

SP-17-002

#20

# EL PASO COUNTY



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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO:** El Paso County Planning Commission  
Jim Egbert, Chair

**FROM:** Kari Parsons, PM/Planner II  
Gilbert LaForce, PE Engineer II  
Craig Dossey, Executive Director

**RE:** Project File #: SP-17-002  
Project Name: Meadowbrook Crossing Preliminary Plan  
Parcel No.: 54080-00-055

OWNER:	REPRESENTATIVE:
Meadowbrook Crossing, LLC 90 S. Cascade Avenue, Suite 1500 Colorado Springs, CO. 80903	Thomas and Thomas Jason Alwine 702 N. Tejon Street Colorado Springs, CO. 80903

**Commissioner District: 2**

Planning Commission Hearing Date:	8/1/2017
Board of County Commissioners Hearing Date	TBD

## EXECUTIVE SUMMARY

A request by Meadowbrook Crossing, LLC, for approval of a preliminary plan to create 114 single-family residential lots and eight (8) tracts to be used for open space, recreation, landscape, detention, drainage, utilities, and a mail kiosk serving the development. The 32.3 acre parcel is zoned RS-5000 (Residential Suburban) and CAD-O (Commercial Airport Overlay District) and is located north of Highway 24, south of the East Fork of the Sand Creek Channel, and east of Peterson Road within Section 8, Township 14 South, Range 65 West of the 6th Principal Meridian. The parcel is not located within the boundaries of a small area plan.

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A small portion of the parcel is within the APZ-2 (Accident Potential Zone 2) subzone of the CAD-O (Commercial Airport Overlay District). Single-family residential is an allowed use within the APZ-2 subzone. The Colorado Springs Airport Advisory Board did not have concerns with the proposed preliminary plan. The applicant has established an avigation easement on the property at the request of the Colorado Springs Airport Advisory Board.

The applicant is providing a 15 foot buffer between the proposed single-family lots along the northern and eastern boundaries adjacent to non-residential zoning districts, pursuant to the requirements of Section 6.2.2 of the Land Development Code (2016).

Water and wastewater service will be provided by Cherokee Metropolitan District.

#### **A. REQUEST/WAIVERS/AUTHORIZATION**

**Request:** A request by Meadowbrook Parkway, LLC, for approval of a preliminary plan to include 114 single-family residential lots and eight (8) tracts to be used for open space, recreation, landscape, detention, drainage, utilities, and a mail kiosk. The applicant is also requesting pre-development site grading authorization, including a request for early installation of wet utilities.

**Waiver(s):** No waivers are requested with this preliminary plan.

**Authorization to Sign:** There are no items requiring signature associated with this request.

#### **B. PLANNING COMMISSION SUMMARY**

**Request Heard:**

**Recommendation:**

**Waiver Recommendation:**

**Vote:**

**Vote Rationale:**

**Summary of Hearing:**

**Legal Notice:**

#### **C. APPROVAL CRITERIA**

In approving a preliminary plan, the BoCC shall find that:

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

- 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;
- 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;
- 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)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- 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;
- 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;
- Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

**D. LOCATION**

North: CS (Commercial Service)/ MHP (Mobile Home Park)	Commercial/Residential
South: CR (Commercial Regional)	Vacant
East: CR (Commercial Regional)	Approved Commercial
West: CR (Commercial Regional)/ M (Obsolete)	Vacant

**E. BACKGROUND**

The property was zoned on May 11, 1942, and was rezoned to PID (Planned Industrial) and PBC (Planned Business Center) on August 8, 1985. Nomenclature changes have renamed the PID zoning district as the I-2 (Limited Industrial) zoning district and the PBC zoning district to the CR (Commercial Regional) zoning district. The property was rezoned to RS-5000 (Residential Suburban) on January 10, 2017.

The property is located in CAD-O (Commercial Airport Overlay District). The entire property is located in the ANAV (Aircraft Navigation) Sub-zone and the northeast corner of the property is within the APZ-2 (Accident Potential Zone 2) Sub-zone.. Single-family residential is an allowed use within the APZ-2 sub-zone. The applicant submitted a noise study with this request for review and comment by the Colorado Springs Airport Advisory Commission (CSAAC). At the time of rezoning from a non-residential zoning district to the RS-5000 zoning district the CSAAC determined that the property is outside of the 65 (DNL) Day-Night Average Sound Level noise contour; therefore, noise mitigation will not be required in order to develop single-family dwellings. The applicant has granted and recorded an avigation easement as requested by the CSAAC.

The applicant is proposing a 15 foot buffer along the northern and eastern property lines, which will consist of a six (6) foot concrete cast wall and landscaping to be installed by the developer. A copy of the landscape plan is included as an attached to this report.

A final plat request is under concurrent review for the first filing (79 single-family lots) as depicted on the preliminary plan. The second filing (35 single-family lots) is anticipated to be submitted after the Letter of Map Revision for the FEMA floodplain is approved by FEMA.

**F. ANALYSIS**

**1. Land Development Code Compliance**

This application meets the preliminary plan submittal requirements, the General Development Standards in Chapter 6, the standards for Divisions of Land in

Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2016).

## 2. Zoning Compliance

The area within the proposed preliminary plan is zoned RS-5000 (Residential Suburban) zoning district. The density and dimensional standards of the RS-5000 zoning district for this property, as established in Section 5.4.2, Table 5-4 of the Code, are listed below:

- Minimum lot size – 5,000 square feet
- Setbacks – 25 feet from front and rear lot lines, and 5 feet from side lot lines
- Maximum building height – 30 feet
- Maximum lot coverage – 45 percent for single-story and 40 percent for two-story

## 3. Policy Plan Analysis

The El Paso County Policy Plan (1998) establishes broad policies and goals which are intended to serve as a framework for decision-making regarding development within the County. The following are policies from the Policy Plan as they specifically relate to this request.

*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.*

*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.*

*Policy 6.3.4 – Commercial, office, industrial, and residential development should be compatible with surrounding land uses in terms of scale, intensity and potential impacts.*

The requested preliminary plan is proposed to accommodate single-family residential development. The site is contiguous to existing urban level single-family residential use to the northwest and mobile home residential to the north. The residential development will provide a buffer from the existing commercial properties to the north and east as required in Section 6.2.2 of the Land Development Code. The buffer is identified on the preliminary plan. The preliminary plan is compatible with existing uses in the area. For this reason, staff recommends that a finding could be made for general conformance with the Policy Plan.

#### **4. Small Area Plan Analysis**

The subject parcel is not within the boundaries of a small area plan.

#### **5. Other Master Plan Elements**

The Master Plan for Mineral Extraction (1996) identifies potential stream terrace deposits comprised of sand, gravel, silt and clay in the area of the subject property. The mineral rights certification prepared by the applicant indicates that there may be severed mineral rights associated with the property. Notice has been mailed to the mineral rights holder regarding this preliminary plan request.

### **G. PHYSICAL SITE CHARACTERISTICS**

#### **1. Hazards**

A geology and soils report, dated December 9, 2016, was submitted by CTL Thompson in support of the preliminary plan application. The report provides a geologic hazards evaluation and preliminary geotechnical investigation of the plan area. The report identified shallow groundwater, hydro-compactive soils, and erosion in some areas. The report concludes that mitigation measures identified in the report can be completed so as to not preclude development.

Colorado Geological Survey (CGS) reviewed the report and recommended the following:

“Basements should not be considered feasible on, at a minimum, proposed lots 25 through 31 and 46 through 52 unless site grades are raised sufficiently to provide a minimum 3 ft. separation distance between lowermost floor levels and shallowest anticipated seasonal groundwater levels.”

CGS also recommended the geotechnical engineer “verify that the 30 ft. setback/sanitary sewer easement shown on the preliminary plan behind proposed lots 24 through 33 is adequate.”

The applicant has identified the areas that will need to be mitigated on Sheet 1 of the preliminary plan in the notes section, as well as depicting the areas of concern on the preliminary plan map.

#### **2. Wildlife**

Potential impact to wildlife is generally low as depicted in the El Paso County Wildlife Habitat Descriptors Map (1996).

### **3. Floodplain**

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 08041C0752-F shows that the 100-year floodplain (Zone AE) of East Fork Sand Creek flows through the northern portion of the property. On May 12, 2017, the applicant obtained an approved Conditional Letter of Map Revision (CLOMR), case number 17-08-033R, for the proposed modification of the existing floodplain. The CLOMR does not result in a change to the FIRM but indicates that if channel improvements are built as proposed, then the proposed modification of the existing floodplain would be recognized by FEMA. Building permits cannot be issued for areas within the current floodplain because a CLOMR does not change the FIRM map.

Once the channel improvements have been completed, the applicant must process an application with FEMA to obtain a Letter of Map Revision (LOMR) which formalizes the changes to the floodplain. The LOMR is required prior to approval of the final plat to create 35 lots as depicted within Filing 2 on the preliminary plan.

### **4. Drainage and Erosion**

The site is located in the Sand Creek (FOFO4000) drainage basin which was studied in 1996. East Fork Sand Creek flows through the property. Drainage and bridge fees are required with the final plat. The Sand Creek Drainage Basin Planning Study (DBPS) identified channel improvements within the property consisting of two drop structures and riprap lining along the channel banks. These channel improvements shall be constructed as depicted in the preliminary/final drainage report and construction drawings associated with this preliminary plan. The channel improvements will be located within a tract in Meadowbrook Crossing Filing No. 1. Once the improvements are completed the County will accept a deed for ownership and maintenance of the tract.

The site generally drains to the west. A portion of the stormwater runoff will be collected by a storm sewer system and will be directed to an extended detention basin which provides water quality detention. The pond then discharges westerly to the channel. The extended detention basin will be a private facility, which shall be maintained by the Meadowbrook Metropolitan District.

A grading and erosion control plan has been submitted with the concurrent final plat application (SF-17-002). The plan calls for construction and permanent best management practices (BMPs) to prevent sediment and debris from affecting

adjoining properties and the public stormwater system before, during, and after grading activities.

## **5. Transportation**

The site is located north of the intersection of Highway 24 and Meadowbrook Parkway, west of Claremont Business Park and south of the East Fork of Sand Creek. The proposed residential development will provide two access points along Meadowbrook Parkway.

The plat shall dedicate additional right-of-way to El Paso County along the southern boundary of the property which will be used to connect the future extension of Meadowbrook Parkway to Peterson Road.

All interior roadways are planned to be constructed to El Paso County criteria and will be dedicated to the County for ownership and maintenance.

The El Paso County Road Impact Fee will be applicable with approval of the concurrent final plat application.

## **H. SERVICES**

### **1. Water**

Sufficiency: Cherokee Water and Sanitation District has committed to providing services to the proposed development.

Quality: Insufficient

Quantity: Insufficient

Dependability: Insufficient

Attorney's summary: The County Attorney's Office has not provided a letter of recommendation regarding a finding of sufficiency for water quantity and dependability at this time. The letter is anticipated to be provided at or prior to the Planning Commission hearing. El Paso County Public Health has made a recommendation for a finding of sufficiency in terms of water quality.

### **2. Sanitation**

Cherokee Metropolitan Water and Sanitation District has committed to providing wastewater service to the development.

### **3. Emergency Services**

The site is within the boundaries of the Cimarron Hills Fire Protection District. The District was sent a copy of the preliminary plan request. The District has no objections to this request.



#### **4. Utilities**

The subject property is within the Colorado Springs Utilities (CSU) service area for natural gas and electrical service. CSU had no objections to the request. Standard utility easement will be provided with the final plat.

#### **5. Metropolitan Districts**

The property is within the boundaries of the Cherokee Metropolitan District and within the boundaries of the Meadowbrook Metropolitan District. The Board of County Commissioners approved the Meadowbrook Metropolitan District on October 4, 2016. The District election was held and approved by the electorate on November 8, 2016. District Court issued the decree creating the District on November, 15, 2016.

The current debt service mill levy is 35 mills. The applicant is anticipated to request an amendment to the service plan application to increase the maximum mill levy to 50 mills for debt service. The increase is being sought due to the expenses related to the channel improvements outlined in the CLOMR. The District will maintain the private detention facility depicted on the plan.

#### **6. Parks/Trails**

The El Paso County Parks Master Plan (2013) shows no open space, park facilities, or trails intersected by or within the project area. Payment of park fees in lieu of land dedication will be due at the time of final plat recordation.

#### **7. Schools**

The property is located within Colorado Springs School District No. 11. The District was sent a copy of this request and did not have concerns regarding the development. Payment of school fees in lieu of land dedication will be due at the time of final plat recordation.

### **I. APPLICABLE RESOLUTIONS:**

Approval: Page 25

Denial: Page 26

### **J. STATUS OF MAJOR ISSUES**

There are no major issues with this application.

### **K. CONDITIONS AND NOTATIONS**

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the

El Paso County Land Development Code (2016) staff recommends the following conditions and notations:

### **CONDITIONS**

1. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RS-5000 (Residential Suburban) zoning district and with the applicable sections of the Land Development Code (2016) and Engineering Criteria Manual (2015).
2. 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 species.
3. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 16-454), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
4. The Letter of Map Revision for the FEMA floodplain shall be approved by FEMA prior to the submittal of the final plat for Meadowbrook Crossing Filing No. 2 which is anticipated to include the single-family lots within the flood plain as depicted on the preliminary plan.
5. The channel improvements within the property which are identified in the Sand Creek Drainage Basin Planning Study and preliminary drainage report shall be constructed with the Meadowbrook Crossing Filing No. 1.

### **NOTATIONS**

1. Preliminary plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.
2. Approval of the preliminary plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.

**L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 10 adjoining property owners on July 12, 2017, for the Planning Commission meeting. Responses will be provided at the hearing.

**M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Preliminary Plan Drawing Including the Landscape Plan

State Water Engineer's Letter