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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

November 19, 2020

Benet Hill Monastery of Colorado Springs, Inc.  
3190 Benet Lane  
Colorado Springs, CO 80921

M.V.E., Inc.  
1903 Lelaray Street, Suite 200  
Colorado Springs, CO 80910

RE: Sanctuary of Peace Residential Community - (PUDSP-19-002)

This is to inform you that the above-reference request was heard by the El Paso County Planning Commission on November 19, 2020 and a recommendation for approval was made for a map amendment (rezoning) of 49.58 acres zoned RR-5 (Residential Rural) and A-5 (Agricultural) to PUD (Planned Unit Development) pursuant to site specific PUD development plan to allow for the development of 26 attached single-family residential lots, one (1) lot for the purpose of a private business event center with four (4) guest rooms, private rights-of-way, drainage, open space, and utility tracts. The request also includes approval of the PUD development plan as a preliminary plan with a finding of water sufficiency for water quality, quantity, and dependability.

The applicant is proposing to construct a community water system and four (4) shared on-site wastewater systems. Approval by the Board of County Commissioners of the preliminary plan with a finding of sufficiency for water quality, quantity, and dependability authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s). The applicant is also requesting approval to perform pre-development site grading. The parcel is located north of Stagecoach Road, south of Benet Lane, east of Roller Coaster Road, and west of Highway 83 and is within Section 27, Township 11 South, Range 66 West of the 6<sup>th</sup> P.M. The subject property is located within the boundaries of the Tri-Lakes Comprehensive Plan (2000) area. (Parcel No. 61270-00-063)

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This recommendation for approval is subject to the following:

**Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:**

For approval of a modification of a general development standard in the LDC 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:

- 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 guide.

The applicant requests the following modification(s) of the Code:

1. Section 8.4.4.C, *Public Roads Required*, of the Code states:  
“Divisions of land, lots and tracts shall be served by public roads.”
2. Section 8.4.4.E.3, *Private Road Allowances*, of the Code states:  
“Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may include design standards for the following:
  - Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;
  - Design speed where it is unlikely the road will be needed for use by the general public;
  - Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;
  - Maximum and minimum block lengths; and
  - Maximum grade.

PCD Executive Director Recommendation:

The applicant proposes for those lots included within the development area to obtain access from Promise Point, a private roadway. Additionally, the applicant proposes those private roadways not be built to EPC standards.

The PCD Executive Director recommends approval of the requested PUD modifications. Per the proposed PUD/Preliminary Plan, adequate lot accessibility can be provided via the proposed private roadway. The applicant has depicted a striped asphalt walkway design and layout that accommodates pedestrians throughout the Proposed PUD/Preliminary plan and allows for connections to the proposed open space. As summarized in the applicant's letter of intent, reducing the requirement of constructing private roads to public road standards to a lesser standard is proposed to provide for a more livable environment, and allow for the provision of additional open space. The applicant is proposing the maintenance of the private roads be provided by a homeowners' association.

3. Section 8.4.3.B.2.f, *Lots Using OWTS*, of the Code states:
  - (i) "Lots which will utilize an OWTS shall have a minimum area of 2.5 acres.
  - (ii) "Minimum of 1 acre of buildable area is required for lots proposed to utilize an OWTS."
  
4. Section 8.4.8.C.2, *Two OWTS Sites Required for All Lots or Parcels*, of the Code states:

"All lots shall be designed to ensure that each lot has a minimum of 2 sites appropriate for OWTS which do not fall in the restricted areas identified on the preliminary plan; soils and geology report delineated wetland or floodplain maps; or other reports required under this Code."

PCD Executive Director Recommendation:

The applicant proposes a minimum lot size of 3,900 square feet and for those lots to be served by four (4) shared Onsite Wastewater Treatment System (OWTS), which is below the required minimum lot size.

Per the proposed PUD/Preliminary Plan wastewater treatment report, adequate on-site wastewater treatment can be provided via the proposed four (4) shared OWTS. There are no geologically constrained areas or areas unsuitable for an OWTS depicted on the preliminary plan or within

the soils and geology report. There is no delineated wetland or floodplain area within the subject property. The applicant's wastewater engineer, 285 Engineering, has provided the design drawings for the proposed four (4) OWTS to PCD, Colorado Department of Health and Environment (CDPHE), and El Paso County Public Health for review and comment. EPC Public Health has provided comments stating that the radius for the wells must be a minimum of 140-feet from the zone of influence from the OWTS area. CDPHE has not provided comments to PCD to date.

The clustering of the substandard sized lots proposes to concentrate the development area into approximately 5.14 acres (10.4 percent) of the 49.58-acre site, thereby retaining approximately 44.3 acres (89.6 percent) of the site as open space. As summarized in the applicant's letter of intent, reducing the number of individual OWTS systems is proposed to provide for a more livable environment and additional open space.

Modifications from the Engineering Criteria Manual (ECM) (2019) which do not qualify as a PUD modification as identified in Section 4.2.6.F.2 of the Land Development Code are required to be requested as deviations of the ECM.

The applicant is requesting the following deviation(s) of the ECM:

1. A deviation to Section 2.3.2, Table 2-7, of the ECM which specifies the centerline radius criterion for Local (low volume) roads to allow for reduced centerline radii of 50 feet where 100 feet is required on a Local (low volume) road.
2. A deviation to Section 2.3.2, Table 2-7, of the ECM which specifies the minimum lane width for Local (low volume) roads to allow for reduced road width of 10-feet where 12-feet is required on a Local (low volume) road.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested deviation in conjunction with the overall design requiring slow vehicle speeds on the proposed private roads. The applicant proposes to construct a 10-foot lane width where 12-foot is required for Promise Point, a private asphalt roadway. Turning templates were analyzed for the typical fire truck and trash truck that are anticipated to serve the subdivision showing that these vehicles can make the turns within the proposed road layout, and the Donald Wescott Fire Protection District has no objections to the design.

3. Section 2.5.2.B.3, *Sidewalks on Both Sides of Roadway*, of the ECM states: "Sidewalks shall be installed on both sides of the road."

4. Section 2.5.2.B 6 *Concrete Thickness*, of the ECM states:

“Developments within a Planned Unit Development (PUD) zoning district shall be required to design and construct sidewalks to a thickness of five inches (5”) for all sidewalks along the entire length of any roadway from which temporary or permanent access will be provided unless an alternative thickness is approved by the Board of County Commissioners as an element of the associated PUD development standards. Under no circumstances shall any sidewalk be designed and constructed to a thickness of less than four inches (4”). All other sidewalks within a PUD zoning district (e.g., sidewalks in common areas, sidewalks along identified school parcels, sidewalks in open space, etc.) may be designed and constructed to a thickness of five inches (5”) but may, at the developer's discretion, be reduced to a thickness no less than four inches (4”).”

ECM Administrator Recommendation: The ECM Administrator recommends approval of the requested deviations. The applicant does not propose to construct concrete sidewalks on both sides of the asphalt roadway. Alternatively, the applicant proposes to paint stripe a pedestrian walkway on one side of the asphalt outside of the 10-foot drivable lane to be owned and maintained by the HOA. Per the proposed PUD/Preliminary Plan, adequate lot accessibility can be provided via the proposed private roads. The applicant has depicted a striping design and layout that accommodates pedestrians throughout the proposed PUD/preliminary plan and allows for connections to the proposed open space. The applicant has obtained written endorsement from the Donald Wescott Fire Protection District for the design of the private road. (Please see attached letter from Donald Wescott Fire Protection District).

Staff recommends that the deviation requests associated with the PUD (Planned Unit Development) Modifications from the ECM as prepared are acceptable contingent upon the approval of the PUD Modifications by the Board of County Commissioners.

## **CONDITIONS**

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.
2. Approved land uses are those defined in the PUD development plan and development guide.

3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
6. Applicable park, school, drainage, bridge, and traffic fee shall be paid to the El Paso County Planning and Community Development Department at the time of final plat(s) recordation.
7. The El Paso County Attorney's Office conditions of approval, as identified in their recommended water sufficiency finding letter shall be adhered to in conjunction with the completion of the final plat application.
8. Prior to final plat(s) recording, the following must occur:
  - a) A professional engineer must certify that the water system infrastructure has been built in accordance with the design, which was the subject of the CDPHE acknowledgement letter, and that the system is functional/operational.
  - b) Defect warranty collateral for the water system must be posted for two years.
  - c) The developer must identify and describe a proposed water operator acceptable to the County, which may have already occurred as part of the Technical, Managerial, and Financial (TMF) submission.
9. No more than 15 building permits and associated Certificate of Occupancy's will be authorized until proof of Colorado Department of Public Health and Environment approval of the Technical, Managerial, and Financial (TMF) has been received by the County. At that time, the conditional finding of sufficiency as to dependability will convert to a full finding.

10. The developer must submit and receive acceptance of a private detention Best Management Practices (BMP) Maintenance Agreement that provides easements or tracts for the three (3) storm water quality sand filter basins.
11. The developer shall receive Colorado Department of Transportation review and acceptance of their Traffic Impact Study and associated access permits necessary for their State Highway 83/Benet Hill access point prior to subsequent final plat(s) approval.

## **NOTATIONS**

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

The Planning Commission is advisory to the Board of County Commissioners.

Should you have any questions, or if I can be of further assistance, please contact me at 719-520-6300.

Sincerely,

A handwritten signature in blue ink that reads "Kari Parsons". The signature is written in a cursive, flowing style.

Kari Parsons, Planner III  
File No. PUDSP-19-002