



December 22, 2018

**LETTER OF INTENT
Sanctuary of Peace Residential Community
PUD Plan**

Owner:

Benet Hill Monastery of Colorado Springs
3901 Benet Lane, Colorado Springs, CO 80921
719.633.0655, Ext 109
Vincent Crowder, Property & Building Manager

Developer:

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Applicant / Consultant:

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REQUEST/PROJECT DESCRIPTION:

- The Sisters of the Benet Hill Monastery (Applicants) request approval of the Sanctuary of Peace Residential Community PUD Development Plan to rezone a 49.58 acre property from the current A-5 and RR-5 zoning districts to PUD. Approximately 10± acres of the property is currently zoned A-5 the remaining 40± acres is zoned RR-5.
- The applicants request authorization from the PCD Director to submit the PUD development plan as a preliminary plan. The applicants also request findings of sufficiency for water supply be deferred to the final plat approval.
- The plan identifies 26 single-family attached residences, community center, open space, private road, stormwater detention facilities, and water/wastewater facilities and appurtenances.

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- Planned housing types include single-story one (1) and two (2) bedroom single family attached housing units and a Community house. Water will be provided by a small community water system comprised of a water well, treatment, storage tank, and distribution lines designed in accordance with the Colorado Department of Public Health and Environment Regulations. Wastewater treatment will be provided by a small community wastewater system comprised of four (4) shared Onsite Wastewater Treatment Systems (OWTS) which have been sited and designed under guidance of the State Water Quality Site Application Policy 6 along with the County Department of Health supervision and approval.

- Waiver Requests

- 8.4.4.C Public Roads Required
- 8.4.4.D Dead End Road Standards

The applicants wish to maintain the private character of the neighborhood keeping the roads within the new and existing neighborhood private. Narrower design widths can promote improved pedestrian and non-motorized use of the roads. The extension of a public road into the proposed development is inconsistent with the character of the area which includes monastery, religious housing/retreat facility, and private residences. Per the traffic study submitted with the request, the private road is adequate to meet the internal access and circulation needs of the development.

- Design Modifications (Addressed separately in Approval Criteria relating to wastewater provision and OWTS suitability)

1. 8.4.3.C.2.f Lots using OWTS requires the following:

- (i) Lots Designed to Use an OWTS. Lots which will utilize an OWTS shall have a minimum area of 2.5 acres.

- (ii) Minimum Buildable Area for Lots Using an OWTS. A minimum of 1 acre of buildable area is required for lots proposed to utilize an OWTS.

The development has been designed to limit the number of bedrooms that could be served on the four separate OWTS on 49.58 acres. The systems were designed for this purpose in coordination with State and County Health Department staff and under the guidance of the State Water Quality Site Application Policy 6. The systems can serve up to 40 bedrooms. The plan proposes 14 one-bedroom, 12 two-bedroom single-story residences, and a Community house having 4 bedrooms classified as transient use and equaling 2 bedrooms of the 40 bedroom maximum

count. The development area has been clustered with consideration given to siting the residences and OWTS systems to avoid impacts to adjacent properties.

2. 8.4.4. Transportation System Considerations and Standards
3. 8.4.4.C Public Roads Required (divisions of land served by public roads).
4. 8.4.4.D Dead End Standards (continuation of facilities, no more than 25 lots on non through street)
5. 8.4.4.E Private Road Allowances (use limited, requires waiver, designed to meet County standards)

The property has frontage on State Highway 83; however, State access restrictions require access to the highway be taken from the existing private Benet Lane. Benet Lane currently provides access to the subject property, Benet Hill Monastery, and four (4) private residences depicted on the plan documents.

Approval of PUD Modifications

“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 the general health, safety, and welfare of the citizens and at least one of the following benefits:” (LDC 4.2.6.F.2.h Modification of LDC or ECM Standard)

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development

The plan preserves the natural features of the 45.88 acres of open space (92.55% of the PUD area). The Community Center garages are planned to house community cars for use in a ride sharing amenity to residents of the development. It is the position of the applicant that the proposed development meets the spirit and intent of each of the modification trade-off criteria.

Approval of Density. Per the LDC, density “shall be as established by the PUD development plan and/or development guide as approved by the BoCC in consideration of the following”:

- *Adopted Master Plan;*
- *Compatibility with the surrounding neighborhood;*
- *Traffic considerations;*
- *Impact upon public facilities, utilities and schools;*
- *The natural characteristics of the land; and*
- *Water availability.*

Proposed density within the PUD is approximately 2 DU/AC (1.93). The property is located within the Ponderosa Breaks subarea of the Tri-Lakes Master Plan, which recommends (advisory) densities in the area be a minimum of 2.5 acres (p.129). However, the plan states in the Land Use Scenario that overall densities should be “consistent with surrounding subdivisions”. While there are no 2.5 DU/Ac developments to compare to the Sanctuary of Peace Residential Community, the overall density of the affected development area and surrounding adjacent properties is one (1) DU/7.28 ac, which exceeds the minimum recommended overall density one (1) DU/ 2.5-5 ac. (See attached Density Map for details).

No adverse traffic impacts are generated by the proposed development. The applicants are planning a right-hand deceleration lane into the property to improve access into the site from State Highway 83.

Stormwater will be detained by a system of three detention ponds which are designed to meet local, state, and federal stormwater requirements. The proposed ponds will also provide storm water quality treatment for the new residential site.

Applicable traffic, park, school, and drainage fees will to offset the developments impact on public facilities and services.

The density is also supported by the water availability and suitability for the use of shared OWTS. Water availability and septic suitability and system design have been reviewed by the appropriate State and County Departments prior to submitter. (See discussions on each in the review criteria section of this letter). According to the water and wastewater resources reports and supporting groundwater determinations and decrees, the site can support 26 residences with up to 40 bedrooms. The applicant proposes a total 14 one-bedroom, 12 two-

bedroom single-story residences, and a Community house having 4 bedrooms classified as transient use and equaling 2 bedrooms of the 40 bedroom maximum count in accordance with the of water supply and septic suitability of the site.

The subject property was purchased with the intent of providing a permanent buffer for the neighborhood against development encroachment within the State Highway 83 corridor.

PUD REVIEW AND APPROVAL CRITERIA

I. The proposed PUD District zoning advances the stated purposes set forth in this Section;

Per the information and justification provided in this letter of intent and documents, plans, and reports submitted for consideration, the application meets the purposes of the PUD zoning district as established by County regulations and manuals.

County Purposes of PUD:

To permit adjustment to changing public and private needs and to foster the ability to provide development patterns which are more compatible with and effective in meeting such needs;

The housing development is in response to market trends that support the rural cluster style development with the proposed housing types as previously discussed. The clustering of the 26 homes on approximately 2.93 acres affords the feel of a more urbanized TND (traditional neighborhood development) in a rural setting surrounded by 49.58 acres of densely forested open space for the use and enjoyment of residents.

To improve the design, character and quality of new development with flexibility by varying lot size, building heights, setback controls and other site development requirements;

The lot sizes vary from 3,696 SF to 5,279. Lot 2 is 3,945 SF, Lots 4 and 5 are 3,696 SF each. Eighteen (18) lots range from 4,118 SF to 4,757 SF, and two lots (11 and 24) are 5,047 SF and 5,279 SF respectively. The lots have been clustered within a 2.93 acre development area which was planned through the fire mitigation process whereby the forest was thinned in cooperation with the Tri-Wescott Fire Protection District in 2013 - 2015. Siting of the homes and private roadway will require a little, if any, additional thinning of the forest on the property.

To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population

may be met by greater variety in type, design, and layout of buildings including mixed use and traditional neighborhood design and by the conservation and more efficient use of open space ancillary to said buildings;

Residential lots comprise 5.90 % (2.93 acres), and Pavement (Parking/walks) comprise 1.55% (0.77 acres) of the 49.58 acre property preserving 92.55 % of the property as open space. Through the development process, it is the plan of the applicants to place the 45.88 acres of open space restricted in the proposed covenants to prevent future development beyond what is identified on the Sanctuary of Peace Residential Community Plan.

To encourage more efficient use of land services reflecting changes in the technologies and economies of land development;

Houses have been designed with one (1) car garages and driveways to promote reduced automobile dependency. The planned Community Center garages will house about four (4) community/shared automobiles for use by residents to promote ride sharing, reduce the amount of traffic and impacts within and outside the development, and as a community building amenity.

To provide housing of all types and designs to be located in proximity to employment and activity centers such as shopping, recreational, and community centers, healthcare facilities, and public transit;

The property is located within six miles of commercial corridors adjacent to and in proximity to the I-25 Corridor.

To achieve development economies to minimize impacts on existing infrastructure and to encourage the most efficient use of public infrastructure while limiting the costs of providing services and to reduce the burden on existing streets and utilities by more efficient development;

The development has been designed to reduce the amount of disturbance by clustering not only the residences, but also consolidating the community water system, and four (4) OWTS systems into integrated systems to serve the 26 residences instead of 26 separate systems. Wastewater from the community center will be treated by one of the four (4) OWTS. The systems have been designed to serve a maximum of 26 residences with a maximum 40 cumulative number of bedrooms. The design of the systems were prepared in coordination and consultation with County and State Health Department Officials.

A private road is planned to provide access from the development to Benet Lane (private) which provides access to the public State Highway 83. No additional on-site roadway improvements are anticipated. A southbound right-turn

deceleration lane is not required by CDOT at the intersection of Benet Lane and State Highway 83. The applicant would like to install one if the project funding allows for this option.

To promote layout, design and construction of development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area, including scenic vistas, natural features and environmental resources;

See discussion on layout, water/wastewater service, and fire mitigation relative to the planning and development of the property.

To ensure that provision is made for beneficial open space, to provide for active, usable open spaces, and to preserve open areas

Use of the 92.55% (45.88 acres) of the open space open space is planned for passive recreation in the form of hiking, nature observation, and contemplation. It is intended that the open space be preserved in its natural state in perpetuity.

II. The application is in general conformity with the Master Plan;

“Simply by stating in this Code a requirement or preference for Master Plan consistency, the Board of County Commissioners has not by such statement rendered the Master Plan a binding requirement or regulation for either zoning or subdivision matters. The Board of County Commissioners’ intent as expressed in its various Master Plan elements and in Appendix A, § A.1.6(B) to this Code is that the Master Plan be advisory only, and that the Board of County Commissioners retains its considerable discretion in deciding how to apply the Master Plan in making land use decisions.” (LDC 2.1.3: Master Plan Advisory)

The following policies and recommendations from the Master Plan have been provided, not specifically for discussion purposes, but to establish a context of the design and planning principles the Sanctuary of Peace Residential Community aspires and intends to promote. Specific discussion is provided in the PUD criteria in which the applicants have approached the design See additional master plan discussion in the PUD review criteria section. It is the applicants’ position that the plan as submitted and reviewed is in general conformance with the El Paso County Master Plan.

The following policies have been cited for discussion purposes

Policy 6.1.5 of the El Paso County Policy Plan

Support the development of well-planned mixed use projects which promote all, or most, of the following objectives:

- maximize the economy and efficiency of land use
- preserve open space or natural areas
- integrate employment, housing, shopping, schools and other use
- accommodate multi-modal transportation linkages

considers diverse **transportation** options, typically including walking, cycling, public transit and automobile, and accounts for land use factors that affect accessibility

- allow for variations in design and character

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.

Policy 6.1.12

Encourage advance public and private land use planning in order to maximize public awareness of anticipated future land use conditions.

Policy 6.1.13

Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.

Policy 6.1.14

Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.

Policy 6.1.15

Recognize the need for new development and redevelopment to respond to changes in demographic, market and technological conditions.

Policy 6.1.16

Allow for new and innovative concepts in land use design and planning if it can be demonstrated that off-site impacts will not be increased and the health, safety and welfare of property owners and residents will be protected.

III. The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;

The application meets the submittal and review criteria, as discussed in this letter of intent and all applicable Statutory provisions, such as, but not limited to water and wastewater provision, stormwater and grading, floodplain, wildlife, and forestry management.

IV. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area;

Design of the site began with aggressive fire mitigation and forest thinning efforts coordinated with the Wescott FPD. The development area, home sites, access and circulation, wastewater system design, and water supply have been planned to generate the least impactful imprint on the environment. The development area has been arranged in a compact cluster on approximately 2.93 acres of the 49.58 acre property. The development will provide and maintain an emergency access easement for ordered evacuation that provides secondary emergency access to Fool's Gold Lane, Evergreen Road, & Roller Coaster Road for residents to the east via Benet Lane & State Highway 83. Also, the emergency access will be for ordered evacuation for residents to the west to the east and State Highway 83. The access will be gated at the eastern subdivision boundary line of 'Black Forest Park' and the new emergency access easement intersection.

Utilities, drainage, access, and circulation are adequate, as evidenced in the associated reports, to support the development as proposed and will not have a negative impact upon existing and future development of the surrounding area.

V. The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;

This proposed residential use compliments the existing religious monastic use of the site and the planned buffers and setbacks are provided in consideration of the rural residential character of the surrounding neighborhood and the design vision of the Benet Hill Monastery.

VI. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;

The planned uses, bulk requirements, buffers, screening, and required landscaping for the development have been planned as shown on supporting plans and documents. Adequate buffers and setbacks are provided in consideration of the rural residential character of the surrounding neighborhood and the design vision of the Benet Hill Monastery.

VII. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;

Per guidance from the County Environmental Services department identified the potential for Preble's Meadow Jumping Mouse, wetland impacts, and/or impacts to Smith Creek downstream from the site, a natural resource report analyzed the impacts to existing vegetation with recommendations for maintenance of surrounding potentially affected wildlife. The report and related PUD development plan has been found to satisfactorily meet and/or address any potential negative impacts to any cultural, historical, recreational, aesthetic and/or natural features.

VIII. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;

The site has been planned to provide access to open space on site and the adjacent monastic activities located at the Benet Hill Monastery. Proximity to regional trails/parks/other amenities.

IX. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;

A traffic study has been submitted per County Staff direction for review to determine necessary offsite improvements. The study identifies no offsite roadway improvements are necessary. Approval of the aforementioned PUD modifications for the private roadway improvements will be determined by the Board of County Commissioners. The applicant has provided the necessary documentation, including utility and other service commitments, to demonstrate that fire protection, police protection, emergency services, water and wastewater, and other public services including but not limited to park and recreation, school, services and/or facilities will be provided to support the development when needed. Preliminary groundwater investigations identify available water rights underlying the property in the amounts of: 3,700 AF from the Dawson, 4,664 AF from the Denver, 1,938 AF from the Arapahoe, and 1,445 AF from the Laramie Fox Hills Aquifer. Additional details are provided in the water resource report, groundwater decrees, and determinations.

X. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;

The Plan provides 95% open space where the County standards require 20%. The homes have been pre-designed to incorporate green and sustainable construction methods. Although not quantifiable in the PUD administration, it is the developers intent to follow these and other green construction BMP's in order to set a higher example for development in the region.

XI. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;

A mineral rights certification was provided with the application that indicates no mineral rights and/or interests will be negatively affected. Mineral rights were transferred to the applicant upon acquisition of the property.

XII. Any proposed exception or deviation 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;

Proposed modifications to the zoning and subdivision regulations are warranted in exchange for the energy efficient and sustainable site development standards incorporated by reference, notation, and illustration in the accompanying development plan and/or guide. PUD modifications include the following:

XIII. The owner has authorized the application.

The application has been signed by the property owner.

PUD Development Plan May be Approved as a Preliminary Plan

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is consistent with the purposes of this Code;
3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
4. 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;
5. 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.

6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];

7. Adequate drainage improvements complying with State law [C.R.S. §3028-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;

8. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;

9. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

10. Necessary services, including police and fire protection, recreation, utilities, open space and transportation systems, are or will be available to serve the proposed subdivision;

11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and

12. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

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Based on the discussion previously provided for PUD approval, the applicants believe the approval criteria for a preliminary plan has also been met.

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