



# William Guman & Associates, Ltd.

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URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE | ENTITLEMENT

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## EL PASO COUNTY

### LETTER OF INTENT FOR: WATERBURY

PUD / Preliminary Plan - Filing Nos. 1 and 2

March 10, 2022

**Owner:** 4-Way Ranch Joint Venture, LLC  
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**El Paso County Planner:** Kari Parsons, Project Manager/Planner III  
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changed to  
Ryan Howser

### DEVELOPMENT REQUEST

Applicant requests approval of the following:

1. A PUD / Preliminary Plan for Filing Nos. 1 and 2 of the Waterbury subdivision, requesting 198 single-family lots on 61.9 acres. The Type D Application Form (1-2C) is submitted.
2. Deviation for Saybrook Rd. cross section, as shown on the PUD/ Preliminary Plan cover page, detailed in the filed Deviation Request, and as approved by the fire authority.

3. Water Sufficiency finding.
4. Early grading operations request (grading only, no utilities).
5. Subsequent administrative approval of final plats for Waterbury Filing Nos. 1 and 2.

**PROJECT LOCATION/DESCRIPTION OF PROPERTY:**

The project site is located at 1000 Eastonville Rd., Peyton CO 80831, a portion of El Paso County Tax Parcel 4200000417. It is approximately 12 miles east of downtown Colorado Springs, northeast of Falcon, Colorado. The parcel is approximately 2,000 feet west of the intersection of highway 24 and Stapleton Rd. It is bordered on the west by single family residential sites and Eastonville Road. Adjacent parcels to the southwest and east of this project are large, multi-acre sites with existing homes and outbuildings (loafing shed/ stable), driveways, and barns. Any existing off-site residences, outbuildings, dirt roads, etc., are scheduled to remain and will not be relocated or removed as a result of the Waterbury development.

Filings 1 and 2 of this PUD/Preliminary Plan are located in the southwest corner of the Waterbury project with primary access from Stapleton Drive. A secondary access point will be via an extension of existing Gilbert Drive at the northwest corner of Filing 1. The existing 4-Way Ranch Filing 1 project borders Waterbury to the southwest. Parcel 4200000366, part of the overall Waterbury PUD, is vacant and borders to the north and east. A public high school borders the project across Eastonville Rd.

The existing land use for the site is vacant and contains multiple drainage ways flowing in a southeasterly direction along the western and eastern boundaries of the preliminary plan land area. The site includes several unimproved dirt roads used for ranching purposes, native stands of vegetation, utility easements, and an existing water line running north-south through the site which is outside the boundaries of this preliminary plan.

**JUSTIFICATION FOR REQUEST**

Per Sections 4.2.6 (E) (criteria for approval of PUD zoning) of the LDC, the proposed Waterbury PUD / Preliminary Plan meets the criteria for approval as follows:

- *The proposed PUD District zoning advances the stated purposes set forth in this Sect* This response does not indicate how this application is consistent with the purpose of the PUD section of the Code. Please see LDC Sec. 4.2.6.A for PUD purpose statements.
- *The application is in general conformity with the Master Plan;* discussion added.

The PUD/Preliminary Plan is in general conformance, with no significant changes, with the formerly approved Waterbury PUD Development Plan, the originally approved Zoning and Conceptual Plan (ZCP) and is consistent with the purposes of the EPCLDC including the County Master Plan.

in-depth discussion of Your El Paso Master Plan added. Parks Master Plan and Water Master Plan referenced

This response does not provide any analysis of the EPC Master Plan components. Please include a discussion of the Your El Paso Master Plan (2021), the Parks Master Plan, and the Water Master Plan at a minimum. If you are unsure of how to proceed or what the expectation is, please coordinate with the PCD Project Manager.

- *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;*

All public improvements are designed according to ECM and LDC standards and are adequate to serve the needs of the residents. Please include "with the exception of the requested deviation"

phrase added

- *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;*

The Preliminary Plan for Filing Nos. 1 and 2 consists of 61.9 Acres, a portion of the overall Waterbury PUD (159.9 acres in Parcel 4200000417. ) The preliminary plan proposes 115 lots in Filing 1 and 83 lots in Filing 2 – a total of 198 single-family lots, for a density of 3.25 DU/ Acre. This is within the approved density range for Waterbury at 3-5 DU/ Acre as approved in the Concept PUD.

corrected to 3.20

PUD plan says 3.20

In addition to the residential lots, Filings 1 and 2 include 11.84 acres of public rights-of-way, and 9.61 Acres of open space/ landscaped areas in 11 tracts (approximately 15.5% of the area and excluding storm water detention) which will be owned and maintained by 4-Way Ranch Metropolitan District No. 2.

The proposed preliminary plan's use, density, and layout are in conformance with the subdivision design standards and establish an adequate level of compatibility with existing residential areas surrounding the Waterbury project.

**LAND USE TABLE**

TYPE OF USE	ACRES	% OF PROPERTY
DETACHED SINGLE FAMILY LOTS (198 UNITS)	37.26	60.2%
RIGHTS OF WAY	11.53	18.6%
DEVELOPED PARKS	2.58	4.2%
OPEN SPACE (FLOODPLAIN, UTILITY, DRAINAGE)*	10.53	17.0%
	<b>61.90</b>	<b>100%</b>
<b>USABLE OPEN SPACE ANALYSIS</b>		
DEVELOPED PARKS (FROM ABOVE)	2.60	4.2%
* PASSIVE RECREATION	3.03	4.9%
* FLOODPLAINS AND WETLANDS	3.98	6.4%
TOTAL USEABLE AREA: PASSIVE, PARKS, FLOODPL	<b>9.61</b>	<b>15.5%</b>

The calculations here are different than those that appear on the PUD plan. Please revise where appropriate.

corrected to match PUD plan

- *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;*

The project is bounded by existing residential lots to the west, proposed residential development to the north (per the approved Waterbury Concept PUD), private ranch land to the east, and a major arterial to the south. There are no detrimental use-to-use adjacencies that would require transition or buffering.

- *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 proposed single-family development is an allowed use with density below the approved du/acre. Landscaping as required by the LDC will be installed along Stapleton Drive, Gilbert Drive, Saybrook Road, and the roundabout intersection of Saybrook and Sunken Meadow Roads.

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

There are no existent historical or cultural features on the property.

Significant natural features consist of a FEMA-designated floodplain to the west and a palustrine emergent wetland to the east. These ecologically sensitive areas have been placed in tracts, designated as no-build areas, and add 4 acres of accessible passive recreation areas for the residents of the community.

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

All roads will be constructed with paved sidewalks and ramps at intersections. There is adequate access to passive recreation open space tracts from public rights of way without the use of inter-lot access points. A community park will be developed in Filing 1 incorporating amenities such as play structure, benches and picnic tables, maintained turf areas, and a shade pavilion.

- *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;*

The submitted Traffic Impact Study determines that the project will not adversely affect existing and proposed roads.

A sufficient water supply has been established through wells owned and operated by the 4-Way Ranch MD, as presented in the Water Supply Information Summary and Water Resource Report by HR Green, submitted in conjunction with this LOI.

Public sewage disposal system will be provided by Grandview Reserve Metro District in agreement with the Cherokee Metro District and is in compliance with state and local laws and regulations. A Wastewater Disposal Report by HR Green is submitted in conjunction with this LOI.

Letters of Commitment to Serve all the area within the PUD have been provided with this submittal for public safety, gas, and electric. No new facilities for fire protection or schools are proposed or required for this application.

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

corrected.  
explanation added

This criterion has not been addressed

• *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;*

There are no commercial mineral rights claims on this property.

• *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;*

#### DEVIATION from ECM

Deviations from ECM standard 2.2.4.B.5 *Roadway Functional Classifications and Urban/Rural Designations Urban Residential Collector* and 2.3.2 *Design Standards by Functional Class* are requested for a modification of the Saybrook Road (Urban Residential Collector) cross section. Request is to allow direct driveway access to this Residential Collector, as there are no other access points for these lots. To provide for safe backing of vehicles from driveways into the traffic lane, a parking lane and bike lane have been added to the cross section. (Deviation Requests are submitted separately and as addenda to the Traffic Impact Study). These deviations have been reviewed and approved by the fire authority.

Per Section 4.2.6.F.2.h, Modification of Existing LDC or ECM Standard, this request is justified by the following:

This doesn't make sense and I don't see how the parking lane makes the pedestrian system more efficient.

This does not appear to be a PUD modification, just a deviation.

- Provision of a more efficient pedestrian system – The proposed cross section includes sidewalks removed from the traffic lane by a parking lane, as well as a dedicated bike lane.

- The proposed designs provide space provided minimum requirements in exchange for the open space and/or amenity plan and/or development guide – the open space provided in the Preliminary Plan is 15.5% which is greater than the 10% minimum required.

section revised. now includes justifications as stated in the submitted Deviation Requests by LSC

- The owner has authorized this application.

Address the intersection spacing deviation

The owner, 4-Way Ranch Joint Venture, LLC, has authorized this application through its agent, Peter Martz.

Additional approval criteria as outlined in 7.2.1.D-(2)E (Criteria for approval of Preliminary Plan):

- 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)];

Soil/Topographical conditions – a Soils and Geology Report has been prepared and submitted by Entech Engineering. This report addresses the potential existence of several geo-hazards in some areas on the site, as follows: seasonal shallow groundwater, floodplains, unstable slopes, artificial fill, potential for shallow bedrock, loose soils, and expansive soils. The Preliminary Plan overall design considers some of these hazards (floodplain, wetlands), and the report suggests remediation for other hazards during construction as needed for individual lots. These lots are identified in the PUD/Preliminary Plan plan set.

- 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

An engineered drainage plan has been submitted in conjunction with this LOI.

- 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;

All residential lots shall have access to paved roads in the public ROW, maintained by El Paso County.

A Wildfire Hazard and Fire Protection Report has been prepared and submitted ascertaining compliance with Chapter 6 of the LDC.

## **PROPOSED IMPROVEMENTS**

Proposed improvements will include the construction of county-owned (public) and maintained asphalt roadways with concrete curb and gutter and concrete sidewalks. Drainage and storm water detention facilities will be constructed in conformance with County standards and specifications and maintained by 4-Way Ranch Metropolitan District No. 2. Electric, natural gas, water, wastewater, and communication service points-of-connection will be extended from the roadways and other points as needed to all new lots. The Noise Mitigation Study suggests that by the year 2040 the traffic decibel level may exceed allowable limits for some lots along the Stapleton Drive corridor. If a noise mitigation barrier is required **at a future time**, it will be constructed and maintained by 4-Way Ranch Metropolitan District No. 2.

delete

deleted

Landscaping as required by the LDC will be installed along Stapleton Drive, Gilbert Drive, Saybrook Road, and the roundabout intersection of Saybrook and Sunken Meadow Roads. Plant material will consist of a mix of low-water trees, shrubs, and ornamental grasses and will be watered via drip irrigation. Ground cover along the Stapleton landscape area will be a native prairie grass mix, with temporary overhead irrigation for establishment. A centrally located community park will be equipped with shade and evergreen trees, weather-resistant benches and picnic tables, a manufactured play structure, and a permanent shade/picnic pavilion. A major portion of the park will be sodded with bluegrass turf, irrigated with permanent overhead irrigation.

### Provision of Utilities:

Residential Water service will be provided via a central water system to be developed by the Owner and will be operated and maintained by the 4-Way Ranch Metropolitan District No.2. As addressed by the County Water Master Plan, water usage for landscaping in tract areas will be reduced by the following methods: utilization of native and other low-water plant material irrigated by drip systems; utilization of native prairie grasses for groundcover in low use areas with limited overhead irrigation for establishment; and limiting bluegrass turf to only those areas which are directly useable by the residents (i.e. developed community park.) The site is in the Upper Black Squirrel Creek Ground Water District.

Sanitary sewer service will be provided by an agreement with the Grandview Metropolitan District No. 1 and its sanitary sewer treatment provider, Cherokee Metropolitan District, in accordance with El Paso County Department of Health policy guidelines.

Fire protection will be provided by Falcon Fire Protection District, and the development plan has been reviewed and approved by the fire authority. Fire hydrants will be provided in locations approved by the fire authority.

Natural gas supply has been committed by Black Hills Energy.

Electric supply has been committed by Mountain View Electric Association.

Public infrastructure to serve the new lots, including roads, drainage facilities, and utilities will all be constructed in compliance with applicable county standards, regulations, and criteria in effect at the time of this application. Internal circulation will be paved roads with concrete curb and gutter and 5' concrete sidewalks.

Lot sizes: a minimum of 50' wide at the 20' front yard setback, and a minimum of 110' in depth.

**ANTICIPATED SCHEDULE FOR DEVELOPMENT**

added data for lots on  
knuckles/curves

state the min  
on knuckles/

Construction of Filing 1 is planned to start within 90 days of county approval of the final plat. There is no current schedule for Filing 2.

**LAND DEVELOPMENT CODE COMPREHENSIVE PLAN AND COUNTY MASTER**

Previous comment not addressed: this is old Policy Plan analysis. The Policy Plan is not an active planning document anymore and cannot be used for justification. Please provide an analysis of the Your El Paso Master Plan, the Water Master Plan, and the Parks Master Plan.

**LAND DEVELOPMENT CODE COMPREHENSIVE PLAN AND COUNTY MASTER**

this section removed and replaced with analysis of appropriate documents

and development which complement the region's reinforce community character.

issues directly related to the Preliminary Plan and development of *Waterbury Filing Nos. 1 and 2*. The policies specifically related to the PUD and Preliminary Plan request include:

**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.*

The Preliminary Plan proposed for 201 new single family residential lots is compatible with the existing adjacent residential lots in the Eatonville Road / Stapleton Road corridors.

**Policy 6.1.6** - *Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.*

Waterbury is proposed as a development of single family residences within a non-urban density area of the Falcon/Peyton community. Utilities and road infrastructure needed to serve the new lots, such as new roads, drainage and detention facilities, erosion control, etc. will be constructed as part of this development.

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

**Goal 6.2**



*Protect and Enhance Existing and Developing Neighborhoods*

**Policy 6.2.1** - *Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.*

**Policy 6.2.2** - *Promote the unique identity of neighborhoods through the use of focal points, parks, trails and open spaces, preservation of significant natural features, compatible location and design of mixed uses, and promotion of pedestrian and other non-motorized means of travel.*

The incorporation of a central open space/park for Filings 1 and 2 will encourage community interaction. Paved sidewalks allow for safe use of bicycle travel around the park and neighborhood. The floodplain areas and Jurisdictional and non-jurisdictional wetlands within the of the site will be preserved as open space no-build areas and will lend themselves well toward sustaining the rural nature and character and maintaining the integrity of the surrounding community, providing locations for non-specified outdoor activities for the residents.

**Goal 6.4** *Develop and maintain rural residential areas in a manner which protects their integrity, addresses the carrying capacity of the natural environment and provides for an adequate level of non-urban facilities and services.*

**Policy 6.4.3** - *Allow rural residential development in those areas with sufficient "carrying capacity" including roadway capacity, water supply, septic suitability, educational facilities and organized structural fire protection.*

The surrounding area of the Preliminary Plan has sufficient carrying capacity to support the new development with regards to roadway capacity, water supply, septic suitability, educational facilities, and organized structural fire protection. Commitment Letters from entities that would supply this development with essential services have been submitted with this Preliminary Plan application.

**Policy 6.4.4** - *Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density and undevelopable areas.*

**Policy 6.4.6** - *Allow for the accommodation of necessary supporting commercial uses within or in proximity to rural residential areas in a manner that preserves the rural character of these areas.*

**Policy 6.4.11** - *Support planning and regulatory approaches which limit the adverse impacts of grazing on lots of 5 acres and less.*

*"No animals, birds, livestock, reptiles or insects of any kind may be raised, bred, kept or boarded in or on a Lot, except for bona fide household pets as permitted by applicable local laws or ordinances and in compliance with any Rules and Regulations not in conflict with such laws or*

*ordinances. Each animal must be controlled by its owner and is not allowed off the owner's Lot except when properly controlled and accompanied by its owner or his or representative, who is responsible for collecting and properly disposing of any animal waste. An Owner's and/or Occupant's right to keep animals is coupled with the responsibility to pay for any damage caused by such animal, as well as any costs incurred as a result of such animals. "*

The Waterbury Development will provide single-family detached homes on smaller lots, allowing for potential new homeowners to participate in the rural character of the area, while still being in keeping with current uses of areas adjacent to the Plan. The 14 acres of park, non-jurisdictional and jurisdictional wetlands and floodplain area that are to be preserved in perpetuity as no-build open space parcels also help to preserve the general character of the region.

The Preliminary Plan encourages diverse housing types and prices to meet the needs of existing and new residents. A variety of lot sizes will help to meet the needs of existing and new residents of differing ages and incomes.

The Preliminary Plan anticipates a finite quantity of 198 homes on the 62 acre development, which promotes predictable growth that is consistent with the Plan.

Letters of Commitment to Serve all the area within the Preliminary Plan have been provided with this submittal for public safety, gas, and electric. No new facilities for fire protection or schools are proposed or required for this application.

The existing 4-Way Ranch Metropolitan District has an adequate supply of water from existing wells which will allow the construction of a central water supply system and serve all new homes within the Preliminary Plan area.

### **3.5.6 Balance long term transportation infrastructure needs with current requirements.**

A Traffic Impact Study [TIS] has been prepared and provided with the PUD/Preliminary Plan application. The TIS addresses the use of the major transportation corridors (Stapleton Road, Eastonville Rd. and Highway 24) that provide primary access/egress to and from the Preliminary Plan area. No "negative effects" of traffic would be triggered that would result in the need to construct additional major arterial infrastructure; the majority of roads within the PUD/Preliminary Plan area will be Urban Residential Local category. The primary entry, Saybrook Road, is an Urban Residential Collector.

The 4-Way Ranch Metropolitan District No. 2 and existing wells will supply water to a new central water distribution system and serve all new homes within the Preliminary Plan area. This will allow for sustainable, planned growth as the Preliminary Plan area does not rely on development of numerous new wells as a primary source of water for new residences.

All parks, trails, and open space tracts will be maintained by the existing *4-Way Ranch Metropolitan District No. 2*.

The Preliminary Plan includes within the project boundary approximately 4 acres of jurisdictional and non-jurisdictional wetlands and floodplains, which have been preserved in no-build preservation tracts and will remain as open space to protect natural watersheds and wildlife corridors.

**END**