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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Nina Ruiz, Planner III
Daniel Torres, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: SF-19-005
Project Name: Gardens at North Carefree
Parcel Nos.: 53294-00-012 and 53294-11-002

OWNER:	REPRESENTATIVE:
Mule Deer Investments, LLC 2727 Glen Arbor Drive Colorado Springs, CO 80920	NES, Inc. 619 N Cascade Avenue Colorado Springs, CO 80903

Commissioner District: 2

Planning Commission Hearing Date:	1/7/2020
Board of County Commissioners Hearing Date	1/28/2020

EXECUTIVE SUMMARY

A request by Mule Deer Investments, LLC, for approval of a final plat to create 70 single-family residential lots. The PUD development plan and preliminary plan for The Gardens at North Carefree was approved by the Board of County Commissioners on February 12, 2019, and included development of 71 single-family residential lots, rights-of-way, and open space and utility tracts within an 11.56 acre development area. A minor amendment to reconfigure the lots and reduce the number of lots from 71 to 70



was approved administratively by the PCD Director. The two parcels, totaling 11.56 acres are located at the southeast corner of the Akers Drive and North Carefree Circle intersection and are within Section 29, Township 13 South, Range 65 West of the 6th P.M. The parcels are not included within a small area plan.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Mule Deer Investments, LLC, for approval of a final plat to create 70 single-family residential lots.

Waiver(s)/Deviation(s):

Deviations

The following deviations from the standards of the El Paso County Engineering Criteria Manual (ECM) have been administratively approved by the County Engineer:

1. Section 2.2.4.B.4: The typical cross-section for an Urban Non-Residential Collector Road provides a sidewalk that is parallel to the roadway. The applicant has submitted a deviation request to allow for a meandering sidewalk. This request has been approved as the proposed sidewalk will still provide a safe pedestrian walkway.
2. Section 2.3.4.A: The minimum rate of vertical curvature, K, for a road with a design speed of 25 mph is 12 at a crest vertical curve and 25 at a sag vertical curve. The applicant has submitted a deviation to allow for a rate that is less than the minimum values at two locations, one on each Fallow Lane and Running Deer Way. This request has been approved as the rate of vertical curvature proposed will occur at the stop conditions of these two roads where driver comfort and safety will not be affected.

Authorization to Sign: Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

- 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.]

D. LOCATION

North: RS-6000 (Residential Suburban)	Residential
South: CS (Commercial Service)	Commercial/Vacant
East: RR-5 (Residential Rural)	Natural Gas Facility
West: PUD (Planned Unit Development)	Residential

E. BACKGROUND

The parcel was zoned A-4 (Agricultural) on September 21, 1965, when zoning was first initiated for this area of El Paso County. Due to changes in the nomenclature of the El Paso County Land Development Code, the A-4 zoning district has been renamed to the RR-5 (Residential Rural) zoning district. The southern 2.05 acres was platted as Lot 2 of the Mule Deer Business Park Filing No. 1 on June 19, 2006, which was the same parcel previously rezoned in 2004 from RR-5 to CS (Commercial Service).

The PUD development plan and preliminary plan for The Gardens at North Carefree was approved on February 12, 2019 and included development of 71 single-family residential lots, rights-of-way, and open space and utility tracts within an 11.56 acre development area. A minor amendment to reconfigure the lots and reduce the number of lots from 71 to 70 was approved administratively by the PCD Director. The applicant is now seeking approval of a final plat for all 70 residential lots, tracts, and right-of-way.

F. ANALYSIS

1. Land Development Code Compliance

The final plat application meets the final plat 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 (2019).

2. Zoning Compliance

The Gardens at North Carefree PUD Development Plan identifies allowed and permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverage, and maximum building height; and overall landscaping requirements. The Gardens at North Carefree Filing No. 1 final plat is consistent with the approved PUD guidelines.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

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

Policy 6.1.4 – Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.

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.

The infrastructure needed to provide central services to the development is proposed to be extended from Colorado Springs Utilities and Cherokee Metropolitan District into the proposed subdivision.

The subject parcels are located south of North Carefree Circle and east of Akers Drive. North Carefree Circle acts as a transition line between the lower single-family residential density located to the north and the hodgepodge of light industrial, commercial, and higher density single family residential to the south. North of North Carefree Circle, across from the subject parcels, is the Pronghorn Meadows Subdivision, which includes single family residential development with a minimum lot size of 6,000 square feet, which results in a lower residential density (3.28 DU/ac) than that identified in the approved Gardens at North Carefree PUD (6.14 DU/ac).

However, south of North Carefree Circle, immediately to the west of the subject parcels, is the Mule Deer Crossing PUD, which includes single family residential development with a minimum lot size of 3,150 square feet (at an overall density of 5.84 DU/ac), which is similar to the densities of the approved Gardens at North Carefree PUD. South of North Carefree Circle, and south of the subject parcels, are properties zoned CS (Commercial Service) and I-2 (Limited Industrial). The uses on these properties include a combination of office and warehousing and the County's Department of Public Works facility. To the east of the subject parcels, but still south of North Carefree Circle, is a property that is zoned RR-5 (Residential Rural) and is used by Colorado Springs Utilities for a natural gas facility.

The approved PUD (Planned Unit Development) allows for residential development with a minimum lot size of 3,100 square feet at an overall density of 6.14 DU/ac. The approved densities and land uses are consistent and compatible with the previously developed areas south of North Carefree Circle in terms of density and land use, and are not incompatible with the density and land use of the development located north of North Carefree Circle, with the road serving as a density transition line. The proposed final plat is in conformance with the approved PUD.

4. Small Area Plan Analysis

The property is not included within a small area plan.

6. 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 through the comprehensive planning and development review processes. Relevant goals and 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.

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

Water sufficiency has been reviewed with the proposed final plat. Please review the Water section below for a summary of the water findings and recommendations for the proposed Subdivision. The State Engineer and El Paso County Attorney have recommended that the proposed subdivision has an adequate water supply in terms of quantity and dependability. The El Paso County Health Department has made a recommendation for water quality.

6. 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 Division, and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential upland deposits in the area of 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.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified in the review of the final plat.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

3. Floodplain

The site is not located within a defined floodplain as determined from FEMA Flood Insurance Rate Map Panel No. 08041C0539G, dated December 7, 2018.

4. Drainage and Erosion

The property is located within Sand Creek drainage basin (FOFO4000). The basin is studied (1996) and fees will be due at the time of final plat recordation. There are no drainage basin planning study (DBPS) improvements associated with this development.

The site generally drains to the west. Stormwater runoff will be collected by storm sewer systems and will be directed into two interconnected detention ponds. These detention facilities are private and will be maintained by the Gardens at North Carefree Metropolitan District. The pond outlet structure ties into an existing storm sewer system on Akers Drive, which has the capacity to handle the stormwater volume from the site based upon the designed release rates.

5. Transportation

The property is located at the southeast corner of North Carefree Circle and Akers Drive intersection. The 2016 Major Transportation Corridors Plan Update (MTCP) does not call for any improvement projects in the immediate vicinity of the site. None of the improvements associated with this development are reimbursable through the MTCP roadway improvements program.

The proposed development provides two access points (one full movement and one $\frac{3}{4}$ movement) along Akers Drive. Auxiliary left- and right-turn deceleration lanes into the subdivision have already been provided at the site access points. Some offsite restriping will be required due to the shift in the northern access to align with Fallow Lane. All interior roadways are planned to be constructed to El Paso County criteria and will be dedicated to the County for ownership and maintenance.

The subdivision is subject to the El Paso County Road Impact Fee program (Resolution No. 18-471), as amended.

H. SERVICES

1. Water

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: Summary to be provided at hearing.

2. Sanitation

Wastewater service will be provided by Cherokee Metropolitan District. The District provided a commitment letter indicating they have adequate capacity to serve the additional 70 residential lots.

3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral for the proposed subdivision and have no outstanding comments.

4. Utilities

Colorado Springs Utilities will provide electrical and natural gas service to the development.

5. Metropolitan Districts

The property is located within the Cherokee Metropolitan District, which has no mill levy but charges fees based upon consumption and usage.

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$32,376.00 for regional fees and \$20,448.00 for urban park fees will be due at the time of recording the final plat.

7. Schools

Fees in lieu of school land dedication in the amount of \$16,800.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording

I. APPLICABLE RESOLUTIONS

Approval Page 19

Disapproval Page 20

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED 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 (2019), 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 provides 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. 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. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the final plat.

8. Collateral, sufficient to ensure that the public improvements as listed in the approved financial assurance estimate, shall be provided when the final plat is recorded.
9. 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. 18-471), 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.
10. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$32,376.00 and urban park (Area 3) fees in the amount of \$20,448.00 shall be paid at the time of final plat recordation.
11. Fees in lieu of school land dedication in the amount of \$16,800 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of final plat recording.
12. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation of initial temporary control measures, may not commence until a preconstruction conference is held with Planning and Community Development Inspections staff and a construction permit is issued by the Planning and Community Development Department.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 33 adjoining property owners on December 17, 2019, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent

Plat Drawing
State Engineer's Letter
County Attorney's Letter to be provided at hearing
El Paso County Public Health Recommendation Letter

El Paso County Parcel Information

File Name: SF-19-005

Zone Map No. --

PARCEL	NAME
5329411002	MULE DEER INVESTMENTS LLC
5329400012	MULE DEER INVESTMENTS LLC

Date: December 18, 2019

ADDRESS	CITY	STATE
2727 GLEN ARBOR DR	COLORADO SPRINGS	CO
2727 GLEN ARBOR DR	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80920	1466
80920	1466



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 520-6600



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LETTER OF INTENT

OCTOBER, 2019

OWNER/APPLICANT:

Mule Deer Investments, LLC
31 N. Tejon, Suite 502
Colorado Springs CO 80903

CONSULTANT:

Stantec
5725 Mark Dabling Boulevard Suite 190
Colorado Springs, Colorado 80919

TAX ID: 5329400012 AND 5329411002

REQUEST

Mule Deer Investments LLC requests approval of the following applications:

1. A Final Plat and Construction Drawing approval for Gardens at North Carefree; a 70-unit single-family development, with a gross density of 6.05 dwelling units per acre.

LOCATION

Gardens at North Carefree is located southeast of the intersection of North Carefree Circle and Akers Drive. The property is currently vacant, undeveloped land comprising 11.56 acres. The north of the site abuts North Carefree Circle, beyond which is the Pronghorn Meadows subdivision. The western boundary is bounded by Akers Drive, with the Mule Deer Crossing subdivision adjacent. Along the southern boundary of the site is the Sky High at Mule Deer Business Park.

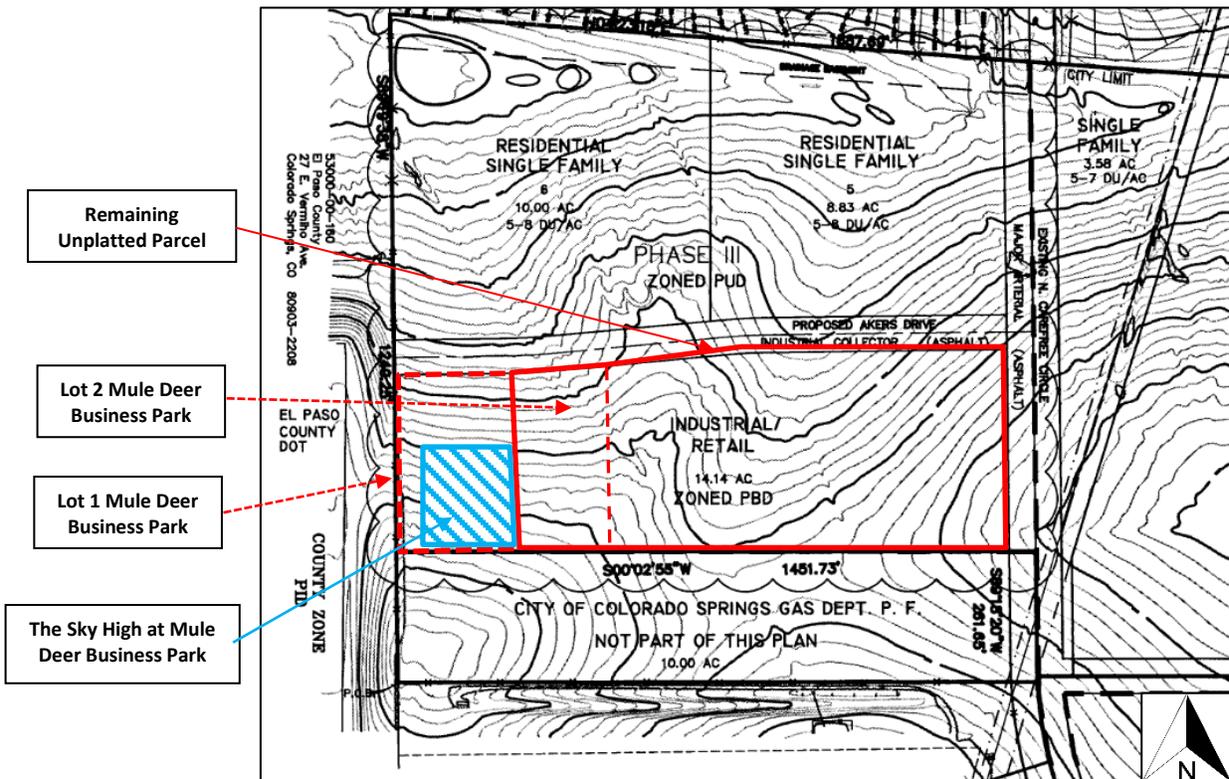


The building to the south is currently occupied by a Charter School, which is served by an unnamed private driveway running between the two properties. The western portion of the business park is currently undeveloped. To the east is property owned by Colorado Springs Utilities (CSU). Immediately adjacent to the site is a chain link fence and a 450-foot wide berm that provides a buffer to the active part of the CSU property, which is used as a gas storage facility.

SITE HISTORY

The property is part of a 14-acre parcel within the Pronghorn Meadows (Hilltop) Sketch Plan. The Sketch Plan was originally approved in 2001 (SKP-01-002) and designated the area of the subject site for industrial use. An amendment to the Sketch Plan was approved in August 2005 (SKP-04-001) which reclassified the land designation to Industrial/Retail development.

The southern part of the site was platted into Lots 1 and 2 Mule Deer Business Park in 2004. Subsequently, part of Lot 1 was replatted to The Sky High at Mule Deer Business Park and the existing condominium building was constructed in 2008. Lot 2 Mule Deer Business park and the unplatted land to the north have remained undeveloped.

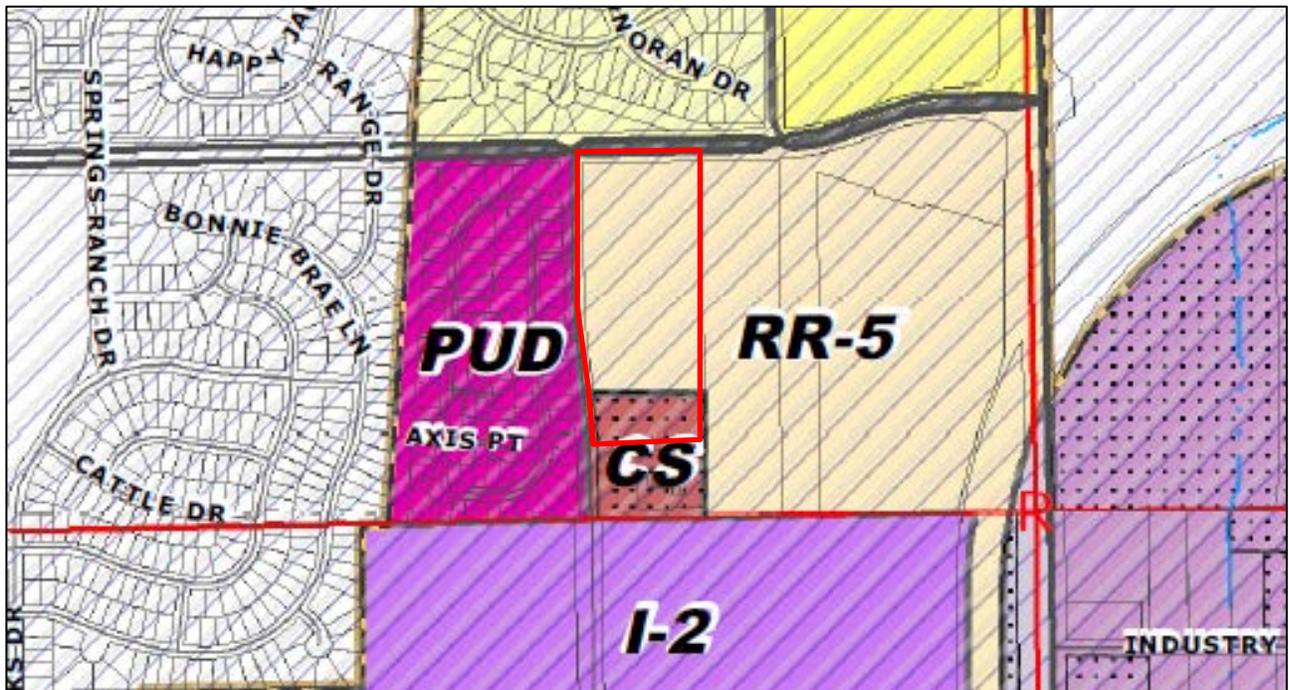


The Gardens at North Carefree PUDSP was approved by the El Paso County Board of County Commissioners on February 12, 2019. During design of the development as part of the Final Plat approval it was determined that only 70 lots could be constructed rather than 71. The change to 70 lots was driven primarily by drainage design requirements; an amendment to the approved PUDSP to reflect 70 lots is currently being processed.

ZONING

The site is part of a County enclave within the City of Colorado Springs. The site was just recently zoned to PUD.

To the north of North Carefree Circle is the Pronghorn Meadows subdivision, which is zoned RS-6000 and the lots are generally between 6,000 - 7,000 square feet. The western boundary of the site is bordered by Akers Drive, with the Mule Deer Crossing subdivision adjacent. This subdivision is zoned PUD and the lot sizes are generally between 4,000 - 4,500 square feet. To the south is the Sky High at Mule Deer Business Park, which is a condominium complex zoned CS. The CSU property to the east is zoned RR-5 but is clearly not intended for use as 5-acre residential lots as it acts as a buffer to the active part of the CSU gas storage facility.



PROJECT DESCRIPTION

The project proposes 70 single-family lots on 11.56-acre site, for a gross density of 6.05 units per acre. The single-family lots front and are entered from the public road, Vineyard Circle. A general building envelope is identified on the PUD Plan.

There will be two points of access into the site off Akers Drive, both of which align with existing streets, Fallow Lane and Running Deer Way, which serve the Mule Deer Crossing subdivision to the west. The main internal street through the development will be a public street with an Urban Local street

designation, with a 50-foot right-of-way and attached sidewalks.



All units will have a 2-car garage and sufficient depth has been included within the building envelope to allow units to have full driveways. Sufficient parking is provided within garages and with additional parking available on the public street.

A 5-foot side, 10-foot front, 20-foot garage, and a 10-foot rear setback is provided on all lots.

A six-foot concrete panel fence will be provided along the north, south, and a portion of the west boundary along with a vinyl fence on the remainder of the west boundary to create a buffer and separation from the roadways to the north and west, and the business/charter school uses to the south. A split rail fence will be provided between the detention ponds and adjacent lots. On site water quality is included either side of the southern site entrance.

REQUEST AND JUSTIFICATION

Final Plat and Construction Drawings

To approve a Final Plat for 70 single family (PUD) lots on 11.56 acres. This letter serves as a request to receive El Paso County approval of Final Plat for this site along with Construction Drawing approval. The applicant anticipates findings of sufficiency of water quality and water capacity based on service provided by Cherokee Metropolitan District; this has been confirmed with correspondence from Cherokee Metropolitan District with previous submittals.

Urban Local Roadway Cross-Section E.C.M Section 2.2.4.B.6 Figure 2-16

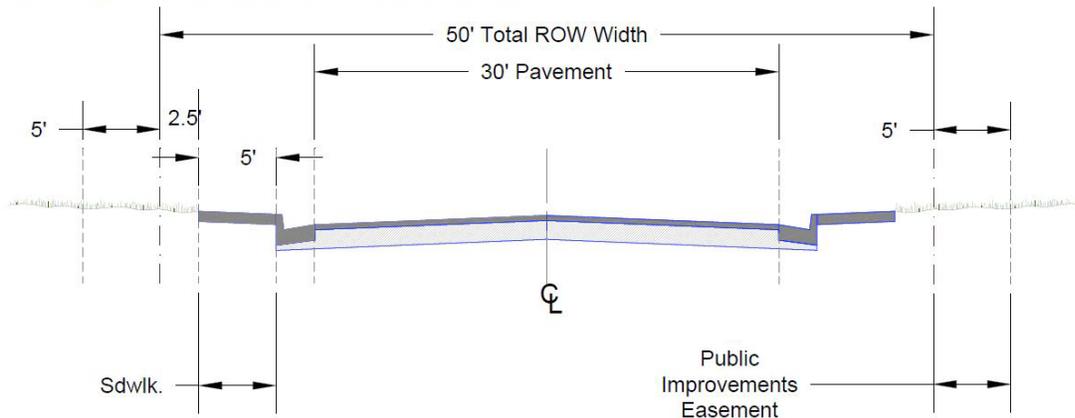


Figure 2-16 of the ECM requires a 50-foot right-of-way containing a 2.5-foot buffer from the back of sidewalk to the edge of the right-of-way and an additional 5-foot utility easement outside of the total right-of-way width as shown above; this cross section is used for the two entrance roads, Fallow Lane and Running Deer Way. The street section is modified to a 45-foot right-of-way from back of sidewalk to back of sidewalk for the internal road Vineyard Circle. The modification reduces the ROW width and eliminates the 2.5-foot buffer on either side of the street between the sidewalk and the 50-foot right-of-way. And accommodates the site constraints, provides additional open space throughout the project, and provides the 175-foot ECM prescribed intersection centerline spacing along Running Deer Way. A 30-foot pavement width is maintained as well as the 5-foot utility easement.

New Development Stormwater Management E.C.M. Appendix I.7.1.B.

Appendix I Section I.7.1.B, first bullet point, of the El Paso County Engineering Criteria Manual states that all sites of development/redevelopment of one (1) acre or more shall provide water quality capture volume (WQCV) for the total site. We have requested a deviation, in that approximately 0.94 acres of 11.89 acres of the area inside the development boundary will not reach a proposed on-site water quality facility. Of the area inside the development boundary that will not reach a facility only 0.19 acres is proposed roadway, 0.75 acres is back of proposed developed lots and open space along the west boundary that drains to Akers Drive. The reason these areas are not able to reach the WQCV's are due to the topography of the site. The Deviation Request was approved as part of the PUD approval.

THE PROPOSED FINAL PLAT IS IN CONFORMANCE WITH THE COUNTY POLICY PLAN BASED ON THE FOLLOWING POLICY ANALYSIS:

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.

THIS APPLICATION MEETS THIS POLICY BY MAINTAINING DENSITY AND LAND USE IN ACCORDANCE WITH THE HILLTOP SKETCH PLAN AND GARDENS PRELIMINARY PLAN/PUD. AND WITHIN THE PARAMETERS OF THE ADJACENT PROPOSED RESIDENTIAL PROPERTIES TO THE WEST (MULE DEER). ACCESS WILL BE FROM AKERS DRIVE IN ACCORDANCE WITH THE APPROVED PRELIMINARY PLAN. CAPACITY OF THESE ROADS IS ADDRESSED IN THE ACCOMPANYING TIS.

POLICY 6.1.6: DIRECT DEVELOPMENT TOWARD AREAS WHERE THE NECESSARY URBAN-LEVEL SUPPORTING FACILITIES AND SERVICES ARE AVAILABLE OR WILL BE DEVELOPED CONCURRENTLY.

THIS APPLICATION MEETS THIS POLICY BY TAKING ADVANTAGE OF EXISTING URBAN SUPPORTING FACILITIES PROVIDED BY CHEROKEE METROPOLITAN DISTRICT.

POLICY 10.1.2: CAREFULLY CONSIDER THE IMPACTS THAT PROPOSED NEW DEVELOPMENTS WILL HAVE ON THE VIABILITY OF EXISTING AND PROPOSED WATER AND WASTEWATER SYSTEMS.

THE CHEROKEE METROPOLITAN DISTRICT HAS INDICATED THE ABILITY TO SERVE THE PROPERTY AS WELL AS THE STATE ENGINEERS OFFICE FROM PREVIOUS REVIEWS. THE PROPOSED PROJECT IS WITHIN THE SERVICE BOUNDARY OF THE CHEROKEE METROPOLITAN DISTRICT (WATER AND SEWER) AND EL PASO COUNTY WHICH INCLUDES ACCESS TO ADJACENT EXISTING AKERS DRIVE.

POLICY 10.2.2: CAREFULLY CONSIDER THE AVAILABILITY OF WATER AND WASTEWATER SERVICES PRIOR TO APPROVING NEW DEVELOPMENT.

THE CHEROKEE METROPOLITAN DISTRICT HAS INDICATED THE ABILITY TO SERVE THE PROPERTY AS WELL AS THE STATE ENGINEERS OFFICE FROM PREVIOUS REVIEWS. THE PROPOSED PROJECT IS WITHIN THE SERVICE BOUNDARY OF THE CHEROKEE METROPOLITAN DISTRICT; THE CHEROKEE METROPOLITAN DISTRICT HAS BEEN PROVIDING SERVICE TO THE SURROUNDING PROPERTIES FOR MULTIPLE YEARS.

THIS REQUEST MEETS THE CRITERIA FOR APPROVAL OUTLINED IN SECTION 5.3.5 OF THE EL PASO COUNTY LAND DEVELOPMENT CODE BY THE FOLLOWING:

THE APPLICATION IS IN GENERAL CONFORMANCE WITH THE COUNTY MASTER PLAN AND PREVIOUS COUNTY APPROVALS; IN THIS CASE THE HILLTOP SKETCH PLAN AND GARDENS AT NORTH CAREFREE PRELIMINARY PLAN.

THE PROPOSED LAND USE AND ZONE DISTRICT IS COMPATIBLE WITH THE EXISTING AND PERMITTED LAND USES IN THE AREA.

THE SITE IS SUITABLE FOR THE INTENDED USE.

THIS REQUEST MEETS THE CRITERIA FOR APPROVAL OUTLINED IN SECTION 7.2.1 OF THE EL PASO COUNTY LAND DEVELOPMENT CODE BY THE FOLLOWING:

THE APPLICATION FOR FINAL PLAT IS IN CONFORMANCE WITH THE COUNTY MASTER PLAN.

THE SUBDIVISION IS IN CONFORMANCE WITH THE ZONING, GARDENS PRELIMINARY PLAN AND THE HILLTOP SKETCH PLAN.

THE PROPOSED SUBDIVISION IS CONSISTENT WITH THE ADJACENT SUBDIVISION DESIGN.

THE PROPOSED WATER SUPPLY IS ADEQUATE AND WILL BE PROVIDED BY THE CHEROKEE METROPOLITAN DISTRICT.

THE PROPOSED SEWAGE DISPOSAL IS TO BE PROVIDED BY THE CHEROKEE METROPOLITAN DISTRICT.

ADEQUATE DRAINAGE SOLUTIONS ARE PROVIDED AND FOLLOW PRELIMINARY DRAINAGE REPORT, MDDP AND DBPS RECOMMENDATIONS.

NECESSARY SERVICES (FIRE PROTECTION, POLICE, RECREATION, UTILITIES) HAVE BEEN PROVIDED AND WILL CONTINUE TO BE PROVIDED BY THE CHEROKEE METROPOLITAN DISTRICT, FALCON FIRE PROTECTION DISTRICT, EL PASO COUNTY, THE CITY OF COLORADO SPRINGS (GAS) AND MOUNTAIN VIEW ELECTRIC (ELECTRIC).

FIRE PROTECTION WILL BE PROVIDED BY THE FALCON FIRE PROTECTION DISTRICT.

OFFSITE IMPACTS ARE MINIMAL AND WILL BE MITIGATED AS PART OF CONSTRUCTION.

ADEQUATE PUBLIC FACILITIES AND INFRASTRUCTURE ARE PROVIDED.

THE SUBDIVISION MEETS ALL OTHER EL PASO COUNTY CRITERIA OR WAIVERS HAVE BEEN REQUESTED IN THIS DOCUMENT.

NO MINERAL EXTRACTION IS PLANNED FOR THIS SITE.

Traffic Impact Fees:

The applicant requests that platted lots within the Gardens at North Carefree be included in the county wide Public Improvements District (PID 2) being formed and implemented as part of the Traffic Impact Fee resolution.

The calculated Traffic Impact Fee for Gardens at North Carefree Residential development is estimated to be is \$85,470 (70 lots x \$1,221.00 per lot) based on the inclusion in the PID 2 and current fees.

Site Geology:

Entech Engineering, Inc. has provided a Soils, Geology and Geologic Hazard report to accompany this application. This report has identified several potential Geologic Hazards on site related to development of the property along with proposed mitigation of the hazards. The applicant will incorporate the recommended mitigation during final design and construction on site.

Waiver Requests:

1. Waiver for double frontage lots; The proposed development has Akers Drive on the west of the property. Consequently, some lots back up to this road and therefore are considered double frontage. This was approved with the Preliminary Plan/PUD.
2. Drainage Deviation approved with the Preliminary Plan/PUD.
3. Sidewalk Deviation being processed with this application.
4. Roadway Design deviation being processed with this application.

ACCOMPANYING REPORTS:

The following Reports are submitted to support this application:

- Soils and Geology Report by Entech Engineering, Inc.
- Traffic Report by LSC Transportation Consultants Inc.
- Final Drainage Report by Stantec Consulting, Inc.

THE GARDENS AT NORTH CAREFREE FILING NO.1

A SUBDIVISION OF A PORTION OF THE EAST 1/2 OF SECTION 29,
TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M.
EL PASO COUNTY, COLORADO
SHEET 1 OF 2

LEGAL DESCRIPTION:

KNOW ALL MEN BY THESE PRESENTS:

THAT MULE DEER INVESTMENTS LLC., BEING THE OWNER OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

LOT 2, MULE DEER BUSINESS PARK FILING NO.1, RECORDED AT RECEPTION NO. 206712353 IN THE RECORDS OF EL PASO COUNTY, TOGETHER WITH A TRACT OF LAND LOCATED IN THE EAST 1/2 OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF AKERS DRIVE (80 FEET WIDE) AS PLATTED IN MULE DEER BUSINESS PARK FILING NO.1, RECORDED WITH RECEPTION NO. 206712353 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF NORTH CAREFREE CIRCLE (120 FEET WIDE) AS PLATTED IN PRONGHORN MEADOWS FILING NO.1, RECORDED WITH RECEPTION NO. 202165571 OF SAID RECORDS;

THE FOLLOWING FIVE (5) COURSES ARE ON THE EASTERLY RIGHT-OF-WAY OF SAID AKERS DRIVE;

1) THENCE S00°41'40"E A DISTANCE OF 552.98 FEET TO A POINT OF CURVE TO THE LEFT;

2) THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 960.00 FEET, A DELTA ANGLE OF 04°35'19", AN ARC LENGTH OF 76.88 FEET, WHOSE LONG CHORD BEARS S02°59'19"E A DISTANCE OF 76.86 FEET;

3) THENCE S05°16'59"E A DISTANCE OF 277.56 FEET TO THE NORTHWEST CORNER OF LOT 2, OF SAID MULE DEER BUSINESS PARK FILING NO.1;

4) THENCE S05°16'59"E ON THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 142.31 FEET TO A POINT OF CURVE TO THE RIGHT;

5) THENCE ON THE ARC OF SAID CURVE AND SAID WESTERLY LINE OF LOT 2, HAVING A RADIUS OF 1040.00 FEET, A DELTA ANGLE OF 03°59'26", AN ARC LENGTH OF 72.43 FEET, WHOSE LONG CHORD BEARS S03°17'16"E A DISTANCE OF 72.42 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2;

THENCE N88°42'27"E ON THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 413.10 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE N00°02'55"E ON THE EAST LINE OF SAID LOT 2, A DISTANCE OF 209.74 FEET TO THE NORTHEAST CORNER OF SAID LOT 2;

THENCE N00°02'55"E A DISTANCE OF 906.69 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SAID NORTH CAREFREE CIRCLE;

THENCE S89°18'20"W ON SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 467.50 FEET TO THE POINT OF BEGINNING.

THE ABOVE LOT AND TRACT OF LAND CONTAINS 503,669 SQUARE FEET OR 11.563 ACRES, MORE OR LESS.

DEDICATION:

THE ABOVE OWNER HAS CAUSED SAID TRACT OF LAND TO BE SURVEYED AND PLATTED INTO LOTS, TRACTS, STREETS AND EASEMENTS AS SHOWN ON THE PLAT, WHICH SUBDIVISION SHALL BE ENTITLED "THE GARDENS AT NORTH CAREFREE FILING NO.1", A SUBDIVISION IN EL PASO COUNTY, COLORADO. ALL STREETS PLATTED ARE HEREBY DEDICATED TO PUBLIC USE AND UPON ACCEPTANCE BY RESOLUTION, ALL STREETS SO DEDICATED WILL BECOME MATTERS OF MAINTENANCE BY EL PASO COUNTY, COLORADO.

OWNERS CERTIFICATE:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO LOTS, TRACTS, STREETS, AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF "THE GARDENS AT NORTH CAREFREE FILING NO.1". ALL PUBLIC IMPROVEMENTS SO PLATTED ARE HEREBY DEDICATED TO PUBLIC USE AND SAID OWNER DOES HEREBY COVENANT AND AGREE THAT THE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION CONTROL FOR SAME WILL BE PROVIDED AT SAID OWNER'S EXPENSE, ALL TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO. UPON ACCEPTANCE BY RESOLUTION, ALL PUBLIC IMPROVEMENTS SO DEDICATED WILL BECOME MATTERS OF MAINTENANCE BY EL PASO COUNTY, COLORADO. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

IN WITNESS WHEREOF:

MULE DEER INVESTMENTS LLC. HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS ____ DAY OF _____, 2019, BY HEATH A. HERBER, PRESIDENT.

MULE DEER INVESTMENTS LLC.

By: _____
HEATH A. HERBER, PRESIDENT

STATE OF COLORADO)
COUNTY OF EL PASO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2019 BY HEATH A. HERBER, AS PRESIDENT OF MULE DEER INVESTMENTS LLC.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

NOTES:

- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY RIDGELINE LAND SURVEYING LLC., TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD, RIDGELINE LAND SURVEYING LLC RELIED UPON A COMMITMENT FOR TITLE INSURANCE NO. SC55077552.1, PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, DATED 10-01-2019.
- A DRIVEWAY PERMIT MUST BE ISSUED BY EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT PRIOR TO THE ESTABLISHMENT OF ANY DRIVEWAY. EACH LOT MAY ONLY ACCESS ONE STREET.
- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED AND ARE ON FILE AT EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT: SOILS AND GEOLOGICAL STUDY; WATER AVAILABILITY STUDY; DRAINAGE REPORT; WILDFIRE HAZARD REPORT; NATURAL FEATURES REPORT; EROSION CONTROL REPORT.
- NO LOT, OR INTEREST THEREIN, SHALL BE SOLD, CONVEYED OR TRANSFERRED WHETHER BY DEED OR BY CONTRACT, NOR SHALL BUILDING PERMITS BE ISSUED UNTIL AND UNLESS THE REQUIRED PUBLIC IMPROVEMENTS HAVE BEEN CONSTRUCTED AND COMPLETED IN ACCORDANCE WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE APPLICANT AND EL PASO COUNTY AS RECORDED AT RECEPTION NO. _____ IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO OR IN THE ALTERNATIVE, OTHER COLLATERAL IS PROVIDED WHICH IS SUFFICIENT IN THE JUDGMENT OF THE BOARD OF COUNTY COMMISSIONERS, TO MAKE PROVISION FOR THE COMPLETION OF SAID IMPROVEMENTS.
- ALL STRUCTURAL FOUNDATIONS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER CURRENTLY REGISTERED IN THE STATE OF COLORADO.
- WATER AND WASTEWATER SERVICES FOR THIS SUBDIVISION ARE PROVIDED BY THE CHEROKEE METROPOLITAN DISTRICT (CHEROKEE) SUBJECT TO THE DISTRICTS RULES, REGULATIONS AND SPECIFICATIONS. THE OFFICE OF THE STATE ENGINEER HAS ISSUED AN OPINION OF WATER INADEQUACY BASED ON ITS ANALYSIS AND INTERPRETATION OF A STIPULATED AGREEMENT CONCERNING THE AVAILABILITY OF CERTAIN WATER RIGHTS FOR USE OUTSIDE OF THE UPPER BLACK SQUIRREL CREEK DESIGNATED BASIN, AND THUS FOUND INSUFFICIENCY OF WATER RECOURES FOR THIS SUBDIVISION BASED ON THAT AGREEMENT. THIS INTERPRETATION DIFFERS FROM CERTAIN OPINIONS ISSUED BY THE OFFICE IN THE PAST. BASED ON ITS OWN REVIEW OF THE STIPULATED AGREEMENT AND ITS HISTORY (AND NOT THE AMOUNT OF WATER ACTUALLY AVAILABLE) THE BOARD OF COUNTY COMMISSIONERS IN AN OPEN AND PUBLIC HEARING DID NOT ACCEPT THE INTERPRETATION OF THE STATE ENGINEER'S OFFICE. THE BOARD OF COUNTY COMMISSIONERS FOUND THAT CHEROKEE HAS COMMITTED TO PROVIDE WATER SERVICE TO THE SUBDIVISION AND ASSERTED THAT ITS LONG TERM WATER SERVICE CAPABILITIES ARE SUFFICIENT. THE BOARD OF COUNTY COMMISSIONERS MADE THIS DETERMINATION IN RELIANCE UPON THE TESTIMONY OF EXPERTISE PROVIDED BY CHEROKEE AT THE PUBLIC HEARING THEREON. AT THE HEARING, CHEROKEE ASSERTED THAT ITS PLANS AND CONTINUED FINANCIAL INVESTMENT IN INFRASTRUCTURE ARE DESIGNED TO ALLOW CHEROKEE TO CONTINUE TO PROVIDE THIS SUBDIVISION AND ITS EXISTING CUSTOMERS WITH WATER AND WASTEWATER SERVICES FOR 300 HUNDRED YEARS OR MORE.
- DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, REVIEW AND PERMIT REQUIREMENTS, AND OTHER REQUIREMENTS, IF ANY, OF APPLICABLE AGENCIES INCLUDING, BUT NOT LIMITED TO, THE COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORPS OF ENGINEERS, U.S. FISH AND WILDLIFE SERVICE AND/OR COLORADO DEPARTMENT OF WILDLIFE REGARDING THE ENDANGERED SPECIES ACT, PARTICULARLY AS IT RELATES TO THE PREBLE'S MEADOW JUMPING MOUSE AS A LISTED THREATENED SPECIES.
- ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFIED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS SPECIFIED OTHERWISE. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
- ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO CODES, COVENANTS AND RESTRICTIONS OF THE _____ AS RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.
- THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
- MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH EL PASO COUNTY DEPARTMENT OF TRANSPORTATION AND UNITED STATES POSTAL SERVICE REGULATIONS.
- BURROWING OWLS INHABIT PRAIRIE DOG TOWNS FROM APRIL THRU OCTOBER. AS SUCH, A SURVEY SHOULD BE CONDUCTED PRIOR TO CONSTRUCTION. NOTE: THIS SPECIES IS PROTECTED BY THE FEDERAL MIGRATORY BIRD TREATY.
- THERE WILL BE NO DIRECT ACCESS TO AKERS DRIVE OR NORTH CAREFREE CIRCLE FROM ANY LOT OR TRACT. VEHICULAR ACCESS TO LOTS ABUTTING ANY TRACT IS NOT PERMITTED.

EASEMENTS:

UNLESS OTHERWISE INDICATED, ALL LOT LINES AND TRACT LINES ADJACENT TO PUBLIC RIGHT-OF-WAY ARE HEREBY PLATTED WITH A FIVE FOOT (5') PUBLIC IMPROVEMENT EASEMENT. ALL FRONT LOT LINES ARE HEREBY PLATTED WITH A TEN FOOT (10') PUBLIC UTILITY AND DRAINAGE EASEMENT AND SIDE LOT LINES ARE HEREBY PLATTED WITH A FIVE FOOT (5') PUBLIC UTILITY AND DRAINAGE EASEMENT AND ALL REAR LOT LINES ARE HEREBY PLATTED WITH A TEN FOOT (10') PUBLIC UTILITY AND DRAINAGE EASEMENT, WITH THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THEIR EASEMENTS VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

ALL EASEMENTS PLATTED IN LOT 2, MULE DEER BUSINESS PARK FILING NO.1, RECORDED AT RECEPTION NO. 206712353 IN THE RECORDS OF EL PASO COUNTY IS HERE BY VACATED UPON THE RECORDING OF THIS PLAT, WITH THE EXCEPTION OF THE 17' WIDE UTILITY, ACCESS AND DRAINAGE EASEMENT LOCATED AT THE SOUTH LINE OF SAID LOT 2 SHOWN HEREON AND THE 25' SIGHT TRIANGLE LOCATED AT THE SOUTHWEST CORNER OF SAID LOT 2 SHOWN HEREON.

TRACTS:

TRACTS A THRU I, ARE TO BE OWNED AND MAINTAINED BY _____ FOR THE PURPOSES OF OPEN SPACE, DRAINAGE, MAIL KIOSK, TRAILS, PARKS AND UTILITIES. OWNERSHIP BY _____ WILL BE CONVEYED AFTER THE RECORDING OF THIS PLAT BY SEPARATE INSTRUMENT.

THE AREA INCLUDED IN TRACTS A, B, H AND I LYING ADJACENT TO NORTH CAREFREE CIRCLE AND AKERS DRIVE IS SUBJECT TO A PUBLIC IMPROVEMENT EASEMENT.

TRACTS A, B, H AND I ARE SUBJECT TO A LICENSE AGREEMENT AS RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.

TRACT D IS SUBJECT TO A DRAINAGE EASEMENT FOR MAINTENANCE OF STORM WATER FACILITIES.

LANDSCAPING WITHIN THE RIGHT OF WAY IS SUBJECT TO A LANDSCAPING WITHIN THE RIGHT OF WAY AGREEMENT AS RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.

AN OPAQUE DOUBLE-SIDED FENCE (VYNAL OR OTHER APPROPRIATE MATERIALS AS TO BE DETERMINED BY THE APPLICANT AT THE TIME OF THE FINAL PLAT), WILL BE INSTALLED AND WILL ADD ADDITIONAL NOISE REDUCTION BENEFITS FOR HOMES THAT BACK NORTH CAREFREE CIRCLE AND AKERS DRIVE.

NOTE: ALL TRACTS CAN BE USED FOR PUBLIC UTILITY IMPROVEMENTS.

NOTES: (CONTINUED)

- ALL DIMENSIONS SHOWN HEREON ARE EXPRESSED IN TERMS OF U.S. SURVEY FOOT.
- THIS PROPERTY WILL BE INCLUDED WITHIN A SPECIAL TAXING DISTRICT, GARDENS AT NORTH CAREFREE METROPOLITAN DISTRICT, CREATED FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING CERTAIN DRAINAGE AND PARK AND RECREATION IMPROVEMENTS. SPECIAL TAXING DISTRICTS ARE SUBJECT TO A GENERAL OBLIGATION INDEBTEDNESS THAT IS PAID BY REVENUES PRODUCED FROM ANNUAL TAX LEVIES ON THE TAXABLE PROPERTY WITHIN SUCH DISTRICTS. THE BUYER SHOULD FAMILIARIZE HIMSELF/ HERSELF WITH THIS POTENTIALITY AND RAMIFICATIONS THEREOF.
- THE SUBDIVIDER AGREES ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNEES THAT SUBDIVIDER AND/OR SAID SUCCESSORS AND ASSIGNEES 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.
- PURSUANT TO RESOLUTION 12-416, APPROVED BY THE BOARD OF DIRECTORS, EL PASO COUNTY PUBLIC IMPROVEMENT DISTRICT (PID#2) AND RECORDED IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 212150204, THE PARCELS WITHIN THE PLATTED BOUNDARIES OF "GARDENS AT NORTH CAREFREE FILING NO.1" ARE INCLUDED WITHIN THE BOUNDARIES OF THE EL PASO COUNTY PUBLIC IMPROVEMENT DISTRICT (PID#2) AND AS SUCH IS SUBJECT TO APPLICABLE ROAD IMPACT FEES AND MILL LEVY.
- THIS PROPERTY MAY BE ADVERSELY IMPACTED BY NOISE, DUST, FUMES, AND LIGHT POLLUTION CAUSED BY ADJACENT INDUSTRIAL PROPERTIES AND ACTIVITIES. THE BUYER SHOULD RESEARCH AND BE AWARE OF THIS POTENTIALITY AND THE RAMIFICATIONS THEREOF.
- LOTS 1-70 ACREAGE: 6.648
TRACTS A-I ACREAGE: 2.259
STREETS ACREAGE: 2.656
TOTAL ACREAGE: 11.563

COLORADO SPRINGS AIRPORT NOTES:

- ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO AN AVIGATION EASEMENT AS RECORDED AT RECEPTION NO. 206089436, OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.
- NO OBSTRUCTIONS ARE ALLOWED TO PENETRATE THE 40:1 APPROACH SURFACE.
- ALL EXTERIOR LIGHTING PLANS ARE APPROVED BY THE DIRECTOR OF AVIATION TO PREVENT A HAZARD TO AIRCRAFT.
- NO ELECTROMAGNETIC, LIGHT, OR ANY PHYSICAL EMISSIONS, WHICH MIGHT INTERFERE WITH AIRCRAFT, AVIATION, COMMUNICATIONS, OR NAVIGATIONAL AIDS ARE ALLOWED.
- THIS PROPERTY MAY BE IMPACTED BY NOISE CAUSED BY AIRCRAFT OPERATING INTO AND OUT OF THE COLORADO SPRINGS MUNICIPAL AIRPORT. THE BUYER SHOULD FAMILIARIZE HIMSELF/HERSELF WITH THIS POTENTIALITY AND THE RAMIFICATIONS THEREOF.

BASIS OF BEARINGS

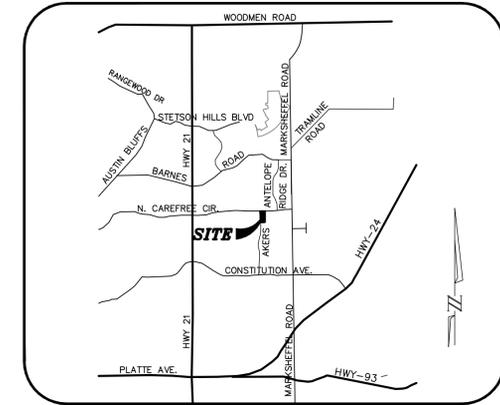
BEARINGS ARE BASED ON THE EAST LINE OF LOT 2, MULE DEER BUSINESS PARK FILING NO.1, RECORDED AT RECEPTION NO. 206712353 IN THE RECORDS OF EL PASO COUNTY. SAID LINE BEARS N00°02'55"E FROM THE SOUTHEAST CORNER OF SAID LOT 2 (NO.5 PIN AND CAP PLS 25955) TO THE NORTHEAST CORNER OF SAID LOT 2 (NO.4 PIN AND CAP PLS 24964).

FLOOD PLAIN STATEMENT

PORTION OF PROPERTY LIES IN ZONE X, PER FLOOD INSURANCE RATE MAP NO. 08041C0539C, DATED DECEMBER 7, 2018. FIELD SURVEYING WAS NOT PERFORMED TO DETERMINE THESE ZONES.

SURVEYED

JANUARY 2018



VICINITY MAP
N.T.S.

SURVEYOR'S CERTIFICATION:

THE UNDERSIGNED REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO HEREBY STATES THAT THE ACCOMPANYING PLAT WAS SURVEYED AND DRAWN TO NORMAL STANDARDS AND CARE OF A PROFESSIONAL LAND SURVEYOR PRACTICING IN THE STATE OF COLORADO. THE SURVEY WAS PERFORMED AND PLAT PREPARED UNDER HIS SUPERVISION AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND AND SUBDIVISION THEREOF, AND THE REQUIREMENTS OF TITLE 38 OF THE COLORADO REVISED STATUTES, 1973, AS AMENDED, HAVE BEEN MET TO THE BEST OF HIS KNOWLEDGE, INFORMATION AND BELIEF, AND MONUMENTS EXIST AS SHOWN HEREON.

JAMES F. LENZ
PROFESSIONAL LAND SURVEYOR
IN THE STATE OF COLORADO, NO 34583
FOR AND ON BEHALF OF RIDGELINE LAND SURVEYING LLC.

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT "THE GARDENS AT NORTH CAREFREE FILING NO.1" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE ____ DAY OF _____, 20____, SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC STREETS, TRACTS, EASEMENTS ARE ACCEPTED, BUT PUBLIC IMPROVEMENTS THEREON WILL NOT BECOME THE MAINTENANCE RESPONSIBILITY OF EL PASO COUNTY UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL, AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.

CHAIR, BOARD OF COUNTY COMMISSIONERS _____ DATE _____

DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT _____ DATE _____

STEVE SCHLEIKER, COUNTY ASSESSOR _____ DATE _____

CLERK AND RECORDER CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____, 2019, AT _____ O'CLOCK A.M./P.M. AND WAS RECORDED AT RECEPTION NUMBER _____ OF THE RECORDS OF EL PASO COUNTY.

EL PASO COUNTY CLERK AND RECORDER

By: _____ DEPUTY _____ FEE: _____

OWNER/DEVELOPER

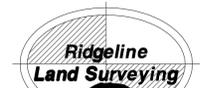
MULE DEER INVESTMENTS
31 N TEJON STREET, SUITE 500
COLORADO SPRINGS, CO 80903
719-331-0083

ENGINEER

STANTEC
5725 MARK DABLING WAY #190
COLORADO SPRINGS, CO 80919

DATE OF PREPARATION

JANUARY 2019
OCTOBER 2019 REV-COUNTY COMMENTS
NOVEMBER 2019 REV-COUNTY COMMENTS



31 E. PLATTE AVE, SUITE 206
COLORADO SPRINGS, CO 80903
TEL: 719.238.2917

DATE: 11/22/2019
SHEET 1 OF 2

FEES:

DRAINAGE _____
BRIDGE _____
SCHOOL _____
PARK _____

PCD FILE NO. SF-195



September 6, 2019

Nina Ruiz
El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

RE: Gardens at North Carefree - Final Plat
Sec. 29, Twp. 13S, Rng. 65W, Sixth P.M.
Water Division 2, Water Districts 10
CDWR Assigned Subdivision No. 24929

To Whom It May Concern:

We have received the submittal concerning the above referenced proposal to approve a Final Plat for Gardens at North Carefree Subdivision. This would approve the proposal to divide 11.56 +/- acres into 70 single family residential lots. The proposed supply of water is to be served by and wastewater is to be disposed of by Cherokee Metropolitan District (“Cherokee”).

This office previously provided written comments, dated April 11, 2019, regarding the proposed development during the Final Plat stage. The current referral for a Final Plat reduces the number of proposed lots from 71 to 70.

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided estimates a demand of 21.7 acre-feet/year for all 70 single-family lots combined (0.31 acre-feet/household). This calculation does not call out the specific volumes intended for drinking and sanitary use, landscape irrigation or any other uses.

It should be noted that standard water use rates, as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot per year for each ordinary household, 0.05 acre-foot per year for four large domestic animals, and 0.05 acre-foot per year for each 1,000 square feet of lawn and garden irrigation.

Source of Water Supply

The proposed source of water for the development is to be served by Cherokee and a letter of commitment from Cherokee, dated August 3, 2018, was included with the submittal. According to the letter, they have committed to supply 22.01 acre-feet/year to the proposed development. According to the latest water supply report on file with this office, it appears the District has sufficient water resources to supply the proposed subdivision an amount of 22.01 acre-feet per year.



Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, 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*, available online at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

State Engineer’s Office Opinion

According to the latest water supply report on file with this office, it appears the District has sufficient water resources to supply this subdivision. Therefore, based on the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that so long as the demand of the proposed development does not exceed 22.01 acre-feet per year, the proposed water supply can be provided without causing injury to decreed water rights. Should you or the applicant have any questions, please feel free to contact me directly.

Sincerely,



Kate Fuller, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner

Gardens at North Carefree, SF-19-005

Please accept the following comments from El Paso County Public Health regarding the project referenced above:

- The 11.56-acre site with 71 single-family residential lots will be provided water by Cherokee Metropolitan District. There is a finding for water quality sufficiency for this Colorado Department of Public Health and Environment regulated and approved district with PWSID # CO-0121125 assigned. The 03Aug2018, Cherokee Metropolitan District, Commitment to Serve Letter #2018-07, was provided and reviewed.
- Wastewater service will be provided by Cherokee Metropolitan District (CMD). The 03Aug2018, Cherokee Metropolitan District, Commitment to Serve Letter #2018-07, was included and reviewed. Per this Commitment to Serve Letter, there is specific wastewater treatment calculations that show there is adequate capacity for wastewater treatment for this project.
- Radon resistant construction building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area, have potentially higher radon levels than other areas of the country.
- The 2-detention ponds planned for the site must have mosquito control responsibilities included as a part of the design and the maintenance agreement in an effort to control West Nile Virus.
- Earthmoving activity in excess of one acre, but less than twenty-five acres, requires a local Construction Activity Permit from El Paso County Public Health. Go to <http://www.elpasocountyhealth.org/service/air-quality> for more information.
- El Paso County Public Health encourages planned walk-ability of residential communities. Please consider appropriate connections to commercial areas through the use of sidewalks, and bike trails. Walk-ability features help reduce obesity and associated heart diseases.

Mike McCarthy
El Paso County Public Health
Environmental Health Division
719-575-8602
mikemccarthy@elpasoco.com
24Apr2019