



Planning and Community Development Department

2880 International Circle, Colorado Springs, CO 80910

Phone 719.520.6300 | Fax 719.520.6695 | www.elpasoco.com

Type D Application Form (1-2C)

Please check the applicable application type (Note: each request requires completion of a separate application form):

- Appeal
- Approval of Location
- Board of Adjustment
- Certification of Designation
- Const. Drawings, Minor or Major
- Development Agreement
- Final Plat, Minor or Major
- Final Plat, Amendment
- Minor Subdivision
- Planned Unit Dev. Amendment, Major
- Preliminary Plan, Major or Minor
- Rezoning
- Road Disclaimer
- SIA, Modification
- Sketch Plan, Major or Minor
- Sketch Plan, Revision
- Solid Waste Disposal Site/Facility
- Special District
- Special Use
 - Major
 - Minor, Admin or Renewal
- Subdivision Exception
- Vacation
 - Plat Vacation with ROW
 - Vacation of ROW
- Variances
 - Major
 - Minor (2nd Dwelling or Renewal)
 - Tower, Renewal
- Vested Rights
- Waiver or Deviation
- Waiver of Subdivision Regulations
- WSEO
- Other: _____

This application form shall be accompanied by all required support materials.

PROPERTY INFORMATION: Provide information to identify properties and the proposed development. Attached additional sheets if necessary.

Property Address(es): <i>10195 Kurie Rd & 7495 Eagle Wing Dr, Colorado Springs, CO</i>	
Tax ID/Parcel Numbers(s) <i>5229000034</i>	Parcel size(s) in Acres: <i>35.283 ac</i>
Existing Land Use/Development: <i>Unplatted w/ 2 SFR</i>	Zoning District: <i>RR-2.5</i> Select zoning district

- Check this box if **Administrative Relief** is being requested in association with this application and attach a completed Administrative Relief request form.
- Check this box if any **Waivers** are being requested in association with this application for development and attach a completed Waiver request form.

PROPERTY OWNER INFORMATION: Indicate the person(s) or organization(s) who own the property proposed for development. Attach additional sheets if there are multiple property owners.

Name (Individual or Organization): <i>Casas Limited Partnership #4, MyPad, Inc. General Partner</i>	
Mailing Address: <i>POB 2076, Colorado Sprigs, CO 80901-2076</i>	
Daytime Telephone: <i>719 359 1473</i>	Fax:
Email or Alternative Contact Information: <i>mypad.inc@gmail.com</i>	

For PCD Office Use:

Date:	File :
Rec'd By:	Receipt #:
DSD File #:	

Description of the request: (submit additional sheets if necessary):

Final Plat approval to allow for the development of 10 single family residential lots at a min lot size of 2.5 ac, 1 Tract at 1.314 ac to facilitate private roadways and 1 Tract at 160 sf to facilitate an existing private well. Unless otherwise indicated, all roads to be gravel surfaced and owned and maintained by the POA.



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APPLICANT(S): Indicate person(s) submitting the application if different than the property owner(s) (attach additional sheets if necessary)

Name (Individual or Organization): <i>MyPad, Inc., Stephen Jon Jacobs, Jr, President</i>	
Mailing Address: <i>POB 2076, Colorado Springs, CO 80901-2076</i>	
Daytime Telephone: <i>719 359 1473</i>	Fax:
Email or Alternative Contact Information: <i>mypad.inc@gmail.com</i>	

AUTHORIZED REPRESENTATIVE(S): Indicate the person(s) authorized to represent the property owner and/or applicants (attach additional sheets if necessary).

Name (Individual or Organization): <i>Wayne M. Timura, P.E., Next Level Development, Inc.</i>	
Mailing Address: <i>735 Lancers Court West, Suite 100, Monument, CO 80132</i>	
Daytime Telephone: <i>719 351 8629</i>	Fax:
Email or Alternative Contact Information: <i>wtimura@NLdevelopment.com</i>	

AUTHORIZATION FOR OWNER'S APPLICANT(S)/REPRESENTATIVE(S):

An owner signature is not required to process a Type A or B Development Application. An owner's signature may only be executed by the owner or an authorized representative where the application is accompanied by a completed Authority to Represent/Owner's Affidavit naming the person as the owner's agent

OWNER/APPLICANT AUTHORIZATION:

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial or revocation. I have familiarized myself with the rules, regulations and procedures with respect to preparing and filing this application. I also understand that an incorrect submittal may delay review, and that any approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval. I verify that I am submitting all of the required materials as part of this application and as appropriate to this project, and I acknowledge that failure to submit all of the necessary materials to allow a complete review and reasonable determination of conformance with the County's rules, regulations and ordinances may result in my application not being accepted or may extend the length of time needed to review the project. I hereby agree to abide by all conditions of any approvals granted by El Paso County. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I acknowledge that I understand the implications of use or development restrictions that are a result of subdivision plat notes, deed restrictions, or restrictive covenants. I agree that if a conflict should result from the request I am submitting to El Paso County due to subdivision plat notes, deed restrictions, or restrictive covenants, it will be my responsibility to resolve any conflict. I hereby give permission to El Paso County, and applicable review agencies, to enter on the above described property with or without notice for the purposes of reviewing this development application and enforcing the provisions of the LDC. I agree to at all times maintain proper facilities and safe access for inspection of the property by El Paso County while this application is pending.

Owner (s) Signature: *Stephen Jon Jacobs Jr*
Stephen Jon Jacobs Jr., President, MyPad, Inc

Owner (s) Signature: _____

Applicant (s) Signature: _____

Date: *8/6/23*

Date: _____

Date: _____



August 25, 2023

PCD File No.: SF-22-25

**PRIVATE ROAD WAIVER REQUEST
EAGLE RISING**

Owner/Applicant:

Casas Limited Partnership #4
MyPad, Inc., General Partner
PO Box 2076
Colorado Springs, CO 80901
mypad.inc@gmail.com
719.359.1473

Developer:

MyPad, Inc.
Stephen Jon Jacobs, Jr., President
PO Box 2076
Colorado Springs, CO 80901
mypad.inc@gmail.com
719.359.1473

Consultants:

Next Level Development, Inc.
Wayne M Timura, P.E., Project Manager
715 Lancers Court West, Suite 100
Monument, CO 80132
719.351.8329
wtimura@NLdevelopment.com

Land Resource Associates,
David Jones, Land Planner
9736 Mountain Road
Chipita Park, CO 80809
719.660.1184
chipital@comcast.net

M.V.E., Inc., Chuck Crum, PE
1903 Lelaray Street, Suite 200
Colorado Springs, CO
(719) 635-5736
chuckc@mvecivil.com

M&S Civil Consultants, Inc.,
121 N. Wahsatch, Suite 305
Colorado Springs, CO 80903
719.955.5485
eric@mscivil.com

Entech Engineering, Joe Goode, PE
505 Elkton Drive
Colorado Springs, CO 80907
719.531.5599
jgoode@entechengineers.com

LSC Transportation Consultants, Inc.,
Jeff Hodsdon, Principal Engineer
2504 East Pikes Peak Ave., Suite 304
Colorado Springs, CO 80903
719.633.2868, jeff@lsctrans.com

Duncan S. Bremer, P.C.
Attorney At Law
236 N. Washington St. & 15050 Woodcarver Road,
Monument, Colorado 80132
719.481.8564, duncan.bremer@gmail.com

Site Location Size and Zoning:

The proposed Eagle Rising Filing No. 1 subdivision is located within portions of the E1/2 of Section 29, Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado. In general, the proposed

***Engineers • Surveyors
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subdivision is located south of the Park Forest Estates Filing 2 subdivision and east of the Eagle Wing Estates subdivision. The site consists of the unplatted parcel having El Paso County Tax ID Numbers 52290-00-034 and current address of 10195 Kurie Road. The site has total acreage of 35.283 acres and is zoned RR-2.5 (Residential Rural 2.5 acre) with a County approved Preliminary Plan for the entire Eagle Rising Subdivision (PCD File No. SP205).

The existing site contains an existing gravel private road extending east and north from the east existing end of Eagle Wing Drive, two existing single-family residences and several auxiliary structures. Vehicular (driveway) access to proposed Lot 10 will be from the existing Kurie Road turnaround. Vehicular access to all other lots will be from Eagle Wing Drive cul-de-sac head, an asphalt surfaced public ROW, via Eagle Wing View (Tract “A”), an existing private gravel surfaced interior roadway to be owned and maintained by the Eagle Rising Owners Association. A separate Deviation Request is also submitted to allow alterations to the typical standard roadway cross section.

Waiver Request and Justification:

During the 2020 Eagle Rising Preliminary Plan Reinstatement application process (SF-20-012), the applicant requested a waiver to LDC 8.4.4.C allowing for Eagle Wing Drive (now View) to be a private roadway rather than a public roadway. The BoCC approved the requested waiver in their December 8, 2020 Resolution No. 20-423 and the Filing 1 Final Plat reflects this approval by placing Eagle Wing View into Tract A to be owned and maintained by the Eagle Rising Owners Association.

As part of the Eagle Rising Filing No. 1 Final Plat application, the applicant is requesting a waiver to LDC 8.4.4.E requiring that private roads to meet County Standards. Approval of this waiver for private Eagle Wing View will eliminate the need for numerous individual Engineering Criteria Manual deviation requests.

LDC 8.4.4(E)(2) allows for consideration of private road with provision of a Private Road Maintenance Agreement between the subject lot owners. This waiver was granted for Eagle Rising as mentioned above. The applicant requests alternative design standards according to LDC 8.4.4(E)(3) to allow modified design speed and pavement type. The responsibility and maintenance of said access shall be carried out as described in the separate private access maintenance agreement.

LDC Section 8.4.4(E)(3) states “ *Private Roads to Meet County Standards. Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may only include design standards for the following: • Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities; • Design speed where it is unlikely the road will be needed for use by the general public; • Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made; • Maximum and minimum block lengths; and • Maximum grade.* ”

Proposed Lots 1-9 are to be served with access by Eagle Wing View, a private roadway located in proposed Tract A. The applicant and future residential owners wish to maintain a private character of the development by keeping the road within the neighborhood private, low volume and low speed. They also desire to maintain the rural residential character of the neighborhood by having a narrower gravel road as requested in the associated ECM Deviation. The private road for this development is appropriate as a public road is not needed for convenience or safety of the general public due to the small number of residential lots that will utilize it. The road will be maintained by the lot owners of the Eagle Rising Filing No. 1 for a total of 9 lots that gain access. Since the code allows for access by private road through waiver, it is most practical for proposed Lots 1-9 to be able to access by the existing private roadway,

rather than extending a public roadway into the site. The arrangement eliminates the need for additional public right-of-way and additional public maintenance to serve the rural residential single family lots. The allowance of private roads, coupled with private maintenance agreements have been shown to be effective and efficient modes of access within the county. The proposed private road with approved alternative road design characteristics will also have a diminished impact on the natural terrain and landscape of the site compared to a public roadway which would be much larger dedication and require far more disturbance than a smaller private road with standard section thickness and material.

LDC 8.4.4.E Private Roads to Meet County Standards - A waiver is requested from Land Development Code Section 8.4.4.E in consideration of the provisions of Section 8.4.4(E)(3) to allow modification of certain standards, to be considered with the Private Road Waiver. Modifications to design speed and standard section thickness minimums and pavement type, block lengths and maximum grade are allowed as part of the private road waiver.

The applicant requests a lower design speed of 20 mph for the private road and posted speed limit of 15 mph. The lower design speed will allow further preservation of existing natural features and terrain by allowing the improved road surface to remain closer in elevation to the existing road surface and prevent unnecessary disturbance of the roadsides. The roadway is relatively short, promoting lower speeds and will be stop controlled at the west connection to the public Eagle Wing Drive cul-de-sac. The existing private road is already constructed to the requested design configuration and the road will be posted with a 15 mph speed limit sign.

The applicant requests the use of the existing gravel surface for the roadway. The existing gravel surface has proved adequate, reliable and stable over the last several years. A new asphalt apron extending 50 feet into the site from the proposed public cul-de-sac terminus of Eagle Wing Drive will provide an appropriate transition from the paved public way to the private gravel road. The private roadway surface will be maintained by the residents as noted. The existing private gravel road is already constructed with the requested all-weather driveable gravel surface.

Each criteria for approval of waivers as stated in section 7.3.3 of the El Paso County Land Development Code (2021) is listed below followed by the appropriate justification.

1. *The waiver does not have the effect of nullifying the intent and purpose of this code;* The request for a waiver of the referenced LDC sections does not go against the intent and purpose of this code. This request is in line with the provisions and requirements set forth in the LDC, and the private roadway will comply with the applicable design standards as modified by this request and will meet the intent of the code by providing adequate, safe and reliable access to the proposed rural residential lots.
2. *The waiver will not result in the need for additional subsequent waivers;* With the approval of the referenced waivers, the lots will each be provided the required access necessary for their development. There is no known need for additional waivers as all applicable requirements of the El Paso County Land Development Code will be met.
3. *The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;* The private road will provide safe and reliable access to the subdivision. The presence of low traffic volumes for the nine lots of 85 ADT allows for use of the modified roadway with no out-of-the-ordinary potential hazard. Additionally, it is anticipated that the private roadway will be utilized for equestrian purposes. Since horses prefer gravel footing over asphalt paved footing, the requested roadway surface is safer for both the horse and rider. The responsibility and maintenance of said driveway shall be carried out as described in a

private access maintenance agreement. The alternative design for the roadway will not pose a threat to the public safety, health, or welfare, nor will it be injurious to any other property.

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;* The applicant and future lot owners desire that the road remain private with the platting of Eagle Rising Filing No. 1 and that the roadway improvements create no further disturbance or modification to the existing natural terrain and vegetation. Therefore, due to very limited number of residences that will utilize the road and maintenance guaranteed by binding agreement, the waiver to allow the private road is preferable access to the entire site in lieu of a roadway designed to public road standards. The requested design modifications of road width, design speed and surface treatment will allow the site to remain harmonious with the existing terrain.
5. *A particular non-economical hardship to the owner would result from a strict application of this code;* With strict application of this code, the subdivision would be required to access by the previously approved private road in a 60' right-of-way constructed to El Paso County standards. The public road standards would significantly increase disturbance of the natural terrain and forest as well as the impervious area of the site while increasing the maintenance responsibility of the county. A public road design standards would detract from the existing rural residential character of the site and intrude upon the property against the wishes of the residents. Asphalt paving of the existing private roadway would introduce new and additional hazard to the roadway when used for anticipated equestrian purposes due to the animal's preference for gravel footing.
6. *The waiver will not in any manner vary the zoning provisions of this code;* The proposed private road will comply with all zoning provisions of this code and does not produce new violations.
7. *The proposed waiver is not contrary to any provision of the master plan;* The proposed private road is in harmony with the goals of the master plan with regard to preserving place type characteristics and preserving natural features.

As part of the Eagle Rising Filing No. 1 Final Plat application, the applicant is requesting this waiver to LDC 8.4.4.E requiring that private roads to meet County Standards. Approval of this waiver will provide the appropriate access for the rural residential subdivision while preserving the existing natural terrain and features and providing the desired neighborhood character. The listed alternative design standard elements are eligible to be waived under LDC 8.4.4.(E)(3) and the approval of the waiver will eliminate the need for numerous individual Engineering Criteria Manual deviation requests.

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