

## VILLAS AT CLAREMONT RANCH PUD PRELIMINARY PLAN

### LETTER OF INTENT

DECEMBER 2020, REVISED MARCH 2022

**OWNER/APPLICANT:**

Phi Real Estate Services, LLC  
200 W. City Center Dr. STE 200  
Colorado Springs, CO 81003

**OWNER**

Cherokee Metro District  
6250 Palmer Park Blvd.  
Colorado Springs, CO 80915

**CONSULTANT:**

N.E.S. Inc.  
619 N. Cascade Ave. Suite 200  
Colorado Springs, CO. 80903

TSN: 5404303066 and 5404303062

### REQUEST

N.E.S. Inc. on behalf of Morley Companies request approval of the following applications:

1. A PUD Development/Preliminary Plan for 83 attached single-family lots, 5 tracts, and public rights-of-way on 10.17 acres, at a gross density of 8.53 dwelling units per acre, with PUD Modifications for private streets and an alternative landscape plan.
2. Subsequent final plats approved administratively.
3. Water sufficiency with the PUD Preliminary Plan.
4. Pre-development site grading.

Later in this letter it says 8.16 units per acre?

### LOCATION



The approximately 10.17-acre project site lies north of Meadowbrook Pkwy and east of Marksheffel Rd. It comprises Tract G of Claremont Ranch Filing No. 7 (9.73 acres) and Tract A of Claremont Ranch Filing No. 7 (0.44 acres). Existing residential development is located to the east. Sand Creek is situated to the north, with single-family residential beyond. To the south of Meadowbrook Pkwy is future commercial land and to the west of Marksheffel Rd is a gas station/convenience store.

## **PROJECT DESCRIPTION & CONTEXT**

**PROJECT HISTORY:** In 1997, the County approved the Claremont Ranch Sketch Plan to include 8 filings totaling 408.6 AC including ROW, commercial, single family, multi family, neighborhood commercial, retail/commercial, industrial, and open space (golf course, buffers, channel).

In 2001, the Board of County Commissioners approved the Claremont Ranch Preliminary Plan for the development of 385 acres. Land uses within Claremont Ranch, included single-family, multifamily, commercial, elementary school, and open space (neighborhood & community park). To accommodate these land uses, Claremont Ranch was rezoned to include: 140 AC from RR-3 (rural residential) to R-2 (residential), 2.9 AC from RR-3 to PBP (Planned Business Park), 5.95 AC from RR-3 to R-3 (multifamily residential), 3.51 AC from RR-3 to R-3 (multifamily residential), and the creation of a subdivision consisting of 649 single family units, 140 multifamily units and 2.97 acres commercial site on 153 acres.

In 2004, a Sketch Plan Amendment was approved to change a 6-acre portion from church to multifamily and relocation of the southern Sand Creek vehicular bridge. At this time, the Board of County Commissioners also approved the reconfiguration of a 124 AC portion adjacent to Marksheffel Road. This request included rezoning from RR3, R-2, PUD to R-2 and PUD, and amendments to include general lot and block layouts.

Since 2004, final plats and development plans have been approved and constructed for several filings of Claremont Ranch. Filing No. 7, located southeast of Sand Creek, east of Marksheffel Road and Northwest of Highway 24, consisting of 54.208 AC, was rezoned from RR-3 to PUD. The intent of that rezoning was for the construction of 70 single-family dwelling units, one tract for future high-density single-family development for 116 dwelling units, and one tract each for future commercial, and commercial and hotel use.

The Villas at Claremont Ranch PUD Development/Preliminary Plan includes Tract G, which was identified for future commercial use in the 2004 Sketch Plan amendment. A further Sketch Plan Amendment was approved on November 4, 2021 to allow the change in land use of Tract G from future commercial use to single-family attached residential use. Tract A of Filing No. 7 continues to be identified as a 30-foot buffer and utility easement on the Sketch Plan and is included in the Villas at Claremont Ranch PUD Development/Preliminary Plan as a tract for this purpose.

**PROPOSED PUD ZONING:** The site is currently zoned PUD CAD-O for commercial development. It is proposed to rezone the property to PUD CAD-O for attached single-family lots. The project includes 83 single-family attached lots in a townhome configuration at a density of 8.16 du/ac. The development has two points of access off Meadowbrook Parkway and will be served by internal private streets. Each unit will have a 2-car garage and parking for 2 cars in a 20-foot driveways. Additional guest parking is provided throughout the site. The plan exceeds the PUD open space requirements by the inclusion of common “greenways” between the front of the units and other parcels of open spaces with connecting trails. All common open space areas, private streets and the on-site detention pond will be owned and maintained by the Villas at Claremont Ranch Homeowners Association.

The project incorporates Tract A of Claremont Ranch Filing No. 7, which was originally intended as a buffer between the single-family residential development to the east and the originally proposed commercial development on Tract G of Claremont Ranch Filing No. 7. This 30-foot tract is to be retained as a buffer between the proposed single-family attached residential and the existing single-family detached residential neighborhood to the east.

Per the accompanying Noise Study, a noise attenuation fence will be located on the easter boundary of the property adjacent to Marksheffel Road. Code requirements for landscape setbacks, buffer and internal plantings are met. A full spectrum detention pond is located in the northern portion of the site.

**PUD MODIFICATIONS:** PUD Modifications are requested for the use of private roads and for the requirement that private roads be constructed and maintained to ECM standards. The private roads will be owned and maintained by the Villas at Claremont Ranch Homeowners Association, and maintenance will be funded by HOA fees. The following PUD Modifications are requested:

	<b>LDC/ECM Section</b>	<b>Category</b>	<b>Standard</b>	<b>Modification</b>	<b>Justification</b>
<b>1</b>	LDC Chapter 8.4.4.C 8.4.4.E.2	<b>Private Roads Require Waiver</b>	Use of private roads shall be limited.	Private roads proposed to serve only this subdivision.	Private roads provide more flexibility in the design of the development in order to provide more open space and better pedestrian connectivity. The private roads will be owned and maintained by the Homeowners Association.
<b>2</b>	LDC Chapter 8.4.4.E.3	<b>Private Roads to meet County standards</b>	Private roads shall be constructed and maintained to ECM standards.	Road width, centerline radius and roadway terminations	
<b>3</b>	ECM Section 2.2.4.B.7. Figure 2-17, and ECM Table 2-7	<b>Typical Urban Local (Low Volume) Cross Section</b>	24' Paved Width, 12' Lane Width	12'-8" Paved Width, 10'-10" Lane Width	A smaller road cross-section and compact road design provide flexibility in the design and provide an opportunity for more open space and better pedestrian connectivity

Chapter 4.2.6.F.2.h of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM). The proposed PUD modifications allow for a more efficient layout that minimizes grading, thereby achieving the

identified benefits in Chapter 4.2.6.F.2.h of providing 44% accessible open space within the development, where 10% is required for PUDs. 83% of the provided open space is contiguous open space, where 25% is required. This open space is served by a continuous and interconnected network of sidewalks and trails.

**ALTERNATIVE LANDSCAPE PLAN REQUEST:** An alternative landscape plan is requested with this application for the setback trees requirement along the western property adjacent to Marksheffel Road. Along this boundary is a 20 foot utility easement (containing a 20" storm pipe) with a 50 foot utility easement (Rec. No. 210123365) immediately adjacent. These easements create a 70 foot wide strip adjacent to Marksheffel Road that prohibits tree plantings, which constrains the applicant's ability to meet the required setback tree requirement along Marksheffel Road.

The applicant is requesting an alternative landscape plan to address this requirement, to provide a total of 25 setback trees with 160 shrubs substitutes (16 trees at 10 shrubs per tree), as an alternative to address the requirement for 41 setback trees. The 25 trees are concentrated in the open space tract in the southwest corner of the site, as this is the only area available for tree planting that is unimpeded by utility easements. The shrubs are located along the entire western edge of the development, between the easement and the sidewalk serving the residential units.

Per the requirements of LCD Chapter 6.2.2.A.4, this alternative landscape plan promotes the concepts contained in the Landscape and Water Conservation Manual, as the substitution of shrubs for trees reduces the irrigation water demands overall and the shrubs include drought tolerant species that are grouped within shrub beds, which will further conserve water and improve irrigation efficiency. This alternative landscape plan also provides an equivalent benefit to the community and environment, as follows:

*(1) to create a positive image and visual appeal both along the road which is highly visible and internal properties which provide a working, shopping and living environment;*

The proposed shrub substitution will create a positive image and visual appeal by providing an attractively landscaped development and the combination of trees and shrubs will soften the appearance of the western edge of the development.

*(2) to decrease the scale of parking lots, provide shade, and reduce heat, glare and noise;*

The proposed shrubs along the western edge of the residential units will screen the internal streets and parking areas. The 25 trees proposed in the southwest tract will provide a shaded open space area for the benefit of residents within the development

*(3) to separate circulation systems; to soften and reduce the mass of buildings; to screen and buffer lower intensity uses from higher intensity uses and protect residential privacy; and*

Internal landscaping requirements are being met which separate internal circulation systems. The proposed shrubs will soften and reduce the mass of buildings. In terms of any screening benefit from the required setback trees, the proposed development will include a 6-foot noise attenuating fence the

entire length of the western boundary of the property, which will provide better screening than the required trees.

*(4) to create an overall pleasant and attractive surrounding.*

The combination of trees and shrubs along the western boundary, together with the proposed internal landscaping and buffering to the east, will create an overall pleasant and attractive development. It should be noted that there is no setback landscaping on Marksheffel Road adjacent the existing residential development to the north. This development is, therefore, providing a more attractive landscaped environment than adjacent developments, even with this reduced landscape plan.

**COMPATIBILITY/TRANSITIONS:** The surrounding zoning to the north, east and south is PUD CAD-O. To the north and east is the existing Claremont Ranch single-family residential neighborhood. To the south of Meadowbrook Parkway is an undeveloped parcel that is proposed on the approved Sketch Plan as commercial/hotel. As noted above, the project incorporates Tract A of Claremont Ranch Filing No. 7 as a 30-foot buffer tract between the proposed single-family attached residential and the existing single-family detached residential neighborhood to the east. This was originally intended to buffer the previously proposed commercial use from the single-family to the east. The single-family attached residential now proposed is a less intense land use than commercial and the 30-foot tract will provide more than adequate separation and buffering.

The proposed single-family attached residential use at 8.16 du/ac will also provide a transition between the lower density single-family residential to the east (approx. 4 du/ac) and the busy roadway, commercial uses, and the vacant industrial lot to the west.

On the west side of Marksheffel Road are commercial uses zoned CS CAD-O and to the northwest is undeveloped I-3 CAD-O zoning (appears to be used as semi-trailer storage). There are three separate utility easements along the west side of the amendment area, adjacent to Marshfield Road, that create a 100' setback and no build area. This 100' setback on the subject site, together with the ROW of Marksheffel Road, provide an approximately 295' setback between the proposed residential area and the existing industrial zoned property. This significantly exceeds the 175' setback required for I3 zoned property adjacent to residential use and, therefore, the change in land use to residential proposed by this PUD Development/ Preliminary Plan will not place a future increased setback burden on the I3 zoned properties to the west.

**AIR QUALITY:** The proposed residential use will not negatively impact air quality. The proposed development is located within a developing area with convenient access to Marksheffel Road and Meadowbrook Pkwy, providing shorter travel time to employment and commercial facilities.

**WATER:** The proposed residential development is not a source of water pollution.

**NOISE:** The Land Development Code requires the impacts of noise pollution to residents be mitigated. A noise study conducted by LSC in November of 2020 found that with a five (5) foot high noise barrier all noise levels in the development will be below 67 decibels. The noise barrier referenced by the study determined to be either a berm, wall or combination of the two. A six (6) foot noise attenuation fence

There is currently an application to change this. We cannot ignore if this is going to be used as a justification for compatible land use.

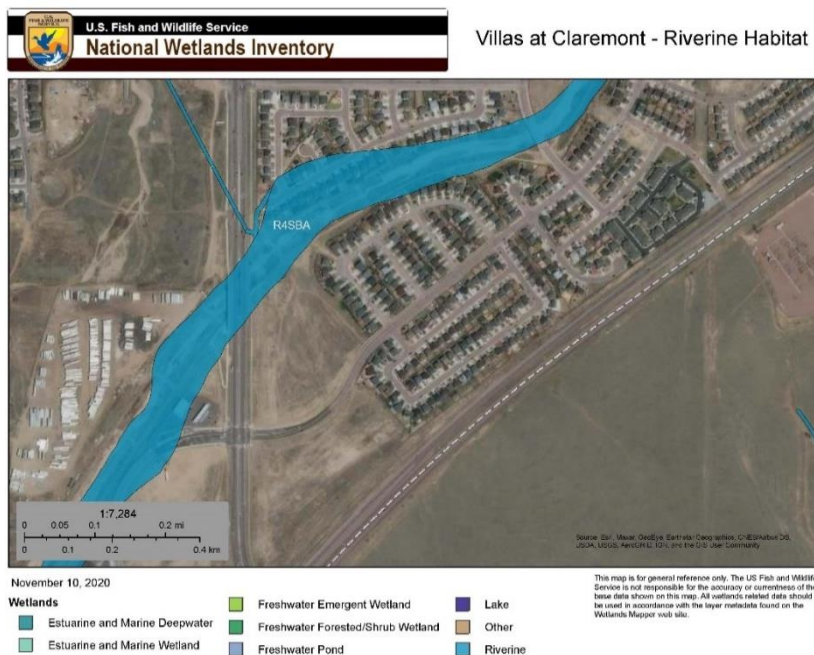
will be located on the western boundary of the property adjacent to Marksheffel Road, as depicted on the PUD Development/Preliminary Plan. The development will also include sound mitigation construction techniques as requested by the Airport Advisory Commission.

The development is outside the DNL 65 Noise Contour and an allowed use under the APZ-2 subcategory of the CAD-O. Based on available data, a Federal Aviation Administration (FAA) 7460-1 "Notice of Proposed Construction or Alteration" will be filed for any new vertical development at this site (including temporary construction equipment) and provide FAA documentation to the Airport at the time a Site Plan is submitted." The Airport Advisory Commission also recommends the recordation of an Avigation Easement for the property. This will be addressed with the Final Plat. The requested Noise Notice for tenants is not appropriate for this development, which will be fee simple ownership.

**FLOODPLAINS:** A review of El Paso County FEMA FIRM panels indicate no portions of the built project area are within a FEMA flood risk area. The East Fork of Sand Creek, which lies to the north of the parcel, is within a regulatory floodway and the proposed development will avoid this area. The parcel is identified as Zone X – Area of Minimal Flood Hazard within the FEMA Firm Panel 08041C00756G.

**USE OF, OR CHANGES IN PREEXISTING WATERFORMS, WATERCOURSES OR BODIES OF WATER:**

A small portion of land directly adjacent to the East Fork of Sand Creek is identified on the National Wetland Inventory as Intermittent Riverine habitat. There is no proposed development within this immediate area.



**GEOLOGIC & SOIL HAZARDS:** The Soils, Geology and Geologic Hazard Study prepared by Entech Engineers, determined the site to be suitable for the proposed developed and achievable by avoidance or proper mitigation through standard construction methods. Geologic hazards encountered at the site include artificial fill, collapsible soils, expansive soils, areas of erosion, groundwater and floodplain areas, and

potentially seasonal shallow groundwater areas. The geologic conditions of the site are relatively common given the site's locality to Sand Creek and mitigation can be accomplished by implementing common engineering and construction practices. None of these conditions are anticipated to preclude the proposed development (Soils, Geology and Geologic Hazard Study, prepared by Entech Engineering Inc. April 2020).

**VEGETATION & WILDLIFE:** The area is designated by the U.S. Geological Survey as an area of urban development with no significant vegetation or wildlife.

**DISTRICTS SERVING THE PROPERTY**

The following districts will serve the property:

- Cherokee Metro District will provide water and wastewater services. A will serve letter is provided with this application.
- Mountain View Electric Association will provide electric service. A will serve letter is provided with this application.
- Colorado Springs Utilities will provide natural gas service. A will serve letter is provided with this application.
- Falcon Fire Protection District will provide fire protection and emergency services. A will serve letter is provided with this application.
- School District 49 will serve the property.
- Pikes Peak Library District.
- Central Marksheffel Metropolitan District.

This is in the employment center placetype. See comments on Claremont Ranch Tract F amendment. This section needs revision.

**RELATIONSHIP TO THE ADOPTED COUNTY MASTER PLANS:**

The Master Plan for the County comprises the recently adopted El Paso County Master Plan, the Water Master Plan, the 2040 Major Transportation Corridor Plan, and the Parks Master Plan.

**COUNTY MASTER PLAN**

The Villas at Claremont Ranch is in an area defined as an Urban Residential placetype in the County Master Plan. These placetypes consist of established neighborhoods immediately adjacent to equally dense or more dense urban neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available. The Urban Residential placetype provides for a mix of development densities and housing types within a neighborhood. Primary land uses are single-family detached residential, single-family attached residential and multifamily residential. The Villas at Claremont Ranch proposes single-family attached residential development at a density of 8.16 du/ac. This is consistent with the urban density placetype objectives.

The Villas at Claremont Ranch is also within an Enclave (an area of the County surrounded by the City on all sides) within the Key Areas chapter of the County Master Plan. The site is within the Cimarron Hills enclave, which is identified as the largest enclave with a population of 18,000 residents. The Master

Key area: this property is also located in the Colorado Springs Airport key area. Please address. This is also located within the two mile buffer for the military installations, so you need to include justification for the military placetype (likely to help the argument), and military key area.

Plan indicates that the character and intensity of new development or redevelopment in these enclaves should match that of the development in the municipality surrounding it. The product is similar in scale and density to the surrounding residential, which is consistent with the enclave designation in the Key Areas Chapter.

In the Areas of Change chapter of the County Master Plan, the Villas at Claremont Ranch is located within a “Transition” Area. Transition Areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development. The proposed single-family attached residential will provide a transition from the detached single-family residential to east and the commercial and industrial uses (existing and planned) to the west and northwest, which is consistent with the Transition Area designation in the Areas of Change chapter.

The Villas at Claremont Ranch is also consistent with Core Principle 2 to the Housing & Communities chapter of the Master Plan, which seeks to “preserve and develop neighborhoods with a mix of housing types”, as well as Goal 2.1 to “promote development of a mix of housing types in identified areas” and Goal 2.3 to “locate attainable housing that provides convenient access to goods, services, and employment”. The proposed medium density single-family attached residential development provides a more attainable housing option in an urbanizing area, which is predominantly single-family detached residential.

Explain how it is a transition

#### **WATER MASTER PLAN**

The project is located within Region 5, Cherokee Metropolitan District (CMD) service area. This single growth area is not projected to experience significant growth by 2060. Specifically, the Water Master Plan states that Region 5 consists of areas served by CMD and is not expected to experience significant growth by 2060. CMD has sufficient supply and existing infrastructure in the area to serve this development. Additionally, the District is implementing a water conservation plan to address future development within the District and pursuing conservation measures with current customers. Water quality is good and CMD is in compliance with all regulatory limits. Discussions of water quantity sufficiency and dependability of supply are included in the Water Resources Report. A copy of CMD’s current Drinking Water Quality Report is appended to the Water Resources Report.

The proposed development of 83 single-family attached townhome units will have an anticipated residential water demand of 24.75 acre-feet per year (including irrigation of common open areas). The Villas at Claremont Ranch is to be served by the CMD water system and the District has provided a letter of commitment for water and wastewater service. CMD’s water supply portfolio is comprised of water rights and contractual interests totaling 5,096 acre-feet per year of water. CMD’s peak year total demand, to date, was 3,040 acre-feet per year in 2011. CMD’s 2018 Production rate (baseline year provided) was 3,024 acre-feet per year. Total water rights delineated within the December 2020 Cherokee Metropolitan District Water Resources Report Prepared for the Colorado Division of Water Resources is 4,427 acre-feet per year. Accordingly, CMD has an adequate water supply to meet the 24.75 acre-feet per year demand of the Villas at Claremont Ranch Development on a 300-year basis,



The proposed residential subdivision satisfies the following policies of the County Policy Plan and the Water Master Plan.

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

The development has been incorporated in previous water planning by Cherokee Metropolitan District and service commitment has been provided by the District.

*Goal 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.*

*Goal 3.4 – Promote cooperation between water providers to achieve increased efficiencies on storage.*

*Goal 3.7 – Encourage the interconnection of infrastructure owned by water providers and projects that will have access to more than one water source, both to foster conjunctive use and to better accommodate water supply emergencies.*

In order to meet the goals of the County Water Master Plan Section 3 to promote cooperation among water providers to achieve increased efficiencies in infrastructure, treatment, reuse, storage, and interconnection, CMD has been included in the Pikes Peak Regional Water Authority to cooperate on future regional water infrastructure development.

*Goal 4.5 – Plan for water resources in a thoughtful way that recognizes the non-renewable nature of water resources in the area, accommodates existing and historical uses, and allows for sustainable, planned growth.*

CMD is implementing a water conservation plan to address future development within the District and implement conservation measures with current customers. A copy of the Water Conservation Plan is appended to the Water Resources Report.

*Goal 5.1 – Identify the potential water supply gap at projected full development build-out (2060).*

*Goal 5.2 – Identify regional opportunities and barriers to satisfying water supply needs at full development build-out (2060).*

CMD is currently developing several additional water sources to meet future demand. Six groundwater rights are slated for development or upgrade by the end of 2021. In addition to providing water for new users, these additional wells will provide greater flexibility in meeting peak demands. Full details of these water supply improvements are provided in the Water Resources Report. In addition to these known production improvements CMD also has a pending replacement plan which could enhance the efficiency of CMD's portfolio through recovery and/or reuse of recharge water.

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

The proposed single-family attached residential is urban level development and is located in an area that is already served by centralized services provided by CMD.

## 2040 MAJOR TRANSPORTATION CORRIDOR PLAN

The MTCP shows Marksheffel Road as a Principal Arterial with no improvements proposed to 2040 in the Section adjacent to the site. The 2060 corridor preservation plan identifies the road being expanded to a 6-lane Expressway, which has a right-of-way of 160 feet. Marksheffel road in this section already has a 180-foot Right-of-way, so no additional preservation is required. There are no planned improvements to Meadowbrook Parkway in the MTCP.

## EL PASO COUNTY PARKS MASTER PLAN

The Parks Master Plan does not identify any proposed parks or candidate open space on this site or in the vicinity. The Trails Master Plan identifies a proposed bicycle route on Marksheffel Road to the east of the site. This medium density residential development will be conveniently located to make use of the proposed bicycle route. The development includes a trail connection to Sand Creek, although this section of Sand Creek is not identified as a proposed County trail on the Trails Master Plan.

## PUD Zoning District Criteria Chapter 4.2.6.D

See above comments

### 1. THE APPLICATION IS IN GENERAL CONFORMITY WITH THE MASTER PLAN;

The proposed residential subdivision is located in an area defined as an Urban Residential placetype in the County Master Plan and single-family attached residential is a primary land use within this placetype. The proposed subdivision also conforms with the MTCP and Parks Master Plan.

### 2. THE PROPOSED DEVELOPMENT IS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CODE AND ALL APPLICABLE STATUTORY PROVISIONS AND WILL NOT OTHERWISE BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF THE PRESENT OR FUTURE INHABITANTS OF EL PASO COUNTY;

The stated purpose of the Code is to preserve and improve the public health, safety, and general welfare of the citizens and businesses of El Paso County. This development will provide an additional housing option in the area in a location that is appropriate for medium density residential development.

The County does not have a conventional zone district that allows a higher density/smaller lot fee simple residential product and a PUD zoning is the only option. The Preliminary Plan is consistent with the purposes of the proposed PUD zone as it will foster the ability to provide a more dense development pattern to meet the growing demands of the population by providing a higher density and more attainable housing product in close proximity to employment and activity centers. The PUD zone provides the necessary flexibility in development standards to improve the design, character and quality of this smaller lot development, and allows for the more efficient use of open space by facilitating the incorporation of beneficial and active common use open space and trails. The proposed higher density infill development also supports the PUD purpose of making the most efficient use of existing public infrastructure and services.

The Preliminary Plan is within the CAD-O/APZ-2 overlay zone. The development is outside the DNL 65 Noise Contour and an allowed use under the APZ-2 subcategory of the CAD-O. A noise study conducted by LSC in November of 2020 found that with a five (5) foot high noise barrier all noise levels in the development will be below 67 decibels. A six (6) foot noise attenuation fence is proposed along the western boundary of the property adjacent to Marksheffel Road, as depicted on the PUD Development/Preliminary Plan. The development will also include sound mitigation construction techniques as requested by the Airport Advisory Commission.

Based on available data, a Federal Aviation Administration (FAA) 7460-1 "Notice of Proposed Construction or Alteration" will be filed for any new vertical development at this site (including temporary construction equipment) and provide FAA documentation to the Airport at the time of construction.

- 3. THE SUBJECT PROPERTY IS SUITABLE FOR THE INTENDED USES AND THE USE IS COMPATIBLE WITH BOTH THE EXISTING AND ALLOWED LAND USES ON THE NEIGHBORING PROPERTIES, WILL BE IN HARMONY AND RESPONSIVE WITH THE CHARACTER OF THE SURROUNDING AREA AND NATURAL ENVIRONMENT; AND WILL NOT HAVE A NEGATIVE IMPACT UPON THE EXISTING AND FUTURE DEVELOPMENT OF THE SURROUNDING AREA;**

The project incorporates Tract A of Claremont Ranch Filing No. 7 as a 30-foot buffer tract between the proposed single-family attached residential and the existing single-family detached residential neighborhood to the east. This was originally intended to buffer the previously proposed commercial use from the single-family to the east. The single-family attached residential now proposed is a less intense land use than commercial and the 30-foot tract will provide more than adequate separation and buffering.

The proposed single-family attached residential use at 8.16 du/ac will also provide a transition between the lower density single-family residential to the east (approx. 4 du/ac) and the busy roadway, commercial uses, and the vacant industrial lot to the west.

On the west side of Marksheffel Road are commercial uses zoned CS CAD-O and to the northwest is undeveloped I-3 CAD-O zoning (appears to be used as semi-trailer storage). There are three separate utility easements/tracts along the west side of the amendment area, adjacent to Marshfield Road, that create a 100' setback and no build area. This 100' setback on the subject site, together with the ROW of Marksheffel Road, provide an approximately 295' setback between the proposed residential area and the existing industrial zoned property. This significantly exceeds the 175' setback required for I3 zoned property adjacent to residential use and, therefore, the change in land use to residential proposed by this PUD Development/ Preliminary Plan will not place a future increased setback burden on the I3 zoned properties to the west.

- 4. THE PROPOSED DEVELOPMENT PROVIDES ADEQUATE CONSIDERATION FOR ANY POTENTIALLY DETRIMENTAL USE TO USE RELATIONSHIPS (E.G. COMMERCIAL USE ADJACENT TO SINGLE FAMILY USE) AND PROVIDES AN APPROPRIATE TRANSITION OR BUFFERING BETWEEN USES OF DIFFERING INTENSITIES BOTH ON-SITE AND OFF-SITE WHICH MAY INCLUDE INNOVATIVE TREATMENTS OF USE TO USE RELATIONSHIPS;**

See response to #3. The proposed single-family attached residential will provide a transition from the detached single-family residential to east and the commercial and industrial uses (existing and planned) to the west and northwest. A 30-foot landscape buffer is included to the single-family residential to the east.

**5. THE ALLOWED USES, BULK REQUIREMENTS AND REQUIRED LANDSCAPING AND BUFFERING ARE APPROPRIATE TO AND COMPATIBLE WITH THE TYPE OF DEVELOPMENT, THE SURROUNDING NEIGHBORHOOD OR AREA AND THE COMMUNITY.**

See response to #3 and #4. An alternative landscape plan is requested for the setback tree requirement on the west boundary. The proposed substitution of shrubs for 25 trees reduces the irrigation water demands overall and the shrubs include drought tolerant species that are grouped within shrub beds, which will further conserve water and improve irrigation efficiency. This alternative landscape plan also provides an equivalent benefit to the community and environment, as it will create a positive image and visual appeal by providing an attractively landscaped development and the combination of trees and shrubs will soften the appearance of the western edge of the development.

**6. AREAS WITH UNIQUE OR SIGNIFICANT HISTORICAL, CULTURAL, RECREATIONAL, AESTHETIC OR NATURAL FEATURES ARE PRESERVED AND INCORPORATED INTO THE DESIGN OF THE PROJECT;**

There are no such features on this property which has already been over-lot graded and utilities installed as part of the adjacent subdivision.

**7. OPEN SPACES AND TRAILS ARE INTEGRATED INTO THE DEVELOPMENT PLAN TO SERVE AS AMENITIES TO RESIDENTS AND PROVIDE A REASONABLE WALKING AND BIKING OPPORTUNITIES;**

44% of the site is common useable open space that is served by a continuous and interconnected network of sidewalks and trails. There is a trail that provides access to the proposed Sand Creek trail to the north.

**8. THE PROPOSED DEVELOPMENT WILL NOT OVERBURDEN THE CAPACITIES OF EXISTING OR PLANNED ROADS, UTILITIES AND OTHER PUBLIC FACILITIES (E.G., FIRE PROTECTION, POLICE PROTECTION, EMERGENCY SERVICES, AND WATER AND SANITATION), AND THE REQUIRED PUBLIC SERVICES AND FACILITIES WILL BE PROVIDED TO SUPPORT THE DEVELOPMENT WHEN NEEDED;**

The proposed higher density infill development will make efficient use of existing public infrastructure and services. No public utilities or services will be overburdened.

**9. THE PROPOSED DEVELOPMENT WOULD BE A BENEFIT THROUGH THE PROVISION OF INTERCONNECTED OPEN SPACE, CONSERVATION OF ENVIRONMENTAL FEATURES, AESTHETIC FEATURES AND HARMONIOUS DESIGN, AND ENERGY EFFICIENT SITE DESIGN;**

44% of the site is common useable open space that is served by a continuous and interconnected network of sidewalks and trails. There is a trail that provides access to the proposed Sand Creek trail to the north.

**10. THE PROPOSED LAND USE DOES NOT PERMIT THE USE OF ANY AREA CONTAINING A COMMERCIAL MINERAL DEPOSIT IN A MANNER WHICH WOULD UNREASONABLY INTERFERE WITH THE PRESENT OR FUTURE EXTRACTION OF SUCH DEPOSIT UNLESS ACKNOWLEDGED BY THE MINERAL RIGHTS OWNER;**

Not applicable.

**11. ANY PROPOSED EXCEPTION OR DEVIATION FROM THE REQUIREMENTS OF THE ZONING RESOLUTION OR THE SUBDIVISION REGULATIONS IS WARRANTED BY VIRTUE OF THE DESIGN AND AMENITIES INCORPORATED IN THE DEVELOPMENT PLAN AND DEVELOPMENT GUIDE; AND**

PUD modifications and deviations from the ECM are requested for the use of private roads and a smaller street section for the development. Private roads, a smaller road cross-section, and compact road design provide more flexibility in the design of the development in order to provide a smaller lot development with more common open space and better pedestrian connectivity. This is consistent with Chapter 4.2.6.F.2.h of the Land Development Code (LDC) which allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM) where a more efficient layout can provide benefits such as additional open space and trails.

**12. THE OWNER HAS AUTHORIZED THE APPLICATION.**

The Owner is the Applicant.

**Preliminary Plan Review Criteria Chapter 4.2.6.E**

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

The proposed residential subdivision is located in an area defined as an Urban Residential placetype in the County Master Plan and single-family attached residential is a primary land use within this placetype. The proposed subdivision also conforms with the MTCP and Parks Master Plan.

**2. THE SUBDIVISION IS CONSISTENT WITH THE PURPOSES OF THIS CODE;**

The stated purpose of the Code is to preserve and improve the public health, safety, and general welfare of the citizens and businesses of El Paso County. This development will provide an additional housing option in the area in a location that is appropriate for medium density residential development.

The County does not have a conventional zone district that allows a higher density/smaller lot fee simple residential product and a PUD zoning is the only option. The Preliminary Plan is consistent

with the purposes of the proposed PUD zone as it will foster the ability to provide a more dense development pattern to meet the growing demands of the population by providing a higher density and more attainable housing product in close proximity to employment and activity centers. The PUD zone provides the necessary flexibility in development standards to improve the design, character and quality of this smaller lot development, and allows for the more efficient use of open space by facilitating the incorporation of beneficial and active common use open space and trails. The proposed higher density infill development also supports the PUD purpose of making the most efficient use of existing public infrastructure and services.

The Preliminary Plan is within the CAD-O/APZ-2 overlay zone. The development is outside the DNL 65 Noise Contour and an allowed use under the APZ-2 subcategory of the CAD-O. A noise study conducted by LSC in November of 2020 found that with a five (5) foot high noise barrier all noise levels in the development will be below 67 decibels. A six (6) foot noise attenuation fence is proposed along the western boundary of the property adjacent to Marksheffel Road, as depicted on the PUD Development/Preliminary Plan. The development will also include sound mitigation construction techniques as requested by the Airport Advisory Commission.

Based on available data, a Federal Aviation Administration (FAA) 7460-1 "Notice of Proposed Construction or Alteration" will be filed for any new vertical development at this site (including temporary construction equipment) and provide FAA documentation to the Airport at the time of construction.

**3. THE SUBDIVISION IS IN CONFORMANCE WITH THE SUBDIVISION DESIGN STANDARDS AND ANY APPROVED SKETCH PLAN;**

The Villas at Claremont Ranch PUD Development/Preliminary Plan addresses all subdivision design standards.

An amendment to the Claremont Ranch West Sketch Plan Amendment was approved on November 4, 2021 to allow the change in land use of Tract G of Filing No. 7 (the subject site) from future commercial use to single-family attached residential use. The Villas at Claremont Ranch PUD Development/Preliminary Plan is consistent with this land use designation. Tract A continues to be identified as a 30-foot buffer and utility easement on the Sketch Plan and is included in the Villas at Claremont Ranch PUD Development/Preliminary Plan as a tract for this purpose.

**4. A SUFFICIENT WATER SUPPLY HAS BEEN ACQUIRED IN TERMS OF QUANTITY, QUALITY, AND DEPENDABILITY FOR THE TYPE OF SUBDIVISION PROPOSED, AS DETERMINED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THE WATER SUPPLY STANDARDS [C.R.S. §30-28-133(6)(A)] AND THE REQUIREMENTS OF CHAPTER 8 OF THIS CODE;**

CMD has sufficient supply and existing infrastructure in the area to serve this development. Water quality is good and CMD is in compliance with all regulatory limits. Discussions of water quantity sufficiency and dependability of supply are included in the Water Resources Report. A copy of CMD's current Drinking Water Quality Report is appended to the Water Resources Report

CMD is implementing a water conservation plan to address future development within the District and implement conservation measures with current customers. A copy of the Water Conservation

You are requesting waivers of the subdivision design standards. Please address here.

Plan is appended to the Water Resources Report prepared by Catamount Engineering.

- 5. A PUBLIC SEWAGE DISPOSAL SYSTEM HAS BEEN ESTABLISHED AND, IF OTHER METHODS OF SEWAGE DISPOSAL ARE PROPOSED, THE SYSTEM COMPLIES WITH STATE AND LOCAL LAWS AND REGULATIONS, [C.R.S. §30-28-133(6) (B)] AND THE REQUIREMENTS OF CHAPTER 8 OF THIS CODE.**

Cherokee Metro District will serve the project and has sufficient capacity. Public sewage disposal is addressed in the Wastewater Disposal Report prepared by Catamount Engineering.

- 6. ALL AREAS OF THE PROPOSED SUBDIVISION, WHICH MAY INVOLVE SOIL OR TOPOGRAPHICAL CONDITIONS PRESENTING HAZARDS OR REQUIRING SPECIAL PRECAUTIONS, HAVE BEEN IDENTIFIED AND THE PROPOSED SUBDIVISION IS COMPATIBLE WITH SUCH CONDITIONS. [C.R.S. §30-28-133(6)(c)];**

The Soils, Geology and Geologic Hazard Study prepared by Entech Engineers, determined the site to be suitable for the proposed developed and achievable by avoidance or proper mitigation through standard construction methods. Geologic hazards encountered at the site include artificial fill, collapsible soils, expansive soils, areas of erosion, groundwater and floodplain areas, and potentially seasonal shallow groundwater areas. The geologic conditions of the site are relatively common given the site's locality to Sand Creek and mitigation can be accomplished by implementing common engineering and construction practices. None of these conditions are anticipated to preclude the proposed development (Soils, Geology and Geologic Hazard Study, prepared by Entech Engineering Inc. April 2020). There is no floodplain on this site.

- 7. ADEQUATE DRAINAGE IMPROVEMENTS COMPLYING WITH STATE LAW [C.R.S. §30-28- 133(3)(c)(VIII)] AND THE REQUIREMENTS OF THIS CODE AND THE ECM ARE PROVIDED BY THE DESIGN;**

Drainage improvements are addressed in the Preliminary Drainage Report and the grading and erosion control plans prepared by Catamount Engineering. Detention and water quality are provided on site and meets the DCM criteria.

- 8. THE LOCATION AND DESIGN OF THE PUBLIC IMPROVEMENTS PROPOSED IN CONNECTION WITH THE SUBDIVISION ARE ADEQUATE TO SERVE THE NEEDS AND MITIGATE THE EFFECTS OF THE DEVELOPMENT;**

The only public improvements associated with this development are the construction of a sidewalk on Meadowbrook Parkway and additional lane striping on Meadowbrook Parkway to accommodate turning movements at the two site access points.

- 9. LEGAL AND PHYSICAL ACCESS IS OR WILL BE PROVIDED TO ALL PARCELS BY PUBLIC RIGHTS-OF-WAY OR RECORDED EASEMENT, ACCEPTABLE TO THE COUNTY IN COMPLIANCE WITH THIS CODE AND THE ECM;**

This site is directly accessed from Meadowbrook Parkway and private roads within the development. There will be no access to Marksheffel Road.

- 10. THE PROPOSED SUBDIVISION HAS ESTABLISHED AN ADEQUATE LEVEL OF COMPATIBILITY BY**

- 1) INCORPORATING NATURAL PHYSICAL FEATURES INTO THE DESIGN AND PROVIDING SUFFICIENT OPEN SPACES CONSIDERING THE TYPE AND INTENSITY OF THE SUBDIVISION;**

There are no natural physical features on the site. Approximately 5 acres of Open Space is provided throughout the development as amenity space for the future residents.

- 2) INCORPORATING SITE PLANNING TECHNIQUES TO FOSTER THE IMPLEMENTATION OF THE COUNTY'S PLANS, AND ENCOURAGE A LAND USE PATTERN TO SUPPORT A BALANCED TRANSPORTATION SYSTEM, INCLUDING AUTO, BIKE AND PEDESTRIAN TRAFFIC, PUBLIC OR MASS TRANSIT IF APPROPRIATE, AND THE COST-EFFECTIVE DELIVERY OF OTHER SERVICES CONSISTENT WITH ADOPTED PLANS, POLICIES AND REGULATIONS OF THE COUNTY;**

Appropriate provision is made in this regard given the context of the site and surrounding area. The plan was designed to minimize cost of transportation and utility infrastructure improvements. The project proposes two private streets with direct to Meadowbrook Parkway. Pedestrian and bike recreation opportunities are provided by a proposed trail and sidewalk connections to Meadowbrook Parkway.

- 3) INCORPORATING PHYSICAL DESIGN FEATURES IN THE SUBDIVISION TO PROVIDE A TRANSITION BETWEEN THE SUBDIVISION AND ADJACENT LAND USES;**

Landscaping is included to buffer the development from adjacent uses where appropriate. The development provides a transition between the single family uses to the east and commercial and industrial (existing and planned) uses to the west.

- 4) INCORPORATING IDENTIFIED ENVIRONMENTALLY SENSITIVE AREAS, INCLUDING BUT NOT LIMITED TO, WETLANDS AND WILDLIFE CORRIDORS, INTO THE DESIGN; AND**

The East Fork of the Sand Creek Channel is adjacent to the site. The channel is contained in a tract and no lots encroach on the floodplain or tract.

- 5) INCORPORATING PUBLIC FACILITIES OR INFRASTRUCTURE, OR PROVISIONS THEREFORE, REASONABLY RELATED TO THE PROPOSED SUBDIVISION SO THE PROPOSED SUBDIVISION WILL NOT NEGATIVELY IMPACT THE LEVELS OF SERVICE OF COUNTY SERVICES AND FACILITIES;**

The Traffic Report prepared by LSC Transportation Consultants demonstrates that the proposed access points will function within acceptable traffic engineering parameters. The reports relating to water supply, wastewater treatment, and drainage demonstrate that there will be no negative impact on the levels of service of County services and facilities.

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

Water and sanitary sewer service are to be provided by Cherokee Metropolitan District. Mountain View Electric Association Inc. and Colorado Springs Utilities will provide electric and natural gas services to the subdivision respectively. The required Will Serve letters are included with the submittal. Falcon Fire Protection District will provide fire protection and emergency services.

- 12. THE SUBDIVISION PROVIDES EVIDENCE TO SHOW THAT THE PROPOSED METHODS FOR FIRE PROTECTION COMPLY WITH CHAPTER 6 OF THIS CODE; AND**



The site lies within the Falcon Fire Protection District. A will serve letter from the FPD and a Fire Protection Report are included with the submittal.

**13. THE PROPOSED SUBDIVISION MEETS OTHER APPLICABLE SECTIONS OF CHAPTER 6 AND 8 OF THIS CODE.**

The proposed subdivision meets the applicable sections of these parts of the Code. Subject to the requested PUD modifications per Chapter 4.2.6.2.h.

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