



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
Land Use Review Division

March 4, 2020

NES Inc.
John Maynard
619 N. Cascade Avenue, Ste. 200
Colorado Springs, CO 80903

Owner: Jovenchi-1 LLC, Dean Venezia

RE: Jovenchi Annexation – Initial Review Comments
File(s): CPC A 19-00157, CPC ZC 20-00034

Dear Mr Maynard,

City Land Use Review staff has completed its initial review of the above requested application. This letter is to inform you of the following concerns regarding the application and associated documents. Listed below are City Planning Department's review comments along with other departmental and external agency review comments that must be addressed prior to application approval.

BROAD PROJECT INPUT

The proposed project is a request by Jovenchi-1 LLC, with representation by NES Colorado - John Maynard, for approval of the Jovenchi Addition No. 1 Annexation. The proposed would allow for a property cleanup annexing a remnant portion of previously vacated Hwy 83. The site is currently unzoned as remnant right-of-way and concurrently under review of proposed zone establishment of A (Agricultural) in the City. The property is located northwest of New Life Drive and Hwy 83 consisting of 2.088 acres. Staff finds that the application is largely acceptable; however, the following technical modifications must be completed.

TECHNICAL AND INFORMATIONAL ISSUES

Address the comments and make corrections which are listed below. **A detailed letter needs to accompany the revisions. The letter must address each comment in this review letter. If necessary, contact the appropriate department directly if clarification is needed.** Be advised that due to necessary changes or proposed revisions to the subject plan, plat or other support documents, that new comments may be added to the review letter. Please resubmit updated documents to the Dropbox shared folder (ensure documents are labeled with appropriate resubmittal name, are flattened and saved no larger than 25MB).

Supplemental Information

Drainage Report: City Engineering confirms this site as part of an existing MDDP, future reports needed with development.
Posting Affidavit: Affidavit has been submitted on 3/3/2020 to Planning pursuant to City Code Section 7.5.902
Public Notice: No public comments were received by Planning.

ANNEXATION

Land Use Review (Katie Carleo, 719-385-5060)

1. File Number – add the file number to each sheet of the plan

Annexation Notes:

Information Items:

- **The first draft Annexation Agreement will be supplied by staff to the owner after the 2nd review of the Land Use applications. This will establish further details for contributions beyond those identified in this letter.**
 - Colorado Springs Fire Department will include standard fees as part of this annexation agreement. These will be required at time of annexation recordation.
 - Colorado Springs Police Department will include standard fees as of this annexation agreement. These fees are due at time of annexation plat recordation.
- The subject property is identified not being part of the Southeastern Colorado Water Conservancy District (SECWCD) at this time. This form was processed through the City to the SECWCD for review and acceptance by the Bureau of Reclamation. Acceptance by the Bureau is required prior to moving items forward to public hearing.
 - The Owner is responsible for providing staff with a copy of the Letter of Inclusion from the Southeastern Water Conservancy District once received. This letter will need to be submitted to staff prior to scheduling for City Council hearing on this annexation.
 - **SECWCD Update as of the date of this letter: This annexation will go to the SECWCD Resource and Engineering Planning Committee on March 5 and then to our Board for approval March 19. After that they will be sent to the Bureau of Reclamation for Secretarial Assent.**
- In accordance with the Southeastern Colorado Water Conservancy District the owner shall supply the Southeastern District and Bureau of Reclamation the final ordinance from the City of Colorado Springs after approval.
- The Mineral Estate Owner Notification Certification Affidavit will need to be submitted and notification give to mineral owner of public hearing per this process.
- The City will complete a Fiscal Impact Analysis (FIA) as part of the annexation review. This is completed by the City Finance Department and is required to be complete prior to public hearing. These findings will be presented to City Council as part of the annexation.

City Surveyor (Cory Sharp)

1. Please remove the "28th day of November 2017" in the City approval block and leave blank for the correct date.
2. Please add "fee _____ surcharge _____" lines below the Deputy line under Clerk and Recorder block.
3. The most southeasterly line of the boundary has two (2) calls within the legal description(43.91' and 10.67') and only one call shown within the drawing (54.58'). Please revise so both the legal description and drawing match. Please note that the distances of the two (2) calls differ from the recorded annexation of The Reserve at North Creek (44.16' and 10.42'), but the overall distance matches. Please review and revise as appropriate.
4. The last call distance on the legal description and boundary (36.31') differs from the recorded annexation of The Reserve at North Creek (36.48'). Please review and revise as appropriate.
5. Revise the title to "Jovenchi - 1 Addition No. 1" to be consistent with annexation plat names

Engineering Development Review (Patrick Morris, 719-385-5075)

Additional right-of-way is required, please show the following on the plan and note for future ROW dedication with plat. This will also be captured in the annexation agreement.

1. New Life Drive – 45 feet additional ROW
2. Interquest Parkway – 75 feet additional ROW

Water Resource Engineering (Anna Bergmark, 719-385-5613)

SWENT has no comments on the annexation plat. This plat area is covered in the existing Master Development Drainage Plan. An additional report will not be required until the submittal of the Development Plan and or Final Plat.

Colorado Springs Fire Department; Division of the Fire Marshal (Steven Smith, 719-385-7362)

This annexation will be required to provide compensation for future fire suppression resources, which may not be directly brought upon by this specific annexation, but future annexations that will require these resources.

Traffic Engineering (Zaker Alazzeh)

The applicant shall dedicate approximately 45 feet of ROW along New Life Drive and approximately 75 feet of ROW along Interquest Parkway.

Colorado Springs Utilities (Kyle Schelhaas, kschelhaas@csu.org, 719-668-8126)

Action Items:

1. Unless otherwise approved by CSU, the Owner must provide an inventory of well permits and water rights with documentation from the Colorado Division of Water Resources (or other source) identifying all of the Owner's known water rights or deeds associated with the property to be annexed (Property). If the Owner does not have any water rights, then the Owner must provide a letter stating such.

Project Specific Information Items:

2. Owner must complete the questionnaire provided by City Planning from the Bureau of Reclamation (Bureau) and Southeastern Colorado Water Conservancy District (District).
3. Owner must confirm that Informational Items listed below have been reviewed.

Informational Items:

- If there are existing wells within the Property that are owned by the Owner, then unless otherwise approved by CSU, the existing wells must be plugged and abandoned at Owner's expense. Prior to receiving water service from CSU, the Owner shall provide CSU with documentation confirming that all existing wells have been plugged and abandoned in compliance with all applicable regulations from the Colorado Department of Water Resources.
- In order to receive water service from CSU, the Property must be included in the District. If the property is not included in the District, then the Owner must complete the Bureau/District questionnaire provided by City Planning in order to receive consent from the Bureau for the Property to be included into the District. The Bureau may require the Owner to provide the following confirmations for the subject Property:
 - Endangered Species Act - a letter or email from the Fish and Wildlife Department stating there are no Endangered Species within the Annexation Boundary.
 - Clean Water Act - a letter or email from the Corp of Engineers stating that there are no wetlands within the Annexation Boundary.
 - National Historic Preservation Act - a report that addresses the existence of any Native American Indian relics or buildings of historic significance (the report is to be completed by an Archaeologist that is approved Bureau). Once the Archaeologist is chosen, he/she must contact the Bureau for final instructions.

Academy School District 20 (Don Smith)

No comment.

Comcast Cable (Jason Jacobsen)

Note: Comcast has UG Fiber optic facility on the south side of the project area.

El Paso County Development Services

Please see the enclosed comment letter.

Note: City Traffic Engineering is reviewing these comments and may have further direction or clarification at second review.

United States Air Force Academy (Elizabeth Dukes)

Please see enclosed comment letter.

ZONE CHANGE

Land Use Review (Katie Carleo, 719-385-5060)

1. Include a zone change exhibit depicting the property to be zoned, be sure to also show the area for future ROW dedication along the roadways with similar note as on the annexation plat for future dedication.

City Surveyor (Cory Sharp)

1. Please provide an exhibit to accompany the legal description.
2. Please label at the top of the page "Exhibit A" for the legal description and "Exhibit B" for the exhibit.
3. Please add the City File No. CPC ZC 20-00034 in the lower right hand corner of both sheets.

Please note that failure to submit revised plans/reports/information within 180 days will result in your application being formally withdrawn from consideration. Once withdrawn, any subsequent re-submittal will require the filing of a new application and payment of application fees.

If you have any questions please contact me at katie.carleo@coloradosprings.gov or by phone at 719-385-5060.



Catherine Carleo, AICP

Principal Planner

p: 719.385.5060

e: katie.carleo@coloradosprings.gov

C: File
Property Owner

Enclosure: El Paso County Comment Letter
USAFA Comment Letter

EL PASO  **COUNTY**
COLORADO

COMMISSIONERS:
MARK WALLER (CHAIR)
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

HOLLY WILLIAMS
STAN VANDERWERF
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

February 27, 2020

County File: ANX-02-002

Re: Jovenchi Annexation

To: Katie Carleo (katie.carleo@coloradosprings.gov)

Planning Division

Planning Division has no comments on the annexation at this time.

Engineering Division

Comments provided by Elizabeth Nijkamp, 719-520-7852.

It is the County's understanding that Interquest Parkway, from new Life Drive to the intersection with the southbound Powers ramp (Hwy 83), is under the City of Colorado Springs control and maintenance responsibility is with the City of Colorado Springs.

This annexation should include this remnant portion of interquest Parkway, north of New Life Drive.

County Engineer

1. Comments forthcoming.

Ryan Howser, AICP, Planner I
El Paso County Development Services
2880 International Circle, Colorado Springs, CO. 80910
(719) 520-6049

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Katie Carleo
City of Colorado Springs
Land Use Review
Division PO Box 1575
Colorado Springs CO 80901

Dear Ms. Carleo

The United States Air Force Academy (USAFA) received notification regarding the City's upcoming review for the annexation and zone change of Jovenchi-1 (CPC A 19-00157 & CPC ZC 20-00034). We appreciate the opportunity to comment on this development and, after a thorough review, we provide the following comments.

As you may know, this site is directly underneath an active aircraft traffic pattern with heavily flown arrival/departure routes used to train USAFA cadets. These aircraft operations occur from sunrise to sunset, Monday through Friday and occasional Saturdays, with high volume general aviation training aircraft. Neither a plat note addressing the noise impact of flying operations nor an aviation easement exist for this proposed development. USAFA asks the City to request this and future developers to include this note on the final property plat maps and lease agreements to provide full disclosure of nearby training operations at any future time of sale or lease:

Notice: This property may be impacted by noise and other similar sensory effects of flight caused by aircraft both in the United States Air Force Academy's Airmanship Program and during special events. This notice shall remain in effect until the Air Force Academy shall cease to be used for flight training purposes, or until all airports on the Air Force Academy shall cease to be actively used. This notice shall run in perpetuity with the land.

Additionally, as an adjacent land owner, USAFA also asks the City to request this and future developers to file for an aviation easement to help protect USAFA's flying mission and to include the following on the final property plat map:

All lots and tract within this subdivision are subject to an avigation easement to the United States Air Force Academy as recorded under reception NO. ___ in the office of the Clerk and Recorder of El Paso County, Colorado.

Once the above is completed, please request the developer send a copy of the final avigation easement to the USAFA Community Planner's email addresses listed below.

Lastly, Title 14 of the Code of Federal Regulations Part 77 may require review of this project (including proposed use of any associated construction cranes) by the Federal Aviation Administration (FAA). If this review has not been accomplished, the process can be started by going to <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. Instructions for how to determine if a full aeronautical study is required are on the main page. Once the review is complete, we request that the applicant send a copy of either the page showing no further study is required, or the aeronautical study review number to the email addresses below.

Thank you for the opportunity to review and comment. If you have any questions, please contact our Community Planner, Ms. Beth Dukes, 10 CES/CENPP, at (719) 333-3085, elizabeth.dukes.3.ctr@us.af.mil or 10CES.CENP.USAFDEVREVIEWGRP@us.af.mil.

Sincerely

JIMMY J. JEOUN, Lt Col, USAF