

**GARDENS AT NORTH CAREFREE**

**PCD FILE No. SF195**

**LETTER OF INTENT**

**AUGUST, 2019**

**OWNER/APPLICANT:**

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

**CONSULTANT:**

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**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 6.14 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.

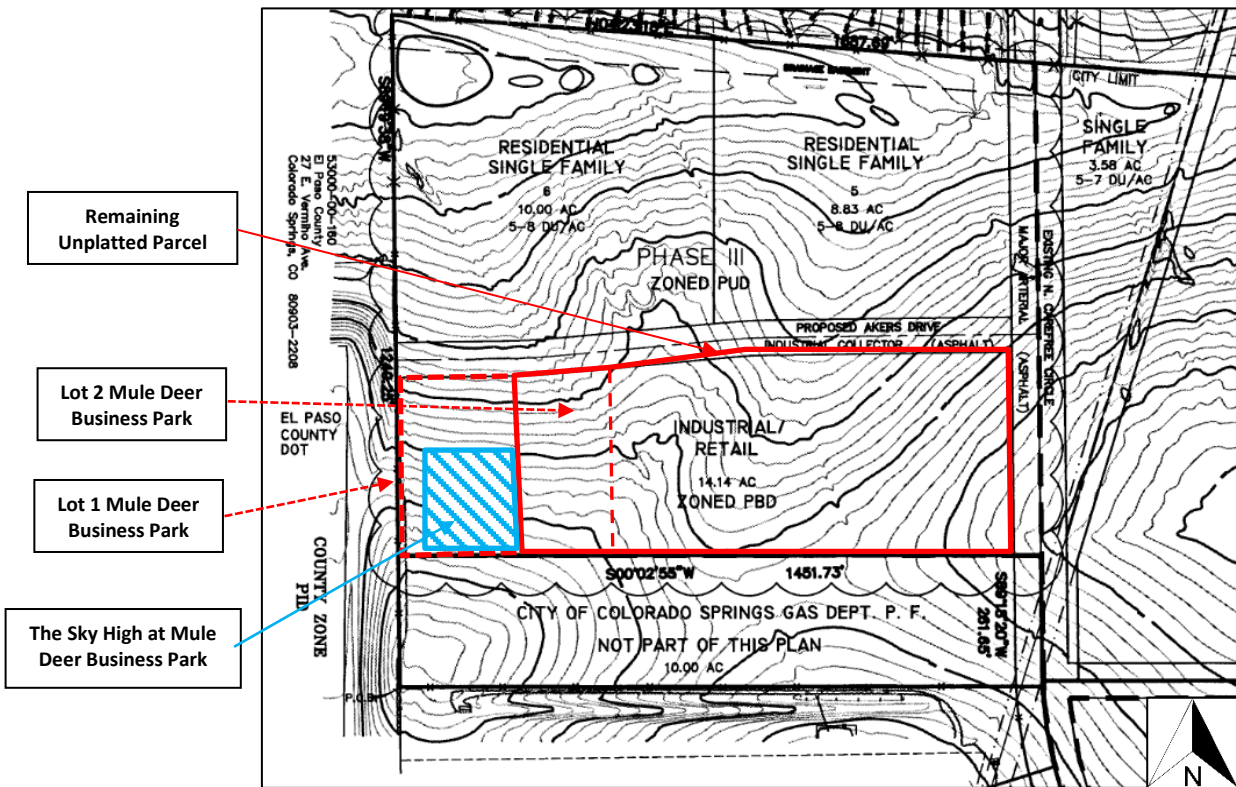


The building to the south is currently occupied by a Charter School, which is served by an unnamed private driveway running between the two properties. The western portion of the business park is currently undeveloped. To the east is property owned by Colorado Springs Utilities (CSU). Immediately adjacent 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.

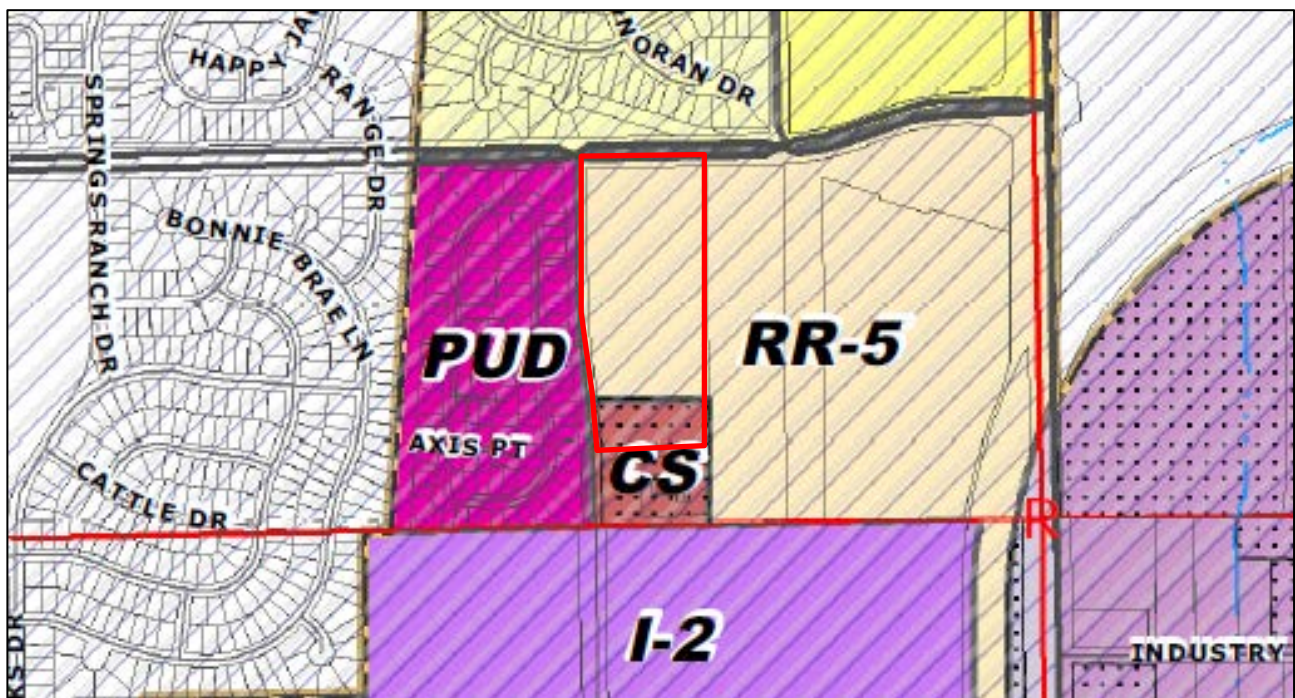
The southern part of the site was platted into Lots 1 and 2 Mule Deer Business Park in 2004. Subsequently, part of Lot 1 was replatted to The Sky High at Mule Deer Business Park and the existing condominium building was constructed in 2008. Lot 2 Mule Deer Business park and the unplatted land to the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



## 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.

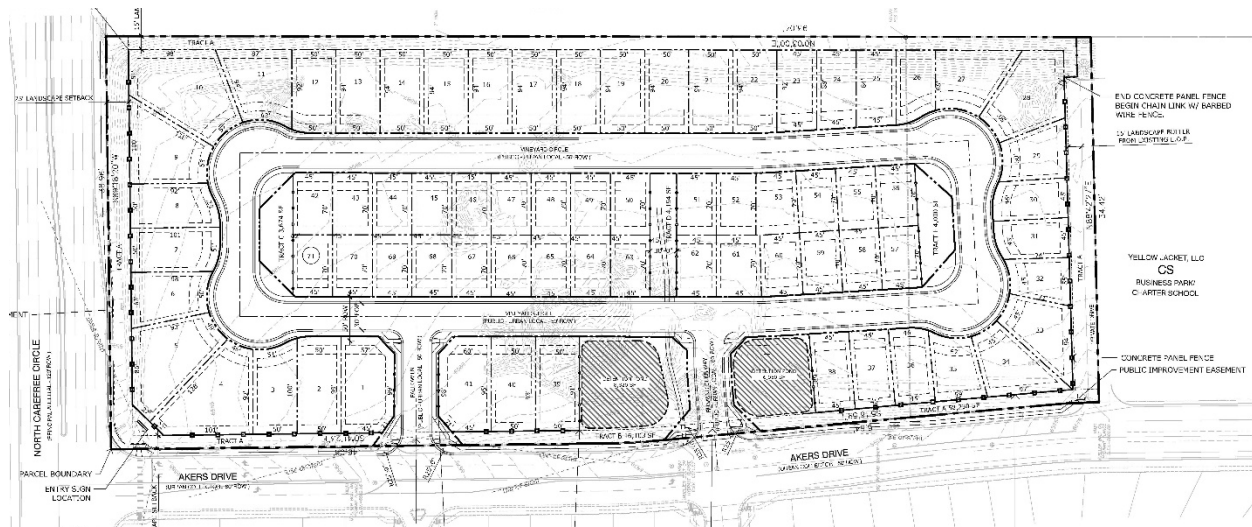


## PROJECT DESCRIPTION

The project proposes 70 single-family lots on 11.56-acre site, for a gross density of 6.14 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**

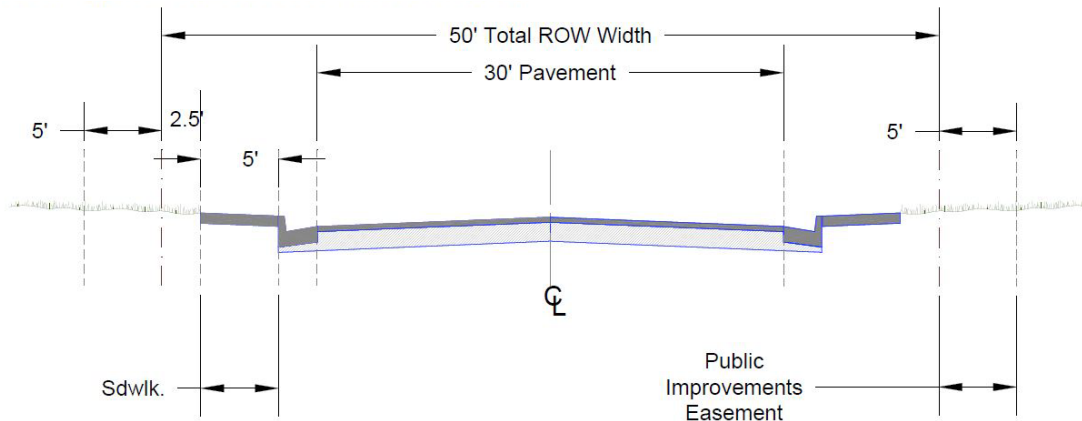


Figure 2-16 of the ECM requires a 50-foot right-of-way containing a 2.5-foot buffer from the back of sidewalk to the edge of the right-of-way and an additional 5-foot utility easement outside of the total right-of-way width as shown above; this cross section is used for the two entrance roads, Fallow 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.

Pursuant to Section E, Credits and Reimbursements, of the Board of County Commissioners' Road Impact Fee Implementation Document, the applicant requests that the County and Applicant enter into a credit agreement prior to final plat approval to determine an estimate of credits to which Applicant is entitled.

**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.