

VILLAS AT CLAREMONT RANCH MINOR SKETCH PLAN AMENDMENT

LETTER OF INTENT

DECEMBER 2020, REVISED OCTOBER 2021

OWNER/APPLICANT:

Rodo Investments LLC
20 Boulder Crescent, Ste. 200
Colorado Springs, CO 80903

OWNER

Cherokee Metro District
6250 Palmer Park Blvd.
Colorado Springs, CO 80915

CONSULTANT:

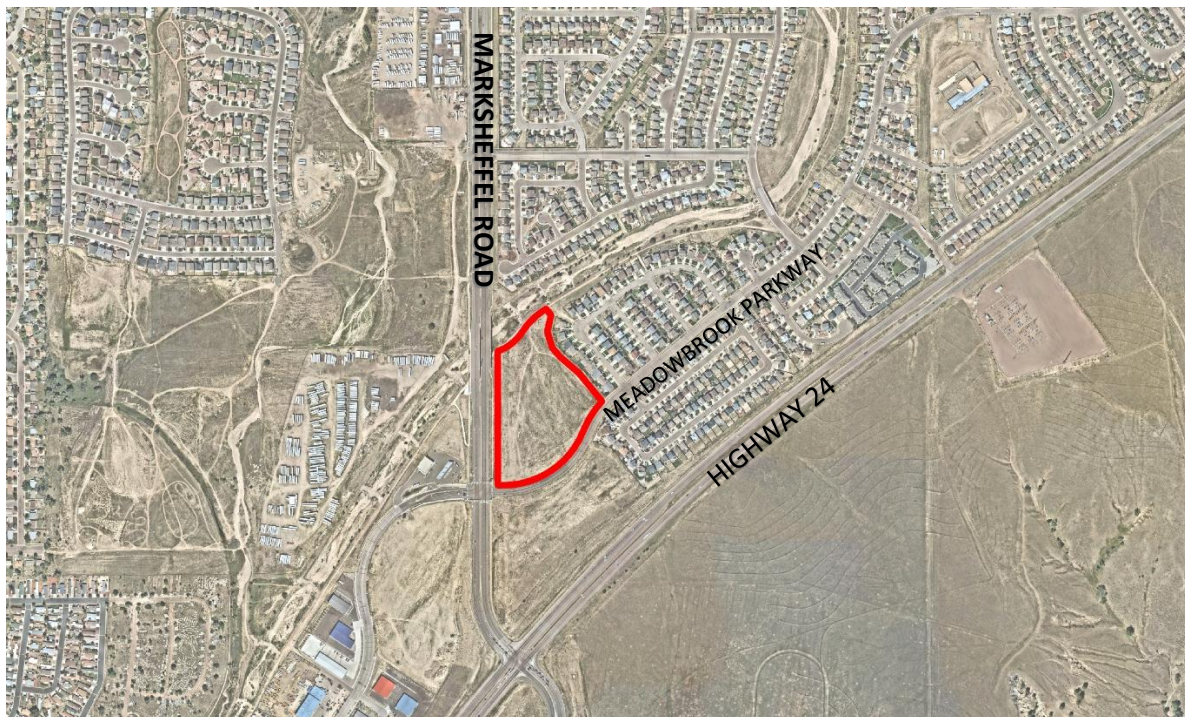
N.E.S. Inc.
619 N. Cascade Ave. Suite 200
Colorado Springs, CO. 80903

REQUEST

N.E.S. Inc. on behalf of Morley Companies request approval of a Minor Amendment to 10.17 acres of the Claremont Ranch West Sketch Plan from Commercial to Single-family Attached Residential.

LOCATION

The approximately 10.17-acre project site lies north of Meadowbrook Pkwy and east of Marksheffel Rd. It comprises Tract G of Claremont Ranch Filing No. 7 (9.73 acres) and Tract A of Claremont Ranch Filing No. 7 (0.44 acres). Existing residential development is located to the east. Sand Creek is situated to the north, with single-family residential beyond. To the south of Meadowbrook Pkwy is vacant, future commercial land and to the west of Marksheffel Rd is a gas station/convenience store.



PROJECT DESCRIPTION & CONTEXT

In 1997, the County approved the Claremont Ranch Sketch Plan to include 8 filings totaling 408.6 AC including ROW, commercial, single family, multi family, neighborhood commercial, retail/commercial, industrial, and open space (golf course, buffers, channel).

In 2001, the Board of County Commissioners approved the Claremont Ranch Preliminary Plan for the development of 385 acres. Land uses within Claremont Ranch, included single-family, multifamily, commercial, elementary school, and open space (neighborhood & community park). To accommodate these land uses, Claremont Ranch was rezoned to include: 140 AC from RR-3 (rural residential) to R-2 (residential), 2.9 AC from RR-3 to PBP (Planned Business Park), 5.95 AC from RR-3 to R-3 (multifamily residential), 3.51 AC from RR-3 to R-3 (multifamily residential), and the creation of a subdivision consisting of 649 single family units, 140 multifamily units and 2.97 acres commercial site on 153 acres.

In 2004, a Sketch Plan Amendment was approved to change a 6-acre portion from church to multifamily and relocation of the southern Sand Creek vehicular bridge. At this time Filing 7, as the Board of County Commissioners, also approved the reconfiguration of a 124 AC portion adjacent to Marksheffel Road. This request included rezoning from RR3, R-2, PUD to R-2 and PUD, and amendments to include general lot and block layouts.

Since 2004, final plats and development plans have been approved and constructed for several filings of Claremont Ranch. Filing 7, located southeast of Sand Creek, east of Marksheffel Road and Northwest of Highway 24, consisting of 54.208 AC, was rezoned from RR-3 to PUD. The intent of that rezoning was for the construction of 70 single-family dwelling units, one tract for future high-density single-family development for 116 dwelling units, and one tract each for future commercial, and commercial and hotel use.

This submittal is proposing to amend 10.17 AC vacant commercial portion of the PUD zoning to allow for single-family attached residential use of the site. The remaining 9.8 AC commercial and hotel tract (Claremont Ranch Filing 7, Tract F) will remain as commercial/hotel use.

IMPACT IDENTIFICATION

COMPATIBILITY/TRANSITIONS: To the west are commercial (CS) and industrial (I3) zoned properties. There are three separate utility easements along the west side of the amendment area, adjacent to Marksheffel Road, which create a 100' setback and no build area. This 100' setback on the subject site, together with the ROW of Marksheffel Road, provide an approximately 295' setback between the proposed residential area and the existing industrial zoned property, as depicted on the Sketch Plan Amendment. This significantly exceeds the 175' setback required for I3 zoned property adjacent to residential use and, therefore, the change in land use to residential proposed by this Sketch Plan Amendment will not place a future increased setback burden on the I3 zoned properties to the west.

The proposed single-family attached residential use at 8.16 du/ac will provide a transition between the lower density single-family residential to the east (approx. 4 du/ac) and the busy roadway, commercial uses, and the vacant industrial lot to the west. The project incorporates Tract A of Claremont Ranch Filing No. 7, which was originally intended as a buffer between the single-family residential development to the east and the originally proposed commercial development on Tract G of Claremont Ranch Filing No. 7. This 30-foot buffer is to be retained as a buffer between the proposed single-family attached residential and the existing residential neighborhood to the east.

AIR QUALITY: The proposed residential use will not negatively impact air quality. The proposed development is located within a developing area with convenient access to Marksheffel Road and Meadowbrook Pkwy, providing shorter travel time to employment and commercial facilities.

WATER: The proposed residential development is not a source of water pollution.

NOISE: The Land Development Code requires the impacts of noise pollution to residents be mitigated. The development is outside the DNL 65 Noise Contour and an allowed use under the APZ-2 subcategory of the CAD-O. A noise study conducted by LSC in November of 2020 is included with this submittal. The Noise Study found that with a minimum 5-foot-high noise barrier all noise levels in the development will be below 67 decibels. The noise barrier referenced by the study determined to be either a berm, wall or combination of the two. The Sketch Plan identifies a 6-foot sound wall adjacent to Marksheffel Road to address this recommendation.

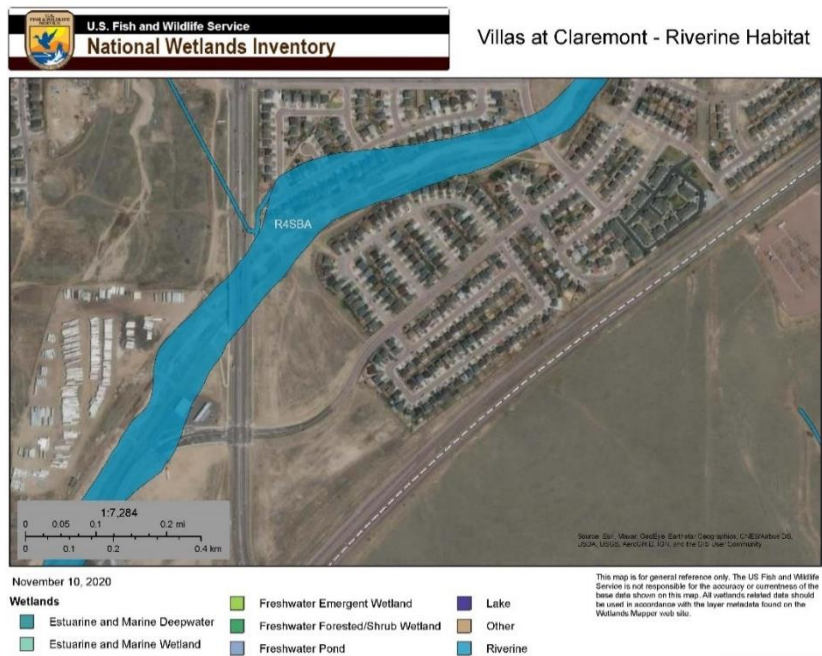
FLOODPLAINS: A review of El Paso County FEMA FIRM panels indicate no portions of the built project area are within a FEMA flood risk area. The East Fork of Sand Creek, which lies to the north of the parcel, is within a regulatory floodway and the proposed development will avoid this area. The parcel is identified as Zone X – Area of Minimal Flood Hazard within the FEMA Firm Panel 08041C00756G.

GEOLOGIC & SOIL HAZARDS: The Soils, Geology and Geologic Hazard Study for the proposed residential development on the amended Sketch Plan area, prepared by Entech Engineers, determined the site to be suitable for the proposed development and achievable by avoidance or proper mitigation through standard construction methods. Geologic hazards encountered at the site include artificial fill, collapsible soils, expansive soils, areas of erosion, groundwater and floodplain areas, and potentially seasonal shallow groundwater areas. The geologic conditions of the site are common given the site's locality to Sand Creek and mitigation can be accomplished by implementing common engineering and construction practices. None of these conditions are anticipated to preclude the proposed development (Soils, Geology and Geologic Hazard Study, prepared by Entech Engineering Inc. April 2020).

VEGETATION & WILDLIFE: The area is designated by the U.S. Geological Survey as an area of urban development with no significant vegetation or wildlife.

USE OF, OR CHANGES IN PREEXISTING WATERFORMS, WATERCOURSES OR BODIES OF WATER:

A small portion of land directly adjacent to the East Fork of Sand Creek is identified on the National Wetland Inventory as Intermittent Riverine habitat. There is no proposed development within this immediate area.



DISTRICTS SERVING THE PROPERTY:

The following districts will serve the property:

- Cherokee Metro District will provide water and wastewater services. A will serve letter is provided with this application.
- Mountain View Electric Association will provide electric service. A will serve letter is provided with this application.
- Colorado Springs Utilities will provide natural gas service. A will serve letter is provided with this application.
- Falcon Fire Protection District will provide fire protection and emergency services. A will serve letter is provided with this application.
- School District 49 will serve the property.
- Pikes Peak Library District.
- Central Marksheffel Metropolitan District.

RELATIONSHIP TO THE ADOPTED COUNTY MASTER PLANS:

The Master Plan for the County comprises the recently adopted El Paso County Master Plan, the Water Master Plan, the 2040 Major Transportation Corridor Plan, and the Parks Master Plan.

COUNTY MASTER PLAN

The Sketch plan amendment area is in an area defined as an Urban Residential placetype in the County Master Plan. These placetypes consist of established neighborhoods immediately adjacent to equally dense or more dense urban neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available. The Urban Residential placetype provides for a mix of development densities and housing types within a neighborhood. Primary land uses are single-family detached residential, single-family attached residential and multifamily residential. The Sketch Plan amendment proposes single-family attached residential development at a density of 8.16 du/ac. This is consistent with the urban density placetype objectives.

The Sketch Plan amendment area is also defined as an Enclave (an area of the County surrounded by the City on all sides) within the Key Areas chapter of the County Master Plan. The site is within the Cimarron Hills enclave, which is identified as the largest enclave with a population of 18,000 residents. The Master Plan indicates that the character and intensity of new development or redevelopment in these enclaves should match that of the development in the municipality surrounding it. The product is similar in scale and density to the surrounding residential, which is consistent with the enclave designation in the Key Areas Chapter.

In the Areas of Change chapter of the County Master Plan, the Sketch Plan amendment area is identified as a “Transition” Area. 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 single-family attached residential will provide a transition from the detached single-family residential to east and the commercial and industrial uses (existing and planned) to the west and northwest, which is consistent with the Transition Area designation in the Areas of Change chapter.

The Sketch Plan amendment is also consistent with Core Principle 2 to the Housing & Communities chapter of the Master Plan, which seeks to “preserve and develop neighborhoods with a mix of housing types”, as well as Goal 2.1 to “promote development of a mix of housing types in identified areas” and Goal 2.3 to “locate attainable housing that provides convenient access to goods, services, and employment”. , the proposed medium density single-family attached residential development provides a more attainable housing option in an urbanizing area, which is predominantly single-family detached residential.

WATER MASTER PLAN

The project is located within Region 5, Cherokee Metropolitan District (CMD) service area. This single growth area is not projected to experience significant growth by 2060. Specifically, the Water Master Plan states that Region 5 consists of areas served by CMD and is not expected to experience significant growth by 2060. CMD has sufficient supply and existing infrastructure in the area to serve this development. Water quality is good and CMD is in compliance with all regulatory limits. Discussions of water quantity sufficiency and dependability of supply are included in the Water Resources Report. A copy of CMD's current Drinking Water Quality Report is appended to the Water Resources Report.

The proposed residential subdivision satisfies the following policies of the County Policy Plan and the Water Master Plan.

Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability, and quality for existing and future development.

The development has been incorporated in previous water planning by Cherokee Metropolitan District and service commitment has been provided by the District.

Goal 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.

Goal 3.4 – Promote cooperation between water providers to achieve increased efficiencies on storage.

Goal 3.7 – Encourage the interconnection of infrastructure owned by water providers and projects that will have access to more than one water source, both to foster conjunctive use and to better accommodate water supply emergencies.

To meet the goals of the County Water Master Plan Section 3 to promote cooperation among water providers to achieve increased efficiencies in infrastructure, treatment, reuse, storage, and interconnection, CMD has been included in the Pikes Peak Regional Water Authority to cooperate on future regional water infrastructure development.

Goal 4.5 – Plan for water resources in a thoughtful way that recognizes the non-renewable nature of water resources in the area, accommodates existing and historical uses, and allows for sustainable, planned growth.

CMD is implementing a water conservation plan to address future development within the District and implement conservation measures with current customers. A copy of the Water Conservation Plan is appended to the Water Resources Report.

Goal 5.1 – Identify the potential water supply gap at projected full development build-out (2060).

Goal 5.2 – Identify regional opportunities and barriers to satisfying water supply needs at full development build-out (2060).

CMD is currently developing several additional water sources to meet future demand. Six groundwater

rights are slated for development or upgrade by the end of 2021. In addition to providing water for new users, these additional wells will provide greater flexibility in meeting peak demands. Full details of these water supply improvements are provided in the Water Resources Report. In addition to these known production improvements CMD also has a pending replacement plan which could enhance the efficiency of CMD's portfolio through recovery and/or reuse of recharge water.

Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.

The proposed single-family attached residential is urban level development and is in an area that is already served by centralized services provided by CMD.

2040 MAJOR TRANSPORTATION CORRIDOR PLAN

The MTCP shows Marksheffel Road as a Principal Arterial with no improvements proposed to 2040 in the Section adjacent to the site. The 2060 corridor preservation plan identifies the road being expanded to a 6-lane Expressway, which has a right-of-way of 160 feet. Marksheffel road in this section already has a 180-foot Right-of-way, so no additional preservation is required. There are no planned improvements to Meadowbrook Parkway in the MTCP.

EL PASO COUNTY PARKS MASTER PLAN

The Parks Master Plan does not identify any proposed parks or candidate open space on this site or in the vicinity. The Trails Master Plan identifies a proposed bicycle route on Marksheffel Road to the east of the site. This medium density residential development will be conveniently located to make use of the proposed bicycle route. The development includes a trail connection to Sand Creek, although this section of Sand Creek is not identified as a proposed County trail on the Trails Master Plan.

SKETCH PLAN REVIEW CRITERIA (CHAPTER 7.2.1.D.C)

1. THE PROPOSED SUBDIVISION IS IN GENERAL CONFORMANCE WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE MASTER PLAN;

The development is consistent with the intent of the Policy Plan as it is intended to provide additional housing at various densities in an urbanizing area.

2. THE PROPOSED SUBDIVISION IS IN CONFORMANCE WITH THE REQUIREMENTS OF THIS CODE;

The proposed development meets all the County Code Sketch Plan requirements.

3. THE PROPOSED SUBDIVISION IS COMPATIBLE WITH EXISTING AND PROPOSED LAND USES WITHIN AND ADJACENT TO THE SKETCH PLAN AREA;

To the west are commercial (CS) and industrial (I3) zoned properties. There are three separate utility easements **ALONG** the west side of the amendment area, adjacent to Marksheffel Road, which create a 100' setback and no build area. This 100' setback on the subject site, together with the ROW of Marksheffel Road, provide an approximately 295' setback between the proposed residential area

and the existing industrial zoned property, as depicted on the Sketch Plan Amendment. This significantly exceeds the 175' setback required for I3 zoned property adjacent to residential use and, therefore, the change in land use to residential proposed by this Sketch Plan Amendment will not place a future increased setback burden on the I3 zoned properties to the west.

The proposed single-family attached residential use at 8.16 du/ac will provide a transition between the lower density single-family residential to the east (approx. 4 du/ac) and the busy roadway, commercial uses, and the vacant industrial lot to the west. The project incorporates Tract A of Claremont Ranch Filing No. 7, which was originally intended as a buffer between the single-family residential development to the east and the originally proposed commercial development on Tract G of Claremont Ranch Filing No. 7. This 30-foot buffer is to be retained as a buffer between the proposed single-family attached residential and the existing residential neighborhood to the east.

4. THE WATER SUPPLY REPORT PROVIDES SUFFICIENT INFORMATION TO IDENTIFY PROBABLE COMPLIANCE WITH THE WATER SUPPLY STANDARDS AND IDENTIFIES ANY NEED FOR ADDITIONAL WATER SUPPLIES;

CMD has sufficient supply and existing infrastructure in the area to serve this development. Water quality is good and CMD is in compliance with all regulatory limits. Discussions of water quantity sufficiency and dependability of supply are included in the Water Resources Report. A copy of CMD's current Drinking Water Quality Report is appended to the Water Resources Report

CMD is implementing a water conservation plan to address future development within the District and implement conservation measures with current customers. A copy of the Water Conservation Plan is appended to the Water Resources Report.

5. SERVICES ARE OR WILL BE AVAILABLE TO MEET THE NEEDS OF THE SUBDIVISION INCLUDING, ROADS, POLICE AND FIRE PROTECTION, SCHOOLS, RECREATION FACILITIES, AND UTILITY SERVICE FACILITIES;

Municipal services to the site will be provided by Falcon Fire, Cherokee Metro District will provide water and wastewater, Roads maintained by and El Paso County Sheriff's department for police services. Letters of commitment from these entities have been received and included in the application. Referral letters were sent to El Paso County School D49 and the Pikes Peak Library, responses have been included with this application.

6. THE SOIL IS SUITABLE FOR THE SUBDIVISION;

The Soils, Geology and Geologic Hazard Study prepared by Entech Engineers, determined the site to be suitable for the proposed developed and achievable by avoidance or proper mitigation through standard construction methods. Geologic hazards encountered at the site include artificial fill, collapsible soils, expansive soils, areas of erosion, groundwater and floodplain areas, and potentially seasonal shallow groundwater areas. The geologic conditions of the site are common given the site's locality to Sand Creek and mitigation can be accomplished by implementing common engineering and construction practices. None of these conditions are anticipated to preclude the proposed development (Soils, Geology and Geologic Hazard Study, prepared by Entech Engineering Inc. April 2020).

7. THE GEOLOGIC HAZARDS DO NOT PROHIBIT THE SUBDIVISION, OR CAN BE MITIGATED;

The geologic conditions of the site are common given the site's locality to Sand Creek and mitigation can be accomplished by implementing common engineering and construction practices. None of these conditions are anticipated to preclude the proposed development (Soils, Geology and Geologic Hazard Study, prepared by Entech Engineering Inc. April 2020). There is no floodplain on this site.

8. THE SUBDIVISION WILL NOT INTERFERE WITH THE EXTRACTION OF ANY KNOWN COMMERCIAL MINING DEPOSIT [C.R.S. §§ 34-1-302(1), ET SEQ.];

No mineral estate owners were identified on this parcel.

9. THE DESIGN OF THE SUBDIVISION PROTECTS THE NATURAL RESOURCES OR UNIQUE LANDFORMS;

This area is designated by the U.S. Geological Survey as an area of urban development with no significant vegetation or wildlife. A small portion of the land directly adjacent to the east for of Sand Creek is identified on the National Wetland Inventory as Intermittent Riverine Habitat. There is no proposed development within this immediate area. There are no significant natural resources or unique landforms on this site.

10. THE PROPOSED METHODS FOR FIRE PROTECTION ARE ADEQUATE TO SERVE THE SUBDIVISION;

This area falls under the Falcon Fire Protection district. The 133-square-mile fire district extends from Peyton Highway on the east to County Line Road on the north to Black Forest Road on the west and one mile north of Colorado Highway 94 on the south. The District serves more than 23,400 citizens and protects almost 10,000 structures. Ninety-four percent of the structures within the District are residential and 6 percent are commercial buildings. The Falcon Fire Protection district actively maintains 4 stations and has adequate facilities and resources to serve this development.

11. THE SUBDIVISION IS APPROPRIATE AND THE DESIGN IS BASED ON MITIGATING THE CONSTRAINTS OF TOPOGRAPHY, SOIL TYPES, GEOLOGIC HAZARDS, AGGREGATE RESOURCES, ENVIRONMENTAL RESOURCES, FLOODPLAIN, AIRPLANE FLIGHT OVERLAYS, OR OTHER CONSTRAINTS.

This area is designated by the U.S. Geological Survey as an area of urban development with no significant vegetation or wildlife. A small portion of the land directly adjacent to the east for of Sand Creek is identified on the National Wetland Inventory as Intermittent Riverine Habitat. There is no proposed development within this immediate area. There are no significant natural resources or unique landforms on this site.

Geologic conditions of the site are relatively common given the site's locality to Sand Creek and mitigation can be accomplished by implementing common engineering and construction practices. None of these conditions are anticipated to preclude the proposed development (Soils, Geology and Geologic Hazard Study, prepared by Entech Engineering Inc. April 2020).

The Sketch Plan amendment area is within the CAD-O/APZ-2 overlay zone. The development is outside the DNL 65 Noise Contour and an allowed use under the APZ-2 subcategory of the CAD-O. Based on available data, a Federal Aviation Administration (FAA) 7460-1 “Notice of Proposed Construction or Alteration” will be filed for any new vertical development at this site (including temporary construction equipment) and provide FAA documentation to the Airport at the time a Site Plan is submitted.

No other site constraints have been identified.