

May 22, 2020

Catherine Carleo, AICP
Principal Planner
Colorado Springs Planning and Community Development Department

RE: Peaks Center Addition No. 1 Annexation – Initial Review Comments
File(s): CPC A 19-00134, CPC ZC 20-00032, CPC CP 20-00033

Dear Ms. Carleo,

This letter is in response to the 1st Review Letters dated March 2, 2020. Our responses are below in red.

TECHNICAL AND INFORMATIONAL ISSUES

Address the comments and make corrections which are listed below. **A detailed letter needs to accompany the revisions. The letter must address each comment in this review letter. If necessary, contact the appropriate department directly if clarification is needed.** Be advised that due to necessary changes or proposed revisions to the subject plan, plat or other support documents, that new comments may be added to the review letter.

Please resubmit updated documents to the Dropbox shared folder (ensure documents are labeled with appropriate resubmittal name, are flattened and saved no larger than 25MB). – **Acknowledged. Resubmitted documents uploaded to Dropbox.**

Supplemental Information

Drainage Report: City Engineering has reviewed the drainage report and has forwarded the report to the consulting engineer with minor comments. A Final Drainage Report will be required prior to any future plat within the City. Please note that any resubmittal of a drainage report/memo is to be submitted directly to engineering and should meet City Planning timeframes to make any needed review or revisions prior to being scheduled for public hearing. – **To be re-submitted under separate cover.**

Geologic Hazard Report: The geological report was reviewed by Colorado Geological Survey, Jonathan Lovekin, and a comment letter is included with this review letter. Future development on the site (development plan, platting, or any building) will require site specific further investigations; see further information below. – **Acknowledged.**

Posting Affidavit: Affidavit to be submitted to Planning pursuant to City Code Section 7.5.902 – **Affidavit forwarded to Planner.**

Public Notice: Several comments from surrounding neighbors have been provided through this initial review. As part of this please review and prepare a separate response letter to the citizen comments enclosed with this letter. In addition, due to this increased concern from the neighborhood Planning will ask the owner/developer to hold a neighborhood meeting prior to the resubmittal of any plans to the City. -Please work with Planning staff to coordinate a time/date/location for this meeting with appropriate time for public notification. (All written comments received enclosed with this letter). – **Separate response letter attached with disclaimer that due to COVID-19, the Applicant is working with the City and a neighborhood meeting will be forthcoming.**

ANNEXATION

Land Use Review (Katie Carleo, 719-385-5060)

1. File Number – add the file number to each sheet of the plan. – **Added.**
2. Please extend your annexation boundary to include the area of roadway to the west of this property to the adjacent annexation boundary from the adjacent church (approximately 350 feet west from western boundary). – **Annexation boundary extended.**
3. Per Traffic Engineering comments below please ensure the proposed area for dedication of ROW is depicted on the annexation plat. This should include a note that this dedication shall be done by separate instrument by the developer when the City request the dedication if not included on a subdivision plat prior. – **The ROW dedication area is included and note added to the Concept Plan.**

City Surveyor (Cory Sharp)

1. Please check the name in the title and City approval as they differ. – **Reconciled.**
2. Is Peaks Recovery Centers LLC a Colorado Limited Liability Company? If so please add "a Colorado Limited Liability Company" to each of the locations that they name appears. – **Added.**
3. Please revise all the year dates to "2020". – **Revised.**
4. Please revise the last part of the City Approval as follows:
The annexation of the real property shown on this plat is approved pursuant to an ordinance made and adopted by The City of Colorado Springs, El Paso County, Colorado, by actions of The City Council of The City of Colorado Springs at its meeting on _____ day of _____, 20__ A.D.

City Clerk Date – **Revised.**

5. Please add the City File No. CPC A 19-00134 in the lower right hand corner of the sheet. – **Added.**
6. Please fill in the blank reception number for "ordinance 475" as shown near the northwesterly corner of the drawing. – **Added.**

Annexation Notes:

Information Items: - **Noted.**

- **The first draft Annexation Agreement will be supplied by staff to the owner after the 2nd review of the Land Use applications. This will establish further details for contributions beyond those identified in this letter.**
 - Colorado Springs Fire Department will include standard fees as part of this annexation agreement. These will be required at time of annexation recordation.
 - Colorado Springs Police Department will include standard fees as of this annexation agreement. These fees are due at time of annexation plat recordation.
- The subject property is identified not being part of the Southeastern Colorado Water Conservancy District (SECWCD) at this time. This form was processed through the City to the SECWCD for review and acceptance by the Bureau of Reclamation. Acceptance by the Bureau is required prior to moving items forward to public hearing.
 - The Owner is responsible for providing staff with a copy of the Letter of Inclusion from the Southeastern Water Conservatory District once received. This letter will need to be submitted to staff prior to scheduling for City Council hearing on this annexation.
 - **SECWCD Update as of the date of this letter: This annexation will go to the SECWCD Resource and Engineering Planning Committee on March 5 and then to our Board for approval March 19. After that they will be sent to the Bureau of Reclamation for Secretarial Assent.**
- In accordance with the Southeastern Colorado Water Conservancy District the owner shall supply the Southeastern District and Bureau of Reclamation the final ordinance from the City of Colorado Springs after approval.
- The Mineral Estate Owner Notification Certification Affidavit will need to be submitted and notification give to mineral owner of public hearing per this process. – Tim this was done. See attached.
- The City will complete a Fiscal Impact Analysis (FIA) as part of the annexation review. This is completed by the City Finance Department and is required to be complete prior to public hearing. These findings will be presented to City Council as part of the annexation.

Parks and Recreation (Connie Perry, 719-385-6533)

No comment.

Water Resource Engineering (Anna Bergmark, 719-385-5613)

A preliminary drainage report was submitted in support of the plat and concept plan. This report is sufficient for an annexation plat, a Final Drainage Report will be required prior to a Final Plat within the City. The comments remaining on the preliminary drainage report should not affect the annexation plat. – **Acknowledged. To be re-submitted under separate cover.**

Colorado Springs Fire Department; Division of the Fire Marshal (Steven Smith, 719-385-7362)

1. An approved water supply that is capable of providing the needed fire flows for the required durations for all buildings that may be built or are currently located within this site is required to be established. – A water main and hydrant/hydrants will be extended into the site for required fire protection.
2. Any and all existing buildings are required to be inspected by a fire inspector. This inspection will determine exactly the existing conditions of the building(s) and site access. This includes any fire protection systems, water supply, hydrant locations and fire department access roadway widths and conditions. – Acknowledged.
3. On condition of this annexation, the applicant/owner of the proposed annexing property must comply with any/all current fire codes applicable to the use and occupancy of the existing buildings. – Acknowledged.
4. This annexation will be required to provide compensation for future fire suppression resources, which may not be directly brought upon by this specific annexation, but future annexations that will require these resources. – Acknowledged.

Colorado Springs Utilities (Kyle Schelhaas, kschelhaas@csu.org, 719-668-8126)

Action Items:

1. Unless otherwise approved by CSU, the Owner must provide an inventory of well permits and water rights with documentation from the Colorado Division of Water Resources (or other source) identifying all of the Owner's known water rights or deeds associated with the property to be annexed (Property). If the Owner does not have any water rights, then the Owner must provide a letter stating such. – Provided.

Project Specific Information Items:

2. Owner must complete the questionnaire provided by City Planning from the Bureau of Reclamation (Bureau) and Southeastern Colorado Water Conservancy District (District). – Already provided with the first submittal.
3. Owner must confirm that Informational Items listed below have been reviewed.

Informational Items: – Acknowledged.

- If there are existing wells within the Property that are owned by the Owner, then unless otherwise approved by CSU, the existing wells must be plugged and abandoned at Owner's expense. Prior to receiving water service from CSU, the Owner shall provide CSU with documentation confirming that all existing wells have been plugged and abandoned in compliance with all applicable regulations from the Colorado Department of Water Resources.
- In order to receive water service from CSU, the Property must be included in the District. If the property is not included in the District, then the Owner must complete the Bureau/District questionnaire provided by City Planning in order to receive consent from the Bureau for the Property to be included into the District. The Bureau may require the Owner to provide the following confirmations for the subject Property:
 - a. Endangered Species Act - a letter or email from the Fish and Wildlife Department stating there are no Endangered Species within the Annexation Boundary.

- b. Clean Water Act - a letter or email from the Corp of Engineers stating that there are no wetlands within the Annexation Boundary.
- c. National Historic Preservation Act - a report that addresses the existence of any Native American Indian relics or buildings of historic significance (the report is to be completed by an Archaeologist that is approved Bureau). Once the Archaeologist is chosen, he/she must contact the Bureau for final instructions.

Traffic Engineering (Zaker AlazzeH)

The developer shall dedicate additional 8 feet (total of 20 feet) of ROW along Old Ranch Road. This dedication must be consistent with the southern properties (between Kettle Creek Road and Otero Avenue) line ROW. – Acknowledged.

Academy School District 20 (Don Smith)

See enclosed comment letter. – ASD20 request noted.

El Paso County Development Services

Please see the enclosed comment letter. A few items of clarification: comments under Planning Division will be handled by City Staff, comments under County Engineering discussing further roadway needs will be discussed between City and El Paso County and any needed update will be communicated at a later date with the owner. – Acknowledged.

United States Air Force Academy (USAFA)

See enclosed comment letter. Notes should be added to the concept plan. – USAFA note added to General Notes.

ZONE CHANGE

Land Use Review (Katie Carleo, 719-385-5060)

City Surveyor (Cory Sharp)

1. Please add "Exhibit A" to the legal description. – Added.
2. Please use the legal description as shown on the annexation plat "minus Old Ranch Road" and include the area of the description. – Added.
3. Please add "Exhibit B" to the exhibit "Zone Change Exhibit B". – Added.
4. Please remove the legal description form the exhibit as it is a separate document. – Removed and provided on separate document.
5. Please add the City File No. CPC ZC 20-00032 in the lower right hand corner of both sheets. – Added.

Streamside Overlay (Tasha Brackin, 179-385-5369)

1. Please include the Streamside Overlay zone designation as part of the project statement for the zone change request (i.e. "requesting establishment of the OC SS (Office Complex with Streamside Overlay) zone district on the property".) – Added.

CONCEPT PLAN

Land Use Review (Katie Carleo, 719-385-5060)

1. Add the concept file number to the bottom right corner of each sheet -- **Added.**
2. Site Data: please update or change as appropriate within notes or depiction
 - a. Front setback for OC is 25-feet, please update setbacks per OC zoning district -- **Setbacks have been updated per OC zoning district.**
 - b. Please show the side setback along the eastern side of the property -- **Shown.**
 - c. Would there be a way to merge the parking data with the building table created? Staff thinks this will more clearly represent the required parking per buildings and use type. -- **Combined.**
 - d. Please revise the Existing Zoning line to state: [Add zone district (abbreviation and spelled out), City File #, Ordinance #] -- **Revised.**
3. General Notes: please update or include the following
 - a. Include standard USAFA note: Notice: This property may be impacted by notice and other similar sensory effects of flight by aircraft used in the United States Air Force Academy's Airmanship Program. This notice shall remain in effect until the Air Force Academy shall cease to be used for flight training purposes. This notice shall run with the land. -- **Added.**
 - b. Include note that clearly states the use per City Code of a Drug and Alcohol Treatment Facility. -- **Added.**
 - c. Add notes related to the facilities being established with required state licenses. -- **Added.**
 - d. Add a note that prior to any future development US Fish and Wildlife will need to review and approve development due to the presence of Preble's Meadow Jumping Mouse critical habitat located on the property. (Staff has provided an enclosed exhibit of the critical habitat as current) -- **Added. PMJM boundary has been delineated on the plan.**
 - e. Per City Code Section 7.4.102.D all exterior lighting shall be arranged to mitigate light directed away from adjacent properties and any public right-of-way. The exterior building lighting, including parking lot lights, shall be full cut-off fixtures with no sag lens. -- **Note added.**
 - f. Signage location and type is not approved with the Development Plan. All signage must be approved through the City Sign Specialist. -- **Note added.**
 - g. Lot owners are responsible for the maintenance for shared common access drives and landscape areas fronting their property. -- **Note added.**
 - h. Prior to future development this site will be required to be platted or possible waiver of replat if applicable at the time. -- **Noted. A general note has been added.**
4. Per the comment letter issued by Colorado Geological Survey City staff supports the recommendations made. Please include as notes on the plan those items identified with the comment letter.
 - a. In addition staff would require a note be added to the concept plan stating that at the time of future construction an updated site specific geological hazard

report shall be done to better analyze potential for shallow very hard bedrock and shallow perched water tables and the required mitigation that will be necessary. This shall in the future then be reviewed by CGS prior to approval of a development plan for future construction. – **Note added.**

5. Depict on the plan the line for the Preble's Meadow Jumping Mouse – **Depicted.**
6. Update the phase lines to better depict the different phases – **Updated.**
 - a. Phase lines for phase 1 should encompass both lots although separate. No need to show two phase 1 areas for clarity.
7. Phase 3 shows a proposed new building but does not give allocation for parking with this building, please update – **Updated.**
 - a. Per Traffic Engineering's comment below staff would ask that future phases of development establish a single point of access that would then serve the new buildings and parking areas as well as access to the existing buildings.

City Surveyor (Cory Sharp)

1. Please use the legal description as shown on the annexation plat "minus Old Ranch Road" and include the area of the description. – **Updated.**

Streamside Review (Tasha Brackin)

1. Thank you for providing the Land Suitability Analysis and Composite Map drawings. It is clear from the proposed construction in future phases that the impacts upon the stream will not be a concern. However, the concept plan will be the governing document until a Development Plan is approved for the proposed improvements, and is also used to support the zone change. Therefore, streamside overlay information is being requested to be shown on the concept plan. – **Noted.**
2. Please add the term "Streamside" in front of the title of "Land Suitability Analysis" within the title block of the LSA sheet, and add the following items to the LSA sheet: – **Updated.**
 - Show the streamside overlay buffers as well as the toe of the channel bank from which the buffers would be measured (consult the streamside overlay guideline document at the link below for instructions). For the purposes of this review, please assume a Type 1 Stream: 20' inner buffer/50' outer buffer. - – **Provided.**
 - Label soil types on the soil analysis image within the LSA sheet. - – **Labeled.**
 - Provide a table showing the extent of any impervious surface existing or proposed within the overlay buffers. - – **Provided.**
3. On sheets 1, 3, and 4 of the plan set please provide the following:
 - Draw the stream channel toe of slope as well as the inner and outer streamside overlay buffers. – **Drawn.**
4. On the Concept Plan Cover Sheet, include the following note: – **Note added.**

"Prior to any development, including grading, vegetation removal, or any other improvements, a development plan must be approved and the inner buffer zone must be fenced or appropriately flagged by the property owner or developer to denote the stream corridor. No heavy equipment or other potentially damaging

activities are permitted in the protected area. The flags are to remain in place until construction activities are complete.”

5. This is a concept plan and additional comments regarding compliance with the Streamside Overlay may be made when reviewing the development plan. Add note on the concept plan cover page, “Future review of streamside overlay requirements will occur with the subsequent development plan application.” – **Note added.**

The streamside submittal checklist is available at the link below and may be helpful:

<https://coloradosprings.gov/planning-and-development/page/application-supplements?mlid=29846>

Engineering Development Review (Patrick Morris, 719-385-5075)

Notes should be added for the requirements for the improvements to Old Ranch Road, this shall include an escrow amount to be given to the City for the cost of curb, gutter and sidewalk along the frontage of this property. This fee will be due at time of annexation to the City. – **Note added.**

Traffic Engineering Division (Zaker Alazzeh)

1. Add a note that with future development, triggered by any initial building in phase 2, the site shall establish a single point of access from Old Ranch Road, the access width shall be between 24-36 feet. – **Note added.**
2. The developer is responsible to remit payment as contribution of curb, gutter and sidewalk that will be installed at a future date when Old Ranch Road is improved. – **Acknowledged and noted added.**

Water Resource Engineering (Anna Bergmark, 719-385-5613)

1. A preliminary drainage report (PDR) was reviewed and returned to the engineer with a comment that will affect the concept plan. It appears that the area of disturbance is greater than an acre. Please keep in mind this includes all proposed disturbance, not just where there is a change in grade. This triggers the requirement for the 4 step process.
2. Should the project move forward with disturbance greater than an acre the following notes must be put on the Concept Plan: – **Not needed, area of disturbance is less than 1 acre.**

"Development within this concept plan boundary will require the analysis of, and if deemed necessary through the analysis, the improvement of Kettle Creek within the concept plan boundary and to the extent deemed necessary to tie into and protect downstream of the site"

"Detention and water quality will be required for this project area, the permanent detention/water quality facility must be constructed with the first phase of development"

3. The applicant should also be aware that the presence of the Preble Jumping mouse does not automatically eliminate the need to do channel analysis/improvements should the 4 step process be required. – **Acknowledged.**

Colorado Springs Fire Department; Division of the Fire Marshal (Steven Smith, 719-385-7362)

1. Add note to plan: "All existing buildings will have a fire inspection within 30 days of annexation and be required to comply with applicable fire code requirements unless other acceptable provisions are made. This inspection must be made by the property owners by calling 719-385-5978." – **Note added.**

Colorado Springs Utilities (Kyle Schelhaas, kschelhaas@csu.org, 719-668-8126)

No apparent conflicts – recommend approval.

Project Specific Information Items: – Acknowledged.

1. Please be aware that in the event of an annexation all facilities will be required to abandon the existing septic and well systems. The only water shown on the Concept Plan is the hydrant lead - all facilities will be required to be connected to CSU Water infrastructure as well as wastewater infrastructure. Water and wastewater layout will be addressed during the Development Plan phase.

Information Items: – Noted.

- Please contact Utilities Development Services (UDS) at 719.668.8111 for an estimate of development charges, fees, Recovery Agreement Charges or other utility related costs that may apply to this development.
 - In instances where metered water and/or wastewater connections existed on the property, please contact UDS to discuss distribution of Water and/or Wastewater Development Charges to eligible lots.
- When new water meters are proposed to serve the project or additional demand added to existing water meters, a Commercial Water Meter Sizing form will be required to be submitted to CSU prior to Service Contract issuance and building permit approval.
- CSU requires an Application for Gas and Electric Line Extension to be submitted along with a Load Data form or an Application for Gas Service Line Approval and/or Application for Elevated Pressure Approval prior to electric and natural gas system design for service to the project. Refer to the CSU Line Extension and Service Standards or contact Field Engineering at 719.668.4985.
- CSU may require an extension contract and payment of contributions-in-aid of construction (or a Revenue Guarantee Contract) for the extension of electric facilities needed to serve the development. Regarding natural gas extensions, CSU may require an extension contract and an advance payment for the estimated cost to construct the necessary gas extensions.
- Improvements, structures and trees must not be located directly over or within 6 feet of any underground gas or electric distribution facilities and shall not violate any provision of the National Electric Safety Code (NESC) or any applicable natural gas regulations or Colorado Springs Utilities' policies.
- Improvements, structures and trees shall not be located under any overhead utility facility, shall not violate NESC clearances, and shall not impair access or the ability to maintain utility facilities.

- Landscaping shall be designed to provide the required clearances for utility facilities, to allow continuous access for utility equipment, and to minimize conflicts with such facilities.
- Colorado Springs Utilities requires wastewater and water construction drawings when new wastewater and water facilities are proposed. Plans can be submitted electronically to Utilities Development Services via www.csu.org.
- The water distribution system facilities must meet the Colorado Springs Utilities' criteria for fire flow, water quality, service interruption and pressure. To meet service interruption criteria, no more than fifty (50) homes on a dead-end water main line are permitted. The static pressure of the water distribution system shall be a minimum of 60 psi. CSU will assess the need for a Water Quality Plan based on information presented in the Development Plan. CSU may require a new or updated Water Quality Plan where construction phasing or the water system design differ from the approved Development Plan.

Enumerations (Brent Johnson, 719-327-2880)

1. Each of the new buildings proposed will need to have an address assigned to be used when submitting plans for review/permit. The applicant should contact Enumerations prior to submittal to establish these addresses. – Noted.
2. The existing secondary buildings will need to have addresses assigned to them. The garage with living space located on the eastern lot was assigned the address of 1775 Old Ranch Rd. when it was permitted in 2012. The existing RV storage building which is proposed to be used as a medical office will need to have an address assigned prior to submitting plans for interior remodel. – This item has been addressed directly with Mr. Johnson.

Informational: – Noted.

- Enumerations will review the mylar prior to plat for address placement, street names, and title block.
- \$10.00 per lot & tract platting fee will be due at the time of the review of the mylar, (2 addresses per lot and tract). If an address is not needed on a tract then no fee applies. Check should be made out to PIKES PEAK REGIONAL BUILDING DEPARTMENT or PPRBD. Paid directly to the Enumerations Department.
- A copy of the final recorded plat is required prior to plan submittal for RESIDENTIAL. A copy of the final recorded plat is required prior to approval in the Enumerations department on any COMMERCIAL plan submittal. Amy@pprbd.org or Brent@pprbd.org - Platting or wavier of replat is not proposed at this time.

Streets Program-Public Works (Michael Hensley, 719-385-5977) – Noted.

NOTE: Old Ranch RD is planned for 2C overlay in 2021. If infrastructure construction, storm sewer, or utility tie-in work impacting Old Ranch RD is able to be completed prior to or early in the 2021 season, please contact me directly to discuss impacts or schedule.

If after the 2021 paving season, Old Ranch RD will be under moratorium thru 2026. Developer needs to be familiar with the City's degradation fee schedule and restoration specification.

Restoration limits and degradation fees will be defined in the field based on extent of impact. Degradation fees are graduated based on area of impact and the age of the current roadway surface treatment. For a more detailed explanation of these fees and how they are calculated, please contact City Right-of-way management at 385-5977.

Floodplain (Michael Augenstein, 719-327-2906)

Standard comments:

- The El Paso County floodplain maps have been updated. The new map series is “G.” The new effective date is December 7, 2018. – **Noted.**