

LETTER OF INTENT

Kimley»»Horn

SEPTEMBER 28, 2020

REVISED, NOVEMBER 17, 2020

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER

FEATHERGRASS INVESTMENTS, LLC
4715 N. CHESTNUT ST
COLORADO SPRINGS, CO 80907
90 S. CASCADE AVENUE, SUITE 1500
COLORADO SPRINGS, CO 80903

APPLICANT

WATERMARK RESIDENTIAL
111 MONUMENT CIRCLE, SUITE 1600
INDIANAPOLIS, IN 46204

PLANNING

KIMLEY-HORN & ASSOCIATES
2. NORTH NEVADA AVENUE, SUITE 300
COLORADO SPRINGS, CO 80903

TRANSPORTATION ENGINEERING (TRAFFIC IMPACT STUDY)

SM ROCHA, LLC TRAFFIC AND TRANSPORTION CONSULTANTS
8703 YATES DRIVE, SUITE 210
WESTMINSTER, CO 80031

TRANSPORTATION ENGINEERING (SOUND WALL/NOISE STUDY)

KIMLEY-HORN, & ASSOCIATES
4582 South Ulster Street, Suite 1500
Denver, CO 80237

SURVEYING

Barron Land Surveying
2790 N. Academy Blvd., Suite 311
Colorado Springs, CO 80917

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The 15.39-acre parcel (TSN: 53324-04-001) is located at the northwest corner of the Marksheffel Road and Constitution Avenue intersections. The site is also adjacent to Akers Drive at its terminus with Constitution Avenue on the westernmost site boundary. (See vicinity map for location/site details).

REQUEST

The owner/applicant(s) request approval of a map amendment (rezoning) to rezone 15.39 acres identified as Tract DD Hannah Ridge at Feathergrass Filing No. 1 (TSN: 5332404001) from the CS CAD-O (Commercial Service District with Commercial Airport District Overlay) to the RM-30 (Residential Multifamily) District in support of a 300 unit multifamily development. The planned community includes: nine (9) mid-rise, three (3) story multifamily unit buildings, covered (carport) and uncovered surface parking, detached parking garages, office, club house, swimming pool, landscaping, open spaces, and active and passive recreational amenities.

Development of the site shall be in conformance with the zoning requirements of the CR zone, including landscape buffering/screening requirements of the Code summarized below:

- ◆ Maximum density: 30 DU/AC
- ◆ Structural Setbacks (from property boundary):
 - Front 25-feet feet
 - Side/Rear: 15-feet
 - The minimum distance between buildings shall be 10 feet.
- ◆ Max Lot Coverage: 60%
- ◆ Max Height: 40-feet
- ◆ Roadway Landscape Buffers:
 - Principal Arterial: 25-foot buffer/landscape setback (1 tree/25 feet of Constitution Ave/Marksheffel Rd frontages)
 - Non-Arterial: 10 feet (1 tree/30 feet of Akers Drive frontage)
- ◆ Buffer Between Non-Residential, Multifamily Residential and Single-Family/Duplex Uses:
 - 15-feet along frontages adjacent to single-family residential uses
 - 15-feet along residential boundary where compatibility is a concern
 - 1 tree/25-feet of common property line
 - A minimum 1/3 trees shall be evergreen
- ◆ Internal Landscaping Requirements:
 - A minimum of 15% of the lot or parcel shall be landscaped.
 - A minimum of one tree shall be provided for every 500 square feet of required internal landscape area.

All future rezoning, subdivision, and/or development applications will be subject to the restrictions and limitations of the Commercial Airport District Overlay. The subsequent preliminary plan and final plat will clarify zone district boundaries with respect to ROW dedications and improvements, stormwater and water quality facilities, utilities, pedestrian amenities and landscape buffers and setbacks.

JUSTIFICATION

The applicant requests approval of the rezoning based on findings of consistency and general conformance with the following:

- A. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;**

The property was zoned CS from the M zone (PCD File No. CS-07-001) in 2007. At that time, the Hannah Ridge Sketch Plan (PCD File No. SKP-05-001) identified future development of the current site as commercial with planned multifamily land uses (RM-30 density) adjacent to the site located along the west side of the Akers Drive frontage. These multifamily land uses were reduced from 14 acres to approximately 12 acres. The multifamily land uses (RM-30 max density) were also relocated to the Constitution Avenue frontage. The multifamily zoning was amended by the Midtown Collection at Hannah Ridge (PCD File No. PUDSP-19-4) PUD, which refined previous sketch plan to authorize higher density single-family detached housing.

The proposed multifamily densities are an appropriate transition at the Constitution Ave/Marksheffel Rd intersection which has an existing/approved land use mix of retail and service oriented commercial, light to heavy industrial, light manufacturing, single-family detached, medium to high density multifamily uses.

The proposed rezone is in general conformance with the EL Paso County Master Plan as discussed in detail below. There has also been a substantial change in the character of the area from primarily industrial and single-family to mixed land uses that incorporate commercial, industrial, single & multifamily densities together along the adjacent Marksheffel/Constitution corridors. Master Plan conformity will be discussed in terms of general conformity with the El Paso County Water Master Plan and the EL Paso County Policy Plan.

WATER MASTER PLAN CONFORMANCE & CONSIDERATIONS

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

The development area is located in REGION 5 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Cherokee Metropolitan District (CMD) Service Area. Region 5 consists of areas served by CMD and is not expected to experience significant growth by 2060. However, the District may expand water and sewer service to growth areas outside of Region 5. ✓

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

CMD water supplies are drawn entirely from groundwater supplies from 20 wells (Well Nos. 1-20) in the eastern portion of the County and from two (2) wells in the "Sundance Ranch" property located in the northern portion of the County. According to the District, water from Well Nos. 1-8 provide a maximum of 653 AFY to a fixed customer base. This water is unavailable to other users and is tracked separately from CMD's general exportable supply portfolio. Water supplies from the remaining wells (Well Nos 9-20) in the amount of 3,985 AFY is available for export outside the Basin.

Table 1: Water rights and tributary status of Exportable Wells

Well Number	Water Right (AFY)	2019 Use (AFY)	Permit Number	Aquifer	Aquifer Status
Well 9	176	132	14145-FP-R	UBS Alluvium	Tributary
Well 10	176	108	14146-FP-R	UBS Alluvium	Tributary
Well 11	244	161	6821-FP-R	UBS Alluvium	Tributary
Well 12	244	149	11198-FP	UBS Alluvium	Tributary
Well 13	1268	975	49988-F	UBS Alluvium	Tributary
Well 14	0	0	52429-F	UBS Alluvium	Tributary
Well 15*	281	145	54070-F	UBS Alluvium	Tributary
Well 16*	219	123	54069-F	UBS Alluvium	Tributary
Well 17*	175	151	63094-F	UBS Alluvium	Tributary
Well 18	225	138	16253-RFP-R	UBS Alluvium	Tributary
Well 19	95	79	20567-RFP-R	UBS Alluvium	Tributary
Well 20	400	38	4332-RFP	UBS Alluvium	Tributary
Well 21	290	0	81782-F	UBS Alluvium	Tributary
DN-4**	110	110	78315-F	Denver Aquifer	Non-Tributary
AR-1***	147.7	155	75881-F	Arapahoe Aquifer	Non-Tributary
Total	3984.7	2464			

CMD currently serves approximately 7,000 residential and 600 commercial taps. CMD also provides services outside District boundaries to Schriever AFB and the Woodmen Hills/Meridian Ranch Development. System/infrastructure interconnections exist between CMD, CSU, Meridian Ranch MD, Meridian Service MD, and Woodmen Hills MD. CMD is developing owned water supplies to increase available water and improve flexibility in provision of summer flows. By the end of 2021, these new wells will contribute 458 AFY of capacity to the CMD system (Table 2) for a total of 4,443.0 AFY. Since 2011, actual demand from CMD customers has fallen 30-35% below commitments, partially due to some committed developments being incomplete but largely due to water saving measures undertaken by CMD customers.

CMD has a collection of wells, pump stations, conveyance pipelines, storage tanks, and treatment facilities to deliver potable water to its customers.

Existing Water Storage Tanks

Tank Name	Volume (MGAL)
ELLICOTT TANK	0.5
TANK 1	3.0
TANK 2	1.0
TANK 3 (TAMLIN)	5.0
TANK 4	3.0
FRANK ROAD TANK	2.0
SUNDANCE TANK	0.5
TOTAL	15.0

← Why is this needed?

level
variety

"The general delivery system begins with raw water produced from the north and south well fields in the UBSC. Raw water quality from the UBSC is good, and generally only requires chlorination at the wellhead. This water is first delivered to the Ellicott Tank (0.5 MG) located near Ellicott. A pump station at the Ellicott Tank conveys water along Highway 94 west to the CMD service area via a 30-inch pipeline. The 30-inch pipeline terminates at Tank 1 (3 MG) at the south end of Cimarron Hills. Two booster pump stations at Tank 1 can deliver water to Tank 2 (3 MG) and Tank 2a (4 MG). Tank 4 located centrally in Cimarron Hills. A booster pump station at this location delivers raw water to Tank 3 (5 MG), at the northern end of Cimarron Hills."

Sundance?

What is this quote from?

"Due to ~~water supply limitations in recent years~~, CMD has been actively engaged in demand management and conservation efforts, and ~~now~~ has some of the lowest per capita demands in Colorado. These low demands were achieved through recommendations for implementation in the 2007 Conservation Plan. This included various water conservation measures such as implementation of water reuse, a revised water rate structure, implementation of ~~water-efficient fixtures~~, and xeric landscaping. The 2015 WCP discusses the outcome of these measures and recommends additional alternatives to further enhance CMD's water-use efficiency."

Out of date

Efficient water use through conservation measures supports CMD's commitment to a sustainable approach to water resource management in the region's semi-arid climate. The WCP identifies and addresses a variety of water-efficiency measures, including water budgets and tiered rate schedules, new approaches to irrigation scheduling, residential and commercial audits for high users, rebates for efficient indoor and outdoor uses, and a review of local and state guidelines for efficient water use.

Not the case

Not relevant

~~Water-efficient fixtures and appliances would be required to be installed by builders for all new properties joining the current water system. This water conservation measure is intended to ensure that all new customers use less water from the time uses are implemented on a property. According to the District's CWP, this measure reduces the bills of these new customers, reduces the growth in demand for CMD, and allows CMD to focus its efforts and funds on other conservation measures.~~

This is not useful information and doesn't reflect current conditions

POLICY PLAN CONSIDERATIONS:

The area is not within the boundaries of any small area comprehensive plan. However, the development is subject to findings of general conformance with the El Paso County Policy Plan. Relevant policies and recommendations with discussion has been provided for review consideration to make recommendations for findings of general conformance with the Master Plan.

Issue 13.1 Accommodate Housing Submarkets:

“Although there are several areas of the unincorporated County which are potentially available for multifamily housing, opportunities in many sub-areas are limited. Reasons for this include lack of appropriate infrastructure, limited market incentives over the past decade, dependence on reliable transportation, and resistance by many residents of the County to the increased densities associated with multi-family housing.”

- **Goal 13.1 Encourage an adequate supply of housing types to meet the needs of county residents.**
- **Policy 13.1.1 Encourage a sufficient supply and choice of housing at varied price and rent levels through land development regulations.**
- **Policy 13.1.2 Support the provision of land use availability to meet the housing needs of county residents.**

The proposed rezone and development of multi-family housing will meet the current regional demand for workforce, affordable, and attainable housing. Rent/lease prices will be market rate which are comparable to rent rates for similarly aged communities that provide similar unit and community amenities. Approval of the proposed rezone creates available land that has been properly zoned for multifamily housing.

ISSUE 13.2 meet Affordability needs

The policy plan provides the context for the use of the terms “affordability” and “affordable housing” as used in the plan discussions by creating the following distinction between affordable and low income housing as follows:

Affordable Housing

Housing which is priced at or below the level where it can be purchased or rented by households with incomes equal to the County median average. Due to changes in the local and national economies and the housing market, this is a dynamic definition.

Low Income Housing

Housing that is provided to households with below average incomes through various targeted subsidies.

- **Goal 13.2 Encourage a diversity of affordable housing types throughout the unincorporated county to meet the housing need for the people who work in our communities.**

- **Goal 13.2 Encourage a diversity of affordable housing types throughout the unincorporated county to meet the housing need for the people who work in our communities.**
- **Policy 13.2.1 Encourage incentives, such as flexible development standards through logical modifications to zoning, subdivision regulations, building codes, water/sewer fees, etc., as market incentives to provide housing that fall within the housing affordability index of 100.0 to balance the discrepancy between the cost for affordable housing and average annual wage.**
- **Policy 13.2.6 Consider higher densities for affordable housing when located in association with available services.**

The proposed multifamily housing development will provide an additional 300 apartment units to the available rental housing market supply. This housing will create opportunities for individuals and families to find attainable and affordable housing near employment centers and which is conveniently located to major transportation thoroughfares which can connect them to employment centers, commercial/retail corridors and nodes, and recreational opportunities throughout the El Paso County region.

Required urban services including, but not limited to water & wastewater, natural gas, electric, telecommunications including internet, public safety (police, fire, EMS), public schools, and parks, open spaces, and trails are available and currently serving adjacent and nearby residential, commercial, industrial, military, and public land uses.

- **Policy 13.2.7 Periodically review the Land Development Code and other pertinent regulations to ensure that they adequately address changing technical and market conditions.**
- **Policy 13.2.7 Encourage the issuance by the County of tax-exempt bonds to provide lower interest rates for first-time homebuyers or developers of multifamily projects. The applicant is actively engaged with the El Paso County Economic Development Department to coordinate participation in County housing and finance programs.**
- **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.**

The proposed rezone provides opportunity to create market rate affordable and attainable housing within a multifamily context. The proposed infill multifamily development provides a balancing and complementary land use mix that supports nearby commercial/retail uses.

The existing and approved land use mix within the adjacent area includes residential (single-family attached, single-family detached, and multifamily) land uses, together with commercial and retail uses, service oriented, light, and heavy industrial land uses along and adjacent to the Constitution Corridor from Peterson Road to the west to the easternmost terminus of Constitution to the east at State Highway 24, along the Marksheffel Corridor from North Carefree to the north southerly to the intersection of Marksheffel and State Highway 94 to the south (see surrounding land use map exhibit/not vicinity map).

- ***Policy 6.1.2 - Discourage the location of small discontinuous land development projects where these might not develop the critical land area and density necessary to be effectively provided with services or remain viable in the face of competing land uses.***
- ***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.*** Roadways, utilities, drainage, etc. will be constructed in the most optimal and efficient manner as necessary to facilitate development construction and sequencing. Utilities for be coordinated with the associated districts and providers as required.

The proposed RM-30 zoning and land uses are consistent with the existing adjacent commercial, industrial, public, and residential land uses which are in various stages of development and redevelopment.

Required zoning district, use to use, roadway, and use specific landscape buffers, setbacks, screening, open space, and/or landscape planting requirements will be identified on all preliminary plan and final plat maps and included in subdivision improvements and financial assurances as required by Code or Condition of Approval to mitigate any unique circumstance.

- ***Policy 6.1.4 - Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.*** Necessary urban services are currently available to meet the use demands of the proposed development, specifically the multifamily demands for urban services (e.g. water/wastewater, fire protection, police protection, public schools for compulsory education, public parks and recreation opportunities, and public drainage/transportation facilities and infrastructure. The subdivision and subsequent site development plan review will identify system or service deficiencies as well as clarify specific development demands of which the service providers will express respective needs in order to meet projected demands.

- **Policy 6.1.6 - Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.**
 Necessary urban level services including, but not limited to water/sewer, stormwater, electric, natural gas, police, fire and EMS, schools, parks and open spaces, and other public facilities and services are currently delivered to residential, commercial, and light industrial properties adjacent to this proposed development. Subsequent subdivision and site development plan applications will provide detailed reports and plans regarding service availability and delivery infrastructure.
- **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 functionality of the site with respect to access, design, and building orientation will be consistent with and compatible with existing conditions such as location and massing of buildings relative to adjacent rights of way and view corridors, location of community/resident amenities and recreation areas, site design which respects the location as a County/City gateway, as well as enhancing the overall visual character attractiveness of the area through contemporary building facades and private architectural design standards.
- **Policy 10.1.2 - Carefully consider the impacts that proposed new developments will have on the viability of existing and proposed water and wastewater systems.**
 Water and wastewater services for properties within the rezone will be provided by Cherokee Metropolitan District Service. Existing distribution and service lines are located adjacent to the site and are adequately sized to deliver water and wastewater to the proposed development. See also additional discussion on Conformance with the County Water Master Plan.

B. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116;

The application has met all County submittal and procedural requirements for a rezone as either outlined or authorized by the referenced statutes.

C. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and

The proposed zone district is compatible with existing and permitted land uses and zoning districts in all directions. The proposed RM-30 zoning and land uses are consistent with the existing adjacent commercial, industrial, public, and residential land uses which are in various stages of development and redevelopment. Surrounding land uses and zoning include the following:

NORTH (LOCATED ON EAST SIDE OF AKERS DRIVE)

- ◆ WHOLESALE CONSTRUCTION SUPPLY
- ◆ ASPHALT RECYCLING FACILITY

- ◆ CONSTRUCTION EQUIPMENT STORAGE
 - ◆ PUBLIC FACILITIES (COUNTY PUBLIC WORKS)
 - ◆ INERT MATERIAL STOCKPILING/STORAGE
 - ◆ ASPHALT/CONCRETE PROCESSING
- WEST: (INCLUDING RESIDENTIAL DEVELOPMENTS AND DENSITIES FOLLOWING AKERS NORTHERLY LOCATED ON THE WESTERN SIDE OF AKERS DRIVE.
- ◆ HANNAH RIDGE AT FEATHERGRASS FILING NOS 1-7
 - ◆ MIDTOWN COLLECTION AT HANNAH RIDGE

SOUTH

- ◆ Urban Collection at Hannah Ridge
- ◆ Wilshire Residential PUD
- ◆ Light to Heavy Industrial Uses on the west side of Marksheffel southerly along Marksheffel corridor

SOUTHEAST

- ◆ Claremont Ranch Filing 9 – Regional Commercial retail center
- ◆ Claremont Ranch (multiple residential filings)

EAST

- ◆ SAND HILL COMMERCIAL – NE CORNER &
- ◆ SANDS SINGLE-FAMILY RESIDENTIAL (NORTH OF SAND HILL COMMERCIAL ON EAST SIDE OF MARKSHEFFEL

D. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the County Code. Planned multifamily uses, which represent a downzoning from the permitted uses under the current CS (CAD-O) retail, wholesale or service commercial oriented zoning.

The site is located adjacent to existing utility infrastructure and service lines. No major utility improvements or upgrades are anticipated in order to adequately serve the site.

Suitability of the site for development in terms of geology, service availability, environmental impacts, major land use impacts, aviation overlay impacts, and military adjacency considerations and mitigation of associated impacts will be documented with subsequent subdivision plat and site development plan applications.

The subject site consists of vacant, undeveloped land, and is vegetated with natural grasses, weeds, yucca, and cacti. There were some deciduous trees along the south property line. The site slopes gently down to the southeast, and there was roughly 25 feet of elevation different across the property.

Preliminary soils and geology testing performed in support of the planned development provide recommendations that multi-unit buildings be constructed with shallow foundation systems with partial overexcavation of any underlying expansive materials. Overexcavation of any existing fill would perform adequately if the recommendations provided in this report are followed. Preliminary studies estimate low risk for excessive foundation movement for shallow foundation systems supported by nonexpansive material.

The subdivision analysis of the site suitability will also include availability of public services such as: access & transportation, stormwater, fire protection, utilities, water/sewer services, schools, parks and open spaces (via dedications as well as on site amenities where applicable). These and other issues will be addressed in additional detail in response to subdivision, site development and performance criteria, any conditions of approval imposed by the BOCC.

