

# EL PASO COUNTY

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**COLORADO**

HOLLY WILLIAMS  
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LONGINOS GONZALEZ, JR.

## PLANNING & COMMUNITY DEVELOPMENT

**TO:** El Paso County Planning Commission  
Thomas Bailey, Chair

**FROM:** Kari Parsons, Senior Planner  
Charlene Durham, PE, Senior Engineer  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: PUDSP232  
Project Name: Sterling Ranch Filing No. 5 PUD (Rezone) & Preliminary Plan  
Parcel Number: 5233302049

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Classic SRJ Land, LLC 8605 Explorer Dr, Suite 250 Colorado Springs, CO, 80920	N.E.S., Inc. 619 North Cascade Avenue, Suite 200 Colorado Springs, CO 80903

**Commissioner District: 1**

<b>Planning Commission Hearing Date:</b>	<b>2/1/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>2/22/2024</b>

### EXECUTIVE SUMMARY

A request by Classic SRJ Land, LLC, for approval of a Map Amendment (Rezoning) of 11.66 acres from RR-5 (Residential Rural) to PUD (Planned Unit Development) to allow for single-family attached and detached residential lots. The applicant is also requesting the Sterling Ranch Filing No. 5 PUD Development Plan be approved as a Preliminary Plan with a finding of water sufficiency for water quality, dependability, and quantity.

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The property is located north of Sterling Ranch Road, east of Vollmer Road immediately adjacent to and west of Dines Boulevard. The Preliminary Plan includes 72 single-family residential lots (6.2 acres), four (4) tracts to be used for open space, detention, landscape, fencing, signage, utilities, and parkland (2.52 acres), and 2.93 acres of future right-of-way.

The applicants are also requesting approval to perform pre-subdivision site grading to include the installation of wet utilities.

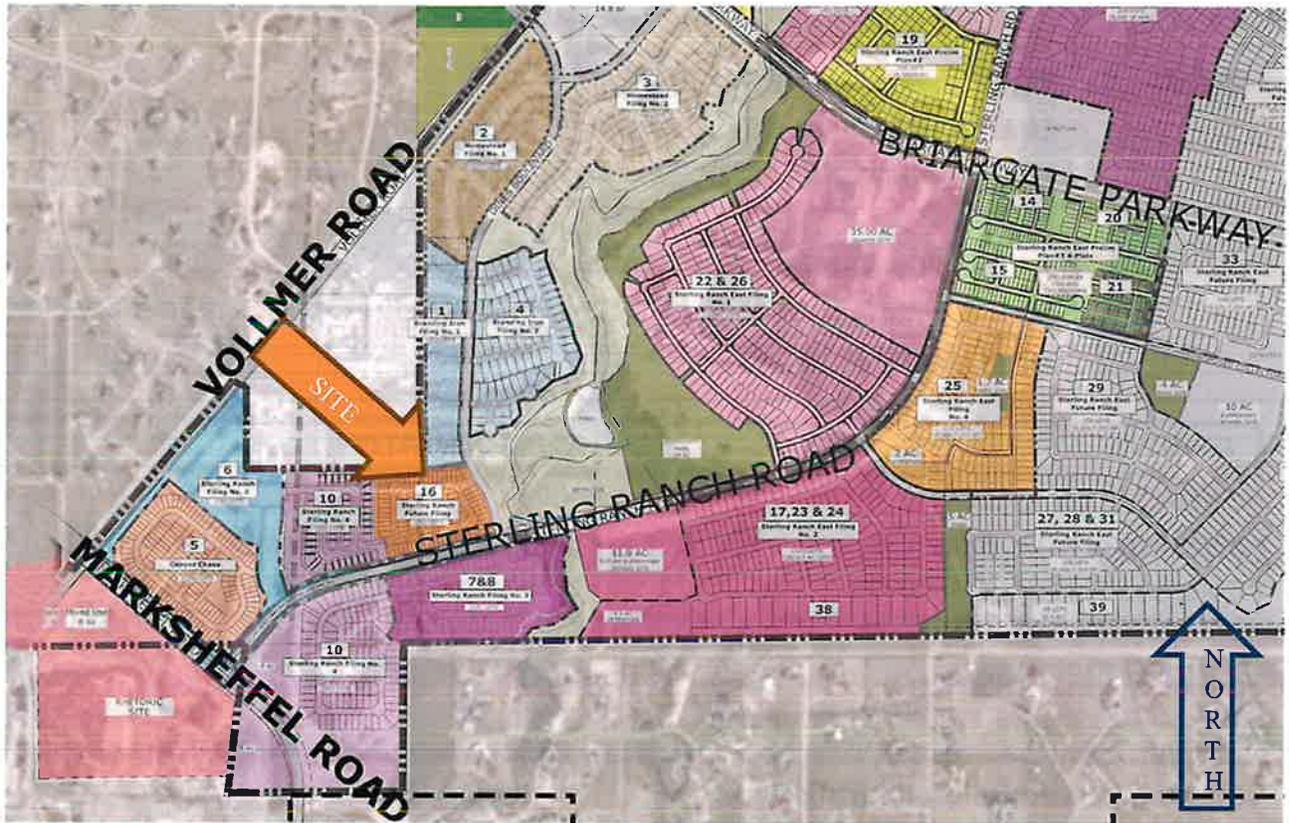


Figure: Overall Context Map

**A. AUTHORIZATION TO SIGN**

Approval by the Board of the Preliminary Plan with a finding of sufficiency for water quality, quantity, and dependability, authorizes the Planning and Community Development Department Director to administratively approve all subsequent Final Plat(s) consistent with the Preliminary Plan as well as the associated Subdivision Improvements Agreements, License and Detention Pond Maintenance Agreements, and any other documents necessary to carry out the intent of the Board of County Commissioners.

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## **B. APPROVAL CRITERIA**

In approving a Planned Unit Development Plan (Rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 4.2.6, (PUD) of the El Paso County Land Development Code, as amended:

- The proposed PUD District zoning advances the stated purposes set forth in Section 4 of the Code;
- The application is in general conformity with the Master Plan;
- The proposed development is in compliance with the requirements of the 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 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 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;
- 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;
- Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
- Open spaces and trails are integrated into the Development Plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;
- 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 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;
- The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere

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- with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;
- 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
  - The owner has authorized the application.

The applicants have also requested the proposed PUD be reviewed and considered as a Preliminary Plan. In approving a Preliminary Plan, Section 7.2.1.D.2 of the El Paso County Land Development Code, as amended, states the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of the Code;
- The subdivision is in conformance with the subdivision design standards and any approved Sketch Plan;
- 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 the Code (this finding may not be deferred to Final Plat if the applicant intends to seek administrative Final Plat approval);
- 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 the Code;
- 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)];
- Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM are provided by the design;
- 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;



- 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 the Code and the ECM;
- 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; (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; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (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;
- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Code.

**C. LOCATION**

North:	I-3 (Heavy Industrial)	Industrial
	RR-5 (Residential Rural)	Residential Single-family
South:	RS-5000 (Residential Suburban)	Residential Single-family
East:	RS-5000 (Residential Suburban)	Undeveloped
West:	RS-5000 (Residential Suburban)	Undeveloped

**D. BACKGROUND**

The Sterling Ranch Sketch Plan, consisting of 1,443.70 acres, and a maximum of 5,225 residential units was heard and approved by the Board of County Commissioners on November 18, 2008. A Minor Sketch Plan amendment was administratively approved

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on December 15, 2022, which relocated the school sites, parkland, utility sites, and lowered the maximum number of residential units to 4,800.

The requested PUD Rezone and Preliminary Plan have a density of 6.17 dwelling units per acre and are in conformance with the approved Sterling Ranch Sketch Plan which depicts a density of 5 to 8 dwelling units per acre in the subject project area.

## **E. ANALYSIS**

### **1. Land Development Code Compliance**

The applicant is proposing a PUD, Planned Unit Development, zoning district of 11.66 acres. In accordance with Section 4.2.6.E of the El Paso County Land Development Code (as amended), a PUD Development Plan may be approved as a Preliminary Plan.

The PUD and Preliminary Plan include 72 single-family residential lots with a minimum lot size of 3,000 square feet, four (4) open-space tracts (2.52 acres), which includes a 0.78-acre designated pocket park with landscape and park benches within the center of the development, and pedestrian connections to the overall development via sidewalks. Sidewalk connections through the development will connect to the adjacent park, which will provide a connection to the Sand Creek Regional trail corridor located further to the east of the development.

The adjacent properties to the north, south, east and west included in the Sterling Ranch Sketch Plan are zoned RS-5000 (Residential Suburban) and are developed or developing single-family lots except for existing I-3 (industrial) zoned property on the western portion of the north property line of the subject development. A 15-foot landscape buffer which includes a 6-foot opaque vinyl fence, trail corridor, and a detention pond tract to be owned and maintained by the Sterling Ranch Metropolitan District, buffers the western portion on the north boundary of the subject property adjacent to the Industrial zone property (which includes a trash transfer station and a maintenance facility).

Additionally, the proposed PUD Development Plan depicts a landscape buffer along the remaining northern property which is adjacent to existing urban residential development. Sterling Ranch Road lies adjacent to the south. A 6-foot concrete wall and landscaping are depicted along the southern property line. A 15' landscape tract buffers the western boundary of the subject property to the existing urban residential development. The east boundary of the subject property includes a 21-foot-wide



landscape tract with a pedestrian trail adjacent to Dines Road. East of Dines Road lies a community park.

Section 4.2.6.F.8, Planned Unit Development District of the Land Development Code requires a minimum of ten (10) percent of the overall residential PUD be set aside as open space area. The open space areas may be public or privately owned; include drainage, utilities, trail corridors, landscape, designated land not to be developed and park land. The PUD area is 11.66 acres in size, which would require a total of 1.17 acres of open space area. The applicant is providing 2.52 acres (21 percent) of designated open space tracts which include: drainage, utilities, associated easements, trails, parkland, and landscaping. It should be noted that the applicants are providing 0.79-acres of usable open space (designated park site) within the development which exceeds the 25 percent (0.29-acres) of overall usable open space required.

Pursuant to the availability of central water and sanitation services in the area, this portion of El Paso County has experienced, and continues to experience, significant growth and development along the Briargate Parkway/Stapleton Corridor, Marksheffel Road, and Vollmer Road, corridors. The land uses allowed within the proposed PUD zoning district are compatible with the existing and approved urban level residential development surrounding the subject property.

The proposed PUD and Preliminary Plan are consistent with the Your El Paso County Master Plan (2021). The PUD application meets the purpose of zoning and criteria of approval, in Chapter 4, and of the El Paso County Land Development Code (as amended). The Preliminary Plan application meets the Preliminary Plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (as amended).

The property is located within the CAD-O (Commercial Airport Overlay District) zoning overlay, but not within the Accident Potential Zone (APZ) airport subzone. Single-family residential is an allowable land use within the CAD-O. The CAD-O was adopted by the Board of County Commissioners pursuant to C.R.S §30-28-113 et seq. and 41-4-101 et seq. The purpose of the CAD-O overlay district is to ensure compliance with the Federal Aviation Administration; to ensure free and unobstructed passage of all aircraft through and over airspace, and to acknowledge that private property owners have a property interest in usable airspace above the surface of their property.

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A referral was sent to the Colorado Springs Airport Advisory Commission (CSAAC) for review and comment. The CSAAC provided a response indicating that they have no concerns.

Section 4.3.1 CAD-O, Commercial Airport Overlay District, of the Land Development Code requires an Airport Activity Notice and Disclosure to be recorded against the title of the property at the time of the Final Plat but does not require provision of an aviation easement. More specifically, Section 4.3.1 of the Code states:

*The following are required prior to approval of any rezoning or subdivision plat:*

- *The request shall be referred to the Airport Advisory Commission for review and comment.*
- *Airport Activity Notice and Disclosure shall be required to be recorded against the title of the property as a condition of approval.*

The applicant will be required to comply with the above referenced section of the Code at the Final Plat stage of development.

## **2. Zoning Compliance**

The Sterling Ranch Filing No. 5 PUD Development Plan identifies allowed accessory uses and permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverage, and maximum building height; and overall landscaping requirements. The PUD Development Plan and Preliminary Plan are consistent with the proposed PUD development guidelines and with the submittal and processing requirements of the Land Development Code.

## **F. MASTER PLAN COMPLIANCE**

### **1. Your El Paso County Master Plan**

The subject property is depicted as being within the Suburban Residential Placetype in the 2021 Master Plan. An analysis of the Suburban Residential Placetype is provided.

#### **a. Placetype Character:** Suburban Residential

*Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports*

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*accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.*

*Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.*

*Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.*

### **Recommended Land Uses:**

#### Primary

- *Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre*

#### Supporting

- *Single-family Attached*
- *Multifamily Residential*
- *Parks/Open Space*
- *Commercial Retail*
- *Commercial Service*
- *Institutional*

**Analysis:** The Suburban Residential Placetype comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections. The application is consistent with the land use and densities set forth in the approved Sketch Plan, entirely within the Suburban Residential Placetype, which depicts a density range of 5-8 dwelling units per acre in the subject area. The applicant is proposing a density of 6.17 dwelling units per acre which is consistent with the placetype. The applicant is proposing single-family detached homes on urban lots (3,000 Square Feet), with a maximum lot coverage of 65 percent for detached homes, and 75% for attached homes. These lots are designed around a centralized park with connecting sidewalks, which is proposed to maximize the lot area in an effort to reduce the home costs and provide a variety of development in the context of the overall Sterling Ranch development. Relevant goals and objectives are as follows:



**Goal 1.3** – Encourage a range of development types to support a variety of land uses.

**Goal 2.1** – Promote development of a mix of housing types in identified areas.

**Goal LU3** – Encourage a range of development types to support a variety of land uses.

**Objective LU3-1** – Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.

**Objective HC4-1** – Denser housing development should occur in Suburban Residential, Urban Residential, Rural Center, and Regional Center placetypes.

**Objective TM1-4** – Encourage sidewalks and other multimodal facilities in all new development in placetypes, as appropriate, and upgrade existing infrastructure to these types of facilities when maintenance is needed.

**b. Area of Change Designation:** New Development

*The subject parcel is within an area of New Development: These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.*

**Analysis:** The entire Sterling Ranch development, which includes the proposed PUD Development Plan and Preliminary Plan is located in an area which is expected to completely or significantly change in character. The applicant proposes to develop the subject property with single-family detached residential homes, which are consistent with the planned development surrounding the site. A relevant priority is as follows:

Goal LU3 Specific Strategy Priority - “The New Development areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area should be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.”



**c. Key Area Influences:** Potential Areas for Annexation

The subject property is located within the Potential Areas for Annexation. The key area map demonstrates the anticipated urban growth areas in unincorporated El Paso County. The property is not contiguous to the City boundary. The applicant does not wish to annex into the City at this time.

**d. Other Implications (Priority Development, Housing, etc.)** The subject property is located within a High Priority Development Area, Falcon Area.

*The Falcon community has developed its own unique character and functions like a small municipality. New Suburban Residential development would not only match the existing development pattern in Colorado Springs and Falcon to the east and west but also act as a density buffer between more urban development to the south and large-lot to the north. The proposed rezone is also consistent with the High Priority Areas, and the guidelines below:*

- *Residential development near the municipal boundaries adjacent to this area may include single-family attached and multi-family units.*
- *The County should emphasize Stapleton Road, Woodmen Road and Vollmer Road as connectivity corridors that would provide important access to necessary goods and services in surrounding communities, generally supporting suburban residential development.*

The subject area is anticipated to continue to have significant growth due to the establishment of central water and sanitation services. As residential development occurs, commercial areas are anticipated to develop in these areas to provide local services to the residents in the area. A District No. 20 school site is proposed east of the subject property which is anticipated to provide education and recreation opportunities to the area. The proposed PUD Development Plan and Preliminary Plan requests are consistent with the developed area, and with the goals and policies of the Master Plan.

**2. Water Master Plan Analysis**

The El Paso County Water Master Plan (2018) has three main purposes: better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management

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through the comprehensive planning and development review processes. Relevant policies are as follows:

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

**Goal 1.2** – *Integrate water and land use planning.*

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

**Policy 4.1.4** – *Work collaboratively with water providers, stormwater management agencies, federal agencies, and State agencies to ensure drinking water sources are protected from contamination and meet or exceed established standards.*

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

**Policy 6.0.1** – *Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.*

**Policy 6.4.1.3** – *Support efforts by water providers to obtain renewable water supplies through collaborative efforts and regionalization.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Region 3, Falcon Area, which is expected to experience significant growth by 2040. Specifically, the Plan states:

*Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Other areas of 2040 growth are projected for the north-central part of the region west of Highway 24 extending from Falcon to 4-Way Ranch. North of Falcon along Highway 24, growth is projected by 2060 on both sides of the highway. Just west of Falcon, another small development is projected by 2060 on the north and south sides of Woodmen Road.*

The Water Master Plan identifies a current water demand of 4,494-acre feet (AF) and a current supply of 7,164 AF for this Region, resulting in a surplus of water



(decreed water rights) of 2,670 AF. The area included within the request is projected in the Water Master Plan as likely to reach build out by year 2040. For year 2040, the Plan projects a water demand of 6,403 AF for Region 3 versus a projected supply of 7,921 AF, resulting in a reduced surplus of 1,518 AF. When considering additional development in Region 3, it is important to note that the Plan ultimately projects a water supply deficit for the Region of 1,143 AF by 2060.

Falcon Area Water and Wastewater Authority (FAWWA) has provided a commitment to serve the development and is mitigating the predicted water deficit by constructing water infrastructure from the northern area (Bar X Ranch, Winsome, and Shamrock West Ranches) of the County to the Falcon area, to provide centralized services to the development, and by investing additional water resources.

### 3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Services Division, and Colorado Parks and Wildlife (CPW) were each sent referrals and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) does not identify valued deposits in the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

The Community Services Department Parks Division has provided comment which includes an analysis regarding conformance with The El Paso County Parks Master Plan (2022). The Community Services Department Parks Division has requested fees in lieu of land dedication in the following comment response:

The Park Advisory Board recommends that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the Sterling Ranch Filing No. 5 PUD Development Plan and Preliminary Plan: (1) require fees in lieu of land dedication for regional park purposes in the total amount of \$36,360 and urban park purposes in the total amount of \$21,816 due at time of the recording of the forthcoming Final Plat. A Park Lands Agreement may be an



acceptable alternative to urban park fees provided the agreement is approved by the County and executed prior to recording the forthcoming Final Plat.

Please see the Transportation Section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

No hazards which would preclude development in the development area were identified in the Soil, Geology, and Geologic Hazard Study prepared by Entech Engineering Inc., dated December 1, 2023, if mitigation, such as grading in addition to limiting basements were to occur. The applicants have agreed that no basements will be allowed within the development area due to “potentially shallow groundwater”.

The following geologic constraints identified below were encountered on Sterling Ranch Filing 5. Mitigation measures and a map of the hazard area can be found in the Soil, Geology, and Geologic Hazard Study by Entech Engineering inc. on December 1, 2023, available at the El Paso County Planning and Community Development Department:

- Potentially Seasoned Shallow Groundwater: (Lots 7-9 and 13-17). The mitigation for the shallow groundwater is that no livable basements are proposed in Sterling Ranch Filing 5.
- Expansive soils and shallow bedrock.
- Unstable soils may be encountered where excavations approach the groundwater level.

These items can be mitigated through proper design and construction or through avoidance. Investigation on each lot is recommended prior to construction.

### **2. Floodplain**

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0533G, dated December 7, 2018, indicates no portion of the subject property is located within a FEMA floodplain.

### **3. Drainage and Erosion**

The proposed subdivision is located within the Sand Creek drainage basin, which was studied in 1996. This basin requires drainage and bridge fees to be paid at the time of Final Plat recording.

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The site generally drains overland from northeast to southwest, with runoff eventually flowing to Sand Creek, which ultimately outfalls into Fountain Creek. Offsite flows entering the site consist of the emergency overflow from the existing Barbarick full-spectrum detention pond. Emergency overflow from the existing pond will be diverted along the western boundary of Sterling Ranch Filing No. in a proposed swale and then intercepted by the existing storm sewer system which ultimately releases into Sand Creek.

A Preliminary Drainage Report (PDR) was provided with the requested application. The PDR analysis and design indicate that the proposed development will not release developed runoff above historic rates. The PDR concludes that “development of the proposed site does not significantly impact any downstream facility or property to an extent greater than that which currently exists in the pre-development conditions.” Runoff from the site will be conveyed to existing Pond W-5, a subregional Full Spectrum Detention, located along the south boundary line of the overall Sterling Ranch project site.

#### **4. Transportation**

The Sterling Ranch Filing No. 5 PUD/ Preliminary Plan area is east of Vollmer Road and north of the future extension of Marksheffel Road, currently under construction in El Paso County. Access to the development will be from Dines Boulevard and Hazlett Drive. Dines Boulevard and Hazlett Drive both have direct access to Sterling Ranch Road, a non-residential collector, through full access intersections. Dines Boulevard also has access to Vollmer Road, a urban minor arterial, further to the north.

A traffic memorandum (TIS) dated August 17, 2023, was provided with the requested application addressing traffic impacts of the subject development. Auxiliary lanes at the intersections of Marksheffel Road and Vollmer Road, Sterling Ranch Road and Marksheffel Road, Sterling Ranch Road and Hazlett Drive, Sterling Ranch Road and Dines Boulevard, and Dines Boulevard and Manor House Drive are required with this development if they have not been completed as part of the Sterling Ranch Filing No. 2 development. The updated Master Traffic Impact Study for Sterling Ranch submitted with the Sterling Ranch Sketch Plan Amendment (SKP-22-004) was approved in early 2023.



Traffic generated from the 72 proposed dwelling units in this development is estimated to be approximately 596 average daily trips. The proposed interior roads will be public paved roads dedicated to the County for ownership and maintenance. The proposed roads and traffic depicted in the TIS and the PUD/Preliminary Plan are in conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP), and the existing roads serving the proposed development will be adequate with the improvements noted in the TIS.

Approximately 2,300 linear feet of Urban Local public roads are proposed to be constructed with this subdivision.

This development is subject to the El Paso County Road Impact Fee Program (Resolution 19-471, as amended) at the time of Final Plat recording.



Figure G.1: Roadway Classifications from TIS

## H. SERVICES

### 1. Water

Falcon Area Water and Wastewater Authority (FAWWA) provides water service and has committed to serve the development via an intergovernmental agreement with the Sterling Ranch Metropolitan District.

Water Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office has made a favorable recommendation of a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality.

### 2. Sanitation

Falcon Area Water and Wastewater Authority (FAWWA) provides water service and has committed to serve the development via an intergovernmental agreement with the Sterling Ranch Metropolitan District.

### 3. Emergency Services

The property is within the Black Forest Fire Protection District. The District was sent a referral and has no outstanding comments. The applicants have provided a commitment to serve from the District.

### 4. Utilities

Electrical service is provided by Mountain View Electric Association (MVEA). Colorado Springs Utilities will provide Natural Gas. The agencies were sent a referral and have no outstanding comments.

### 5. Schools

The site is within the boundaries of the Academy School District No. 20. School dedication for the benefit of Academy School District No. 20 is anticipated, pursuant to an approved school Land Development Agreement, within the Sterling Ranch Development Area in lieu of fees paid at Final Plat recordation to District No. 20.



**I. APPLICABLE RESOLUTIONS**

See attached draft resolution.

**J. STATUS OF MAJOR ISSUES**

No major issues remain.

**K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Board of County Commissioners find that the PUD Development Plan and Preliminary Plan requests meet the criteria for approval outlined in Section 4.2.6 (PUD) and Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (as amended) staff recommends the following conditions and notations:

**CONDITIONS**

1. Development of the property shall be in accordance with this PUD Development Plan. Minor changes in the PUD Development Plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require the submittal of a formal PUD Development Plan amendment application.
  2. Approved land uses are those defined in the PUD Development Plan and development guide.
  3. All owners of record must sign the PUD Development Plan.
  4. The PUD Development Plan and Development Guide shall be recorded in the office of the El Paso County Clerk & Recorder prior to any Final Plat approvals.
  5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
- 
6. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide



Transportation Improvement Fee Resolution (Resolution 19-471, as amended), at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, as provided by the County Attorney's Office.
8. Applicable park, drainage, bridge, and traffic fees shall be paid to El Paso County Planning and Community Development at the time of Final Plat(s) recordation.

#### **NOTATIONS**

1. Subsequent Final Plat filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a Final Plat has been approved and recorded or a time extension has been granted.

#### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 26 adjoining property owners on January 16, 2024, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
PUD/Preliminary Plan Drawing  
CSAAC Comment  
State Engineer's Letter  
County Attorney's Letter  
Draft PC PUD/Preliminary Plan Resolution





## **STERLING RANCH FILING 5 REZONE AND PUD PRELIMINARY PLAN**

### **LETTER OF INTENT**

**AUGUST 2023, UPDATED JANUARY 2023**

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#### **OWNER:**

CLASSIC SRJ LAND, LLC  
2138 FLYING HORSE CLUB DR.  
COLORADO SPRINGS, CO 80921

#### **APPLICANT:**

CLASSIC SRJ LAND, LLC  
2138 FLYING HORSE CLUB DR.  
COLORADO SPRINGS, CO 80921

#### **CONSULTANT:**

N.E.S. INC.  
ANDREA BARLOW  
619 N. CASCADE AVE. SUITE 200  
COLORADO SPRINGS, CO 80903  
719.471.0073  
[ABARLOW@NESCOLORADO.COM](mailto:ABARLOW@NESCOLORADO.COM)

#### **SITE DETAILS:**

**TSN:** 523302049

**ADDRESS:** DINES BLVD.

**ACREAGE:** 11.66 AC

**CURRENT ZONING:** RR-5

**PROPOSED ZONING:** PUD

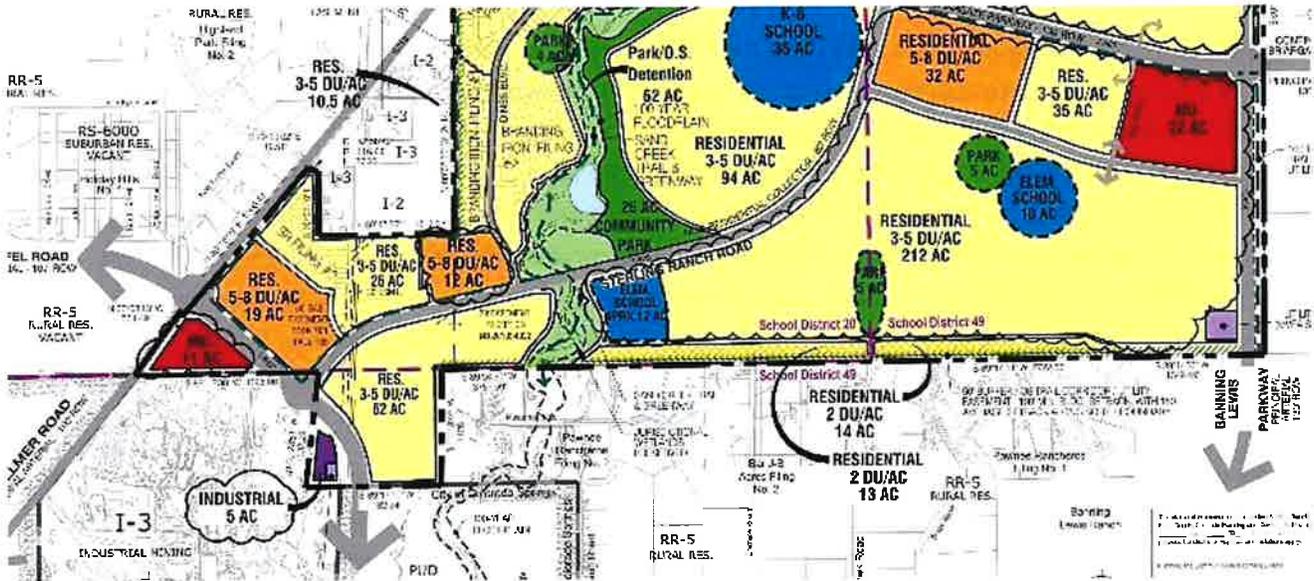
**CURRENT USE:** VACANT



### PROJECT CONTEXT

The Sterling Ranch Sketch Plan for 4,800 dwelling units on 1,444 acres. The most recent amendment to the Sterling Ranch Sketch Plan was approved December 19, 2022. Sterling Ranch Filing 5 area is identified on the Sketch Plan with a density range of 5-8 du/acre. I-3 zoning is to the immediate northwest of the site, with Branding Iron Filing # 1 immediately north of the site. This land was previously platted as Tract B of Branding Iron Filing No. 2 as a future school site. Through discussions with Classic and D20, an agreement regarding a land swap and future school land dedication requirements was ratified in June of 2023. The approved Sterling Ranch Sketch Plan identifies an 11.8AC site and one 35AC site as land dedications for D20. The 11.8AC site is shown as a future elementary school site and the 35AC site is shown as a future K-8 school site on the recently approved Sterling Ranch East Preliminary Plan Phase 1 Filings 1-4.

Both parties have agreed on the new school site locations. As part of this agreement, the old school site, known as Tract B of Branding Iron Filing No. 2 has been deeded to Classic SRJ Land, LLC.



Directly south of the site is Sterling Ranch Filing 3. Southwest and west of the site is Sterling Ranch Filing 4. Both Sterling Ranch Filing 3 and Filing 4 are a detached single family residential community with a density range of 3-5 DU/AC. Sterling Ranch Road bounds the south side of Sterling Ranch Filing 5. Dines Boulevard runs along the east side of the development.

The Sand Creek channel and Regional Trail is located east of the proposed development to the east.

CSU owns a gas line and easement that bisects the property. This easement will be vacated by a separate instrument as it will be located within the ROW. The easement will remain within Tract A and Tract C, both tracts are open spaces that will be maintained by the Sterling Ranch Metro District.

## PROJECT DESCRIPTION

The site is currently zoned RR-5 and is proposed to be rezoned as PUD. The development proposes, 72 single family detached and attached on 11AC for a gross density of 6.17DU/AC. This density is within the 5-8DU/AC range shown on the approved Sketch Plan. Medium density residential at this location will serve to transition the industrial areas, zoned I-3, to the northwest, and the adjacent Dines Boulevard and Sterling Ranch Road, to the lower density 3-5 DU/AC single family detached residential to the west, south, east and northeast.

The project proposes a 5-foot side, 20-foot front and 15-foot rear setbacks provided on all lots. A 0' side setback is proposed on all lots with attached units. The minimum lot size for the entire development is 30,66SF. Maximum lot coverage for the single-family detached lots will be 65%, and 75% for the single-family attached lots.

2.52AC of open spaces is provided in five tracts with walking paths connecting throughout the development and to the Sterling Ranch Parks and Trails system. All landscape entry features, open space tracts, parks and trails will be owned and maintained by the Sterling Ranch Metro District.

**COMPATIBILITY/TRANSITIONS:** This site is located in the northwest corner of Sterling Ranch Road and Dines Boulevard. The site is predominantly surrounded by detached single family residential to the west, south and north east. I-3 zoning sits to the northwest of the site. Sterling Ranch Filing 4, a detached single-family development zoned RS-5000 is located to the west and southwest. Sterling Ranch Filing 3, a detached single-family development, is immediately south and zoned RS-5000. A 15' landscape buffer is proposed between the I-3 zone to the northwest and the proposed single-family development. This buffer is intended to buffer the I-3 uses from the proposed residential uses within Sterling Ranch Filing 5. There is a 6' vinyl fence around the adjacent industrial area, and there is a pond in Tract A both of which provide additional buffering from the industrial area. A note has been added to the Cover Sheet informing future home owners of adjacent industrial use.

This development is positioned immediately west of Dines Boulevard, the Sand Creek Channel and Sand Creek Regional Trail. Pedestrian connectivity is provided throughout the development with connections provided to the Sterling Ranch, community park to the east and community open space amenities and trails.

Medium density detached and attached single family housing at this location will serve to transition the adjacent industrial area, Sterling Ranch Road and Dines Boulevard, to the lower intensity detached single family uses of Sterling Ranch Filings 3 and 4.

**ACCESS AND CIRCULATION:** A 3/4-movement access is provided at the intersection of Sterling Ranch Road and Dines Boulevard. Two public local roads with a 50'-0" ROW provide circulation throughout the site and access to each lot. Hazlett Drive serves to connect Sterling Ranch Filing 4 and Sterling Ranch Filing 5 to Sterling Ranch Road. Manor House Way connects Sterling Ranch Filing 5 to Dines Boulevard. Pedestrian circulation is provided throughout the development. Attached sidewalk are provided along all urban local roads and mid-block pedestrian crossing position as needed. A looped 5' concrete walk provides pedestrian connectivity through Tract B, a centralized 34,327SF community open space

amenity. Pedestrian connections are provided from Sterling Ranch Filing 5 to the Sterling Ranch Park and Trails through improvements provided at Dines Boulevard and Sterling Ranch Road.

**TRAFFIC:** A Traffic Impact Analysis was prepared by LSC Transportation Consultants, Inc. for the entire Sterling Ranch Development in March 2023. An updated Traffic Memo has been prepared in support of Sterling Ranch Filing 5, which incorporates subsequent analysis related to traffic estimates generated by all traffic studies within Sterling Ranch and in the vicinity of the area of study within the past five years. A list of area traffic studies is shown in Appendix Table 1 of the Traffic Impact Study. Appendix table 2 of the TIS includes a list of improvements needed either prior to or with Sterling Ranch Filing 5. These recommendations are consistent with the LSC Sketch Plan TIS report. Axillary lane improvements required with Sterling Ranch Filing 5, if not completed with Sterling Ranch Filing No. 2, include:

- Marksheffel/Vollmer
- Sterling Ranch/Marksheffel
- Sterling Ranch/Hazlett
- Sterling Ranch/Dines
- Dines/Manor House

**WATER:** This development will be served by FAWWA, which is the overall service entity for Sterling Ranch and other adjacent properties. Sterling Ranch Filing 5 PUD and Preliminary Plan includes 72 lots which fall into high-density development ratios for small lots, and roughly 0.93AC of irrigated landscaping. The resulting water demand is 24.26 acre-feet.

This leaves a net excess of currently available water of 1028.4AF over 300 years and therefore there is more than sufficient water supply to meet the needs of Sterling Ranch Filing 5 PUD and Preliminary Plan on the 300-year basis.

A finding of sufficiency for water quantity, quality and dependability is requested with this application.

**WASTEWATER:** The wastewater commitment is for 12,384 gal/day on an average daily- maximum monthly basis. Sufficient supply is available as demonstrated by the water and sewer service commitment letter. The projected loading represents roughly 1.265% of the contractual capacity available to the Falcon Area Water and Wastewater Authority (FAWWA). FAWWA therefore has more than adequate wastewater treatment capacity to provide service to Sterling Ranch Filing 5. Including all subdivisions submitted before March 31, 2023, the current committed capacity is for 2722 SFE which is 46.538% of FAWWA contractual treatment capacity. Public sewage disposal is further addressed in the Wastewater Report prepared by JDS Hydro.

**NOISE:** Section 8.4.2(B)(2)(b)(ii) of the Land Development Code states that noise mitigation shall be required for single-family and duplex residential subdivisions, which contain lots that will be individually owned, and are located adjacent to expressways, principal arterials or railroads. Mitigation shall reduce the existing or projected exterior noise levels to 67 dBA Leq. A noise study to determine the area of potential impact is required where a subdivision includes or borders an expressway, principal arterial or railroad.

Sterling Ranch Road does not require noise mitigation as it is classified as a collector. Dines is classified as a rural local and does not require noise mitigation. A 6' concrete slat wall is proposed along Sterling Ranch Road and Dine Boulevard for aesthetic purposes.

A 15' landscape buffer is proposed between the I-3 zone to the northwest and the proposed single-family development. This buffer is intended to buffer the I-3 uses from the proposed residential uses within Sterling Ranch Filing 5. There is a 6' vinyl fence around the adjacent industrial area, and there is a pond in Tract A both of which provide additional buffering from the industrial area. A note has been added to the Cover Sheet informing future home owners of adjacent industrial use.

**WILDLIFE:** No critical habitat or sensitive species have been identified on site. As development occurs within Sterling Ranch, care will be taken to minimize human and wildlife conflicts within reasonable limits.

**FLOODPLAIN:** This site is not within a designated F.E.M.A. Floodplain as determined by the flood insurance rate map, community panel number 08041C0533G, effective 12.07.2018.

**GEOLOGIC HAZARDS:** The Soils, Geology and Geologic Hazard Study prepared by Entech Engineers, determined the site to be suitable for the proposed development and achievable by avoidance or proper mitigation through standard construction methods. Geologic hazards encountered at the site include, artificial fill, expansive soils, subsidence area, slope stability and landslide hazard, debris fans, groundwater and floodplain areas, potentially seasonal shallow groundwater, faults, dipping bedrock, shallow bedrock, and radio activity. In areas where shallow groundwater has been detected (Lots 7-9 and 13-17), CGS recommends that groundwater monitoring/observation be conducted to verify floor levels are at least 3' above maximum anticipated groundwater levels and determine feasibility of basements and if perimeter drains will be required if basements are proposed. Livable basements will not be permitted in Sterling Ranch Filing 5, only crawl space is allowed, which addresses CGS's concerns regarding shallow groundwater.

A map of the hazard areas and proposed mitigation measures can be found in the Soils, Geology, and Geologic Hazard Study prepared by Entech Engineering Inc included in this submittal.

**WILDFIRE:** The primary wildland fuel type is grassland with scattered trees. The Colorado State Forest Service has determined a moderate to low moderate fire risk.

**SCHOOLS:** The project site for Sterling Ranch Filing 5 was platted as Tract B of Branding Iron Filing 2 as a future school site. Through discussions with Classic and D20, both parties have agreed for this parcel to be conveyed to Classic and for both school sites to be developed within Sterling Ranch East Phase 1 Preliminary Plan Filings 1-4.

The approved Sterling Ranch Sketch Plan identifies an 11.8AC site and one 38AC site as land dedications for D20. The 11.8AC site is located east of Sand Creek and shown as a future elementary school site. The 38AC site is shown as a future K-8 school site and is located in the southwest corner of Briargate Parkway and Sterling Ranch Road. Both school sites are shown on the recently approved Sterling Ranch East Phase 1 Preliminary Plan Filings 1-4.

**TRAILS AND OPEN SPACE:** 2.52AC of open space is provided with this development. Pedestrian connections are provided to all of the tracts through a series of looped 5FT concrete walkways. This development exceeds the 10% open space requirement by providing 109,527SF of recreational open space. It also exceeds the requirement for 25% contiguous open space (12,698SF) by providing 34,327SF or 67% contiguous open space in Tract B. Open spaces surround the perimeter of the development with Tract B, 34,327SF, providing a centralized community park for residents. 5FT concrete pedestrian walks, with safe pedestrian connections, provide connectivity throughout the park, to the adjacent Sand Creek Trail, 29AC Sterling Ranch Community Park to the east and connection to the Sterling Ranch Parks and trails network.

The Sterling Ranch master planned community includes an interconnected system of trails, open spaces and neighborhood parks to allow for a recreation-oriented community. Sterling Ranch Filing 5 will be connected to this system through pedestrian connections provided at Sterling Ranch Road and Dines Boulevard. All parks and trails will be maintained by Sterling Ranch Metro District.

**DRAINAGE:** Proposed Sterling Ranch Filing No. 5 drainage improvements were designed to meet or exceed the El Paso County Drainage Criteria. The proposed development will not adversely affect the offsite drainage-ways or surrounding development. The existing pond W-5 is to release at equal to or less than historic runoff. The site is consistent with the Sterling Ranch Filing No. 2 Drainage Report.

**UTILITIES:** Falcon Area Water and Wastewater Authority (FAWWA) will provide water and wastewater services for this development. A commitment letter has been included with the submittal.

Mountain View Electric Association, Inc. will supply electricity service and Colorado Springs Utilities will supply natural gas. The utility commitment letters are submitted with this application.

Parks, open space and trails will be owned and maintained by Sterling Ranch Metro District.

**DISTRICTS/ENTITIES SERVING THE PROPERTY:**

The following districts will serve the property:

- Academy School District 20
- Mountain View Electric Association
- City of Colorado Springs Utilities Department – Gas
- Sterling Ranch Metro District
- Black Forest Fire Protection District
- FAWWA- Water and Wastewater

**RELATIONSHIP TO THE ADOPTED COUNTY MASTER PLANS**

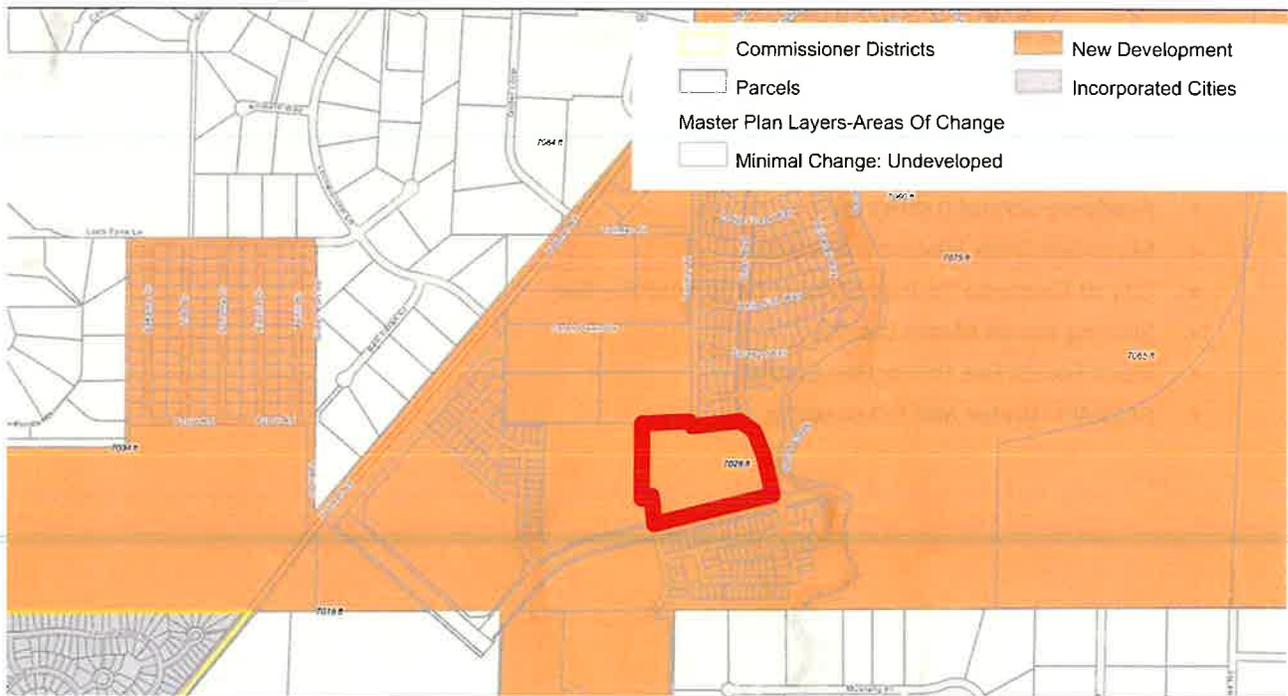
The relevant County Plans for Sterling Ranch are the Your El Paso Master Plan, the Water Master Plan, the 2040 Major Transportation Corridor Plan, and the Parks Master Plan. A detailed analysis of the relationship of the Sterling Ranch Sketch Plan and the goals and objectives of these plans was previously provided with the Sketch Plan. These include the provision of adequate buffers and transitions from lower, rural density residential development, the provision of adequate urban services by Sterling Ranch Metropolitan District, an interconnected system of trails, open spaces and neighborhood parks, and the preservation of open space.

**YOUR EL PASO MASTER PLAN**

The new County Master Plan denotes the site as a Suburban Residential Placetype, which consists of predominantly Single-Family homes with supporting, Single-Family Attached, Multi-Family, Neighborhood Commercial, and Parks. Sterling Ranch Filing 5 proposes 72 single family detached and attached residential units, which aligns with this placetype. This plan also supports the curvilinear pattern of streets that characterizes the suburban residential placetype.

This area is located within a Priority Development Area and is denoted as a “New Development Area” on the Areas of Change map. New Development Areas take place on land largely undeveloped, adjacent to built out areas. These areas are to be designed to integrate with and compliment adjacent development. Sterling Ranch Filing 5 is presently an undeveloped portion of the County that is adjacent to a built-out area and will be developed to match the character of that adjacent development.

**Sterling Ranch Filing 5 Areas of Change**



The PUD Preliminary Plan is also consistent with Core Principle 1, Land Use and Development, which seeks to “manage growth to ensure a variety of compatible land uses that preserve all character areas of the county,” in addition to goal 1.1, “Ensure compatibility with established character and infrastructure capacity” and goal 1.3, “Encourage a range of development types to support a variety of land uses.” Sterling Ranch Filing 5 supports a diversity of single-family housing choices in the localized area while preserving single family characteristics of the nearby developments such as Single Ranch Filing No. 3 and Sterling Ranch Filing No. 4. The proposed layout provides over 21% open space, connection to Sterling Ranch Parks and Trails and diversity in housing choices.

Sterling Ranch Filing 5 is also consistent with Core Principle 2, Housing & Communities, 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.” This PUD Preliminary plan proposes a mix of smaller detached and attached single family residential product type that is complimentary to the proposed single family residential uses within Sterling Ranch. The character of this development is similar to the immediately adjacent Sterling Ranch Filings 3 and 4 and with its higher density will provide a transition from the I-3 to the northwest, Sterling Ranch Road and Dines Boulevard.

Transportation & Mobility core principals and goal 4.2, “Promote walkability and bikability where multimodal transportation systems are feasible” and Community Facilities & Infrastructure and goal 5.1, “Coordinate with agencies to provide high-quality community facilities, services and infrastructure to enhance quality of life,” are supported by Sterling Ranch Filing 5. This development is connected to the Sterling Ranch Parks and Trails which includes a comprehensive off-street pedestrian circulation system to supplement the standard sidewalks along streets and a system of Open spaces, Trails and Parks. Pedestrian connections are provided throughout the development with a looped walk connecting all open space tracts and providing connections to parks and trails within Sterling Ranch.

Pedestrian connections at Sterling Ranch Road and Dines Boulevard will provide connections to the comprehensive Sterling Ranch Parks and Trails system.

#### **WATER MASTER PLAN**

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

*Goal 6.0 – Require adequate water availability for proposed development.*

*Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.*

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

The project is located within Region 3, Falcon Area, and is within one of the four growth areas projected to be completed by 2040. Sterling Ranch Filing 5 will be centrally serviced by FAWWA which will become the overall service entity. It is expected that an urban residential home in Sterling Ranch will require an average of 0.353 annual acre- feet. This is consistent with the historic needs of nearby developments. Sterling Ranch Filing 5 PUD Preliminary Plan includes 72 lots which fall into high-density development ratios for small lots, and roughly 0.93AC of irrigated landscaping. The resulting water

demand is 24.26 acre-feet.

FAWWA-owned and currently available on-site non-tributary (NT) and adjudicated not non-tributary (NNT) water totals are 1930.16 AF for 300 years, which would be adequate supply to meet the needs of 5,468 SFE. This leaves a net excess of currently available water of 1029.4 AF for 300 year and therefore there is more than sufficient water supply to meet the needs of Sterling Ranch Filing 5.

#### **2040 MAJOR TRANSPORTATION CORRIDOR PLAN**

The 2040 Improvements map identified the most proximate roadway improvement to the site is the county road capacity improvements to Vollmer Rd between Marksheffel Rd and Stapleton Drive. There will be rural county road upgrades to Vollmer Rd north of the site. The extension of Briargate Parkway will add a new roadway connection just north of the site. The 2060 corridor preservation plan depicts that Briargate Pkwy will become a principal arterial. Vollmer Road is expected to be a minor collector by 2040.

#### **EL PASO COUNTY PARKS MASTER PLAN**

No regional county parks are planned to be within the immediate area. The Sand Creek Regional Trail proposed on the west side of Sand Creek is the major north-south trail connection through the Sterling Ranch development. This regional trail provides connectivity to parks and trails throughout the community, pedestrian connections at Sterling Ranch Road and Dines Boulevard will connect Sterling Ranch Filing 5 to the Sand Creek Regional Trail and 29AC Community Park to the east.

#### **PROJECT JUSTIFICATION**

Chapter 4.2.6.D of the LDC allows the combination of a preliminary plan with a PUD development plan, provided all review and approval standards for both the PUD development plan and preliminary plan are met. The PUD/Preliminary Plan for Sterling Ranch Filing 5 is consistent with the PUD zoning and preliminary plan approval criteria set forth in Chapter 4.2.6.D & 4.2.6.E of the LDC as follows:

##### **1. The proposed PUD District zoning advances the stated purposes set forth in this Section;**

Sterling Ranch Filing 5 PUD will advance the following purposes of the PUD District designation:

- *To permit adjustment to changing public and private needs and to foster the ability to provide development patterns which are more compatible with and effective in meeting such needs;*
- *To improve the design, character and quality of new development with flexibility by varying lot size, building heights, setback controls and other site development requirements;*
- *To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings including mixed use and traditional neighborhood design and by the conservation and more efficient use of open space ancillary to said*

*buildings;*

- *To provide housing of all types and designs to be located in proximity to employment and activity centers such as shopping, recreational, and community centers, healthcare facilities, and public transit;*

Sterling Ranch Filing 5 is responding to the need for more diversified housing products in the area. The flexibility of the PUD allows for the creation of improved design, character and quality of new development. The provision of detached and attached single family homes on small lots is reflective of growing demands for smaller homes that are more affordable and have less maintenance. Housing within this area will provide support to several employment and shopping centers that are in close proximity to the site, as well as churches and schools that provide community facilities.

**2. The application is in general conformity with the Master Plan;**

The relevant County Plans for Sterling Ranch Filing 5 are the Your El Paso County Master Plan, the 2040 Major Transportation Corridor, the County Parks Master Plan, and the Water Master Plan. Sterling Ranch Filing 5 is in general conformity with these plans as described above.

**3. 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. The proposed subdivision of attached and detached single family residential lots is consistent with the County Master Plan. The higher density residential provides a more gradual transition from the I-3 uses to the northwest and the intersection of Sterling Ranch Road and Dines Boulevard to the lower density detached single-family housing within Sterling Ranch Filing 3 and 4 to the west and south.

**4. 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 proposed medium residential at the corner of Sterling Ranch Road and Dines Boulevard provides an appropriate transition from the industrial uses to northwest to the lower density single family residential south and southeast of the development. The proposed density of 6.17DU/AC is consistent with the approved Sterling Ranch Sketch Plan Designation of 5-8DU/AC.

A 15' landscape buffer is proposed between the I-3 zone to the northwest and the proposed single-family development. This buffer is intended to buffer the I-3 uses from the proposed residential uses within Sterling Ranch Filing 5. There is a 6' vinyl fence around the adjacent industrial area, and there is a pond in Tract A both of which provide additional buffering from the industrial area. A note has been added to the Cover Sheet informing future home owners of adjacent industrial use.

- 5. 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;**

A detention pond in Tract A and a 15' landscape buffer is provided along the I-3 zoning north of Filing 5. The detention pond provides additional separation and transition from I-3 to single family residential. Further, there is an existing vinyl fence around the adjacent I-3 property to further mitigate impacts of the industrial development. A note has been added to the Cover Sheet informing future home owners of adjacent industrial use.

- 6. 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;**

A 6' concrete slat wall is provided along Sterling Ranch Road to provide a consistent character within the Sterling Ranch Community. Open spaces and lot layouts within Sterling Ranch Filing 5 are similar to higher densities within Sterling Ranch. A detention pond in Tract A and a 15' landscape buffer is provided along the I-3 zoning north of Filing 5. The detention pond provides additional separation and transition from I-3 to single family residential. Further, there is an existing vinyl fence around the adjacent I-3 property to further mitigate impacts of the industrial development. A note has been added to the Cover Sheet informing future home owners of adjacent industrial use.

- 7. 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 unique or significant historical, cultural, recreational, aesthetic or natural features to be preserved.

- 8. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;**

Sterling Ranch Filing 5 proposes 2.52AC of open space which equates to 21% of the 11.66AC site. Tract B, 34,327SF provides centralized open space within the development and exceeds the 25% contiguous open space requirement. Open spaces are connected with safe pedestrian connections which connect to the Sterling Ranch Parks and Trails amenities. A pedestrian connection is provided at Sterling Ranch Road and Dines Boulevard, providing connection to the Sand Creek Regional Trail and 29AC Community Park.

- 9. 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 Traffic Impact Memo demonstrates that the development will not materially impact existing levels of service on surrounding roads.

Appendix table 2 of the TIS includes a list of improvements needed either prior to or with Sterling Ranch Filing 5. These recommendations are consistent with the LSC Sketch Plan MTIS report. 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.

**10. 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;**

The project proposes interconnected sidewalks throughout the project that connect the open space tracts and provide a connection to the Sand Creek Regional Trail and proposed 29 AC Sterling Ranch Community Park to the east of Sand Creek. There are no environmental features within the project site.

**11. 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;**

There are no mineral rights owners on this property.

**12. 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**

There are no proposed exceptions or deviations from the zoning or subdivision regulations.

**13. The owner has authorized the application.**

Yes.

**PUD 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;**

See above analysis.

**2. The subdivision is consistent with the purposes of this Code;**

See above analysis. The proposed development complies with the requirements of the LDC and will not be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County. The project offers additional housing diversity in a developing area. The site provides a transition from the proposed commercial and intersection to the proposed lower density residential to the north and east.

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

See above analysis. The medium density residential uses at the corner of Sterling Ranch Road and Dines Boulevard are appropriate at this location and provide a transition to the lower density single family uses within Sterling Ranch Filings 3 and 4. The proposed density is consistent with the Sterling Ranch Sketch Plan approved in 2022. The project is in conformance with the County's subdivision design standards.

**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;**

A sufficient water supply is available as demonstrated by the water supply commitment letter provided by FAWWA and the Water Resources Report provided by JDS Hydro.

A finding of water sufficiency for quantity, quality and dependability is requested with this PUD Preliminary Plan and for the subsequent Final Plat to be approved administratively.

**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.**

The wastewater commitment is for 12,384 gal/day on an average daily- maximum monthly basis. Sufficient supply is available as demonstrated by the water and sewer service commitment letter. The loading projected from Sterling Ranch Filing 5 represents roughly 1.265% of the contractual capacity available to the Falcon Area Water and Wastewater Authority (FAWWA). Including all subdivisions submitted before March 31 of 2023, the current committed capacity is for 2,722 SFE which is 46.538% of FAWWA contractual treatment capacity. FAWWA therefore has more than adequate wastewater treatment capacity to provide service to Sterling Ranch Filing 5. Public sewage disposal is further addressed in the Wastewater Report prepared by JDS Hydro.

**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 site was found to be suitable for development, although some areas are impacted by geologic conditions. These conditions impose some constraints on development, which can be mitigated by avoidance, regrading, or through proper engineering design and construction methods.

The primary constraint is the potentially seasonal shallow groundwater detected under Lots 7-9 and 13-17. The mitigation for the shallow groundwater is that no livable basements are proposed in Sterling Ranch Filing 5; only crawl space is permitted. Further groundwater monitoring/observation will be conducted during construction on a block-by-block basis to verify floor levels are at least 3' above maximum anticipated groundwater levels. Subsurface perimeter drains may be necessary to prevent the intrusion of water into areas below grade. Additional investigation after grading is completed will provide final foundation and subsurface drain recommendations.

A map of the hazard areas and proposed mitigation measures can be found in the Soils, Geology, and Geologic Hazard Study prepared by Entech Engineering Inc included in this submittal.

**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 Drainage Report prepared by JR Engineering. Proposed Sterling Ranch Filing No. 5 drainage improvements were designed to meet or exceed the El Paso County Drainage Criteria. The proposed development will not adversely affect the offsite drainage-ways or surrounding development. The existing pond W-5 is to release at equal to or less than historic runoff. The site is consistent with the Sterling Ranch Filing No. 2 Drainage Report.

**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;**

All lots will be accessible by new public streets. 3 lots will be accessed by a private drive with a shared access easement. The private drive will connect to the nearest public street.

**9. The proposed subdivision has established an adequate level of compatibility by**

**a. 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. 21% open space is provided with over 25% of space provided contiguous. This exceeds the 10% PUD open space requirement.

**b. 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. Sidewalks are included throughout the project. Safe pedestrian connections provide connection to open spaces within the development and to the Sterling Ranch parks and trails comprehensive system.

**c. Incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;**

The site is surrounded by landscape tracts that are part of this project and in Filing 2 along Marksheffel Road and Vollmer Road, as required by the LDC and the Sterling Ranch Sketch Plan.

A detention pond in Tract A and a 15' landscape buffer is provided along the I-3 zoning north of Filing 5. The detention pond provides additional separation and transition from I-3 to single family residential. Further, there is an existing vinyl fence around the adjacent I-3 property to further mitigate impacts of the industrial development. A note has been added to the Cover Sheet informing future home owners of adjacent industrial use.

In the I-3 zone there is a 175' setback required from adjacent residential development.

**d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and**

There are no environmentally sensitive areas on the property.

**e. 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;**

A Traffic Impact Analysis was prepared by LSC Transportation Consultants, Inc. for the entire Sterling Ranch Development in March 2023. An updated Traffic Memo has been prepared in support of Sterling Ranch Filing 5, which incorporates subsequent analysis related to traffic estimates generated by all traffic studies within Sterling Ranch and in the vicinity of the area of study within the past five years. A list of area traffic studies is shown in Appendix Table 1 of the Traffic Impact Study. Appendix table 2 of the TIS includes a list of improvements needed either prior to or with Sterling Ranch Filing 5. 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.

**10. 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 service is provided by the FAWWA. Natural gas is provided by Colorado Springs Utilities and electric is provided by MVEA. Will serve letters have been included with this submittal.

**11. 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 Black Forest Fire Protection District. A service commitment letter from the District is included with the submittal. A fire exhibit showing fire hydrant locations and 150' hose lay has been included with this submittal.

**12. 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.

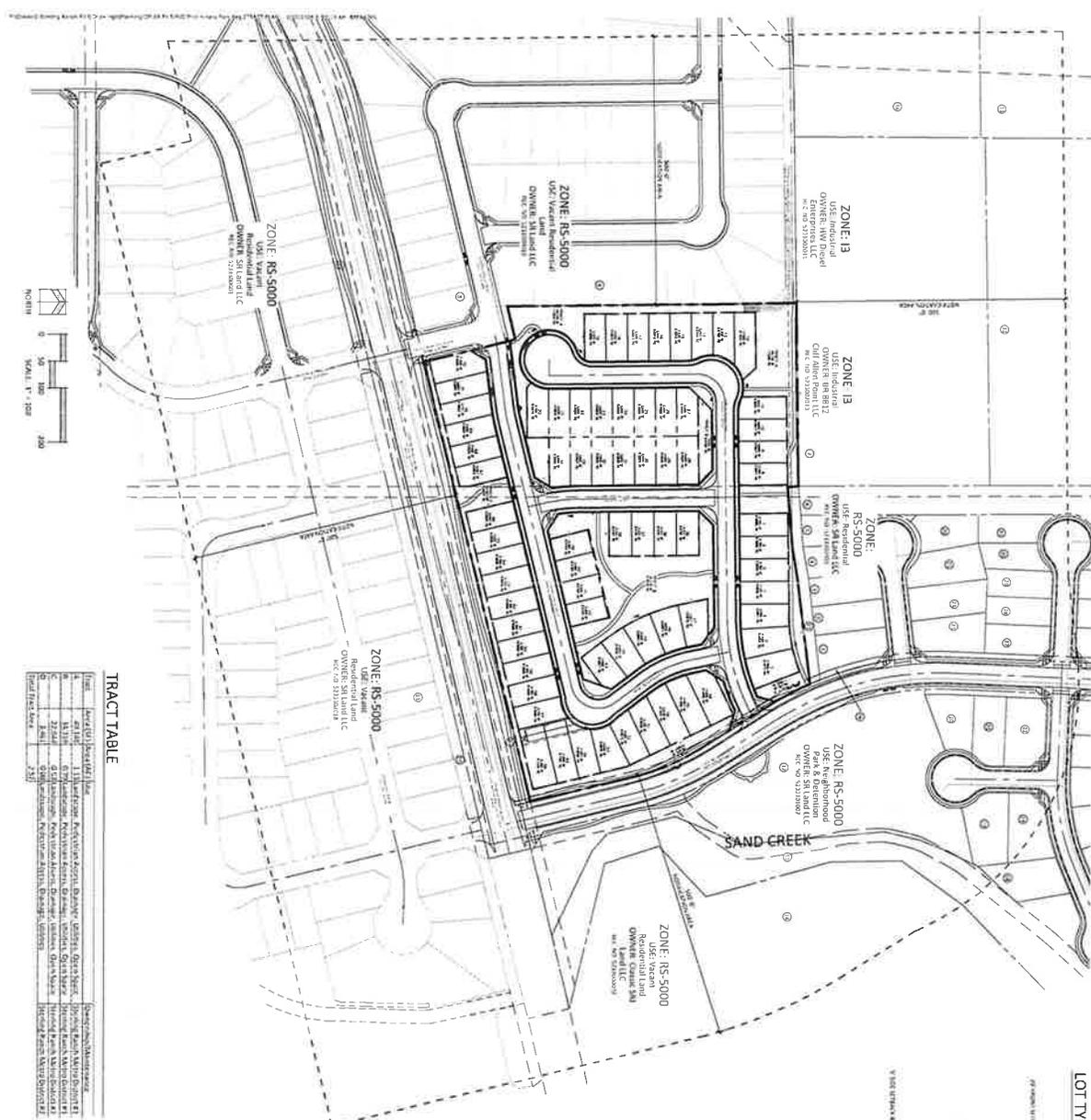
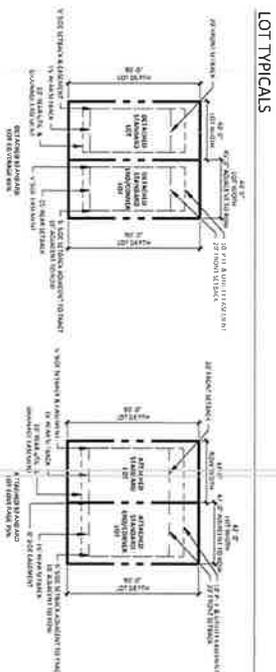


# STERLING RANCH FILING 5

PUD PRELIMINARY PLAN  
 A PORTION OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33,  
 TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY



N.E.S. Inc.  
 610 N. Central Expressway, Suite 210  
 Colorado Springs, CO 80903  
 Tel: 719.471.0073  
 Fax: 719.471.0067  
 www.nesinc.com  
 daniel@nesinc.com



### LINE TYPE LEGEND

- TRACT BOUNDARY
- IMPROVED BOUNDARY
- ADJACENT OWNERS

### ADJACENT OWNERS

Block	Section	Owner Name	Address
1	33	...	...
2	33	...	...
3	33	...	...
4	33	...	...
5	33	...	...
6	33	...	...
7	33	...	...
8	33	...	...
9	33	...	...
10	33	...	...
11	33	...	...
12	33	...	...
13	33	...	...
14	33	...	...
15	33	...	...
16	33	...	...
17	33	...	...
18	33	...	...
19	33	...	...
20	33	...	...
21	33	...	...
22	33	...	...
23	33	...	...
24	33	...	...
25	33	...	...
26	33	...	...
27	33	...	...
28	33	...	...
29	33	...	...
30	33	...	...
31	33	...	...
32	33	...	...

### TRACT TABLE

Tract	Area (Acres)	Owner
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
10	...	...
11	...	...
12	...	...
13	...	...
14	...	...
15	...	...
16	...	...
17	...	...
18	...	...
19	...	...
20	...	...
21	...	...
22	...	...
23	...	...
24	...	...
25	...	...
26	...	...
27	...	...
28	...	...
29	...	...
30	...	...
31	...	...
32	...	...

### STERLING RANCH FILING 5 PUD Preliminary Plan

### ENTITLEMENT

Tract	Area (Acres)	Owner
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
10	...	...
11	...	...
12	...	...
13	...	...
14	...	...
15	...	...
16	...	...
17	...	...
18	...	...
19	...	...
20	...	...
21	...	...
22	...	...
23	...	...
24	...	...
25	...	...
26	...	...
27	...	...
28	...	...
29	...	...
30	...	...
31	...	...
32	...	...

# STERLING RANCH FILING 5

## PUD PRELIMINARY PLAN

A PORTION OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33,  
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY



N.E.S. Inc.  
610 N. Cardo Avenue, Suite 210  
Culman Springs, CO 80801  
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Fax. 719.471.0072  
www.nbsinc.com  
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STERLING RANCH FILING 5  
PUD Preliminary Plan

ENTITLEMENT

DATE	BY	TITLE
10/11/2017	J. G. ...	...
10/11/2017	J. G. ...	...
10/11/2017	J. G. ...	...
10/11/2017	J. G. ...	...
10/11/2017	J. G. ...	...

PUD PRELIMINARY PLAN

3 OF 9

PLANS 33

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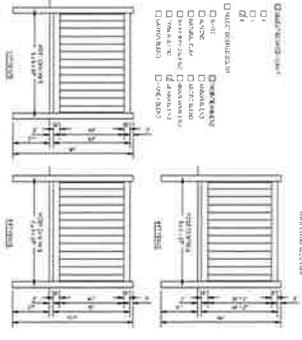




# STERLING RANCH FILING 5

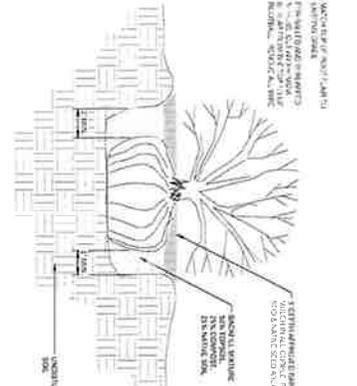
## PUD PRELIMINARY PLAN

A PORTION OF LAND BEING A PORTION OF THE SOUTHERLY QUARTER OF SECTION 33,  
 TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY



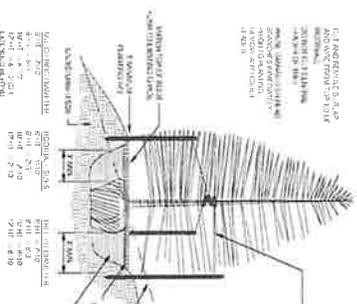
**1** 6 VINYL FENCE

1. 2x4 VINYL POST  
 2. 2x4 VINYL RAIL  
 3. 2x4 VINYL POST CAP  
 4. 2x4 VINYL RAIL CAP  
 5. 2x4 VINYL POST CAP WITH RAIL  
 6. 2x4 VINYL RAIL CAP WITH POST



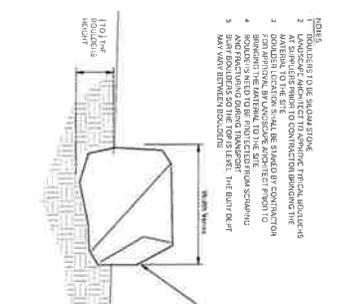
**2** DECIDUOUS TREE PLANTING DETAIL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**3** CONFEROUS TREE PLANTING DETAIL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**4** DECIDUOUS TREE PLACEMENT ON SLOPE

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**5** CONFEROUS TREE PLACEMENT ON SLOPE

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**6** LANDSCAPE BOULDER

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



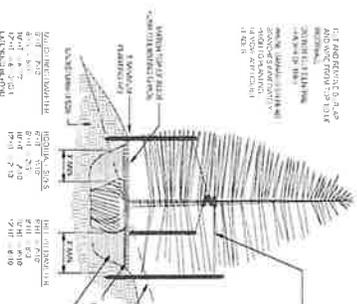
**7** SHRUB PLANTING DETAIL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



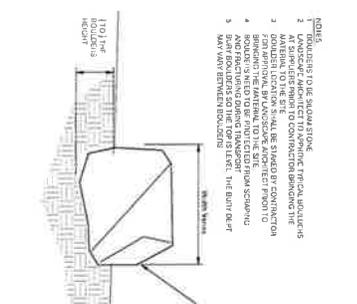
**8** CONIFEROUS TREE PLACEMENT ON SLOPE

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**9** LANDSCAPE BOULDER

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**10** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**11** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**12** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



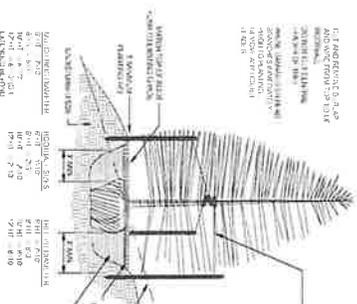
**13** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



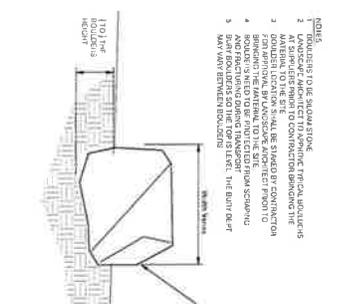
**14** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**15** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**16** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**17** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**18** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



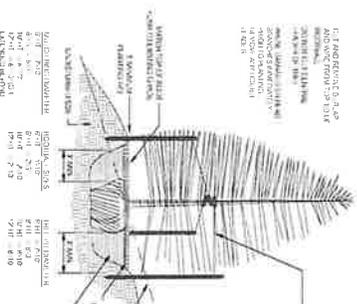
**19** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



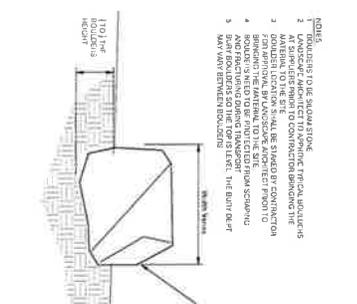
**20** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**21** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**22** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**23** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**24** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



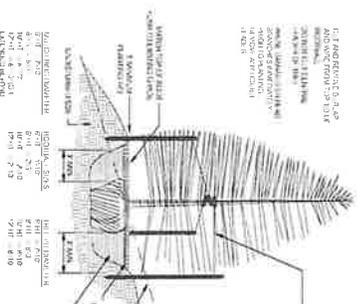
**25** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



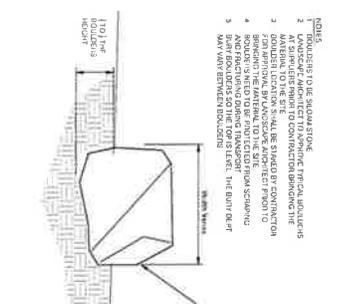
**26** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**27** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**28** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**29** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**30** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



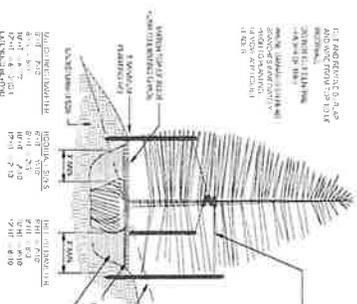
**31** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



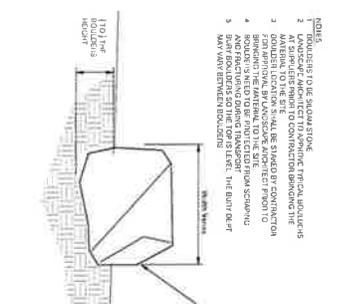
**32** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**33** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**34** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**35** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**36** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



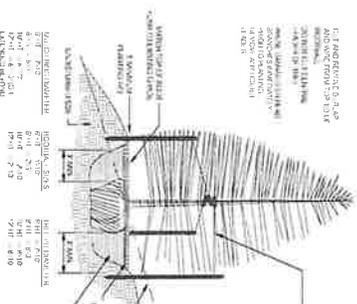
**37** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



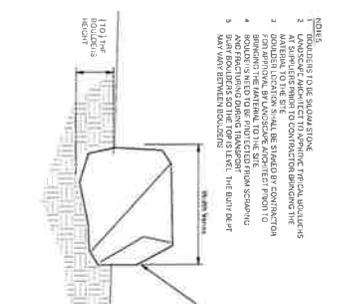
**38** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**39** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**40** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**41** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**42** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



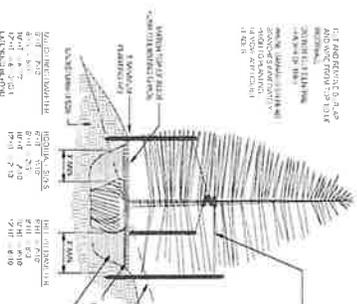
**43** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



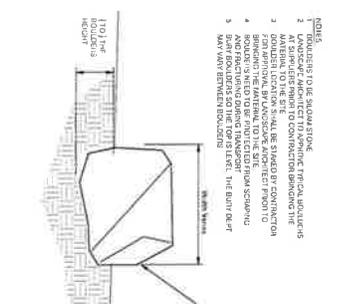
**44** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**45** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**46** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**47** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**48** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**49** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE  
 3. 18" ROOT COLLAR  
 4. 18" SOIL  
 5. 18" MULCH



**50** CONCRETE SLAT WALL

1. 12" DIA. TRUNK  
 2. 18" ROOT FLARE

# STERLING RANCH FILING 5

## PUD PRELIMINARY PLAN

A PORTION OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33,  
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY



**GROUND COVER LEGEND**

[Symbol]	Asphalt	19.563
[Symbol]	Concrete	2.258
[Symbol]	Grass	2.227
[Symbol]	Gravel	19.563
[Symbol]	Other	19.563



STERLING RANCH FILING 5  
PUD Preliminary Plan

FINAL LANDSCAPE PLAN

8 of 9

PUDS9232



**Colorado Springs Airport Advisory Commission Meeting  
To Be Heard September 27, 2023  
Land Use Review Item #11**

<b>EL PASO COUNTY BUCKSLIP NUMBER(S)/FILE NUMBER(S):</b> <b>PUDSP232</b> <b><i>RESIDENTIAL PRELIMINARY PLAN</i></b>	<b>PARCEL #(S):</b> 5233302049
<b>DESCRIPTION:</b> <p>Request by N.E.S. Inc. on behalf of Classic SRJ Land, LLC for approval of a Preliminary Plan for Sterling Ranch Filing 5. The plan includes a rezone to PUD (Planned Unit Development) for 72 single family residential units and right of way road. The site is currently zoned RR-5/CAD-O (Residential Rural/Commercial Airport District) and consists of approximately 11.7 acres. The site is located east of Black Forest Rd and Research Pkwy.</p>	
<b>CONSTRUCTION/ALTERATION OF MORE THAN 200 FEET ABOVE GROUND LEVEL?</b>  No	<b>DISTANCE/DIRECTION FROM COS:</b>  9.7 miles north of Rwy 17L
<b>TOTAL STRUCTURE HEIGHT AT THE ESTIMATED HIGHEST POINT:</b>  35 feet above ground level; 7,063 feet above mean sea level	<b>COMMERCIAL AIRPORT OVERLAY SUBZONES PENETRATED:</b>  None
<b>ATTACHMENTS:</b>  <a href="https://epcdevplanreview.com/Public/ProjectDetails/191947">https://epcdevplanreview.com/Public/ProjectDetails/191947</a>  CLICK ON VIEW PUD DEVELOPMENT PLAN UNDER DOCUMENTS LIST	

**STAFF RECOMMENDATION/CONDITIONS OF APPROVAL**

***Subject to Airport Advisory Commission Action***

*Airport staff recommends **no objection** with the following conditions:*

- **Avigation Easement:** An avigation easement is requested or provide proof of previous recording (book/page or reception number).
- **Airport Acknowledgment:** Upon accepting residency within Sterling Ranch, all adult residents and occupants shall be required to sign a notice in which the tenant acknowledges that Sterling Ranch lies within an Airport Overlay Zone and is located less than 10 miles from Colorado Springs Municipal Airport and may, at times (24 hours per day), experience noise and other activities and operations associated with aircraft and the Airport.
- **FAA Form 7460-1:** If use of equipment (permanent or temporary) will exceed 200 feet above ground level in height at this site, the applicant is to file an airspace evaluation case with the Federal Aviation Administration (FAA) and provide the results to the Airport before the commencement of construction activities; FAA's website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).





January 16, 2024

Kari Parsons, Project Manager  
El Paso County Development Services Department  
Sent via online portal at: <https://epcdevplanreview.com>

**Re: Sterling Ranch Filing No. 5**  
**File #: SF241 and PUDSP232**  
Part of the SW ¼ of Sec. 33, Twp. 12 South, Rng. 65 West, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision File No. 31087 - 2<sup>nd</sup> Letter

Dear Kari Parsons:

We have received the above-referenced submittal to divide 11.66 acres known as Tract B of Sterling Ranch Filing No. 2 into 72 single-family lots. The proposed source of water supply is service provided by the Falcon Area Water and Wastewater Authority (FAWWA). This letter supersedes the comments provided by this office on December 11, 2023.

#### Water Supply Demand

The estimated water demand for residential use and irrigation is 24.26 acre-feet/year for all 72 lots.

#### Source of Water Supply

The proposed source of water supply is service provided by the Falcon Area Water and Wastewater Authority (FAWWA). According to the letter dated March 31, 2023, the FAWWA is committed to serving the 24.26 acre-feet/year of water required by Filing No. 5.

According to the Water Resources Report prepared by RESPEC dated August 2023 (“Report”) and the information provided by John McGinn on September 25, 2023 to this office, the FAWWA has a water supply of 1,930.03 acre-feet/year based on a 300-year supply consisting of Denver Basin aquifer water adjudicated in Water Court case nos. 85CW131 (Shamrock West water), 86CW19, 91CW35, 93CW18/85CW445 (Bar-X Ranch water), 08CW113, 17CW3002, 18CW3002, and 20CW3059 and Determination of Water Right nos. 1689-BD, 1690-BD, and 1691-BD (McCune water). A summary of these water rights is provided in Table 3 of that Report. Because FAWWA anticipates serving 3,710 SFEs in 2040 and 7,310 SFEs in 2060, FAWWA may seek to connect with other water suppliers and investigate the use of lawn irrigation return flow (LIRF) credits and aquifer storage/recharge to increase its supply. Note that our office calculates that 1,929.85 acre-feet/year is available based on a 300-year supply. This discrepancy appears to originate from a difference in the quantity of water calculated to be available from case no. 91CW35. **The FAWWA should be aware that they are limited to the decreed amounts in 91CW35 which are as follows: 3,400 acre-feet from the Dawson aquifer, 7,600 acre-feet from the Denver aquifer, 4,900 acre-feet (not the 4,936 acre-feet claimed in Table 3) from the Arapahoe aquifer, and 3,600 acre-feet (not the 3,623 acre-feet claimed in Table 3) from the Laramie-Fox Hills aquifer.**



There are 970.5 acre-feet/year of uncommitted supply available to the FAWWA based on our estimate of 1,929.85 acre-feet/year of supply and 959.35 acre-feet/year of commitments, including this filing. Therefore, there appears to be more than sufficient legal supply to supply this development on a 300-year basis.

The proposed source of water for this subdivision is bedrock aquifers in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. The Denver Basin water rights adjudications have been decreed by the State of Colorado, Water Division 1 District Court, Water Division 2 District Court, and the Colorado Groundwater Commission. According to 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years." Based on this allocation approach, the annual amounts of water decreed are equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Additionally, according to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water allocated in the determinations are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts shown on attached Table 1 for a maximum of 100 years.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

"(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on 300 years, the allowed average annual amount of withdrawal would be reduced to one third of that amount which is greater than the annual demand of FAWWA's commitments. As a result, the water may be withdrawn in those annual amounts for 300 years.

A review of our records shows well permit no. 86007 may be located on the subject property. This well was decreed as the West Well in case no. W-1309 and permitted with permit no. 86007 for livestock use with an appropriation date of December 31, 1953, and 0.022 cfs (10 gallons per minute). The well depth is unknown. Section 37-92-602(3)(b)(III), C.R.S. requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights. According to the letters dated January 5, 2024, the FAWWA is not able to locate this well. The FAWWA has filed an abandonment report and downgrade request with this office to abandon the well and its associated water right.

### **Additional Comments**

The application materials indicate that a stormwater detention structure will be constructed as a part of this project. The Applicant should be aware that unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), C.R.S., the structure may be subject to administration by this office. The Applicant should review DWR's *Administrative*

*Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, attached, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The Applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal* to meet the notification requirements, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

### **State Engineer's Office Opinion**

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

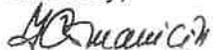
Our opinion is qualified by the following:

The Division 1 Water Court, Division 2 Water Court, and Ground Water Commission have retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights, pending actual geophysical data from the aquifer.

**The amounts of water in the Denver Basin aquifers as identified in this letter are calculated based on estimated current aquifer conditions. The source of water is from non-renewable aquifers, the allocations of which are based on a 100-year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.**

Please contact [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us) or (303) 866-3581 x8206 with any questions.

Sincerely,



Ioana Comaniciu, P.E.

Water Resource Engineer

Attachments: *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*

Ec: Permit no. 86007 file

County Attorney

Kenneth R. Hodges, County Attorney  
719-520-6485  
Centennial Hall  
200 S. Cascade, Suite 150  
Colorado Springs, CO 80903  
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Board of County Commissioners  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

January 19, 2024

PUDSP-23-2 Sterling Ranch Filing No. 5  
Preliminary Plan

Reviewed by: Lori Seago, Senior Assistant County Attorney  
April Willie, Paralegal

**WATER SUPPLY REVIEW AND RECOMMENDATIONS**

Project Description

1. This is a proposal by Classic SJF Land LLC (“Applicant”), to rezone and subdivide an approximately 11.66 +/- acre tract of land into 72 single-family lots. The property is currently zoned RR-5 (Residential Rural).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the Applicant estimated its annual water needs to serve this subdivision at 24.59 acre-feet/year. The Applicant estimates household indoor use at 22.26 annual acre-feet for 72 lots based on an average demand of 0.309 annual acre-feet per lot,<sup>1</sup> plus irrigation of 0.93 acres for a demand of 2.33 annual acre-feet, for a total water demand of 24.59 acre-feet/year for Sterling Ranch Filing No. 5. Based on these figures, the Applicant must provide a supply of 7,377 acre-feet of water (24.59 acre-feet/year x 300 years) to meet the County’s 300-year water supply requirement for the subdivision.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Falcon Area Water and Wastewater Authority (“FAWWA” or “Authority”). The Authority was recently created to serve Sterling Ranch and The Retreat at TimberRidge, previously served by Sterling Ranch

<sup>1</sup> The *Water Resources Report* breaks this calculation down further to estimate 0.265 annual acre-feet per lot for 12 smaller lots and 0.318 annual acre-feet per lot for 60 lots.

**ASSISTANT COUNTY ATTORNEYS**

NATHAN J. WHITNEY  
CHRISTOPHER W. FRIDER  
**PC Report Packet**

STEVEN A. KLAFFKY  
TERRY A. SAMPLE

LORI L. SEAGO  
DOREY L. SPOTTS

BRYAN E. SCHMID  
STEVEN W. MARTYN

MERJ GERINGER

Metropolitan District. The *Water Resources Report* (“Report”) indicates the Authority’s water supply is sourced from on-site non-tributary water rights, including water from Denver, Arapahoe and Laramie-Fox Hills aquifer wells. The *Report* indicates that the current developed physical supply is 1930.16 annual acre-feet/300 years. The total water commitment is currently at 900.76 annual acre-feet/300 years as of August 2023. There is thus a net excess of currently available water of 1029.40 AF/300 years.

4. The Falcon Area Water & Wastewater Authority provided a letter of commitment for Sterling Ranch East Filing No. 5 dated March 31, 2023, in which the Authority committed to providing water service for the 72 lots plus irrigation, for an annual water requirement of 24.26 acre-feet/year.

#### State Engineer’s Office Opinion

5. In a letter dated January 16, 2024, the State Engineer’s Office reviewed the application to subdivide the 11.66 +/- acres into 72 single-family lots. The State Engineer stated that “[t]he proposed source of water supply is service provided by the Falcon Area Water and Wastewater Authority (FAWWA).” Further, the State Engineer stated that “. . . pursuant to section 30-28-136(1)(h)(I) and section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.” The Engineer further advised that their opinion that the water can be provided without injury is based on the determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach is greater than the annual amount of water required to supply existing water commitments and the estimated demands of the proposed subdivision.<sup>2</sup>

#### Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Sterling Ranch Filing No. 5 is 24.59 acre-feet per year for a total demand of 7,377 acre-feet for the subdivision for 300 years, to be supplied by FAWWA. **Based on the Authority’s available water supply of approximately 1029.40 annual acre-feet, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Sterling Ranch Filing No. 5.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Basis. The County Attorney’s Office reviewed the following documents in preparing this review: the *Water Supply Information Summary*, the *Water Resources Report* dated April

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<sup>2</sup> The State Engineer’s Office states that its records reflect that FAWWA has 1,929.85 acre-feet/year of total supply and 959.35 acre-feet/year of existing commitments, resulting in 970.5 acre-feet/year of uncommitted supply.

2023, the *Falcon Area Water & Wastewater Authority* letter dated March 31, 2023, and the *State Engineer Office's Opinion* dated January 16, 2024. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

**REQUIREMENTS:**

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.

cc: Kari Parsons, Project Manager, Senior Planner

MAP AMENDMENT (REZONE) – PLANNED UNIT DEVELOPMENT (PUD) AND  
PRELIMINARY PLAN (SP) (RECOMMEND APPROVAL)

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. PUDSP232

STERLING RANCH FILING NO. 5 PUD (REZONE) & PRELIMINARY PLAN

WHEREAS, Classic SRJ Land, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the PUD (Planned Unit Development) zoning district with a Preliminary Plan proposing a total of 72 attached and detached single-family lots on 11.66 acres; and

WHEREAS, a public hearing was held by this Commission on February 1, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, the Planning Commission and Board of County Commissioners shall determine that the following criteria for approval outlined in Section 4.2.6 and Section 7.2.1 of the El Paso County Land Development Code, as amended, have been met to approve a PUD zoning district and Preliminary Plan:

1. The proposed PUD district zoning advances the stated purposes set forth in Chapter 4 of the Code.
2. The application is in general conformity with the Master Plan;
3. The proposed development is in compliance with the requirements of the 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;
4. 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;
5. 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;
6. The allowed uses, bulk requirements and landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;
7. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
8. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;
9. 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;

10. 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;
11. 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;
12. Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and
13. The owner has authorized the application.

WHEREAS, the applicant has also requested the proposed PUD be reviewed and considered as a Preliminary Plan, the requirements identified in Chapter 7 and Chapter 8 of the El Paso County Land Development Code, as amended, for a Preliminary Plan requires the Planning Commission and the Board of County Commissioners find that the following additional criteria for approval of a Preliminary Plan have also been met:

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is consistent with the purposes of the Code;
3. The subdivision is in conformance with the subdivision design standards and any approved Sketch Plan;
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 the Code;
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 the Code;
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)];
7. Adequate drainage improvements complying with State law [C.R.S. §30-28-133 (3)(c)(VIII)] and the requirements of the Code and the ECM are provided by the design;
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;

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 the Code and the ECM;
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; (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; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (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;
11. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and
13. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Code.

WHEREAS, 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 the Land Development Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Classic SRJ Land, LLC for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from RR-5 (Residential Rural) zoning district to PUD (Planned Unit Development) zoning district with a Preliminary Plan proposing a total of 72 attached and detached single-family lots be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. Development of the property shall be in accordance with this PUD Development Plan. Minor changes in the PUD Development Plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require the submittal of a formal PUD Development Plan amendment application.
2. Approved land uses are those defined in the PUD Development Plan and development guide.

3. All owners of record must sign the PUD Development Plan.
4. The PUD Development Plan and Development Guide shall be recorded in the office of the El Paso County Clerk & Recorder prior to any Final Plat approvals.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471, as amended), at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, as provided by the County Attorney's Office.
8. Applicable park, drainage, bridge, and traffic fees shall be paid to El Paso County Planning and Community Development at the time of Final Plat(s) recordation.

NOTATIONS

1. Subsequent Final Plat filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a Final Plat has been approved and recorded or a time extension has been granted.

BE IT FURTHER RESOLVED that the Planning Commission recommends approval of the Planned Unit Development (PUD) as a Preliminary Plan of the Sterling Ranch Filing No. 5 PUD (Rezone) & Preliminary Plan Subdivision.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

\_\_\_\_\_ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent

Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of \_\_\_to\_\_\_ by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 1st day of February 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
Thomas Bailey, Chair

EXHIBIT A

LEGAL DESCRIPTION: STERLING RANCH FILING NO.5 PUD/PRELIMINARY PLAN

TRACT B, BRANDING IRON AT STERLING RANCH FILING NO. 2 RECORDED UNDER RECEPTION NO. 220714654  
IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER

SAID PARCEL CONTAINS 856,016 SQUARE FEET (11.66 ACRES, MORE OR LESS).