

Applicant: This application will have a homeowners association and a professional landscape maintenance company maintain the property to a good standard.

- *Multi-family complexes with off-street parking in garages or in landscaped parking lots*

Applicant: This application provides off-street parking both in garages and surface parking with landscaping.

- *Trash enclosures, maintenance equipment and storage sheds that are screened and located out of public view.*

Applicant: This application will provide screening of these items through use of landscape and fencing.

- *Playgrounds, recreational amenities, and common areas.*

Applicant: This application will provide parks, open space and trails in addition to a clubhouse and associated pool and deck/patio area.

- *Spacing between units and screening with plant materials or plant materials and fencing along the perimeter of the of the development; fencing alone is strongly discouraged.*

Applicant: This application will provide multiple types of plant materials and fencing along the perimeter of the of the development. There is also a landscape buffer area provided as shown on the plan which will include both landscape and fencing.

- *High quality design with on-site amenities.*

Applicant: This application has been well designed with significant open space and on-site amenities such as the clubhouse, pool, deck/patio and significant open space, park areas and trails.

- *Open space, connecting trails and parks nearby.*

Applicant: This application provides a lot of open space and connected trails and walkways throughout the community.

- *Nine to twelve units per acre is recommended; clustered with no more than 30 units per building should be allowed to provide additional useable open space.*

Applicant: This application is slightly above the range, however the location of the site next to significant commercial uses lends itself to a high density. The proposal is for 17.5 du/ac which is very appropriate adjacent to major commercial uses.

- *A density of greater than twelve units per acre may be permitted if additional amenities including open space are provided.*

Applicant: This application provides the additional amenities such as clubhouse, parks, trails and open space which is well beyond the City requirement.

CITY ODP REVIEW CRITERIA #2

The PUD achieves the stated objectives of the Planned Unit Development District, by allowing for the mixture of uses and greater diversity of building types, promoting environmental protection, limiting sprawl, improving design quality and a higher-quality living environment, encouraging innovation of design and a variety of housing types, and managing the increase in demand for public amenities.

Applicant: This application provides a diversity of building types (both apartments and townhomes) which is higher density to minimize sprawl for the City. Placing higher density next to significant commercial uses is a logical land use transition and provides a lot of housing next to those commercial uses allowing people to walk versus using a vehicle. This community will provide a higher-quality living environment with it's unique site design, architecture, innovative stormwater management solution and significant parks and open space.

CITY ODP REVIEW CRITERIA #3

The PUD design achieves the stated development concept.

Applicant: This application and PUD design achieves the stated development concept both from a land use standpoint but also by meeting the intent of the PUD district in the City of Fountain. Below are many excerpts from the City Code, Section 17.04.170. - Planned unit development district (PUD). As described below this application aligns with most all of the conditions and standards, as well as the purpose of the PUD district. City code is in italic with applicant comments and notes in bold font.

A. Purpose, conditions and standards.

Purpose. Planned unit developments are intended, to facilitate the achievement of the purposes and objectives of this title, the Fountain Comprehensive Development Plan and to permit the application of new technology and greater freedom of design in land development than may be possible under the application of standard zoning districts. Developments, however, must demonstrate that flexibility from the provisions of the existing zoning will result in higher quality development and in addition, when one or more following purposes can be achieved:

The provision of necessary commercial, recreational and educational institution facilities in convenient proximity to housing.

Applicant: This application provides higher density housing next to commercial uses, recreation, educational facilities much more readily than with a greenfield site that may not have any of those existing uses. This is a good example of infill development within the core area of the City.

The encouragement of a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes.

Applicant: This application encourages and achieves a more efficient use of land and of public services with being an infill development at a density of 17.5 units per acre.

Conditions. The use of the PUD provisions must be in accordance with the Fountain Comprehensive Development Plan and is dependent upon the submission of an acceptable plan, and satisfactory assurances that the plan will be carried out. The PUD is an entire development program concept and shall be reviewed as a whole.

The PUD shall be considered by the planning commission and city council from the point of view of the relationship and compatibility of the individual elements, which make up the development and, only after specifically and properly applied for, may be approved by the planning commission and city council in accordance with the provisions of this article.

Applicant: This application provides compatibility of the individual elements on site and in relation to the adjacent uses. Multi-family and townhomes are very compatible adjacent to the commercial uses.

The parcel being considered for a PUD must have been legally created pursuant to the subdivision regulations.

Applicant: This parcel and site will be legally created pursuant to the subdivision regulations.

The request for PUD approval is a voluntary act by the applicant and does not require or imply any acceptance or approval by the city. The proposed uses and densities may be deemed inappropriate after review by the city, and alternative action may be required of the applicant.

Applicant: The request for PUD approval is a voluntary act by the applicant and land owner.

Staging of development. Each stage within a PUD shall be so planned and so related to the existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PUD or its surroundings at any stage of the development.

Applicant: This application and design is planned well and relates to the existing surroundings (commercial uses) and will not have an adverse impact on this PUD or its surroundings at any stage of the development. Appropriate land use locations and landscape buffers are provided.

Standards generally. The following standards and requirements shall govern the application of a PUD:

The PUD shall be consistent with the intent of the Fountain Comprehensive Development Plan and the principles and policies therein.

Applicant: This application is consistent with the intent of the Fountain Comprehensive Development Plan and the principles and policies as described in this Letter of Intent.

No PUD shall be approved without a plan setting forth the provisions for development of the PUD, including but not necessarily limited to easements, covenants and restrictions relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, utilities, streets, roads, pedestrian areas, and parking facilities, common (or dedicated) open spaces, and other public facilities. All PUDs shall incorporate alternative design standards, none of which should fully replicate existing zoning districts, along with a justification of how the alternative standards are equal to or superior to the existing zoning districts.

Applicant: Alternative design standards have been proposed to make this a unique development with standards that do not replicate an existing zoning district. The standards proposed still allow for the public health, safety and welfare of future residents.

The design and construction of the PUD shall include adequate, safe and convenient arrangements for pedestrian and vehicular circulation, off-street parking and loading space.

Applicant: The proposal and associated site design includes adequate, safe and convenient arrangements for pedestrian and vehicular circulation, off-street parking and loading spaces.

While there may be no fixed setbacks and lot widths, the planning commission and city council may require such setbacks, lot widths and space between buildings as necessary to provide adequate access and fire protection, to ensure proper ventilation, light, air and snow melt between buildings, and to ensure that the PUD is compatible with other developments in the area.

Applicant: Setbacks have been provided for adequate access and fire protection, to ensure proper ventilation, light, air and snow melt between buildings. For example 20' between buildings has been provided which is also a fire code requirement.

Open space for the PUD shall be planned to produce maximum usefulness to the residents of the development for purposes of recreation and scenery and to produce a feeling of openness. All areas designated as common or public open space pursuant to the requirements of this section shall be accessible by proper physical and legal access ways.

Applicant: The site plan provides maximum usefulness to the residents for purposes of recreation and to produce a feeling of openness. Significant open space is provided above and beyond City requirement. Those areas will be accessible with proper physical and legal access ways.

The developer shall provide within the PUD central water and sewer facilities as required by the planning commission, city council, the Fountain Water Code, the state department of public health and the local health authorities.

Applicant: Water and Wastewater Services to be Provided by Security Water & Sanitation District and Natural Gas Services by Colorado Springs Utilities for the northern area of the development and Black Hills Energy for the southern area of the development, per the utility entities respective territories. Electric service will be by City of Fountain. Internet and TV will be by local providers.

Clustered housing and other buildings shall be encouraged to promote maximum open space, economy of development and variety in type, design and layout of buildings.

Applicant: This development has maximized open space and exceeded the City minimum requirements.

Maximum height of structures shall be established in the approved PUD plan.

Applicant: Maximum height is provided in the development standards.

Relationship to the subdivision regulations. The uniqueness of each PUD may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other standards may be subject to modifications from the specifications established in the subdivision regulations adopted by the City of Fountain, if the reasons for such exceptions are well documented. Modifications may be incorporated only with the approval of the planning commission and city council as a part of its review of the PUD. The modifications shall conform to acceptable engineering, architectural and planning principles and practices.

Applicant: This proposal provides modifications that generally conform to acceptable engineering, architectural and planning principles and practices.

Evaluation criteria. The following criteria shall be utilized by the planning commission and the city council in evaluating any plan for planned unit development:

a. Open space—Residential uses. A minimum of 25 percent of the total PUD area shall be devoted to open space for residential uses. No more than five percent of the required percentage of usable open space shall be in the form of water surfaces, floodplains, steep slopes, or storm water detention areas. The city may consider the provision of other site amenities in lieu of the full 25 percent requirement for open space that fulfill the same function and purpose of the provision of open space. The open space requirement can be met through:

i. Development of active recreation uses such as traditional parks, play field, tennis courts, playground equipment, picnicking facilities, swimming pools, golf courses, greenways, trails and joint use school and park facilities.

ii. Environmental preservation of significant natural areas such as bluffs and other geological formations, water bodies/water resources such as irrigation ditches, wildlife habitat areas, fragile eco-systems (wetlands) and vegetative stands.

iii. Preservation of lands which preserve significant views, provide transitions between different densities and uses (buffers) and otherwise serve to give shape and form to the proposed development and surrounding area.

Applicant: This application exceeds the 25% minimum open space requirement and also provides a clubhouse, pool, deck/patio area and sport court.

Architecture. The following architectural standard and design criteria are intended to prevent monotonous streetscapes and offer consumers a wider choice of housing styles.

i. Architectural standard. To avoid uniformity and lack of variety in design among housing units within the PUD, no home model elevation shall be repeated more than once every five lots on the same side of the street (e.g., the first and fifth lots in a row may contain the same model elevation, but the second, third, and fourth lots must contain different model elevations).

Applicant: The proposed development complies with this requirement.

ii. No home model elevation shall be repeated directly across the street from the same model elevation.

Applicant: The proposed development complies with this requirement.

iii. Mirror images of the same home model shall not count as two distinctly different models.

Applicant: The proposed development complies with this requirement.

iv. The frontal plane of all single family detached units are required to be staggered four feet from one another along the front yard, meaning there must be a four-foot difference of front yard setbacks for adjacent units.

Applicant: The proposed development consists of 4-plex and 3-plex Townhome buildings. Each individual townhome is staggered 2-4 feet from it's attached neighbor, and the townhome buildings are setback from each other as the site allows. We believe the proposed development is in compliance with the intent of this requirement.

v. Design criteria. All front elevations must incorporate at least four of the following nine design criteria to be considered distinctly different from another home model front elevation:

- (a) The use of different materials (i.e. stucco, brick, stone, lap siding, clay tiles, etc.) in reasonably significant quantities on the front facade elevation or roof.*
- (b) The use of different, yet cohesive, colors between buildings, including the primary building color, secondary color and trim color.*
- (c) The width of the front facade elevation, which exceeds three feet.*
- (d) The location, proportion and architectural features (columns, railing, etc.) of covered front porches and entries that vary substantially.*
- (e) The location, number, proportion or design of garage doors that vary substantially.*
- (f) The use of two or three car attached garages or side-loaded garages.*
- (g) Variations in the front plane or roofline.*
- (h) The use, design (gabled, arched, etc.) and location of roof or window dormers.*
- (i) Window shapes, sizes or location, which are substantially different.*
- (j) The use and style of at least three different ornamental features on the exterior elevation such as bay windows, divided light windows, balconies, dormers, oriels, lintels, projecting eaves, knee braces under eaves, elaborate window sills, decorative cornices, corner blocks, entry doors, vent covers, window shutters, etc.*

Applicant: The proposed development complies with at least four of these criteria.

Minimum area. A PUD shall not be permitted on a parcel of land less than three acres in area. The minimum area requirement may be waived upon adequate justification shown by the applicant.

Applicant: This proposal exceeds the three acre limit.

Internal compatibility of design elements. It is recognized that certain individual land uses, regardless of their adherence to all the design elements provided for in this chapter, might not exist compatibly with one another. Therefore, a proposed PUD shall be considered from the point of view of the relationship and compatibility of the individual elements of the plan, and no PUD shall be approved which contains incompatible elements.

Applicant: This application provides compatibility both internal to the site and external. Apartments and townhomes are two very compatible land uses. This proposed use is very compatible and common planning practice to place this type of use adjacent to a commercial area.

The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, and separation from living areas, convenience and access. Private internal streets may be permitted if adequate access for police and fire protection is maintained and provisions for using and maintaining such streets are imposed upon the private users and approved by the planning commission and city council. Bicycle traffic shall be provided for if appropriate for the land use.

Applicant: This application provides adequate internal street circulation system designed for the type of traffic generated, safety, and separation from living areas, convenience and access. Private streets are requested and allow for adequate access for police and fire protection.

The PUD shall provide parking areas in conformance with the minimum site development standards of this title in terms of number of spaces for each use, location, dimensions, circulation, landscaping, safety, convenience, separation and screening. The PUD shall strive for optimum preservation of the natural features on the site.

Applicant: Adequate parking has been provided for the apartments and townhomes in addition to the clubhouse area.

The PUD shall provide adequate privacy between dwelling units.

Applicant: Adequate privacy between units is provided.

The PUD shall provide pedestrian ways adequate in terms of safety, separation, convenience, and access to points of destination and attractiveness.

Applicant: This application provides significant trails, walkways and pedestrian circulation throughout the community.

The maximum height of buildings may be increased above the maximum permitted for like buildings in other zoning districts in relation to the following characteristics of the proposed building:

Geographic location, the probable effect on surrounding slopes and terrain, unreasonable adverse visual effects on adjacent sites or other areas in the vicinity, potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view, influence on the general vicinity, with regard to extreme contrast, vistas and open space, uses within the proposed building and fire protection needs.

Applicant: 45' of height is requested which is appropriate in this geographic location adjacent to significant commercial uses and with this type of proposed use.

CITY ODP REVIEW CRITERIA #4

The proposed land uses are compatible with other land uses in the development and with surrounding land uses in the area.

Applicant: This application as designed is compatible with the existing zoning and land uses/zoning in the immediate area – A mix of existing zoning and land uses surround this site including commercial and other proposed multi-family uses that are similar and compatible to this proposed development. The proposed building square footages, heights, lot coverage, etc. are appropriate for the area and this site. The community will be landscaped with primarily Colorado native street trees and open space areas will be stabilized with native vegetation further adding a positive effect to adequate light

and air on and off the property. This will be appropriate to the type of development, the surrounding neighborhood and community. The proposed site design is carefully integrated on the property to be sensitive to the surrounding area.

CITY ODP REVIEW CRITERIA #5

The type, density, and location of proposed land uses are appropriate based on the findings of any required report or analysis.

Applicant: The proposed type (apartments and townhomes), density, and location of proposed land uses are appropriate for this site and the surrounding area. The proposed land use permit adequate light and air both on and off site. The proposed building square footages and heights are appropriate for the area as they are very comparable to heights of surrounding buildings. For these reasons the proposed type, density and location of this proposal is appropriate.

CITY ODP REVIEW CRITERIA #6

The street design and circulation system are adequate to support the anticipated traffic and the proposed land uses do not generate traffic volumes, which exceed the capacity of existing transportation systems, or that adequate measures have been developed to effectively mitigate such impacts.

Applicant: This application and site design does provide an appropriate street design and circulation system which does support the anticipated traffic for the proposed land uses. Adequate measures have been developed to effectively mitigate such impacts. Proposed parking counts and ratios are appropriate for this product and site design. Access to the proposed parking areas will be safe and convenient.

CITY ODP REVIEW CRITERIA #7

7. The PUD adequately mitigates off-site impacts to public utilities and facilities.

Applicant: This application and associated design adequately mitigates off-site impacts to public utilities and facilities and should not overburden the capacities of existing streets, infrastructure, utilities, parks, schools and other public facilities. The development will tie into the existing public facilities and utilities in the immediate area that are more than sufficient for this type of development. Fountain Boulevard will be extended and some improvement will be made to Southmoor Drive to accommodate the needs of this project.

Water: Security Water and Sanitation District

Sanitary Sewer: Security Water and Sanitation District

Stormwater: City of Fountain (Public) within Fontaine Boulevard; Private in the private development areas.

Streets: Fontaine Boulevard is owned and maintained by the City of Fountain and is extended as a part of this development. Widening of Southmoor Drive on the adjacent east side of the roadway is shown on the development plan within the 10' right-of-way dedication for the classification upgrade of the public roadway. All other roadways within the private development are private drives.

CITY ODP REVIEW CRITERIA #8

8. The fiscal impacts have been satisfactorily addressed and the City will be able to provide adequate levels of service for police and fire protection, street maintenance, snow removal and other public services, or that adequate measures have been developed to effectively mitigate such impacts.

Applicant: Fiscal impacts have been satisfactorily addressed and adequate levels of service for police and fire protection, street maintenance, snow removal and other public services, are or will be developed to effectively mitigate such impacts. The proposed development will not have detrimental effect upon the general health, welfare and safety or convenience of persons residing or working in the neighborhood.

CITY ODP REVIEW CRITERIA #9

Higher levels of amenities, including open spaces, parks, recreational areas, trails and school sites will be provided to serve the projected population.

Applicant: This proposal has provided a high level of amenities with the significant parks, open space and trails that exceed the City requirement. Also, amenities such as the clubhouse, pool, deck/patio and sport court will provide adequate recreation for future residents.

CITY ODP REVIEW CRITERIA #10

The PUD preserves significant natural features and incorporates these features into parks and open space areas.

Applicant: No significant natural features exist on this site. However, a lot of open space has been provided as part of the site design.

CITY ODP REVIEW CRITERIA #11

There are special physical conditions or objectives of development that the proposal will satisfy to warrant a departure from the standard regulation requirements.

Applicant: Special physical conditions or objectives of development do satisfy and warrant a departure from the standard regulation requirements. With the PUD zoning this proposal provides a unique and higher quality community that may not be achieved with straight zoning or standard regulations.

CITY ODP REVIEW CRITERIA #12

The adjacent and nearby developments will not be detrimentally affected by the proposed PUD and approval period.

Applicant: The proposed development will not have detrimental effect upon the general health, welfare and safety or convenience of persons residing or working in the surrounding area. The proposed use fits well within the surrounding area.

CITY ODP REVIEW CRITERIA #13

The applicant adequately demonstrates that the proposal is feasible.

Applicant: This Letter of Intent and associated exhibits and plans demonstrate the proposal is feasible.