

LETTER OF INTENT

For

**Trails at Aspen Ridge  
PUDSP Amendment**

Prepared for:

**El Paso County Planning & Community Development**  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

On Behalf of:

**COLA, LLC**  
555 Middle Creek Pkwy, Suite 500  
Colorado Springs, CO 80920

Prepared by:



**Matrix**

2435 Research Parkway, Suite 300  
Colorado Springs, CO 80920  
(719) 575-0100  
fax (719) 572-0208

February 2021

Project No. 20.886.028

**Owner/ Applicant:** COLA LLC  
555 Middle Creek Parkway, Suite 380  
Colorado Springs, CO 80921

**Planner/ Civil:** Matrix Design Group  
2435 Research Parkway, Suite 300  
Colorado Springs, CO 80920

**Tax Schedule No:** 5509302003, 5509305003

**Site Location, Size, Zoning:**

The Trails at Aspen Ridge PUDSP Amendment is a proposed single-family subdivision, currently zoned as PUD. The site was previously approved as a Planned Unit Development Site Plan (PUDSP-191) by the El Paso County Commissioners on December 10, 2019 and was originally a part of the Springs East at Waterview Preliminary Plan (SP-17-010) approved by the El Paso County Board of County Commissioners on February 12, 2019.

This previously approved Planned Unit Development encompassed 605 single-family residential lots and included a rezone of 117.98 acres from RS-5000 to PUD. Trails at Aspen Ridge Filing No. 1, a part of the overall Trails at Aspen Ridge development, is comprised of 181 single-family residential lots on 48.91 acres zoned as RS-5000. The Trails at Aspen Ridge Filing 1 is currently under construction and shall remain as approved. Additionally, two commercial parcels are located within the Trails at Aspen Ridge development totaling 28.36 acres owned by a third-party and are not included as part of this PUDSP Amendment. The project remains in conformance with the Waterview Sketch Plan Amendment approved October 24, 2018 by El Paso County Planning and Community Development which permits an overall density of 4-6 DU/acre.

The Trails at Aspen Ridge PUDSP Amendment is proposing a Major Amendment to the original Trails at Aspen Ridge PUDSP. This proposed application will encompass the entire 117.98 acres previously approved as part of PUDSP-191 and is to include 680 single-family residential lots with varying sizes and product types of as well as parks and open space. The proposed 680 single family detached residential units is an increase from the approved 605 residential units, an increase of 12.4%, for a density of 5.76 DU/ Acre. . The project remains in conformance with the Waterview Sketch Plan Amendment approved October 24, 2018 by El Paso County Planning and Community Development which permits an overall density of 4-6 DU/acre.

The project is located southeast of the intersection of Powers Blvd. and Bradley Road with the main access into the site via approved locations along Bradley Road. Construction activities are in progress for Trails at Aspen Ridge Filing No. 1, but the remainder of the is currently vacant.

**Request and Justification:**

The purpose of this application is to request approval of Major Amendment to the previously approved Trails at Aspen Ridge PUDSP to include 680 new single family lots on 117.98 acres for a density of 5.76 DU/ Acre. The site layout incorporates a mix of lot sizes with a minimum lot square footage of 3,000 SF. The PUDSP Amendment will simplify the

unit types by removing previously approved two-family products as all we as alley-loaded product types in future phases. Phase 2 of the Trails at Aspen Ridge will retain the previously approved alley-loaded product type and private streets. . The side lot setbacks for the alley loaded product are being revised as part of this amendment to 5' side on both sides rather than the previously approved 3' and 7' to be in accordance with Residential Building Code standards and requirements.

The proposed small lot, alley-loaded product type was introduced as a more recent introduction to the housing styles found within El Paso County. While this product type has become more common place within the City of Colorado Springs, market demand has driven an increase in this type of product within newly designed county master planned communities. The rear-loaded product creates a Traditional Neighborhood environment where the front doors face common open space or public streets with the garages located at the rear of the house to be accessed via the private roadways/ alleys. This design and housing style creates more open space and common areas for use by the community increasing opportunities for gathering and socializing. Pedestrian connectivity is provided throughout the development allowing safe routes through and within the community.

The revised Trails at Aspen Ridge development will be built out over five phases, with Phase 1 and Phase 2 currently under review or nearing approval.

While the density of the site has increased, the PUDSP Amendment has provided 17.8 acres of open space, or 15.1% of the total development area. This exceeds the required 10%, 11.8 acres, of open space specified in the EPCLDC PUD requirements. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide pedestrian corridors throughout the development. A large community park will be provided in Phase 3 of the development to serve as a focal point and an amenity for residents. This is in addition to various smaller pocket parks located throughout the community.

El Paso County PUD Section 4.2.6(D) Approval Criteria, 1998 El Paso County Policy Plan, and El Paso County Preliminary Plan Section 7.2.1(D)-2E Approval Criteria:

The PUDSP sets forth the stated purpose of the PUD Zoning and Preliminary Plan Criteria through illustrated detailed use design, dimensional and development standards, building and parking locations, service connections, landscaping and other important site improvements.

The 1998 El Paso County Policy Plan establishes broad goals and policies intended to serve as a framework for land use applications and development in the County. The County Wide Policy Plan ties the specific small area plans, and other Master Plan elements such as the Master Plan for Mineral Extraction, the El Paso County Department of Parks and Leisure Services Master Plan and the Major Transportation Corridors Plan together. The Policy Plan provides general direction in terms of density, buffers, transitions, and infrastructure where no small area plan exists. The Trails at Aspen Ridge PUDSP meets the requirements of these planning tools as outlined in more detail within the sections below.

The proposed Trails at Aspen Ridge project is in general conformance with the El Paso County Policy Plan and the approved Waterview Sketch Plan. The approved Waterview Sketch Plan indicates residential use at a density of 4-6 DU/ Acre for this area of which the PUDSP conforms. The proposed property is suitable for the intended use and the use is compatible with both the existing and allowed land uses on the neighboring properties to the west and southeast consisting of single family residential or open space. The new development will be in harmony with the existing surrounding character of the area and natural environment using varying residential densities, perimeter buffering and provisions for both natural and built open space. There are no areas of significant historical, cultural or recreational features found on site.

Though the project site is not located within any small area master plans, the application follows the requirements of this code and all applicable statutory provisions. The project has been designed to not be detrimental to the health, safety, or welfare of the present or future inhabitants by meeting the submittal guidelines as illustrated in the zoning code and application packet. The proposed deviations from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide. The deviations requests and justification are highlighted in detail in the sections below.

Staff recommends demonstrating how these goals are satisfied by proposal

The Trails at Aspen Ridge project will not have a negative impact upon the existing future development of the area. The design approach supports *Policy 6.1.1: Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County* and *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.*

Address specific goals from Water Master Plan

The proposed application provides adequate consideration for any potentially detrimental use and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site. The site design includes various landscape buffers; open space corridors; pedestrian connectivity; and a centrally located park site. Increased landscape setbacks have been provided along Legacy Hill Drive to create an enhanced streetscape and pedestrian corridor for the development. There are no landscape related PUD Modifications being requested as this time.

The proposed single-family residential use will not overburden the capacities of existing or planned roads, utilities or other public features, drainage and grading, police protection, emergency services, and water/ wastewater services. These services were planned for in advance through the Sketch Plan process in order to be adequately sized to meet the demands of this development. Fees in lieu of land will be provided for schools. A police/ fire station site location has not been requested as part of this development and is not provided. A sufficient water supply has been acquired and can be provide the water necessary for the proposed units and associated irrigation needs. In addition, a wastewater system has been established and can adequately serve the proposed units. Please refer to the water and wastewater reports for more information.

By providing open space areas and extending existing utility services already approved and in place, the proposed development supports both *Policy 6.1.5: Support the development of well-planned mixed-use projects* and *Policy 6.1.11: Plan and implement land development so*

Summarize water demand and wastewater demand findings in lieu of increased density here.

that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

**Master Plan for Mineral Extraction:**

The 1996 Master Plan for Mineral Extraction updates and supersedes the 1975 El Paso County Master Plan for Mineral Extraction of Commercial Mineral Deposits as amended in 1978 and 1982. This updated plan has two primary purposes, the first is to facilitate continued compliance with the mineral resource protection mandates outlined in the “Preservation of Commercial Mineral Deposits Act” of 1973 and the second is to provide guidance to the El Paso County Planning Commission and Board of County Commissioners in evaluating land use proposals involving new or expanded mining and mineral resource processing operations. Per the El Paso County Master Plan for Mineral Extraction Aggregate Resource Maps, this site is identified as ‘Eolian Deposits’ of windblown sands. The proposed project does not contain any mineral deposits of commercial value and does not permit the use of any area containing a commercial mineral deposit which would unreasonably interfere with the present or future extraction of such deposits.

**Total Number of Residential Units, Density, and Lot Sizes:** 680 Single-Family Residential Units on 117.98 acres with a density of 5.76 DU/acre.

**Total Number of Industrial or Commercial Sites:**

There are no industrial or commercial sites proposed with this application.

**Areas of Required Landscaping:**

The proposed PUD/ Preliminary Plan includes landscape design and streetscape planting requirements for the streetscapes along Powers Blvd., Frontside Drive, Legacy Dr, and Bradley. The landscape design includes a mix of deciduous and evergreen trees, varying ground plane treatments, and numerous planting beds. There are no landscape waivers being requested at this time.

**Approximate Acres and Percent of Land Set Aside for Open Space:**

Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide pedestrian corridors throughout the development. The Trails at Aspen Ridge project is proposing 17.8 acres of open space which is 15.1% of the project area. Per the EPCLDC PUD requirements, the minimum amount of required open space is 10% of the 117.98 acres project site or 11.80 acres. The provided open space with this submittal is in addition to the open space and park area provided within the Filing 1 Plat not included in the overall provided open space.

The proposed development benefits through the provision of interconnected open space, aesthetic park features and harmonious design. The Trails at Aspen Ridge project is proposing various types of recreational amenities to include active and passive open space areas; trail and pedestrian connectivity corridors; common open space for the rear loaded product types; and a 3-acre central park site. Final design of the park site and common open space areas will be completed with future final plat filings at which time coordination with the El Paso County Parks Department will be completed regarding potential park land agreements for the provided improvements.

Staff encourages including information about ownership and maintenance of open space tracts

Staff encourages adding explanation regarding ownership and maintenance of private roads in this paragraph for clarity

**Traffic Engineering:**

Vehicular access and street layout shall be as illustrated on the PUD/ Preliminary Plan drawings. The Trails at Aspen Ridge will be accessed from Bradley Rd. via two intersection locations which were previously approved. Traffic will be dispersed by two collector streets with two proposed round-a-bouts to help with traffic flow and levels of service. As discussed elsewhere the Trails at Aspen Ridge project is proposing several private access roads to serve the rear loaded unit types. A PUD modification has been requested to permit the private roads. All other roadways will be public, built to El Paso County standards.

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

**Proposed Services:**

The Trails at Aspen Ridge will be a part of the Waterview II Metropolitan District which will own and maintain common areas such as setbacks, trails, pedestrian corridors, parks, open space, private streets, signage, and detention facilities. This development will be served by the additional entities as outlined below:

- 1. Water: Widefield Water and Sanitation District
- 2. Wastewater: Widefield Water and Sanitation District
- 3. Gas: City of Colorado Springs
- 4. Electric: Mountain View Electric
- 5. Fire: Security Fire Protection District
- 6. School: Widefield District #3
- 7. Library: Pikes Peak Library District
- 8. Roads: El Paso County Road and Bridge
- 9. Police Protection: El Paso County Sheriff's Department

Summarize hazards and mitigation required.

**Impacts associated with the PUD Development Plan & Preliminary Plan:**

Floodplain: This site is not located within a designated FEMA floodplain as determined by the flood insurance map, community map number '08041C0768G' effective date December 7, 2018.

Site Geology: Entech Engineering, Inc. has provided a Soils, Geology and Geologic Hazard report with previous submittals which has been reviewed and approved. This report has identified several potential Geologic Hazards on site related to development of the property along with proposed mitigation of the hazards. The development will incorporate the recommended mitigation during final design and construction on site.

Wetlands: There are no drainage areas, drainage ways or water courses found on site, as a result there are not wetlands present. All drainage and erosion criteria have been met following El Paso County Development Standards.

Air Pollution: By adhering to current air quality regulations, any air pollution emanating from the development will be negligible. Currently, the site has very little vegetation which results in a high amount of dust during windy days; however, the proposed

development will provide irrigated turf areas and native seeding to alleviate the dust issues. Construction practices will adhere to El Paso County health department, as well as state department codes and regulations

Water Pollution: By adhering to current wastewater and stormwater regulations, any water pollution emanating from the development will be negligible. An erosion and sedimentation plan will be in place prior to construction.

Noise Pollution: Vehicular movement is expected to be the only major source of noise pollution emanating from the site after construction is complete. The proposed development is surrounded by similar land uses, and the effects of noise generated from the site will have little or no impact on other surrounding areas.

Visual Assessment: The natural mountain backdrop of the Rampart Range is perhaps the best natural feature of Trails at Aspen Ridge community with sweeping view in nearly all directions. The scenic view shed is impaired somewhat by intervening development; however, the panoramic views remain quite spectacular.

## PROPOSED TRAILS AT ASPEN RIDGE PUD MODIFICATION REQUESTS:

### 1) JUSTIFICATION FOR PUD MODIFICATIONS: INTERSECTION SPACING

Chapter 8.4.4 (C)(E1)(E4) of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.H are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meet the criteria for approval in ECM Section 5.8.7.

#### Nature of Request:

Section of LDC/ECM from which modification is sought:

*Section 2.2.5 (E)*

Specific Criteria from which modification is sought:

*Road Access Criteria: roads shall not intersect urban local roadways closer than 175' from each other (centerline to centerline).*

Proposed nature and extent of modification:

*To permit urban local roadways to intersect centerline to centerline closer than 175' at Fish Hook Dr. and Winner Creek Dr to 113.6'.*

#### LDC Chapter 4.2.6.F.2.H: Modification of Existing LDC or ECM Standard.

For approval of a modification of a general development standard in the LDC or criteria or standard of

the ECM, the BoCC shall find that the proposal provides for **at least one** of the following benefits:

- Preservation of natural features;  
N/A.
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;  
N/A
- Provision of a more efficient pedestrian system;  
*The reduce roadway intersection spacing is a direct result of the constraint created by the fixed location of Blackmer Street via Bradley Rd. The access location off of Bradley Rd. (Blackmer St.) was determined in coordination with El Paso County and CDOT as part of previous approvals.*
- Provision of additional open space;  
*The Trails at Aspen Ridge PUDSP is proposing 17.8 acres of open space which does not include a park within Phase 1/ Filing 1. The Trails as Aspen Ridge project is providing a central community park, various pocket parks, and additional open space is designed into the community between the fronts of the rear loaded unit types. This open space serves as pedestrian connectivity corridors and gathering space for the residents.*
- Provision of other public amenities not otherwise required by the Code; or  
N/A.
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.  
*This open space provides opportunities for gathering and socializing. In addition, pedestrian connectivity is provided throughout the development allowing safe routes through and within the community.*



### **ECM Section 5.8.6: Limits of Consideration:**

The ECM Administrator may only consider a project-specific modification to an existing standard when

**one** of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.  
N/A
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.  
N/A.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

*The proposed waiver to the standard is a result of the fixed access location via Bradley Road into the project. The design as illustrated on the drawings incorporates public streets which based on the subdivision design creates one intersection spaced at less than 175' as required. This particular intersection/ roadway serves 25 lots and was purposely designed to eliminate cut through traffic.*

### **ECM Section 5.8.7: Criteria for Approval**

No modification shall be approved unless it is demonstrated that:

- The request for a modification is not based exclusively on financial considerations;  
*There is no financial consideration to this modification request. It is based on design and site constraint considerations.*
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;  
*The proposed design will achieve a comparable result in that all streets will be constructed to meet county standards, including sight distance and pedestrian ramp connections.*
- The modification will not adversely affect safety or operations;  
*The modification to permit roadway intersections less than 175' will not adversely affect safety or operations as these intersections are not designed as through streets limiting traffic to residents and only serves 25 lots.*
- The modification will not adversely affect maintenance and its associated cost; and  
*The modification to the intersection spacing requirements will not adversely affect maintenance or costs as all streets will be constructed to El Paso County standards and are to be owned and maintained by El Paso County.*
- The modification will not adversely affect aesthetic appearance.  
N/A.

## PREVIOUSLY APPROVED TRAILS AT ASPEN RIDGE PUD MODIFICATION REQUESTS:

### 1) JUSTIFICATION FOR PUD MODIFICATIONS: MID-BLOCK CROSSINGS

Chapter 4.2.6.F.2.G of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.H are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meet the criteria for approval in ECM Section 5.8.7.

#### Nature of Request:

Section of LDC/ECM from which modification is sought:

*LDC Chapter 8.4.3(B2) and ECM Section 2.5.2.(C4)*

Specific Criteria from which modification is sought:

*Mid-block Crossings: Access ramps on local roadways shall be spaced no greater than 600 feet apart.*

Proposed nature and extent of modification:

*To provide mid-block crossings along Lazy Ridge Drive, Wagon Hammer Drive, and Blue Mine Street in excess of 600'*

#### LDC Chapter 4.2.6.F.2.H: Modification of Existing LDC or ECM Standard.

For approval of a modification of a general development standard in the LDC or criteria or standard of

the ECM, the BoCC shall find that the proposal provides for **at least one** of the following benefits:

- Preservation of natural features;  
N/A.
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;  
N/A.
- Provision of a more efficient pedestrian system;  
*Pedestrian circulation within the Trails at Aspen Ridge is provided through both on street sidewalks and through internal open space tracts. Walkways provided through the development via internal open space tracts permit circulation throughout the development and connect to the proposed parks. The project is designed to encourage the use of the sidewalk system and reduce the amount of driving within the community. Where the mid-block crossings exceed the 600' distance, crossings are provided in close proximity to the 600' required either within the proposed tracts containing internal trails/ sidewalks or at 'T' intersections. The exhibit below illustrates the provided mid-block crossings that exceed 600'.*
- Provision of additional open space;  
*The Trails at Aspen Ridge PUDSP is proposing 27.04 acres of open space which includes a park within Filing 1 currently under Final Plat review, as well as a 6-acre community park centrally located. Additional common open space is provided throughout the development as well as trail/sidewalk corridors.*
- Provision of other public amenities not otherwise required by the Code; or  
N/A.

This number differs from the 17.8 acres mentioned previously. Please clarify

- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.  
*The Trails at Aspen Ridge PUDSP is proposing 27.04 acres of open space which includes a park within Filing 1 currently Final Plat review, as well as a 6-acre community park centrally located. Additional common open space is provided throughout the development as well as trail/ sidewalk corridors.*

#### **ECM Section 5.8.6: Limits of Consideration:**

The ECM Administrator may only consider a project-specific modification to an existing standard when

one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.  
*The ECM requirement for midblock crossings, and the associated 600-foot minimum distance, is not based on any specific standard. ADA standards do not require midblock crossings or a minimum distance between crossing points. The ADA standards only require crossings at street intersections as this is the safest location to cross the street. ADA crossings and ramps are provided throughout the development.*
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.  
*While there is significant topography on this site, the proposed crossings are at intersections with trail crossings provided internally through the community.*
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.  
*The standard does not impose any particular hardship on the applicant. However, it will be more beneficial to pedestrian continuity and public safety to focus pedestrian crossing points at designed trail crossings and connection points.*

#### **ECM Section 5.8.7: Criteria for Approval**

No modification shall be approved unless it is demonstrated that:

- The request for a modification is not based exclusively on financial considerations;  
*There is no financial consideration to this modification request. It is based purely on practical and pedestrian connectivity considerations.*
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;  
*The crossing locations shown within this development are preferred in the context of pedestrian connectivity as the proposed locations provide logical connection points to the internal trail system. The ECM requirement for a 600-foot minimum distance between mid-block crossings would require additional mid-block crossings. These additional crossings are unnecessary given the proximity of the proposed mid-block crossings as designed (See attached exhibit). This requirement is not based on any ADA or other standard and would result in randomly located midblock crossings with no specific destination.*
- The modification will not adversely affect safety or operations;  
*The mid-block crossings proposed in this development include a striped crosswalk for safety and will not affect operations as the required location of 600' spacing would result in randomly placed mid-block crossings with no direct connection.*

- The modification will not adversely affect maintenance and its associated cost; and  
N/A.
- The modification will not adversely affect aesthetic appearance.  
N/A.

## 2) JUSTIFICATION FOR PUD MODIFICATIONS: SIDEWALK LOCATION ALONG COLLECTOR ROADWAY

Chapter 4.2.6.F.2.G of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.H are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meet the criteria for approval in ECM Section 5.8.7.

### Nature of Request:

Section of LDC/ECM from which modification is sought:

*ECM Section Figure 2-14 Typ. Urban Non-Residential Collector Cross Section*

Specific Criteria from which modification is sought:

*Sidewalk location and spacing from back of curb to be 8' per the cross-section.*

Proposed nature and extent of modification:

*To permit a curvilinear sidewalk along Legacy Drive and Frontside Drive, both of which are non-residential collectors, with varying widths of parkway between the sidewalk and back of curb.*

### LDC Chapter 4.2.6.F.2.H: Modification of Existing LDC or ECM Standard.

For approval of a modification of a general development standard in the LDC or criteria or standard of the ECM, the BoCC shall find that the proposal provides for **at least one** of the following benefits:

- Preservation of natural features;  
N/A.
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;  
N/A.
- Provision of a more efficient pedestrian system;  
*Pedestrian circulation within the Trails at Aspen Ridge is provided through both on street sidewalks and through internal open space tracts. Walkways provided through the development via internal open space tracts permit circulation throughout the development and connect to the proposed parks. The project is designed to encourage the use of the sidewalk system and reduce the amount of driving within the community.*
- Provision of additional open space;  
*The Trails at Aspen Ridge PUDSP is proposing 27.04 acres of open space which includes a park within Filing 1 currently under Final Plat review, as well as a 6-acre community park centrally located. Additional common open space is provided throughout the development as well as trail/sidewalk corridors.*
- Provision of other public amenities not otherwise required by the Code; or

N/A.

- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.  
*The proposed curvilinear sidewalk along the main entry into the community along Legacy Drive and Frontside Drive allows a more interesting landscape street design. The varying parkway width between sidewalk and curb incorporates a mix of shrubs and turf in a designed curvilinear pattern. The proposed sidewalk and landscape design do not affect the health, safety or public welfare of the community.*

#### **ECM Section 5.8.6: Limits of Consideration:**

The ECM Administrator may only consider a project-specific modification to an existing standard when

one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.  
*The ECM requirement for 8' is provided for adequate separation between the sidewalk and the roadway. In those areas where the distance is less than 8', a physical barrier is incorporated through the use of shrubs or ornamental grasses.*
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.  
N/A.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.  
*The proposed change to the standard is not a result of an undue hardship but rather a desire by the owner/ developer to provide interest and creativity along the main roadways through the development.*

#### **ECM Section 5.8.7: Criteria for Approval**

No modification shall be approved unless it is demonstrated that:

- The request for a modification is not based exclusively on financial considerations;  
*There is no financial consideration to this modification request. It is based purely on design and aesthetic considerations.*
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;  
*The 5' curvilinear sidewalk achieves the intended result of providing the required pedestrian walkways along a public roadway. The design as proposed is superior to the standard in that it creates interest and a variable landscape design.*
- The modification will not adversely affect safety or operations;  
*The sidewalk as designed will not adversely affect safety or operations as all ADA requirements and crossings are met.*
- The modification will not adversely affect maintenance and its associated cost; and  
N/A.
- The modification will not adversely affect aesthetic appearance.

*The modification to permit a curvilinear sidewalk along Legacy Drive and Frontside Drive increases the aesthetic appearance with a mixture of shrubs and turf provided between the sidewalk and curb.*

### **3) JUSTIFICATION FOR PUD MODIFICATIONS: PERMIT PRIVATE STREETS**

Chapter 8.4.4 (C)(E1)(E4) of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.H are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meet the criteria for approval in ECM Section 5.8.7.

#### **Nature of Request:**

Section of LDC/ECM from which modification is sought:

*Section 8.4.4 (C)(E1)(E4)*

Specific Criteria from which modification is sought:

*Public Roads are Required; Use of Private Roads is Generally Limited, and Private Roads are to Comply with Access Standards*

Proposed nature and extent of modification:

*To permit private roads to serve as access alleys for the rear loaded product as illustrated within Phase 4 and Phase 5 on the PUD drawings.*

#### **LDC Chapter 4.2.6.F.2.H: Modification of Existing LDC or ECM Standard.**

For approval of a modification of a general development standard in the LDC or criteria or standard of

the ECM, the BoCC shall find that the proposal provides for **at least one** of the following benefits:

- Preservation of natural features;  
N/A.
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;  
*The proposed private roadways provide access to the rear-loaded type product style currently desired in today's market. The rear-loaded product creates a Traditional Neighborhood environment where the front doors face common open space with the garages located at the rear of the house to be accessed via the private roadways/ alleys. With this design and housing style, more open space and common areas are provided for use by the community.*
- Provision of a more efficient pedestrian system;  
*Pedestrian circulation located within the areas served by the private roadway/ alleys is located at the front of the house reducing vehicular/ pedestrian conflicts. Mid-block crossings are provided in several locations to move pedestrians safely and effectively through the community.*
- Provision of additional open space;  
*The Trails at Aspen Ridge PUDSP is proposing 27.04 acres of open space which includes a park within Phase 1/ Filing 1 as well as a 6-acre community park centrally located. Additional open space is designed into the community between the fronts of the rear loaded unit types. This open space serves as pedestrian connectivity corridors and gathering space for the residents.*
- Provision of other public amenities not otherwise required by the Code; or  
N/A.
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

*The incorporation of the private roadways for use as access to the rear of the house creates additional, common open space along the fronts of these units. This open space provides opportunities for gathering and socializing. Pedestrian connectivity is provided throughout the development allowing safe routes through and within the community.*

#### **ECM Section 5.8.6: Limits of Consideration:**

The ECM Administrator may only consider a project-specific modification to an existing standard when

**one** of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.  
*The ECM permits the use of private roadways.*
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.  
N/A.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.  
*The proposed waiver to the standard is not a result of an undue hardship but rather a desire by the owner/ developer to provide a rear-loaded product style to meet current housing market demands and to provide a mix of housing styles. All private roadways will be built to county standards as required.*

#### **ECM Section 5.8.7: Criteria for Approval**

No modification shall be approved unless it is demonstrated that:

- The request for a modification is not based exclusively on financial considerations;  
*There is no financial consideration to this modification request. It is based on design and aesthetic considerations.*
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;  
*The design as proposed is superior to the standard in that it adds another housing style to the community creating a mixed-residential neighborhood. This housing style utilizing the alley for garage access incorporates more common open space for the residents to enjoy while also providing pedestrian corridors separated from streets and driveways.*
- The modification will not adversely affect safety or operations;  
*The modification to permit private streets will not adversely affect safety or operations. A letter in support of the design and layout of private streets has been provided by the fire department.*
- The modification will not adversely affect maintenance and its associated cost; and  
*The modification to permit private streets will not adversely affect maintenance or costs as these will be owned and maintained by the metropolitan district.*
- The modification will not adversely affect aesthetic appearance.  
*The modification to permit private streets will not adversely affect aesthetic appearances since the cross-section width of these alleys is narrower than a public street and additional common space is being provided.*