**TO: El Paso County Planning Commission**

 **Jim Egbert, Chair**

**FROM: Kari Parsons, PM/Planner II**

 **Gilbert LaForce, PE Engineer II**

 **Craig Dossey, Executive Director**

**RE: Project File #: SF-18-005**

 **Project Name: Glen at Widefield No. 9 Final Plat**

 **Parcel Nos.: 42000-00-404, 55214-00-005, 55220-00-003, & 55280-00-029**

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| --- | --- |
| **OWNER:** | **REPRESENTATIVE:** |
| Glen Investment Group No. VIII, LLC3 Widefield Blvd.Colorado Springs, CO. 80911 | James Nass111 S. Tejon Street, Suite 312Colorado Springs, CO. 80903 |

**Commissioner District: 4**

Planning Commission Hearing Date: 9/18/2018

Board of County Commissioners Hearing Date 10/9/2018

**EXECUTIVE SUMMARY**

A request by Glen Investment Group No. VIII, LLC, for approval of a final plat to create 106 single-family residential lots, four (4) tracts totaling 116.78 acres, and 7.43 acres of right-of-way. The 145.2 acre property is zoned RS-6000 (Residential Suburban) and is located north of Mesa Ridge Parkway, east of Powers Boulevard, and west of Marksheffel Road and is within Sections 21 and 22, Township 15 South, Range 65 West of the 6th Principal Meridian. Water and wastewater service will be provided by Widefield Water and Sanitation District.

**A. REQUEST/WAIVERS/AUTHORIZATION**

**Request:** A request by Glen Investment Group No. VIII, LLC, for approval of a final plat to create 106 single-family residential lots, four (4) tracts totaling 166.78 acres, and public right-of-way.

**Waiver(s):** No waivers are requested with this final plat.

**Authorization to Sign:** Final plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

1. **Planning Commission Summary**

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

1. **APPROVAL CRITERIA**

In approving a final plat, Section 7.2.1.D.3 of the Land Development Code (2018) states that the BoCC shall find that:

* The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
* The subdivision is in substantial conformance with the approved preliminary plan;
* The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
* 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 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;
* All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
* Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
* Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
* Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
* The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
* Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
* Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
* The subdivision meets other applicable sections of Chapter 6 and 8; and
* The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

**C. LOCATION**

North: City of Fountain Vacant

South: RS-6000 (Residential Suburban) Glen at Widefield Filing No. 8

East: RS-6000 (Residential Suburban) Vacant

West: RS-6000 (Residential Suburban) Glen at Widefield Filing No. 6

**D. BACKGROUND**

The parcels have been zoned RS-6000 (Residential Suburban) since 1983. The parcels were part of the Glen at Widefield Sketch Plan (SKP-01-003), which was approved by the Board of County Commissioners on October 11, 2001. The Sketch Plan identified this area as single-family residential, open space, and a school site. Since approval of the sketch plan, Widefield School District No. 3 has determined that they no longer desire the school site as shown on the Sketch Plan. A minor amendment to the sketch plan was not required in conjunction with the preliminary plan in anticipation of reduced traffic volumes and impacts to adjacent property with the change in land use from a school site to single-family. A preliminary plan (SP-15-004) was approved by the Board of County Commissioners on June 28, 2016. Approval for pre-development site grading and installation of wet utilities (water and sewer) was granted by the Board of County Commissioners on April 20, 2016. This final plat request is consistent with the approved Glen at Widefield Preliminary Plan. A Park Lands Agreement has been completed for Tract C, which is114.702 acres set aside for open space purposes. Platting the open space tract reduces the Urban Park fees (Area 4) due at time of plat recordation. Regional Park fees will still be due at time of plat recordation.

**E. ANALYSIS**

1. **Land Development Code Compliance**

This application meets the final plat submittal requirements, the General Development Standards in Chapter 6, 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 (2018). The final plat is in conformance with the approved preliminary plan.

**2. Zoning Compliance**

The area within the proposed final plat is zoned RS-6000 (Residential Suburban). The density and dimensional standards of the RS-6000 zoning district, as established in Section 5.4.2, Table 5-4 of the Code, are listed below:

* Minimum lot size – 6,000 square feet
* Setbacks – 25 feet from front and rear lot lines; 5 feet from side lot lines
* Maximum building height – 30 feet
* Maximum lot coverage – 40 percent if two-story; 45 percent if single-story

**3. Policy Plan Analysis**

The El Paso County Policy Plan (1998) establishes broad policies and goals which are intended to serve as a framework for decision-making regarding development within the County. The following are policies from the Policy Plan as they specifically relate to this request.

***Policy 6.1.3*** *– Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.*

***Policy 6.1.10-*** *Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing.*

***Policy 6.1.11 -*** *Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

***Policy 6.1.13 -*** *Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.*

The requested final plat is proposed to accommodate single-family residential development. The site is contiguous to existing suburban single-family residential uses to the south and west. Single-family residential is anticipated to be platted to the east with the Glen at Widefield Filing No. 10. The final plat is compatible with existing uses in the area. The map amendment (rezoning) and preliminary plan were previously found to be in conformance with the Policy Plan, and this final plat is consistent with those approvals. For these reasons, staff recommends that a finding can be made for general conformance with the Policy Plan.

**4. Small Area Plan Analysis**

The subject parcel is not located within the boundaries of a small area plan.

**5. Other Master Plan Elements**

The Master Plan for Mineral Extraction (1996) identifies upland deposits and coal in the area of the subject property. The mineral rights certification prepared by the applicant and the title policy indicate that there are no severed mineral rights associated with the property. The 2016 Major Transportation Corridors Plan Update identifies road improvement projects within this proposed plat and is further addressed in Section F.5 Transportation below..

**F. PHYSICAL SITE CHARACTERISTICS**

1. **Hazards**

A geology and soils report, dated November 4, 2015, was submitted by Hepworth-Pawlek Geo-Technical, Inc., in support of the approved preliminary plan (SP-15-004) and this final plat application. The report provides a geologic hazard evaluation and preliminary geotechnical investigation of the plan area. The report identified the following hazards: potentially unstable soils, shallow groundwater, and potential swell characteristics in the soil and bedrock. The applicant has memorialized the need for hazard mitigation via a note and graphic depiction on the plat. The report provides techniques to mitigate such hazards.

Colorado Geological Survey (CGS) staff and Planning and Community Development Department staff have worked with the applicant to identify the hazard areas on the plat and to define appropriate mitigation techniques that will need to be implemented in order to develop single-family lots. CGS has no objection to this plat as it pertains to the identified hazards as long as the mitigation techniques identified in the Hepworth-Pawlek Geo-Technical report are implemented.

1. **Wildlife**

Potential impacts to wildlife are generally high as depicted in the El Paso County Wildlife Habitat Descriptors Map (1996). Colorado Parks and Wildlife and the El Paso County Environmental Services Department reviewed the preliminary plan application. The comments from both agencies generally included standard wildlife notifications and recommendations for wildlife-friendly development. The applicant may choose to implement some of the recommendations for development via covenants to be recorded with this final plat.

In addition, the comments provided by Colorado Parks and Wildlife indicated that any impacts to wildlife resources would be negligible.

1. **Floodplain**

The site is located in Flood Zone X, area determined to be outside the 500 year floodplain per Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map number 08041C0956F and 08041C0957F, effective date March 17, 1997.

1. **Drainage and Erosion**

The site is located within the West Fork Jimmy Camp Creek drainage basin (FOFO2000) which is a studied basin. The subdivision is subject to the Drainage Basin Fee Program which requires fees to be paid at the time of final plat recordation.

The site generally slopes west towards the West Fork of Jimmy Camp Creek. Runoff will be collected by a storm sewer system and directed to a proposed full spectrum detention pond (Pond A), which provides both water quality and flood control storage. Pond A is a private facility and will be owned and maintained by The Glen Metropolitan District No. 3.

An early grading permit was approved with The Glen at Widefield East Preliminary Plan (SP-15-004). The permit identifies best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after grading activities.

1. **Transportation**

The Glen at Widefield Filing No. 9 is located north of Mesa Ridge Parkway, west of Marksheffel Road, and east of Powers Boulevard. All interior roadways are planned to be constructed to El Paso County criteria and dedicated to the County for ownership and maintenance.

The Glen at Widefield East Preliminary Plan identified a proportional contribution to be made with each filing towards construction of signals at three intersection locations. The traffic report prepared by LSC Transportation Consultants, Inc., dated July 30, 2018, states that the applicant is required to escrow the following amounts at the time of recording the Glen at Widefield Filing No. 9:

* $19,065.00 is to be escrowed to the Colorado Department of Transportation (CDOT) towards the construction of a CDOT traffic signal at the Mesa Ridge Parkway and Powers Boulevard (State Highway 21) intersection,
* $6,189.00 is to be escrowed to El Paso County towards the construction of a traffic signal at the Mesa Ridge Parkway and Spring Glen Drive intersection, and
* $6,648.00 is to be escrowed to El Paso County towards the construction of a traffic signal at the Peaceful Valley Road and Marksheffel Road intersection.

The improvements for Mesa Ridge Parkway identified in the 2016 Major Transportation Corridor Plan Update are complete and have been preliminarily accepted by the Board.

Lots within the subdivision are subject to the El Paso County Road Impact Fee Program (Resolution 16-454). The developer of the Glen at Widefield Filing No. 9 has petitioned the County to be included in the ten (10) mill Public Improvement District No. 2 (PID No. 2).

**H. SERVICES**

**1. Water**

 The subdivision will be served by Widefield Water and Sanitation District.

 Sufficiency:

 Quality: Sufficient

 Quantity: Sufficient

 Dependability: Sufficient

 Attorney’s summary: El Paso County Public Health made a recommendation for a finding of sufficiency in terms of water quality. The State Engineer’s Office provided an opinion that the water supply can be provided without causing injury. The County attorney’s office makes a recommendation of sufficiency in terms of water quantity and dependability to the Board of County Commissioners.

1. **Sanitation**

Widefield Water and Sanitation District has committed to provide wastewater service to the development.

1. **Emergency Services**

The site is within the boundaries of Security Fire Protection District. The District was sent a copy of the final plat request and no comments were provided. The District has provided a commitment to serve the development.

1. **Utilities**

The subject property is within the service area of Mountain View Electric Association (MVEA) for electrical service. The property is also within the Black Hills Energy service area for natural gas. The utility providers had no comments regarding the final plat other than a comment regarding the establishment of easements, which are depicted on and will be established via the final plat.

1. **Metropolitan Districts**

The site is within The Glen Metropolitan District No. 3. The District is responsible for ownership and maintenance of drainage, landscaping, and open space tracts within the overall Glen Development. The applicant is also requesting inclusion within the Public Improvement District No. 2 for payment of the County wide road impact fee.

1. **Parks/Trails**

The El Paso County Parks Master Plan (2013) shows no open space, park facilities, or trails intersected by or within the project area.

Regional park fees (Region 4) in lieu of land dedication shall be paid at the time of plat recordation. A Parks Land Agreement between the applicant and the Board of County Commissioners has been agreed to and is anticipated to be recorded. The Agreement, if approved, would eliminate the requirement for payment of urban park fees (Urban Area 4) to be paid at plat recordation.

Payment of Regional Park (Area 4) fees in the amount of $45,580.00 in lieu of land dedication will be due at the time of the final plat recordation.

1. **Schools**

The subject property is within the boundaries of Widefield School District 3. Payment of school fees in the amount of $21,942.00 in lieu of land dedication will be due at the time of the final plat recordation.

1. **APPLICABLE RESOLUTIONS:**

Page 19 Approval

Page 20 Denial

**J. STATUS OF MAJOR ISSUES**

There are no major issues with this request.

**K. CONDITIONS AND NOTATIONS**

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2018), staff recommends the following conditions and notations:

**CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provide the certification of the County Treasurer’s Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer’s Office that all prior years’ taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. The 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. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. Collateral sufficient to ensure that the public and private improvements are constructed as listed in the approved financial assurance estimate shall be provided when the final plat is recorded.
8. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 16-454), or any amendments thereto, 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.
9. A Parks Land Agreement between the applicant and the Board of County Commissioners is anticipated to be approved and recorded. If the Agreement is not approved and recorded, the requirement for payment of urban park fees (Urban Area 4) to be paid at plat recordation will be in effect. Park fees in the amount of $45,580.00 in lieu of land dedication for regional parks (Area 4) fees shall be paid at the time of plat recordation.
10. School fees in the amount of $21,942.00 in lieu of school land dedication shall be paid to El Paso County for the benefit of Widefield School District No. 3 at the time of plat recordation.
11. Drainage fees in the amount of $130,410.74 and bridge fees in the amount of $38,586.07 for the West Jimmy Camp Creek drainage basin (FOFO2000) shall be paid to El Paso County at the time of plat recordation.
12. The applicant shall complete an escrow agreement with the Colorado Department of Transportation (CDOT) in the amount of $19,065.00 to be applied towards the construction of a traffic signal at Mesa Ridge Parkway and Powers Boulevard intersection prior to final plat recordation.
13. The applicant shall complete an escrow agreement with El Paso County in the amount of $6,189.00 to be applied towards the construction of a traffic signal at the Mesa Ridge Parkway and Spring Glen Drive intersection prior to final plat recordation.
14. The applicant shall complete an escrow agreement with El Paso County in the amount of $6,648.00 to be towards the construction of a traffic signal at the Peaceful Valley Road and Marksheffel Road intersection prior to final plat recordation.
15. No direct lot access is permitted to Spring Glen Drive.
16. All technical issues shall be resolved prior to the Board of County Commissioners hearing.

**NOTATION**

1. Final plats not recorded within 12 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

**L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 124 adjoining property owners on August 30, 2018, for the Planning Commission hearing and the Board of County Commissioners hearings. Responses will be provided at the hearings.

**M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Plat Drawing

State Engineer’s Letter

County Attorney’s Letter