

CLOVERLEAF: REZONE AND PRELIMINARY PLAN

LETTER OF INTENT

JUNE 2020, REVISED NOVEMBER 2020; JANUARY 2021

APPLICANT AND PROPERTY OWNER

PT Cloverleaf, LLC
1864 Woodmoor Drive, Suite 100
Monument, Colorado 80132

CONSULTANT:

N.E.S. Inc.
619 North Cascade Avenue
Colorado Springs, CO 80903

REQUEST

PT Cloverleaf, LLC requests approval of the following applications:

1. A rezone of 37.22 acres from RS-20000 (Residential Suburban District; 20,000 square feet) to RS-5000 (Residential Suburban District; 5,000 square feet);
2. A Preliminary Plan for Cloverleaf, consisting of 3 lots under the existing RS-20000 zoning, and 141 lots under the proposed RS-5000 zoning, on approximately 38.73 acres. To include:
 - a. The following Waivers of the Land Development Code requirements:
 - 8.4.4.E.2 – private roads require a waiver
 - 8.4.4.E.3 – private roads to meet County standardsThis relates to the existing Walters Point private road, which is to be retained and improved as part of this project.
 - b. Finding of water sufficiency deferred to the Final Plat.
3. Pre-development grading for entire Preliminary Plan area.

The justification for these requests is provided in this Letter of Intent.

SUPPORTING DOCUMENTS

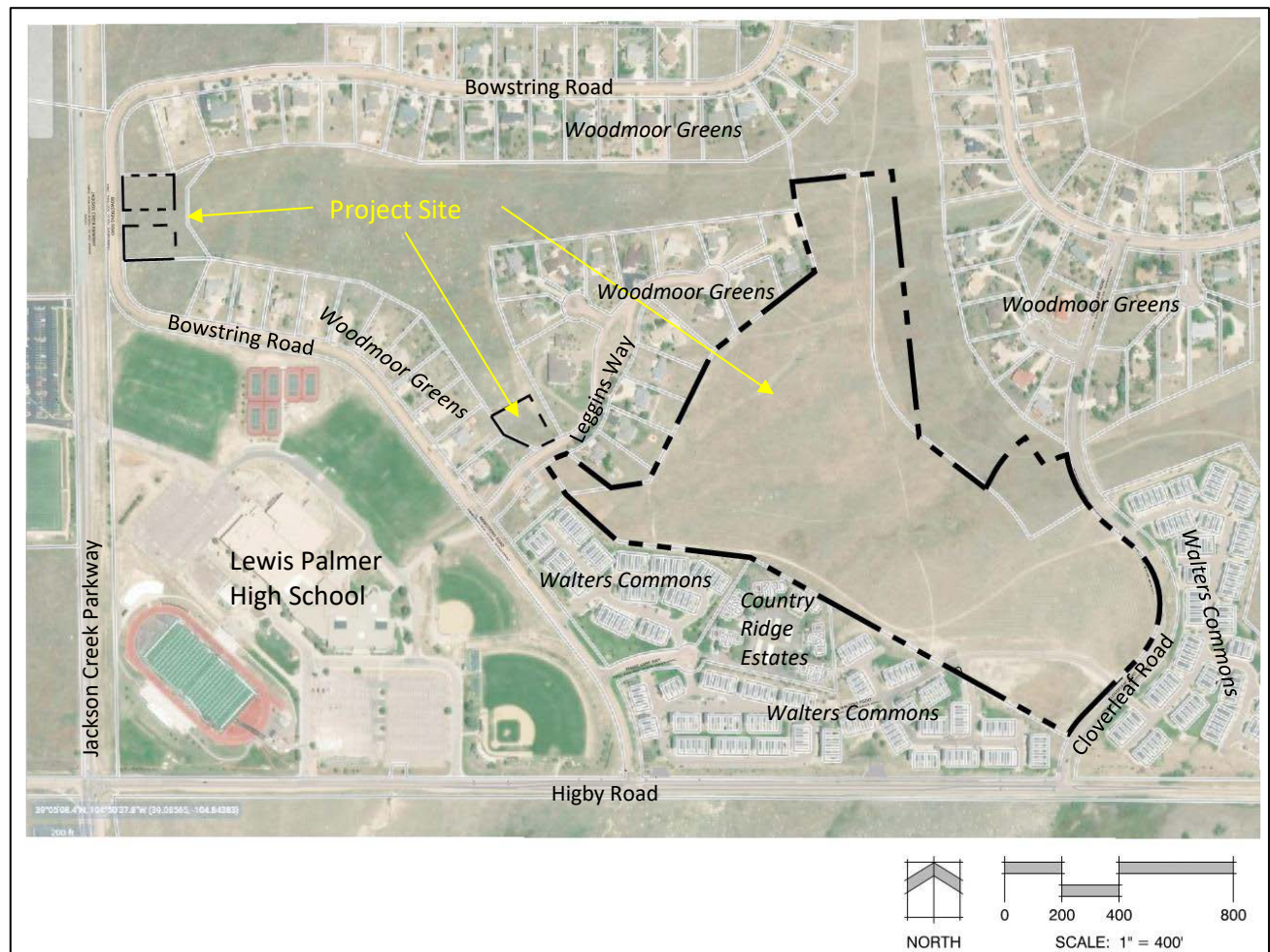
The following reports are submitted in support of this Preliminary Plan and are referenced in this Letter of Intent:

- Traffic Impact Study prepared by Kellar Engineering
- Soils, Geology and Geologic Hazard Study prepared by Entech Engineering, Inc.
- Natural Features and Wetlands Report prepared by Bristlecone Ecology
- Preble's Meadow Jumping Mouse Disqualification letter prepared by Monument Hill CM, LLC
- Water Resources and Water Quality Report prepared by JR Engineering, LLC
- Wastewater Disposal Report prepared by JR Engineering, LLC
- Preliminary Drainage Report prepared by JR Engineering, LLC

SITE LOCATION AND DESCRIPTION

The proposed Cloverleaf Subdivision is located northeast of the intersection of Jackson Creek Parkway and Higby Road, northwest of Cloverleaf Road, and bounded by existing residential developments on three sides. The northern/northeast boundary of the site abuts existing open space. The surrounding properties include:

- **North, West and East:** Woodmoor Greens single-family residential subdivision.
- **East:** Cloverleaf Road with Walters Commons townhome subdivision adjacent.
- **South:** Walters Commons and Country Ridge Estates townhome subdivisions.



The site is currently vacant and undeveloped, consisting of flat to rolling foothills grasslands. The existing ground cover is sparse vegetation and open space, typical of a Colorado rolling range land condition. The site is generally gently to gradually sloping from northeast to southwest with some moderate slopes along a small ridge in the southeast part of the site. Teachout Creek is mapped in the USFWS National Wetland Inventory (NWI) and USGS National Hydrography Dataset (NHD) data as a stream in the northwest portion of the site, but does not exist as depicted.

PROJECT DESCRIPTION

Cloverleaf is a 38.73-acre development, 37.22 acres of which is proposed to be rezoned as 141 urban density single-family residential lots and associated infrastructure. The remaining 1.51 acres is proposed as three isolated ½ acre lots under the existing RS-2000 zoning project.

Project Background

The 37.22-acres is an undeveloped parcel that forms part of Tract B of the Woodmoor Placer subdivision, platted in 1972. The surrounding Woodmoor Greens Subdivision was also platted in 1972. The two proposed lots ½ acre lots on the west side of the project area fronting Bowstring Road (lots 143 and 144) were originally platted as lots at that time. As part of the replat of Lots 496-500 Woodmoor Greens, these lots were included in a Tract. The proposed ½ acre lot adjacent to Leggins Way (lot 142) was, and is still part, of the original Woodmoor Greens plat.

The tracts that formed part of the Woodmoor Placer and Woodmoor Greens subdivisions were originally envisioned as a golf course. This use did not come to fruition and the areas remain vacant. Over the years these undeveloped parcels have been enjoyed by local residents as open space and a number of informal trails have formed through the area.

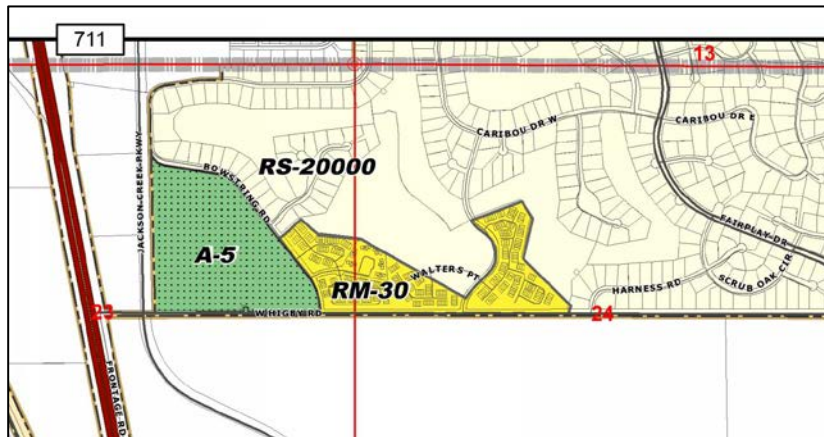
A group of local residents formed the Woodmoor Open Space Coalition (WOSC) with the intent of purchasing the 100-acres of undeveloped tracts in this area as public open space use from the current owners, the Gary E Walters Trust and the Walters Family Partnership LLLP. The Walters family representatives agreed to the sale of 70-acres as open space, provided at least 30-acres were developed for residential lots. In order to raise the funds for this land purchase, WOSC will simultaneously sell small portions of the open space to individual adjacent lot owners as extensions of their lots. The replat to accomplish this will be submitted separately by WOSC but concurrently with this submittal by PT Cloverleaf, LLC. The purchase of the three ½ acre lots by PT Cloverleaf, LLC is also an integral part of the funding to enable WOSC to purchase the open space.

Zone Change

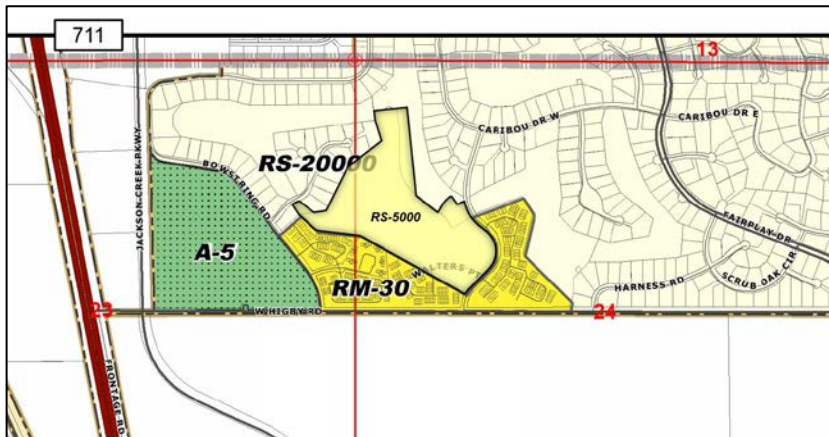
A Zone Change is being requested for the 141 lots on approximately 37.22 acres located southeast of Leggins Way and northwest of Cloverleaf Road. The property is currently zoned RS-20000 (Residential Suburban District). Adjacent zoning to the south is RM-30 (Residential Multi-Family) and the Lewis Palmer High School to the southwest is zoned A-5 (Agricultural).

The request is to rezone this to RS-5000 (Residential Suburban District) to accommodate lots of a minimum of 5,000 square feet.

EXISTING ZONING



PROPOSED ZONING



Preliminary Plan

The request is for a Preliminary Plan for Cloverleaf, a single family-development comprised of 144 lots on approximately 38.73 acres, open space tracts, stormwater detention facilities, and associated infrastructure. Cloverleaf will be split into two distinct areas; Lot 1 – Lot 141 will be an urban subdivision proposed for RS-5000 zoning; Lots 142, 143, 144 will be suburban lots consistent with the existing RS-20000 zoning. Density and dimensional standards for the RS-5000 and RS-20000 set forth in the Land Development Code (“LDC”) have been adhered to as follows:

Zone	Min. Lot Frontage	Min. Front Setback	Min. Rear Setback (Accessory Use)	Min. Side Setback	Max. Lot Coverage	Max. Building Height
RS-5000	50 ft	25 ft	25 ft (5 ft)	5 ft	40/45%*	30 ft
RS-20000	100 ft	40 ft	40 ft (15 ft)	10 ft	20%	30 ft

*Where a single-story ranch style residence is proposed, the maximum lot coverage may be 45% of the total lot area

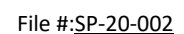
Access and Traffic

The project site is located at the northeast quadrant of the intersection of Higby Road and Bowstring Road, southeast of Monument, CO. Access to the development is from two existing full-movement intersections to Higby Road (Higby Road/Bowstring Road and Higby Road/Cloverleaf Road). Higby Road is classified as a collector in the 2040 Major Transportation Corridors Plan (MTCP). Higby Road has been identified by the MTCP as a 'county road improvement' project from Cloverleaf Road to Rollercoaster Road to be completed by 2040. The existing perimeter roads, Bowstring Road, Cloverleaf Road, and Leggins Way, have already been constructed with previous development. Bowstring Road, Cloverleaf Road and Leggins Way are classified as existing local streets. Walters Point is an existing private street that serves the Walters Common townhomes via an access easement across the Cloverleaf property

Lots 143 and 144 will have direct access from Bowstring Road. Access for Lot 142 will be from Leggins Way. White Clover Drive, a new access from Leggins Way, will provide the western access for Lots 1-135. The Cloverleaf Subdivision has been laid out to have a public road access from Leggins Way and the intersection was placed to intersect at 89 degrees. The intersection was placed as far north on the property to provide as much sight distance as possible to the north, since the traffic from the south is most likely at a lesser speed after turning off Bowstring. Sight Visibility Easements (as shown on the Preliminary Plan) will be required at the time of Final Plat approval. The Applicant has withdrawn the previously submitted deviation for limited sight distance at this proposed intersection.

Crimson Clover Drive, a new access off Cloverleaf Road, will provide access to these lots from the east. Deviations are being requested for the intersection of Cloverleaf Road and Crimson Clover Lane as the slope of Cloverleaf Road at this point is slightly greater than 4%. In addition, due to the existing condition of Cloverleaf Road, the available sight distance (296') is slightly less than criteria (335'). The applicant has purchased additional land from the neighbor to move the intersection north to improve the sight distance and grade. The intersection was placed as far north as possible on the applicant's property to provide as much sight distance as possible to the crest of the hill to the south.

Access for Lots 136-141 will be off Walters Point, which will also continue to provide a second point of access from Cloverleaf Road to the Walters Comments subdivision. Walters Point will remain a private road, and a Waiver from the LDC and Engineering Criteria Manual (ECM) is requested to permit this. This private road will also be partially upgraded to the County's Local (Low Volume) Road design, with some exceptions for which deviations from the ECM standards are requested relating to sidewalk provision, a reduced vertical curve, and use of a non-standard curb section.



Utilities

Water: The Water Resources and Wastewater Report prepared by JR Engineering estimates average and peak water demand and provides Woodmoor Water and Sanitation District (WWSD) with required data to enable the District to model the water demands. Woodmoor Water and Sanitation District has various easements for both sanitary and water lines that run parallel to existing property lines or cross the site. The primary water distribution system for Cloverleaf will be connected to the existing Woodmoor Water and Sanitation District (WWSD) water at two locations. The eastern connection is the existing 6" water main within Cloverleaf Drive. The western connection will be to the existing 6" water main in Leggins Way. The development can either install 6" diameter mains or 8" diameter water mains depending on the results of WWSD's modeling of the system. A commitment letter from the WWSD to provide water service to the Cloverleaf Subdivision is included with this submittal.

It is requested that the finding of water sufficiently be deferred to the Final Plat.

Wastewater: The Wastewater Disposal Report prepared by JR Engineering notes that the WWSD is situated to serve the proposed development. The site is tributary to the Tri-Lakes wastewater treatment plant. The sanitary sewer system, design, and modeling results conform to all applicable criteria set forth by El Paso County and the WWSD and no waivers are required. A commitment letter from the WWSD to provide wastewater service to the Cloverleaf Subdivision is included with this submittal.

Gas: Natural Gas Distribution Service will be provided by Black Hills Energy. A Will Serve letter is included with this submittal.

Electric: Electric Service will be provided by Mountain View Electric Association (MVEA). A Will Serve letter is included with this submittal.

Topography

Topography of the site consists of flat to rolling foothills grasslands about a half mile from the pine-oak woodlands of the Black Forest to the northeast. According to the U.S. Geological Survey's, Topographic Map of Monument, CO Quadrangle, the subject property has an approximate median elevation of 7,077 feet above sea level. The site is generally gently to gradually sloping from northeast to southwest with some moderate slopes along a small ridge in the southeast part of the site.

Vegetation

Bristlecone Ecology (Bristlecone) prepared a Natural Feature and Wetlands Report for this project. The vegetation on the site is predominantly grassland, with a few patches of shrubs and one Ponderosa Pine near the northwest boundary. Much of the site has been previously disturbed and vegetative cover has been reestablished across the site but with little diversity and poorly developed structure. There are several informal social trails crisscrossing the site. According to Bristlecone, development of the site will likely increase and improve arboreal habitat through the planting of trees in yards and in open spaces.

Noxious Weeds

Bristlecone noted that noxious weeds are present on the site in several areas but generally in limited quantities. The greatest concentration of noxious weeds was found along the ditch near the northern border of the project area. Noxious weeds are defined as those non-native plants that aggressively invade and are detrimental to native vegetation communities and ecosystems.

A Noxious Weed Management Plan has been prepared for the project by Bristlecone for the project site detailing recommendations for identifying and controlling the spread of noxious weeds prior to, during, and/or post-construction. Weed control prior to and during construction shall take place to eliminate weeds and to prevent introducing new weeds. Following construction, the Metropolitan District will be responsible for weed control in the open areas. Individual homeowners will be responsible for weed control on their lots.

Floodplain

Based on the FEMA Firm Map Number 08041CO278G, revised December 7, 2018, the entire development is located within Zone X, or areas area outside the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2-percent-annual-chance (or 500-year) flood.

Wildlife

Bristlecone indicated that the project site has been previously disturbed and thus does not provide ideal habitat for a variety of wildlife species. The highest quality habitat on the site is likely the isolated wetland, though this provides negligible water filtration and does not provide significant habitat for wetland wildlife species. Development of the site would inevitably affect some potential habitat for wildlife, but based on the findings of the site reconnaissance, Bristlecone classifies the expected impacts as low to very low. Designated open spaces will also conserve some of the open grassland habitats that are currently available. Federally listed Threatened and Endangered (T&E) species are not expected to occur on the site. There is no suitable habitat for the state-listed Preble's Meadow Jumping Mouse (PMJM). A PMJM disqualification letter from US Fish and Wildlife Service, dated October 31, 2019 is provided with this submittal.

Wetlands

The delineation of the wetlands on the site was undertaken by Bristlecone. The wetland assessment revealed the presence of one wetland onsite. Teachout Creek is mapped in the USFWS National Wetland Inventory (NWI) and USGS National Hydrography Dataset (NHD) data as a stream in the northwest portion of the site, but does not exist as depicted; it is a dry ditch with no connection to downstream WOTUS (Waters of the United States), no defined streambed, and no hydrologic conveyance. It is Bristlecone's professional opinion that this wetland is not jurisdictional, but an Approved Jurisdictional Determination (AJD) from the U.S. Army Corps of Engineers (USACE) will be required to confirm the non-jurisdictional status of this wetland. Pending this confirmation, no impacts to jurisdictional aquatic resource protected under the Clean Water Act are anticipated.

Soils and Geology

The Soils, Geology and Geologic Hazard Study prepared by Entech Engineering indicates that the existing geologic engineering and geologic conditions will impose some constraints on development and construction of the site. These include potentially expansive clays and claystone, areas of erosion, potentially shallow groundwater, collapsible soils, potentially shallow bedrock, and possible radon gas build-up. Entech Engineering noted that geologic hazards identified on the site can either be avoided by development or satisfactorily mitigated through proper engineering design and construction practices, including perimeter drains for the shallow groundwater. Mitigation measures are outlined in the study.

Comments from Colorado Geologic Survey dated October 5, 2020 and December 2, 2020 have been incorporated in the project plan. All houses will include a subsurface foundation perimeter drain. During final design, the civil engineer will design an underdrain system to intercept provide a gravity outfall. During site development, the geotechnical engineer will be onsite to ensure subgrade is drained and stable before fill is placed. The recommendations from CGS will be incorporate during final design and site development.

Wildfire Hazard Mitigation

Wildfire hazard for the site was evaluated using the Colorado State Forest Service's (CSFS) online Wildfire Risk Assessment Portal (WRAP; CSFS 2018). Bristlecone noted that the majority of the area is mapped as "Lowest" wildfire risk with a few small pockets of "Low" risk present. The site is rated low-moderate in terms of values and assets present that could be lost to wildfire; it is rated "Low" to "Very Low" in terms of burn probability based on the available fuels at the site. The nearest fire response in the Tri Lakes Fire Protection District is Station 3, which is 2.7 miles away. Development of the site would result in a reduction of the available fuels for wildfires, while simultaneously increasing the values and assets present on the site. As such, the wildfire risk index for the project is expected to stay close to the same as a result of development.

Neighborhood Meetings Summary

Prior to the initial submittal of these applications in June 2020, the applicant met with surrounding neighborhoods to discuss the proposed development project. This led to an agreement to limit certain lots to single-story ranch homes. Provided with this submittal is a letter of support from approximately 120-residents from around the surrounding neighborhoods.

Despite the letter of support, the Applicant felt it necessary to reach out to the residents of Leggings Way directly to the west of the property, as they would be the most impacted by the development. Nine of the 18 lots on Leggings Way are adjacent to the proposed development. An initial meeting with neighbors on Leggings Way was held in August 2020, to discuss the initial development project, which consisted of 147 lots mainly comprised of 50-foot wide lots with varying depths. The project also included a walking trail along the rear of the adjacent lots to Leggings Way. Concerns raised by the neighbors at this meeting included ground water, access onto Leggings Way, small lots adjacent to larger 0.5-acre lots, a walking trail located at the rear of properties, and overall density.

In response to the concerns raised by the neighbors, the project was re-evaluated and the following changes made:

- Lot sizes along the bordering residences of Leggings Way were increased from a 5,000 sf minimum to 15,000 sf minimum.
- The walking trail was removed.
- Additional landscaping buffer was added adjacent to the lots most impacted by the access point on Leggings Way.
- The overall density was reduced by 6 lots.
- An underdrain system was included to capture additional groundwaters and disperse them into the proposed on-site detention ponds
- Foot traffic flow measures were included such as sidewalk, crosswalk and proper signage to direct foot traffic towards the high school.

These modification to the development plan were presented to the residents on Leggins Way on November 16, 2020. The residents were receptive to the efforts made to address the majority of their concerns. The residents along Leggins Way continued to be concerned with groundwater as some have experienced some level of flooding and hope that the current issues can be addressed and not exacerbated.

PROJECT JUSTIFICATION

Zone Change

The proposed rezoning for the 141 lots on approximately 37.22 acres from RS-20000 to RS-5000 described above complies with the Map Amendment (Rezoning) Criteria in Chapter 5.2.5.B of the Land Development as follows:

1. 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;

County Policy Plan

The following County Policies are relevant to the requested rezoning:

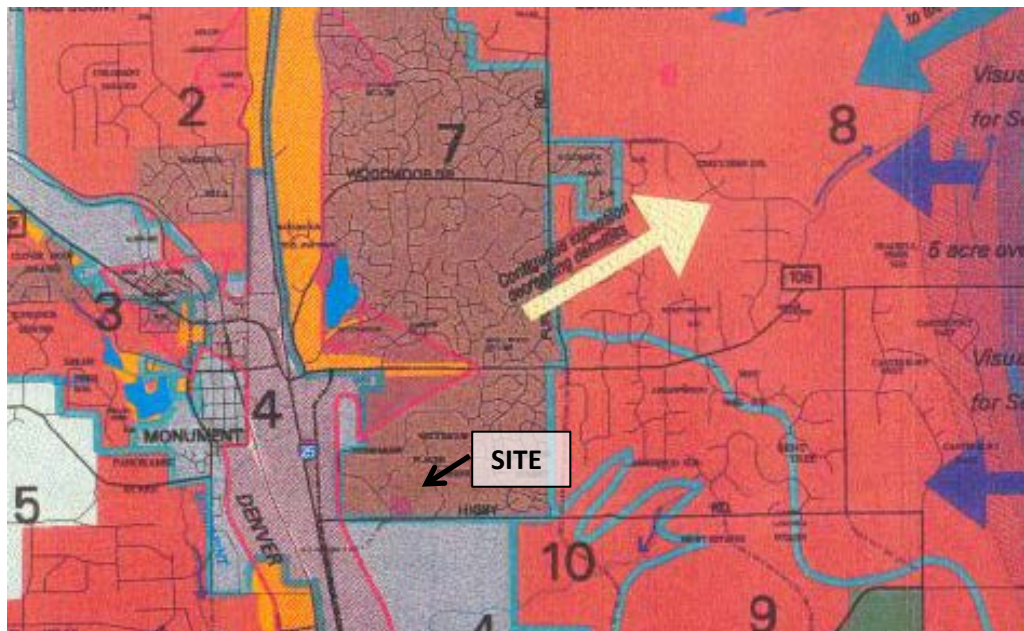
- **Policy 6.1.3:** Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.
- **Policy 6.1.13:** Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.
- **Policy 6.1.7:** Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans.
- **Policy 6.1.8:** Encourage incorporating buffers or transitions between areas of varying use or density where possible.
- **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.
- **Policy 6.4.4:** Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density and undevelopable areas.
- **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 project is consistent with the policies of the County Plan which encourages infill development which complements existing uses. While the proposed RS-5000 zoning does not support clustering concepts, the combination of this project with the WOSC open space purchase enables the conservation of a substantial area of open space for the benefit of the surrounding neighborhood.

The County Plan encourages a variety of housing options that allows for a balance of mutually supportive land uses in a more urban area of the County. Compatibility is defined as *“a state in which two things are able to exist or occur together without problems or conflict.”* It does not mean that the two things have to be identical. The proposed rezone to RS-5000 will provide a transition from the lower density ½ acre residential lots to the west and north, and the higher density townhome development to the south and east and will not result in any problems or conflicts. The project design also incorporates open space buffers to the east and north and a 2.89-acre buffer tract to the west, which includes a 1.76-acre detention pond.

2000 Tri-Lakes Comprehensive Plan

Cloverleaf is located within the area covered by the 2000 Tri-Lakes Comprehensive Plan (“Plan”). The development is within Sub-Area 7, Woodmoor, which is identified as an area for medium density residential development. Most of the Woodmoor Sub-Area is zoned for single-family development. There are a few areas with this Sub-Area zoned for multi-family and commercial development. The Plan indicates that most new development with this sub-area is infill. The Woodmoor Sub-Area is nearly built out and the only growth that can be expected is infill properties. The proposed rezone to RS-5000 is will facilitate infill development and is consistent with the medium density designation in the Tri-Lakes Comprehensive Plan.



WATER MASTER PLAN

- *Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*
- *Goal 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.*
- *Goal 3.2 – Promote cooperation among water providers to achieve increased efficiencies on treatment.*
- *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.*
- *Goal 5.1 – Identify the potential water supply gap at projected full development build-out (2060).*
- *Goal 5.4 – Promote the long-term use of renewable water.*
- *Goal 5.5 – Identify any water supply issues early on in the land development process.*
- *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 project is located within Region 2, Monument area. The El Paso County Water Master Plan (WMP) specifically states: *“Region 2, located in the northwest corner of El Paso County, is expected to experience significant growth through 2060. The I-25 corridor passes through the center of the region and offers optimal growth areas in and around the Towns of Palmer Lake and Monument. Growth is anticipated along both the east and west sides of I-25 by 2040.”*

As noted in the WMP, Region 2 has a current water supply of 13,607-acre feet per year and a current demand of 7,532-acre feet per year. The 2040 water supply is projected to be 20,516-acre feet per year and the project demand is 11,713-acre feet.

The potable water demand for the Cloverleaf project is calculated on a single-family equivalent (SFE) basis. Water System demands shown below were established using annual demand values provided by Woodmoor Water and Sanitation District (WWSD) for single family homes and irrigation. Peaking factors were taken from the “Colorado Springs Utilities Waterline Standards”.

- Single Family Home average annual water usage: 0.3584 ac.ft./year
- Peaking Factor: 5.0

Based on the above criteria, the average daily use for the 144 single family lots will be:

- 144 lots X 0.3584 ac.ft./yr = 51.61 acre feet annually = 46,074 gpd
- Peak daily flow will be 46,074 gpd X 5.0 peak factor = 230,370 gpd

There are 1.74 acres of irrigated open spaces and tracts proposed within the Cloverleaf subdivision. WWSD utilizes 0.5 ac.ft./year/acre to estimate annual use. Cloverleaf open space irrigation needs are estimated at 0.87 ac.ft./year. These needs are not included in the above average daily or peak flow estimates for the lots.

WWSD has been in existence for many years and has developed their water demand values based on their past experience with actual usage. Per the El Paso County Land Development Code (LDC) when using alternative water demand estimates, a calculation providing the presumptive use values within the LDC will also be calculated and is shown below:

- Single Family Home - 0.264 ac.ft./year
- Lot Landscaping – 0.0566 ac.ft./year per 1,000 sq. ft.
- Common Area Irrigation – 2.46 ac.ft./year per acre
- 144 Single Family Homes X 0.26 ac.ft./yr = 37.44 ac.ft./year
- 133 lots w 2,000 sf of landscaping X 0.0566 ac.ft./yr = 15.06 ac.f./year
- 8 lots w 5,000 sf of landscaping x 0.0566 ac.ft./yr= 2.26 ac.f./year
- 3 lots w 8,000 sf of landscaping X 0.0566 ac.ft./yr = 1.36 ac.f./year
- 1.74 ac Common Area Irrigation X 2.46 ac.ft./yr = 4.28 ac.f./year

Total Annual Water Demand per EPC = 60.4 ac.ft./year

Total Annual Water Demand per WWSD = 51.61 ac.ft./year

A copy of the WWSD Long-Range Plan Update 2017 (LRP Update) has been provided with the Cloverleaf Water Resource and Water Quality Report. The LRP Update evaluates water supply, operations, treatment, water distribution, and wastewater collection. Based on data contained in the LRP Update regarding the water resources that are available to the WSSD, subdivisions served by WWSD be supplied with water resources meeting the requirements of EL Paso County's 300-year water supply regulations. A commitment to serve letter for Cloverleaf Subdivision has been issued by WWSD. WWSD has sufficient supply and existing infrastructure in the area to serve this development.

An executed, not yet recorded, Supplement Water Usage and Service Agreement (Agreement) between WWSD No. 1 and PT Cloverleaf, LLC. has been provided. Per this Agreement, *"the anticipated water demand for the Development, as calculated by the Developer is 54.630 acre-feet per year (150 homes X 0.3584 acre fee/home + 1.74 acres of irrigated common space x 0.50 acre feet/acre)."*

The quality of the water produced by the WWSD for domestic and commercial consumption is subject to regulations prescribed by the CDPHE that limit the amount of certain contaminants in treated or untreated water. The water distribution system design for this project will conform to all applicable criteria set forth by El Paso County and WWSD.

2. 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;

As the proposed rezoning fulfils the goals of the County Master Plan and is a compatible transition between the adjacent subdivisions and therefore complies with the statutory provisions that allow County's to establish limit, regulate, or amend zoning within the unincorporated parts of El Paso County in the interests of public health, safety and welfare.

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

As noted above, compatibility is defined as *“a state in which two things are able to exist or occur together without problems or conflict.”* It does not mean that the two things have to be identical. The proposed RS-5000 zone change provides a transition with the surrounding ½ acre single-family lots to the west and north and the higher density townhome developments to the south and east.

4. 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 proposed lots will meet the use and dimensional standards for the respective zones (RS-20000 and RS-5000) as set out in Chapter 5 of the Land Development Code (LDC). The site is suitable for proposed residential lots and it provides a transition between residential use types. The project has adequate access to Higby Road, Bowstring Road and Cloverleaf Road and has access to adequate utilities.

Preliminary Plan

The Preliminary Plan is consistent with the approval criteria in Section 7.2.1.D.2.e of the LDC as follows:

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;

The Master Plan comprises the County Policy Plan and 2000 Tri-Lakes Comprehensive Plan. The same policies that support the proposed rezoning to RS-5000, also support the Preliminary Plan. The proposed residential development is in a location contiguous to existing residential subdivisions. The proposed project is consistent with the policies of the County Plan which encourages infill development that complements and transitions to existing uses. The County Plan encourages a variety of housing options that allows for a balance of mutually supported land uses in a more urban area of the County. The proposed development is also consistent with the medium density designation and infill objectives of Sub-Area 7 of the Tri-Lakes Comprehensive 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. The proposed subdivision of residential lots is consistent with the County Master Plan and provides a transition between the surrounding ½ acre single-family lots and the townhome developments to the south and east.

3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;

There is no approved Sketch Plan for this property. The proposed subdivision is in conformance with the subdivision design standards other than the one requested waiver, which are discussed in more detail

below. The subdivision design standards set out in Chapter 8 of the Land Development Code are met, including but not limited to:

- adequate provision for traffic, drainage, and open space;
- provision of properly designed roads to provide for safe and convenient vehicular circulation and identification of required road improvements;
- adequate provision for water, sewer and other utilities;
- ensuring that structures will harmonize with the physical characteristics of the site;
- ensuring that land is divided into lots that are of adequate size and configuration for the purpose for which they are intended to be used; and

Waivers are requested of the Land Development Code requirements to allow the Walters Point as a private road (8.4.4.E.2) and to allow this private road design to differ from County standards (8.4.4.E.3). The justification for these waivers is set out below. Deviations are also submitted for the specific standards of the Engineering Criteria Manual that are not being met for Walters Point. A deviation for the intersection of Crimson Clover Drive and Cloverleaf Rad is also requested as the existing grade on Cloverleaf Road slightly exceeds the maximum 4% grade standard across an intersection.

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;

Water service will be provided by Woodmoor Water and Sanitation District. JR Engineering, LLC prepared a Water Resources and Water Quality Report, which indicates that the potable water demand was calculated on a single-family equivalent (SFE) basis. Water System demands were established using the "Colorado Springs Utilities Waterline Standards" as shown below for the following parameters.

- SFE wastewater average daily loading: 250.0 gpd
- Peaking Factor: 5.0

Based on the above criteria, the average daily flow will be 46,074, gpd, the peak flow will be 230,370 gpd. The water distribution system design will conform to all applicable criteria set forth by El Paso County and the WWSD. A commitment letter from the WWSD to provide water service to the Cloverleaf Subdivision is included with this submittal. It is requested that the finding of water sufficiency be deferred to the Final Plat.

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;

A Wastewater Disposal Report was prepared by JR Engineering for the development. The purpose of the report was to show that the proposed wastewater discharge is within the acceptance criteria of the Woodmoor Water and Sanitation District. The sanitary sewer system, design, and modeling results conform to all applicable criteria set forth by El Paso County and the WWSD. A commitment letter from the WWSD to provide wastewater service to the Cloverleaf Subdivision is included with this submittal.

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 Engineering indicates that the existing geologic engineering and geologic conditions will impose some constraints on development and construction of the site. These include potentially expansive clays and claystone, areas of erosion, potentially shallow groundwater, collapsible soils, potentially shallow bedrock, and possible radon gas build-up. Entech Engineering noted that geologic hazards identified on the site can either be avoided by development or satisfactorily mitigated through proper engineering design and construction practices, including perimeter drains for the shallow groundwater. Additional soils investigation is recommended as the development and grading plans are prepared to provide more detailed information on soil, groundwork and bedrock.

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;

These matters are addressed in the Preliminary Drainage Report prepared by JR Engineering. The purpose of the report is to identify on-site and off-site drainage patterns, storm sewer, culvert and inlet locations, areas tributary to the site, and to safely route developed storm water to adequate outfall facilities. No major drainageways or irrigation wells exist on the site. Cloverleaf lies within the upper reaches of the Teachout Creek watershed basin. Drainage from the site currently discharges both west through existing culverts to Lewis Palmer High School and south under Higby Road through existing culverts. The proposed Cloverleaf Subdivision development drainage improvements, including storm sewer and two full spectrum water quality and detention ponds were designed to meet or exceed the El Paso County Drainage Criteria.

8. 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;

The majority of lots will be accessible by new public streets that will comply with the LDC and ECM. Lots 136-141 will be accessed off Walters Point, which is an existing private road that is to be retained as a private road and improved as part of this project.

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;

Approximately 70-acres of public open space is being purchased from the Walters family by WOSC for the benefit of this project and the surrounding subdivisions. This project directly facilitates the ability of WOSC to purchase this open space area. In addition, the project proposes a number of internal open space tracts throughout the development. Tract H will provide a small amenity area for the benefit of the Cloverleaf residents. Trails are located in some of these open space tracts to provide a recreational amenity and to connect to the internal street sidewalks. The open space tracts will be owned and maintained by the Metropolitan District to be formed for the Cloverleaf Development. Park land dedication or fees in lieu of land dedication will be due at the time of final plat recordation.

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;

Sidewalks will be constructed along the local streets within the development for Lots 1-140, although connecting streets do not include sidewalks. Trails will be provided in the open space tracts throughout the development, which will connect to internal sidewalks and the open space areas surrounding the project. The Traffic Impact Study demonstrates that the development will not materially impact existing levels of service on surrounding roads. There is no public or mass transit in the area. The site is within walking distance of Lewis-Palmer High School and the YMCA on Jackson Creek Parkway. Other services for the development are consistent with adopted plans, policies and regulations of the County.

3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;

The proposed rezoning to RS-5000 (5,000 square foot lot maximum) allows for residential lots that provide a transition with the existing larger residential lots to the east and north and the multi-family development to the west. Open space areas are maintained around the north and east of the development. The project design also incorporates open space buffers to the east and north and a 2.89-acre buffer tract to the west, which includes a 1.76-acre detention pond. The three isolated ½ acre lots are infill parcels in an already developed 1/2 -acre subdivision and no additional design features are considered necessary for these lots.

4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and

The site has been previously disturbed and thus does not provide ideal habitat for a variety of wildlife species. Impact of development on potential wildlife habitat according to Bristlecone will be low. The site is not suitable habitat for the state-listed Preble's meadow jumping mouse. The Cloverleaf project facilitates the purchase of approximately 70-acres of open space, which will continue to accommodate any existing wildlife on the site. The control of noxious weeds through the development of the site and management of the open spaces will improve wildlife habitat. There are no jurisdictional wetlands on the property.

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 Impact Study demonstrates that the development will not materially impact existing levels of service on surrounding roads. All required utilities are available to the development and the required will serve letters are provided. The proposed project will not negatively impact the levels of service of County services and facilities.

9. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;

Mountain View Electric and Black Hills Energy will provide electric and natural gas services as stated in the Will Serve letters included in this submittal. Woodmoor Water and Sanitation District will provide water and wastewater service. Tri-Lakes Monument Fire Department will provide fire protection services and Fire Station 3 is approximately 2.7 miles to the north. The County Sheriff will provide police

Of the lots with the ranch restriction, administrative relief is sought to allow a maximum 50% lot coverage on the lots outlined in red above. These lots are 55 feet wide or less and the requested 50% lot coverage would allow for a ranch plan with a three-car garage, whereas a maximum 45% lot coverage as allowed by the RS-5000 zoning for ranch plans would not facilitate this larger footprint.

The LDC indicates that administrative relief shall be for the purpose of relieving difficulties or hardships due to narrowness, shallowness, shape or topographic condition of a specific piece of property, or to provide limited flexibility to lot standards when it is determined that no substantial detriment to the public good nor harm to the general purpose and intent of this Code will be caused by the administrative relief granted. The fact that this request is made to accommodate a specific request from the adjacent homeowners/HOAs to limit lots to ranch plans in order to preserve views and neighborhood character is indication that the administrative relief will benefit the public good of the existing neighborhood. It will also benefit the future residents of these lots, as it will allow them the opportunity to have the same conveniences as the neighboring lots that have no height restrictions.

Waivers

The following Waivers of the Land Development Code requirements are requested:

- 8.4.4.E.2 – private roads require a waiver
- 8.4.4.E.3 – private roads to meet County standards

This relates to Walters Point private road, which is to be retained as a private road as part of this project. It is proposed to improve the road to a Local (Low Volume) street standard per the Engineering Criteria Manual, with the following exceptions: no sidewalks, reduced vertical curve, and non-standard curb sections.

Section 7.3.3 of the LDC states that a waiver from standards shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

- **The waiver does not have the effect of nullifying the intent and purpose of this Code;**
The most relevant purpose of the code in this regard is to “establish reasonable standards of design and procedures for subdivision”. The requested waivers are reasonable to enable the project design to provide a secondary point for access to the adjacent townhome development, address topographical constraints in the southeast corner of the site and to preserve an amenity area for the development.
- **The waiver will not result in the need for additional subsequent waivers;**
This request is limited to Walters Point and not repeated elsewhere in the subdivision.
- **The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;**
The project will continue to provide a second point of access to the townhomes to the south, which is required for safety reasons. The current Walters Point is a substandard private road. This project will bring it up to ECM standards, with a few exceptions. The improved road will be of benefit to other property. In order to offset the cost of improving this road, six lots have been included that utilize it for their access.

- **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 requested waiver from some of the Local (Low Volume) street standards is necessary to work with the topographical constraints of the steeper grade and in the southeast corner of the property, the need to accommodate a detention pond in the southeast corner, and the desire to preserve the open space/amenity area in Tract H.

- **A particular non-economical hardship to the owner would result from a strict application of this Code;**

The project is required to continue to provide a second point of access to the townhomes to the south, which is required for safety reasons. As this is only serving a few lots and as a secondary access to the townhomes, it is logical to keep it as a private road. The southeast corner of the site is constrained by topography, the need to accommodate a detention pond in the southeast corner, and the desire to preserve the open space/amenity area in Tract H. This creates the need to vary from the Local (Low Volume) street standards.

- **The waiver will not in any manner vary the zoning provisions of this Code;**

The density proposed by this subdivision is consistent with the proposed RS-5000 zoning. The requested waiver does not allow the developer any greater density than could be achieved without it.

- **The proposed waiver is not contrary to any provision of the Master Plan.**

The proposed waiver does not impact the goals of the County Master Plan and the 2000 Tri-Lake Comprehensive Plan.