

EL PASO COUNTY COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
 Mark Waller, 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

2880 INTERNATIONAL CIRCLE, SUITE 110
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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: As a Consent item at the January 7, 2020 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 7 to 0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing.

Legal Notice: N/A

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: The State Engineer's office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office recommended a finding of sufficiency with regard to water quantity and dependability at the time of the preliminary plan approval. El Paso County Public Health previously made a favorable recommendation regarding water quality. The Board of County Commissioners made a finding for water sufficiency, including quality, quantity, and dependability at the time of the preliminary plan approval.

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

See attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the 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. 19-471), 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 Board of County Commissioners hearing. Responses received to date are attached, and others may be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Plat Drawing

State Engineer's Letter

County Attorney's Letter

El Paso County Public Health Recommendation Letter

Adjacent Property Owner Response(s)

Planning Commission Resolution

Board of County Commissioners' Resolution

El Paso County Parcel Information

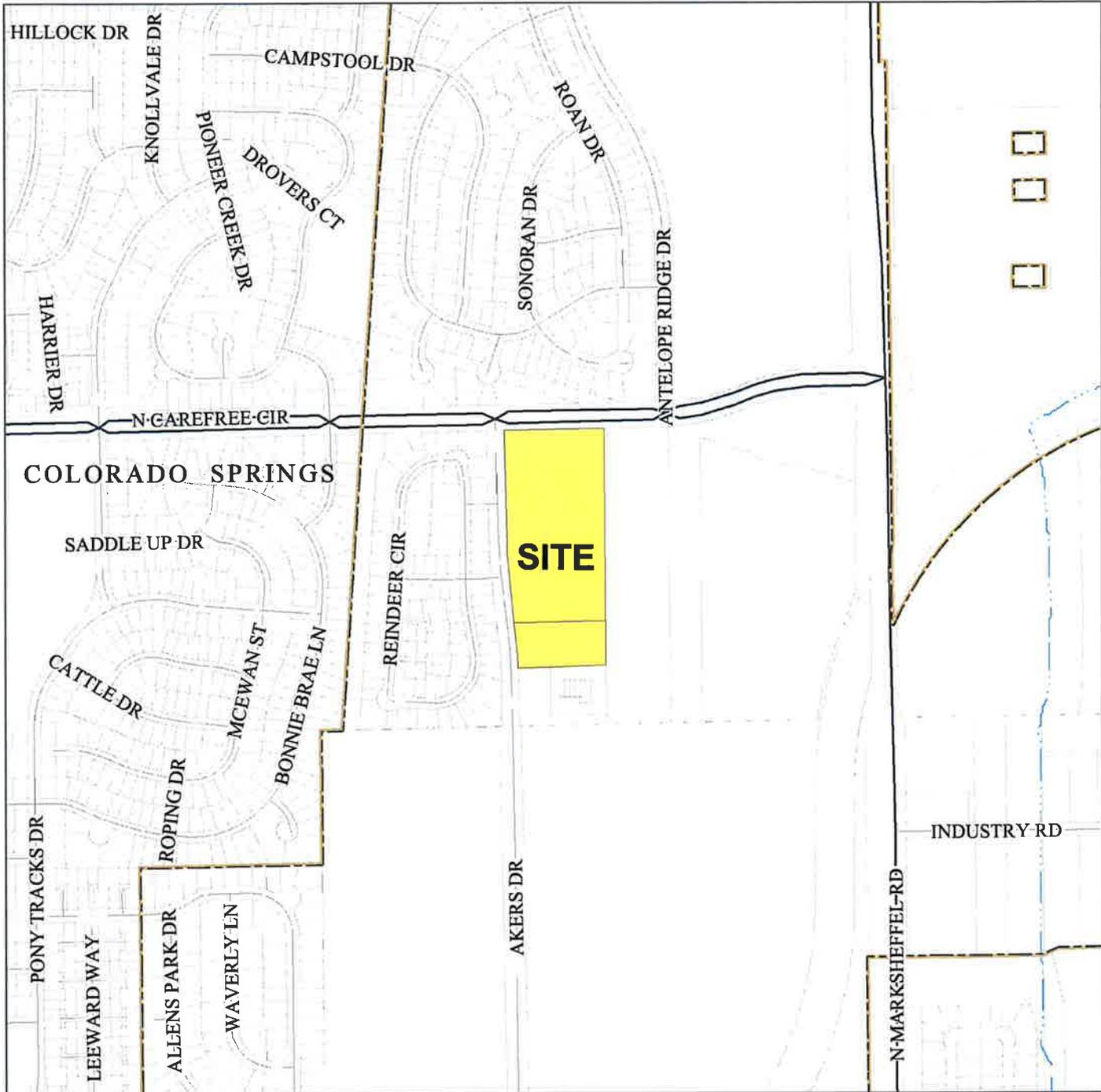
File Name:

Zone Map No.

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

Date:

ADDRESS	CITY	STATE	ZIP	ZIPLUS
2727 GLEN ARBOR DR	COLORADO SPRINGS	CO	80920	1466
2727 GLEN ARBOR DR	COLORADO SPRINGS	CO	80920	1466



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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GARDENS AT NORTH CAREFREE

PCD FILE No. SF195

LETTER OF INTENT

OCTOBER, 2019

OWNER/APPLICANT:

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

CONSULTANT:

Stantec
5725 Mark Dabbling 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.

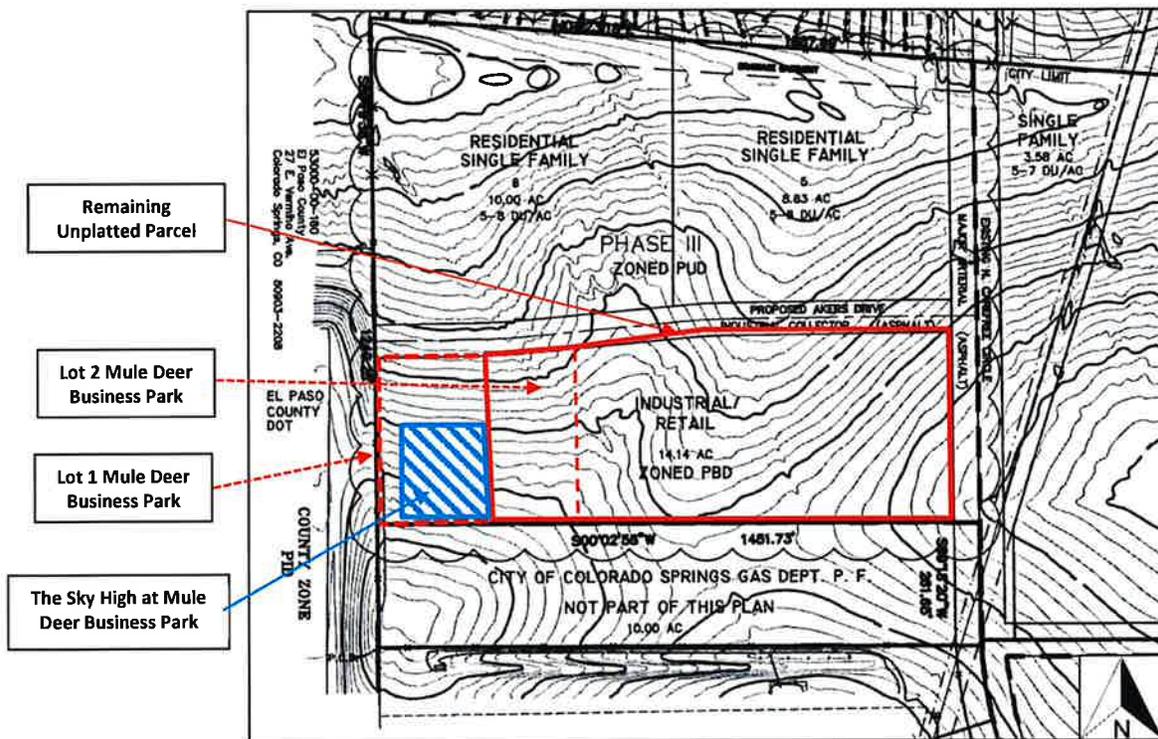


The building to the south is currently occupied by a Charter School, which is served by an unnamed private driveway running between the two properties. The western portion of the business park is currently undeveloped. To the east is property owned by Colorado Springs Utilities (CSU). Immediately adjacent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

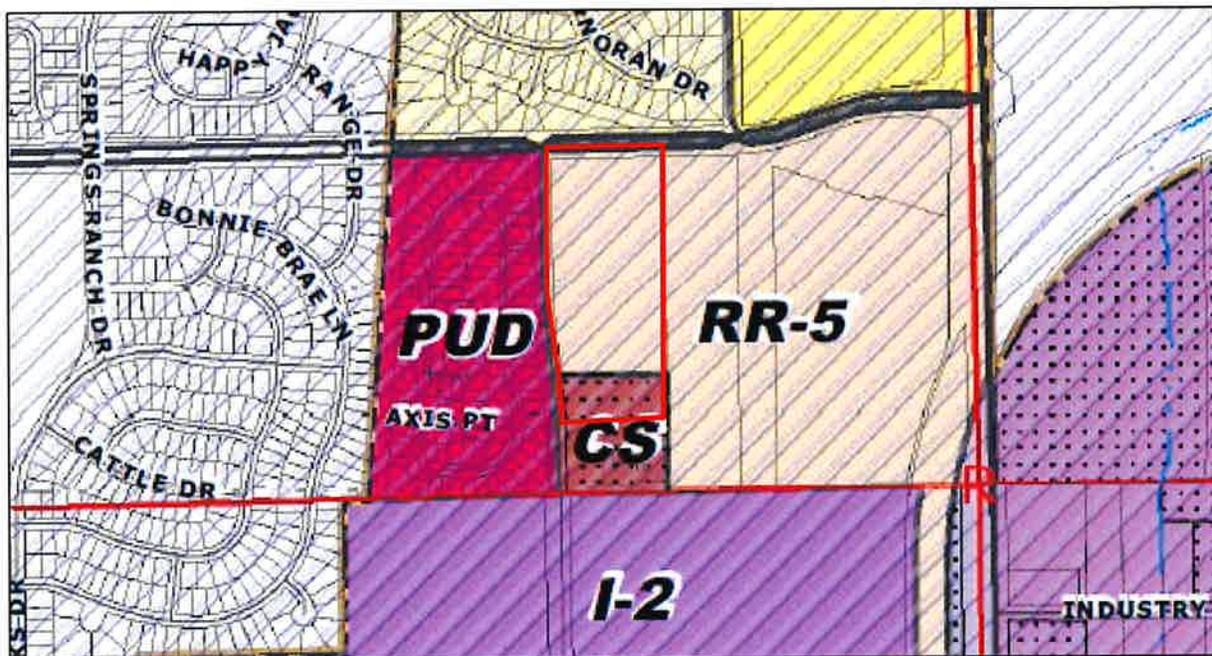


The Gardens at North Carefree PUDSP was approved by the El Paso County Board of County Commissioners on February 12, 2019. During design of the development as part of the Final Plat approval it was determined that only 70 lots could be constructed rather than 71. The change to 70 lots was driven primarily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

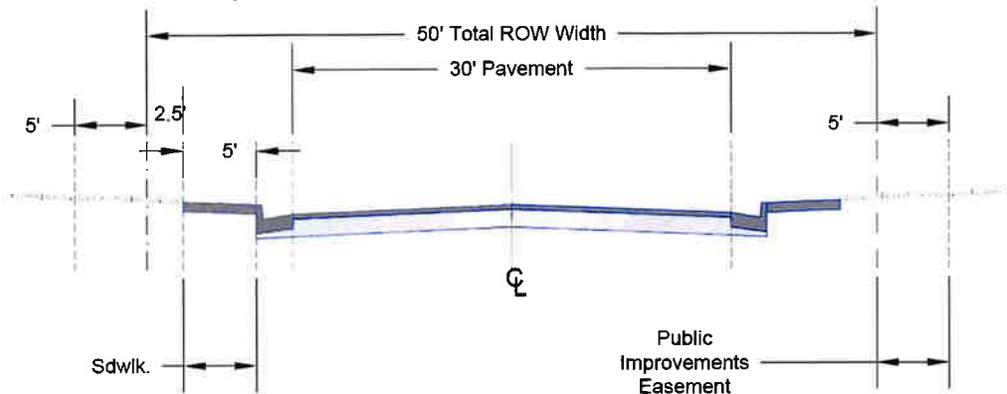


Figure 2-16 of the ECM requires a 50-foot right-of-way containing a 2.5-foot buffer from the back of sidewalk to the edge of the right-of-way and an additional 5-foot utility easement outside of the total right-of-way width as shown above; this cross section is used for the two entrance roads, Fallow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



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

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys

M. Cole Emmons
Lori L. Seago
Lisa A. Kirkman
Steven A. Klaffky
Peter A. Lichtman
Mary Ritchie
Bryan E. Schmid

January 6, 2020

Gardens at North Carefree
Final Plat – SF-19-5

Reviewed by: Cole Emmons, Senior Assistant County Attorney
Edi Anderson, Paralegal

MCE

1. This is a proposal by Mule Deer Investments, LLC (“Applicant”) for a subdivision of 70 single-family lots on 11.563 +/- acres of land. The property is zoned PUD (Planned Unit Development). On February 12, 2019, the project was approved as a PUD preliminary plan (File No. PUDSP-18-4) by the Board of County Commissioners based on a total of 71 lots. This final plat proposal reduces the total number of lots to 70.

2. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District (“District”). The Water Supply Information Summary sets forth a proposed water demand of 21.7 acre-feet per year for the subdivision based on 70 lots (0.31 acre-feet/lot) inclusive of household use and irrigation. Based on the proposed water demand, the Applicant will need to provide a supply from the District of 6,510 acre-feet (21.7 acre-feet x 300 years) to meet the County’s 300-year water supply requirement.

3. The District’s General Manager provided a letter committing to serve the subdivision dated January 2, 2020 (Letter 2020-01), which updated the District’s earlier letter dated August 3, 2018 (Letter 2018-07), which had expired August 3, 2019. The General Manager noted that the “proposed location for this development is located within the District’s established boundaries and therefore is eligible for service connections from the District.” While the District’s updated letter did not specify the number of lots it is committing to serve, the General Manager stated that the “Cherokee Metropolitan District staff, along with the developer, have determined that the following will be the total water demand required by this occupancy: 22.0 acre-feet per year.”¹

¹ The District’s letter dated August 3, 2018 previously committed to providing a water supply of 22.01 acre-feet/year for a total of 71 lots. The current final plat proposal requires 21.7 acre-feet/year for 70 lots.

200 S. CASCADE AVENUE
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903
FAX: (719) 520-6487

4. In a letter dated September 6, 2019, the State Engineer reviewed the Water Supply Information Summary and the District's letter of commitment dated August 3, 2018. Although the State Engineer relied on the August 3, 2018 expired letter from the District – it did review the proposal based on the correct number of 70 lots. The State Engineer noted the Applicant's estimated water demand of 0.31 acre-feet per household or 21.7 acre-feet/year for the 70 single-family lots. The Engineer stated that based on "the latest water supply report on file with this office, it appears the District has sufficient water resources to supply the proposed 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."

Note: State Engineer's Office also provided an advisory to the Applicant related to any possible storm water collection and/or conveyance facilities that may be included in the project. The Engineer advised the Applicant that ". . . unless the storm water structure(s) can meet the requirements of a 'storm water detention and infiltration facility' . . . the structure may be subject to administration by this office. The applicant should review the *DWR's Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado* . . . to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements."

5. Section 8.4.7(B)(10)(g), of the El Paso County Land Development Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary that may be provided by the El Paso County Health Department.

6. Analysis and Recommendation. Based on the Applicant's estimated water demand of 21.7 acre-feet per year and the Cherokee Metropolitan District's commitment to supply up to 22.0 acre-feet of water per year and based on the State Engineer's confirmation of the District's latest water supply report on file, there appears to be a sufficient water supply available to meet the demands of the subdivision. Therefore, based upon the finding of sufficiency and no injury to existing water rights by the State Engineer's Office, based on Applicant's stated demand of 21.7 acre-feet per year and the commitment to serve by the District, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

CONDITION OF COMPLIANCE:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by the District.
- B. Applicant must comply with the District's requirement that Applicant must achieve appropriate zoning and a final plat land use entitlement from El Paso County within 12 months from the date of their commitment letter (January 2, 2020) in order to use the allotment. **If Applicant does not achieve final plat land use approval from 12 months from the date of the District's commitment letter, then the foregoing water review and recommendation of sufficiency will also expire.**
- C. It is Applicant's responsibility, and not the County's, to comply with the advisory by the State Engineer's Office regarding any storm water collection and/or conveyance facilities that may be included in the development to ensure that any such structures meet the requirements of a 'storm water detention and infiltration facility,' and that notice, construction, and operation of the proposed structure meets statutory and administrative requirements.

cc: Nina Ruiz, Project Manager, Planner III



Prevent • Promote • Protect

Environmental Health Division
1675 W. Garden of the Gods Road
Suite 2044
Colorado Springs, CO 80907
(719) 578-3199 *phone*
(719) 578-3188 *fax*
www.elpasocountyhealth.org

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

EL PASO COUNTY



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

COLORADO

HOLLY WILLIAMS
 STAN VANDERWERF
 CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

December 18, 2019

This letter is to inform you of the following petition which has been submitted to El Paso County:

SF-19-005

RUIZ

**FINAL PLAT
 GARDENS AT NORTH CAREFREE FILING NO. 1**

A request by Mule Deer Investments for approval of a FINAL PLAT to create 70 single-family residential lots. The 11.56 acre property is zoned PUD (Planned Unit Development) and is located at the southeast corner of the Akers Drive and North Carefree Circle intersection. (Parcel Nos. 53294-00-012 and 53294-11-002) (Commissioner District No. 2)

Type of Hearing: Quasi-Judicial

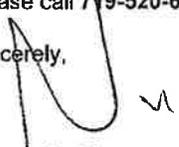
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For	Against	No Opinion
Comments: <u>good project</u>		

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

- **This item is scheduled to be heard by the El Paso County Planning Commission on January 7, 2020.** The meeting begins at 9:00 a.m. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs.
- **The item will also be heard by the El Paso County Board of County Commissioners on January 28, 2020.** The meeting begins at 9:00 a.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs.
- The date and order when this item will be considered can be obtained by calling the Planning and Community Development Department or through El Paso County's Web site (www.elpasoco.com). Actions taken by the El Paso County Board of County Commissioners are posted on the internet following the meeting.
- The online submittal portal can be found at: www.epcdevplanreview.com
- The Staff Report for this Agenda item can be found at: <https://planningdevelopment.elpasoco.com/el-paso-county-planning-commission/planning-commission-2020-hearings/>

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,


 Nina Ruiz, Planner III

*ADCC Member MARYJILL C
 Ernesto Real LLC*

Your Name: R BIANCHINI
(printed)

Address: 400 So. Colorado Blvd #590, Aurora, CO 80015
(signature)

Property Location: 3525 Akers Drive Phone: (303) 399-1600
Unit #100

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

WWW.ELPASOCO.COM

El Paso County Parcel Information

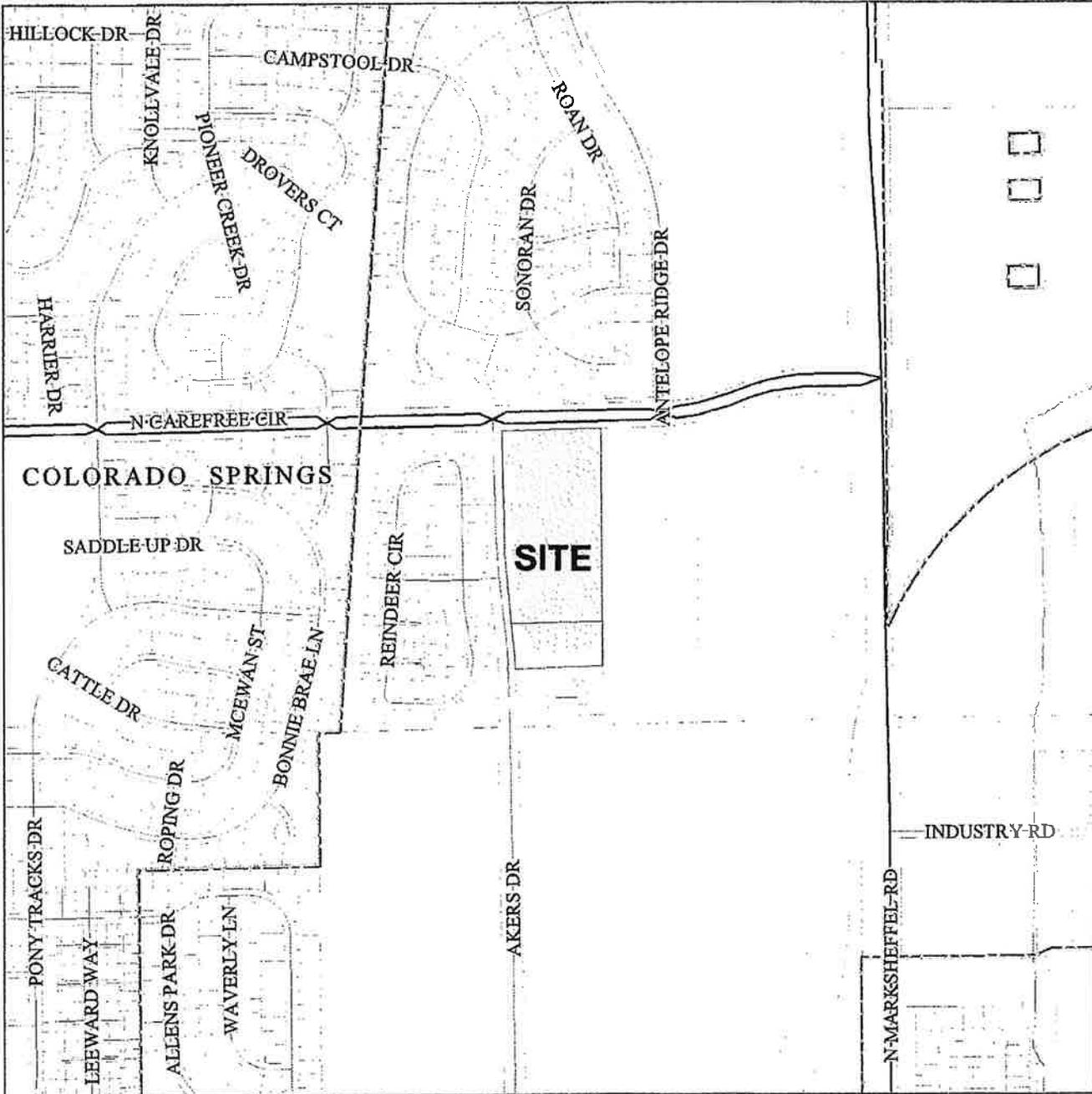
File Name: **SF-19-005**

Zone Map No. **-**

Date: **December 18, 2019**

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

ADDRESS	CITY	STATE	ZIP	ZIPLUS
2727 GLEN ARBOR DR	COLORADO SPRINGS	CO	80920	1466
2727 GLEN ARBOR DR	COLORADO SPRINGS	CO	80920	1466



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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El Paso County Parcel Information

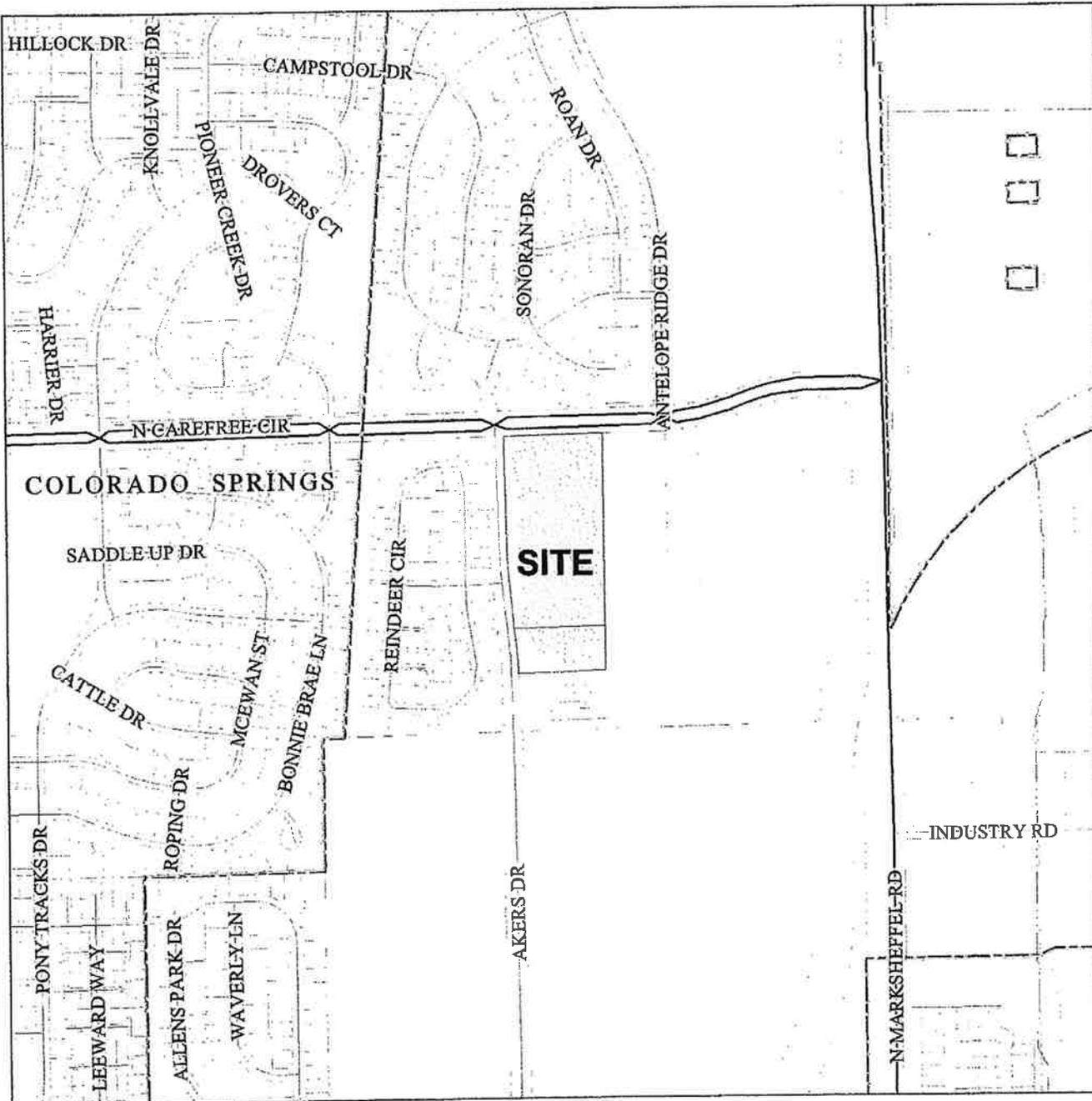
File Name:

Zone Map No.

Date:

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

ADDRESS	CITY	STATE	ZIP	ZIPLUS
2727 GLEN ARBOR DR	COLORADO SPRINGS	CO	80920	1466
2727 GLEN ARBOR DR	COLORADO SPRINGS	CO	80920	1466



Please report any parcel discrepancies to:
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 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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FINAL PLAT (RECOMMEND APPROVAL)

Commissioner Creely moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF- 19-005

Gardens at North Carefree

WHEREAS, Mule Deer Investments, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Gardens at North Carefree Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on January 7, 2020; and

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

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons and the general public were heard at that hearing.
4. All exhibits were received into evidence.
5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with any applicable approved preliminary plan.

7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. 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)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. 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 of the Land Development Code.
15. 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 Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.
16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.]
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the application for the final plat of the Gardens at North Carefree Subdivision with 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. 19-471), 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.

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

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Bailey	aye
Commissioner Creely	aye
Commissioner Lucia-Treese	aye
Commissioner Brittain Jack	aye
Commissioner Dillon	aye
Commissioner Trowbridge	aye
Commissioner Fuller	aye

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: January 7, 2020

Brian Risley, Chair

EXHIBIT A

BEING LOT 2, MULE DEER BUSINESS PARK FILING NO. 1 AND 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 $S00^{\circ}41'40''E$ A DISTANCE OF 552.96 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 $04^{\circ}35'19''$, AN ARC LENGTH OF 76.88 FEET, WHOSE LONG CHORD BEARS $S02^{\circ}59'19''E$ A DISTANCE OF 76.86 FEET;
- 3) THENCE $S05^{\circ}16'59''E$ A DISTANCE OF 277.56 FEET TO THE NORTHWEST CORNER OF LOT 2, OF SAID MULE DEER BUSINESS PARK FILING NO. 1;
- 4) THENCE $S05^{\circ}16'59''E$ 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, HAVE A RADIUS OF 1040.00 FEET, A DELTA ANGLE OF $03^{\circ}59'26''$, AN ARC LENGTH OF 72.43 FEET, WHOSE LONG CHORD BEARS $S03^{\circ}17'16''E$ A DISTANCE OF 72.42 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2;

THENCE $N88^{\circ}42'27''E$ ON THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 413.10 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE $N00^{\circ}02'55''E$ ON THE EAST LINE OF SAID LOT 2, A DISTANCE OF 209.74 FEET TO THE NORTHEAST CORNER OF SAID LOT 2;

THENCE $N00^{\circ}02'55''E$ A DISTANCE OF 906.69 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SAID NORTH CAREFREE CIRCLE;

THENCE $S896^{\circ}18'20''W$ ON SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 467.50 FEET TO THE POINT OF BEGINNING.

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

RESOLUTION NO. 20-

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE FINAL PLAT FOR GARDENS AT NORTH CAREFREE (SF-19-005)

WHEREAS, Mule Deer Investments, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Gardens at North Carefree Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on January 7, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on January 28, 2020; and

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

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.

6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. 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)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. 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 of the Land Development Code.
15. 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 Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.

16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Gardens at North Carefree Subdivision;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

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.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 28th day of January, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LEGAL DESCRIPTION – THE GARDENS AT NORTH CAREFREE:

BEING LOT 2, MULE DEER BUSINESS PARK FILING NO. 1 AND 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 552.96 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, HAVE 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 TOT HE SOUTHWEST CORNER OF SAID LOT 2;

THENCE N88°42'27"E ONO 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 TOT HE 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 S896°18'20"W ON SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE
OF 467.50 FEET TO THE POINT OF BEGINNING.

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