



June 12, 2024

PCD File No. SF-24-010

**LETTER OF INTENT
TOWNHOMES AT WESTERN
LOT 1, CIMARRON SOUTHEAST FILING NO. 2C
SITE DEVELOPMENT PLAN
(MVE Proj. No. 61203)**

Owner/Developer/Applicant:

J Elliott Homes, Inc.
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(719) 499-8214, J.Elliottconstruct@gmail.com

Consultant:

M.V.E., Inc.
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Site Location Size and Zoning:

The project site is a 7.118± acre irregular shaped platted lot known as Lot 1, Cimarron Southeast Filing No. 2C recorded in Plat Book H-3 at Page 89 in the records of El Paso County, Colorado. The property is located in the East ½ of the West ½ of the Southeast ¼ of Section 7, Township 14 South, Range 65 West of the 6th principal meridian in El Paso County, Colorado. The site is located on the south side of Western Drive, north of US Highway 24, east of Hathaway Drive and west of the grounds of the World Golf Center and Sand Creek Golf Course which is located at the intersection of Galley Road and Peterson Road. The property has El Paso County Tax Schedule No. 54074-01-016 and is owned by J Elliott Homes, Inc. The lot is zoned RM-30 (Residential Multi-Dwelling) and also located within the CAD-O overlay (Commercial Airport District Overlay).

The south side of the site is adjacent to E. Platte Avenue (U.S. Highway 24). The Sand Creek Golf Course, containing Sand Creek, is located on the southeast side of the site. Western Drive and a mixture of R-4 and M zoned properties being used as Multi Family Residential and Manufacturing is located on the north side. Immediately west is an existing Multi-Family Residential development zoned RM-30 that was part of the 1971 Rezone.

Request and Justification:

The request is for approval of the Condominium Plat of Lot 1, Cimarron Southeast Filing No. 2C to establish 52 residential units to be contained within 15 buildings on the 7.118± acre site. The proposed Condominium Plat depicts the unit layout configuration long with the common area tract. A Site Development Plan application is concurrently submitted for this site to define the provided access, utilities, storm drainage facilities, parking and landscaping for the project.

Engineers • Surveyors
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Final Plats are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. This application meets the submittal and approval criteria for Final Plats as found in the **El Paso County Land Development Code (2021) Sections 7.2.1(D)(3)(f)** as discussed below.

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan. “Your El Paso Master Plan” (2021) is a comprehensive document communicating a vision for many factors that influence the quality of in El Paso County, including Land Use. The Master Plan provides a strategy to achieve the vision by putting forth goals and policies that can be used as a framework for decision-making regarding development of the County.*
 - The site is a currently platted lot, “Lot 1, Cimarron Southeast Filing No. 2C”.
 - The site is located in the Enclave or Near Enclaves designated Key Areas of the county being located just north of Peterson Space Force Base. However, the site is not contiguous with any city boundary and not singularly eligible for annexation to the City of Colorado Springs.

The site is within the Transition Area located east of Powers Boulevard and north of U.S. Highway 24. Master Plan provisions for Transition Areas of the County state *“Transition areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development.”*. The proposed rezone does not represent a sweeping change for the area but instead matches the existing adjacent zoning. The introduction of more Multi-family residential development in the area which is close to industrial and commercial uses may be viewed as moderate change.

The site is designated to be an Urban Residential Placetype. The Master Plan indicates that Single Family Detached residential, Single Family Attached residential and Multifamily residential are the Primary Land Uses associated with this Placetype. The proposed plat, conforming to the requirements of the established RM-30 zone, facilitates the establishment of multi-family residential development on the site and supports the provisions of the Master Plan. The site location and existing surrounding land uses are far more compatible with the proposed Multi-family residential zone and use than single-family residential. In the Land Use category, Goal LU-1 is *“Ensure compatibility with established character and infrastructure capacity”*. A portion of this parcel is already been zoned RM-30. The proposed zone change is compatible to the existing neighborhood and surrounding development. The proposed density will not overburden the existing roadway infrastructure or capacity of the land to support the water and wastewater needs of the development. Objective LU3-4 states *“The Urban Residential placetype should consist of as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available.”*. The site is located near a mix of existing land uses including a mix if multi-family residential, industrial, commercial, and recreation. The proposed zone expands the multi-residential use in the area in accordance with the place type. The proposed development will utilize central utility services whicha are available in the area.

- The proposed Plat is in compliance with the **2040 Major Transportation Corridors Plan (MTCP)**. The project will not be detrimental to the transportation system and the parcel abuts two public rights-of-way allowing for multiple points of access. The site is a platted lot and no future right-of-way dedications are anticipated.

- The proposed plat is in compliance with the **Parks Master Plan**, which does not call for trails or parks in the site. Required Park Fees, if any, will be paid at the time of plating. The proposed plat is also in compliance with the Master Plan for Mineral Extraction and the severed mineral right owners have been notified.

The proposed zone change is in compliance with the **El Paso County Water Master Plan (2018)**. The property is located within the Cherokee Metropolitan District which is committed to provide water and wastewater service. Much of the site will have non-irrigated native grass as ground cover. Landscape irrigation for site will be commonly controlled and performed by the HOA.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*
The subject site is a currently platted lot. A Site Development Plan is concurrently submitted to demonstrate that the development of the site will be carried out in accordance with the Land Development Code. Approval of a Preliminary Plan is not required for this project.
3. *The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.*
The proposed Plat is prepared in accordance with applicable design standards. The concurrently submitted Site Development Plan with included Grading and Erosion Control Plans, Construction Plans and Utility Plans demonstrate compliance with the applicable design standards.
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.*
Water service is to be provided by Cherokee Metropolitan District in accordance with the Letter of Commitment for Water and Wastewater Service provided by the district for this application.
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.*
Wastewater is to be provided by Cherokee Metropolitan District in accordance with the Letter of Commitment for Water and Wastewater Service provided by the district for this application.
6. *All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].*
A soils and Geology report has been prepared for the site and the owner will comply with the recommendations of the report. Detailed description of the soils and geologic conditions are discussed in the Soil, Geology, and Geologic Hazard Study produced by Entech Engineering, Inc.
7. *Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM.*
The proposed plat is consistent with the Final Drainage Report submitted with the associated Site Development Plan application. Private drainage facilities will address the storm drainage, water quality treatment and storm detention needs of the proposed development. There are no public

drainage facilities needed or proposed with this development. The owner/applicant will comply with the requirements of the drainage report.

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

The Townhomes at Western site shall have access to adjacent Western Drive on the northeast side of the site and to adjacent Hathaway Drive on the west side of the site.

9. *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.*

The site is located within the jurisdiction of the El Paso County Sheriff's Office. The sheriff's office currently provides police protection for the site and surrounding area. The site is located within the Cimarron Hills Fire Protection District, which currently provides fire protection for the existing platted site and the surrounding area. Water and sanitary sewer provisions are discussed in items 4 & 5 above. The property is located within the service area of Colorado Springs Utilities for gas and electric service, which has committed to providing service to the project. The site is located with Colorado Springs School District 11 which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system and interior private drives.

10. *The Minor Subdivision plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.*

The Townhomes at Western development is located within the Cimarron Hills Fire Protection District, which currently provides fire protection for the existing platted site and the surrounding area. Building permits for each structure shall be in accordance with the requirements of the fire district as administered by the Pikes Peak Regional Building Department.

11. *Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8.*

All offsite impacts are determined to be insignificant with the platting of the site. The Traffic Impact Study did not reveal the need for offsite improvements. Mitigation of Storm water impacts are being addressed with on-site facilities. The applicant will be responsible to pay any applicable Park, School, Drainage and/or Traffic Impact Fees.

12. *Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.*

Construction Plans, Grading and Erosion Control Plans and Utility Plans for all project facilities, along with a Financial Assurances Form are submitted as part of the associated Site Development Plan application. The platting of the site will include the collection of the applicable School Fees, Park Fees, Drainage Fees and/or Traffic Impact Fees due for this project.

13. *The subdivision meets other applicable sections of Chapter 6 and 8.*

As previously stated, the proposed plat meets the requirements of the Land Development Code. No other waivers or deviations are required.

14. *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.].*

A search of El Paso County Clerk and Recorder's records revealed the existence of no severed mineral estate owners.

The LDC contains Standards and Criteria for Condominium and Townhome Plats. The application meets the specific criteria for approval as listed in LDC Section 7.2.2.E.(1).(c).

- *The proposed uses in the condominium units or townhome units are consistent with existing zoning of the site;* Existing zoning for the site is RM-30 (Residential Multi-Dwelling). The proposed use of multi-family condominium housing is exactly congruent and appropriate for the the existing zoning.
- *The site complies with the approved Site Development Plan, where applicable;* A site Development Plan application is concurrently submitted with this Condominium Plat. The Condominium Plat provides for the layout, density, access, utility and storm drainage considerations as indicated on the Site Development Plan.
- *The condominium map or townhome plat is consistent with the intent of the original subdivision of the property and does not result in an increase in density;* The original subdivision of the site is Lot 1, Cimarron Southeast Filing No. 2C recorded in Plat Book H-3 at Page 89 in the records of El Paso County, Colorado. The majority of the site was zoned RM-30. The recent zone change was to make the minor remainder also RM-30 from the previous M (Industrial) zone. The intent of the original subdivision was for development of multi-family housing.
- *The condominium map or townhome plat complies with the monumentation and plat preparation standards required by State Statute;* The subject condominium plat document is provided with this application and complies with the monumentation and plat preparation standards required by State Statute. The plat will be signed and sealed by a Colorado registered land surveyor.
- *Access and utility connections as appropriate are provided for any subsequent phases of the project;* A Site Development Plan detailing access and utility provisions is concurrently submitted with the condominium plat application. The proposed layout provides for two accesses to the adjacent exterior roadways and appropriate means of internal circulation. Utility Plans are also provided for review of utility district. Provisions are made to installation and operation of all required utilities for the proposed multi-family use.
- *Homeowners' association documents or their equivalent address the unit owners' rights and responsibilities with respect to parking, loading and access facilities, landscaping, utilities and any other common areas and facilities on the site;* Owners' Association document for the proposed project are prepared and submitted with this application and contain the required elements.
- *Perpetual maintenance of common facilities by property owners is provided for by the homeowners' association documents and allow for the option of County to take over maintenance and charge the cost to the property owners until property owners demonstrate they can adequately maintain the property if the property owners fail to adequately maintain the common facilities.* Owners' Association document for the proposed project are prepared and submitted with this application and contain the required elements.

Further information concerning the proposed plat is included below.

Density

The site acreage is 7.118± acres. The proposed number of residential units is 52. Therefore, the proposed residential density is 7.3 dwelling units per acre. The RM-30 zone allows 30 dwelling units per acre. The proposed density is approximately 24% of the allowed density.

Building Setbacks and Building Heights

All buildings will be enclosed within the unit boundaries shown on the plat, which comply with the Building Setback requirements of the RM-30 zone. Required setbacks are Front=25', Rear = 15', Side = 15', and Perimeter Boundary = 25. All proposed building setbacks are greater than 25' from all exterior boundary lines.

Access

The proposed site has two points of access. One access is from Western Drive on the northeast side of the site, opposite Great Western Drive which is a private drive extending north from Western Drive. The other access connects to Hathaway Drive on the west side of the site. All proposed buildings are accessible from the through drives and the adjacent public streets. All interior circulation drives have turning radii that are adequate for emergency vehicle use.

Water, Sanitary Sewer, Electric and Gas Utilities

The site is contained within the service area of Colorado Springs Utilities (CSU) for Electric and Natural Gas service. A service commitment letter for electric and gas from CSU is provided with this project submittal. The site is contained within the service area of Cherokee Metropolitan District (CMD) for water and wastewater utility service. A commitment for service of water and wastewater from the district is included in the submittal materials. Utility Plans have been prepared and provided as a part of the project submittal. All Utility Plans will be reviewed and approved by the CMD prior to construction.

Fire Protection

The site is located in within the Cimarron Hills Fire Protection District. The Development Plan incorporates sufficient access, water supply and fire hydrants.

Traffic Impact and Traffic Impact Fees:

An Intermediate Traffic Impact Study was prepared by SM Rocha, LLC in accordance with the requirements of the El Paso County Engineering Criteria Manual. The study was completed assuming a townhome development with 52 dwelling units on the 7.12 acre site (7.3 DU/AC). The study area examined encompasses the Hathaway Drive intersections with Galley Road, E Platte Avenue (U.S. Highway 24), Western Drive, Ford Street and the existing Bednarski Access as well as the intersection of Western Drive with Galley Road and the existing shared Freedom Springs and Western Hills Apartments access and includes proposed site accesses.

Considering both current and projected 2043 background traffic only, not including the proposed development, surrounding intersections operate at varying levels from LOS A through LOS F as described in the study. Analysis of future traffic conditions with the subject site in the post development conditions indicates that the addition of site-generated traffic is expected to create no negative impact to traffic operations for the existing and surrounding roadway system. With all conservative assumptions defined in this analysis, the study intersections are projected to operate at future levels of service comparable to Year 2043 background traffic conditions (LOS A through LOS F as described in the study). Proposed site accesses have long-term operations at LOS A during both peak traffic periods and upon build-out.

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The proposed lot will be subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. The owners do not intend to seek inclusion in any Public Improvements District. Traffic Impact Fees will be paid at time of any eventual building permit application.

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