

Letter of Intent
Ray O. 5.2 Preliminary Plan

07.07.23

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Tax Schedule No.: 5509200003

Current Zoning: RM-12

Site History/Background

The Ray O. 5.2 development is a 4.25-acre single-family (Townhomes) attached residential subdivision located south of the Colorado Springs Airport and southeast corner of the Bradley Road and Legacy Hill Drive intersection. This preliminary plan is part of the Waterview Sketch Plan; the Waterview Sketch Plan was recently amended (July 15, 2021) modifying the proposed land use in Ray O. 5.2 (Sketch Plan Parcel P-21) from Commercial use only, to Single-Family Attached Residential land use. This proposed Preliminary Plan implements the residential land uses approved under the 2021 Sketch Plan approval. Rezone of the site has been approved (February 2022) changing the zone in the preliminary plan from CS to RM-12.

Request and Justification:

Request for approval of a 4.25-acre single-family attached residential use Preliminary Plan which follows the densities proposed in a RM-12 zone. This letter serves as a request to receive El Paso County approval of the Preliminary Plan for this site.

The Preliminary Plan shows:

- **Filing No. 1:** 41 single-family attached lots with private road access and configured in seven attached (townhome) 3-plex unit (21 lots) and five attached (townhome) 4-plex units (20 lots) all within the RM-12 zone.
- Tracts for buffering, landscaping, open spaces, private roads, utilities, stormwater drainage and treatment.

Final Subdivision of the 41 townhome 3-plex/4-plex lots in Filing 1 will be platted under a separate application and schedule through the townhome plat processes and the proposed RM-12 zone standards.

This letter serves as a request to receive El Paso County approval of the Preliminary Plan for this site along with a request to conduct preliminary-subdivision site grading, wet/dry utilities, and roadway cuts in connection with improvements specific to this preliminary plan. The applicant also recognizes that findings of sufficiency of water quality and water capacity may not be issued until Final Platting.

Zoning District Compliance

Single-family attached townhomes proposed in Filing No.1 in the RM-12 zone will meet the respective bulk, density, and dimensional standards of the zone.

Zoning District	Max Density (DU/AC)	Minimum Lot Size		Minimum Setbacks Principal(Accessory)14,3			Maximum Lot Coverage	Maximum Height
		Area	Width	Front	Rear	Side		
Residential Multifamily Zoning Districts								
RM-12	12	3,500 sq ft **	35 ft	15 ft	20 ft	10 ft **	70%**	40 ft
**10 The minimum distance between buildings shall be 10 feet.								
**13 If the building is established as or converted to condominium or townhome units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks requirements, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements. A 25-foot perimeter boundary setback shall be maintained around the entire development, but a zero foot setback is allowed along any internal lot line within the development.								

The proposed 3- and 4-unit dwellings are not intended as multi-family dwellings, but as individual attached dwelling (townhome) units per definitions of single-family attached dwellings and townhouse.

Dwelling, Single-Family Attached — A structure containing ***more than 1 dwelling unit***, each of which has primary ground floor access to the outside and are attached to each other by party walls without openings, where each dwelling unit is generally located on its own lot. The common or abutting wall shall be shared for at least 50% of the length of the side of the dwelling units. A single-family attached dwelling does not share common floor/ceilings with other dwelling units. A single-family attached dwelling is also sometimes called a townhouse or row house.

Townhouse — A single-family attached dwelling situated on its own lot but ***attached to 1 or more similar dwelling units*** by a common wall and each unit has its own front and rear access to the outside and no unit is located over another unit.

A single-family attached dwelling situated on its own lot but attached to 1 or more similar dwelling units by a common wall and each unit has its own front and rear access to the outside and no unit is located over another unit. Townhome buildings/lots (3 and 4-unit dwellings) are being established as townhome units regardless of number of units in the townhome building. The single-family attached lots and townhome configurations meet the criteria for single family attached dwellings in the RM-12 zone as cited below:

5.2.23. Dwelling, Single-Family Attached(B) Standards that Apply in the RM-12 Districts.

(1) Limited Number of Contiguous Units. ***No more than 8 dwelling units may be attached.*** Structures containing 9 or more attached dwelling units are prohibited in the RM-12 zoning district. (The proposed configurations do not exceed 4 attached units)

(2) Density and Lot Size. The density and lot size (area and width) requirements of the zoning district apply. Commonly-owned areas, including commonly-owned open space, driveway, or parking areas apply toward the overall density standard.

Filing 1 consists of 3 and 4-unit dwellings in the RM-12 zone with:

- Primary ground floor access to the outside and are attached to each other by party walls without openings
- At least 50% shared common or abutting wall along the length of the side of the dwelling units
- The units will not share common floors/ceilings with other dwelling units
- Each unit will have its own front and rear access to the outside
- No unit is located over another unit.
- No structure (townhome cluster unit) will have more than 4-units.

Waiver and Deviation Requests and Justifications

1. The applicants are requesting a waiver to Sections 8.4.4.C. and 8.4.4.E.3 of the Code to allow for private roads that are not proposed to be built to public road standards.
 - Section 8.4.4.C, *Public Roads Required*, of the Code states: “Divisions of land, lots and tracts shall be served by public roads.”

• 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.

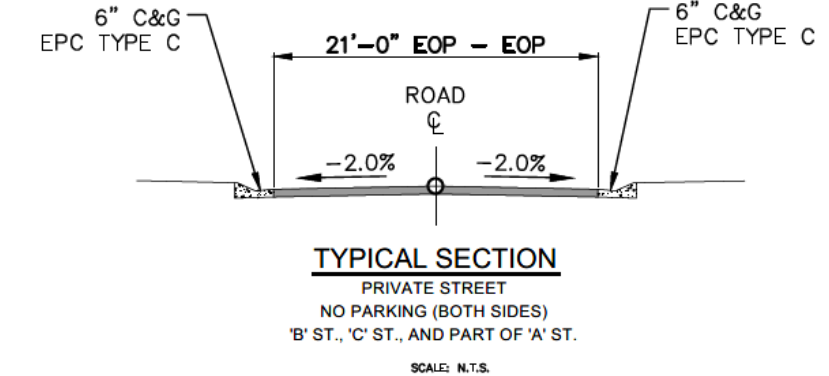
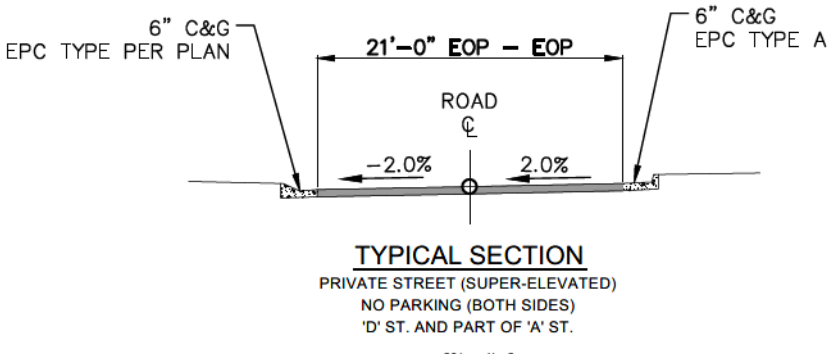
The applicant is requesting the following deviation(s) from the Engineering Criteria Manual (ECM):

1. The applicant is requesting a deviation of Section 2.2.4.B.5 and Table 2-7 of the ECM to allow a modified roadway cross section and roadway design standards for the private local roadways. The reason for the request is to maximize land for the higher and better residential use. This also is supported with attached housing units (A, B, C, and D Streets)

Waiver Request and Justification:

- *The waiver will not nullify the intent and purpose of this Code;*
- *No additional waivers will be needed.* Deviations from the DCM standard drawing (residential/low volume cross section to include 1.) design speed travel lane width, shoulder width, pavement mat; and, 2.) the non-standard placement of: sidewalks landscape lawns, utilities, public improvement easements. A copy of the deviation is attached to this report for reference.
- *The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;* promotion of pedestrian oriented street realm/residential roadscape; narrower roadways and enhanced streetscape promote lower vehicular speeds. The private road section was also reviewed with the fire department to assure meeting the required access.
- *The conditions for the waiver are unique based on private road design standards typical for higher density townhome (Attached Residential) housing*
- *Non-economical hardship* is balancing townhome community multimodal circulation/access needs, community amenities, while maximizing efficiency of square footage devoted to “roads”. The goal is to minimize roadway and to maximize planned open space and pedestrian networks. Efforts to achieve an attainable housing footprints (achieve desired/target market densities and provide livable outdoor spaces.
- *The waiver will not in any manner vary the zoning provisions of this Code; and,* will not impact use, density, or dimensional provisions of the RM-12 zone district. All zoning district and attached single-family residential standards will be met.
- *The proposed waiver is not contrary to any provision of the Master Plan; the subdivision and proposed densities are generally consistent with the Master Plan.*

Private Road Cross Sections – (See attached deviation request for additional details)

 <p style="text-align: center;">TYPICAL SECTION PRIVATE STREET NO PARKING (BOTH SIDES) 'B' ST., 'C' ST., AND PART OF 'A' ST. SCALE: N.T.S.</p>	<p>B, C, & PART OF A STREET</p> <p>21'- 0" pavement width 20'- 0" attached drives 10'- 6" travel lanes No Parking (both sides)</p>
 <p style="text-align: center;">TYPICAL SECTION PRIVATE STREET (SUPER-ELEVATED) NO PARKING (BOTH SIDES) 'D' ST. AND PART OF 'A' ST. SCALE: N.T.S.</p>	<p>D & PART OF A STREET</p> <p>21'- 0" pavement width 20'- 0" attached drives 10'- 6" travel lanes No Parking (both sides)</p>

(see attached Deviation Form for additional Private Roadway details and deviation justification/approval criteria)

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Preliminary Plan Criteria:

This request meets the criteria for approval outlined in Section 7.2.1 of the El Paso County Land Development Code by the following:

- The application for Preliminary Plan is in substantial conformance with the County Water Master Plan and Your El Paso Master Plan.
- The subdivision is in conformance with the accompanying Zoning application and the amended Sketch Plan.
- The proposed subdivision is consistent with the adjacent subdivision design in other portions of the Waterview Master Plan Development.
- The proposed water supply is adequate and will be provided by the Widefield Water and Sanitation District. A letter of service commitment has been provided by the District.
- The proposed sewage disposal is to be provided by the Widefield Water and Sanitation District. A letter of service commitment has been provided by the District.
- Adequate drainage solutions are provided and follow MDDP and DBPS recommendations the drainage report, drainage plan, and grading and erosion control plan will conform to the MDDP, DBPS, and El Paso County ECM and DCM criteria.
- Necessary services (fire protection, police, recreation, utilities) have been provided and will continue to be provided by the Widefield Water and Sanitation District, Security Fire Protection District, El Paso County, the City of Colorado Springs (gas) and Mountain View Electric (electric). Required service commitments have been provided by the respective fire, water/wastewater, electric and gas service districts.
- Fire Protection will be provided by the Security Fire Protection District.
- Offsite impacts are minimal and will be mitigated as part of construction.
- Adequate public facilities and infrastructure are provided.
- The subdivision meets all other El Paso County criteria or waivers have been requested in this document.
- No mineral extraction is planned for this site.

Master Plan Conformance

Your El Paso Master Plan:

Land Use Goals.

The land uses and densities proposed and approved under the Amended Waterview Sketch Plan have been reviewed by the County prior to development and adoption of the current El Paso County Master Plan. The concurrent residential rezone applications (County File Nos. P 21-4, P 21-5, & P-21-6), this residential preliminary plan, and future final plat(s) will implement the residential land uses authorized by the Amended Waterview Sketch Plan. The preliminary plan is consistent with the newly adopted El Paso County Master Plan Land Use framework and typology recommendations.

Chapter 14, Implementation states in the Land Use Applications and Master Plan Consistency narrative:

...Approval of a land use application does not necessarily require a finding that the application is fully consistent with each and every applicable component of the Master Plan. [The Planning Commission and BOCC] have the discretion to give greater weight to individual components of the Master Plan compared to other components when taking a formal action to either approve, approve with conditions, or deny an application.

Land Use:

Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.

The Preliminary Plan is compatible, in terms of land use and density, with the approved 23.1 acres of commercial (west) adjacent to the site, the (east/southeast) ±167-acre urban residential (Trails at Aspen Ridge), and the (north) ±116 acres of mixed residential and commercial (Villages at Waterview North) located along the northern border of Bradley Road opposite of the site and within the approved Sketch Plan Area.

Plan access is focused on Bradley Road per the approved access points.

Public water and wastewater services are being provided by Widefield Water and Sanitation District through connection to proposed services lines running through Frontside Drive. Said service lines are extensions of existing service lines located to the northwest underneath Integration Loop. The service line extensions are currently under review through CSU and Norwood Development Group. CSU Gas has recently increased service to this area (costs being shared by this development) and existing Mountain View electrical facilities are being extended underground through the development as construction commences. The area has been annexed into the Security Fire Protection District for taxing and service purposes. See associated commitment letters.

Goal 1.2 - Continue to encourage policies that ensure “development pays for itself”.

Development in the proposed Ray O. 5.2 area will be developer and district funded including:

- Developer funded site and infrastructure improvements (roads, site preparation, and wet/dry utilities)
- Applicable drainage/bridge, park, and school fees payable at plat recordation
- Applicable County Road Impact Fees will be paid

- Individual Utility Service Design, Construction, and/or Service Connection (Tap) Fees

Community service costs are addressed effectively by using Widefield Water and Sanitation District, Mountain View Electric and CSU Gas all of which have recently updated facilities in the area for service. Again, the site has been annexed into the Security Fire Protection District taxing area.

The County Master Plan locates the development within in the “2-mile Notification Zone” which is part of the Military Installation Key Area on the **Key Area Map**. On the **Areas of Change Map** the project falls within an area anticipating “New Development”. On the **Place types Map** the project area is projected as an “Employment Center”. The Master Plan recommends prioritization of nonresidential growth in this area to help expand Employment Center land uses and densities in this area.

Approval of the neighboring 23.1 acres commercial development (P-17) and the Villages at Waterview North Commercial and Industrial preliminary plans (submitted and approved separately from this application) will reflect the prioritization of supporting commercial/light industrial land uses. Approval of the Ray O. 5.2 preliminary plan is supportive of the local economic consumer base needed to sustain the future land uses in the commercial and industrial zones shown on the amended Waterview Sketch Plan Sketch Plan. The proposal also supports the surrounding development by providing additional residential options.

Key Area: Military Installations - 2 mile Notification Zone

Colorado state law requires local governments to notify military installations of development applications taking place nearby, as per Colorado Revised Statute § 29-20-105.6. El Paso County has five military installations: Cheyenne Mountain Air Force Station, Fort Carson Army Base, Peterson Airforce Base, Schriever Air Force Base, and the U.S Air Force Academy.

The project area falls within the 2 – mile notification zone of the Peterson Airforce Base. The associated JLUS (Joint Land Use Study) recommendations are as follows:

- Manage encroachment issues from nearby development that could impact utility infrastructure, transportation routes, and that may generate vertical obstructions beneath airspace utilized by flight operations.
- Implement consistent and compatible zoning regulations for land areas within Accident Potential Zones (APZs).
- Facilitate Public outreach and communication from Peterson AFB regarding PFOAs and water quality issues.
- Support national defense goals to improve the resilience and sustainability of local installation plans through maintenance and future infrastructure development.
- Pursue conversation partnering opportunities for compatible land use buffering under flight training areas and other critical areas as needed.

- Identify specific needed improvements to safety and capacity of State Highway 94 pursuant of CDOT studies.

Areas of Change: New Development

The plan assumes undeveloped areas adjacent to a built-out area “***will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood***”. [Emphasis Supplied]

The preliminary plan in support of the proposed zoning, land uses, and densities is compatible with the adjacent commercial, the approved urban residential (Trails at Aspen Ridge), and mixed residential and commercial (Villages at Waterview North) located along Bradley Road within the approved Sketch Plan boundaries. The proposed development areas and zones have been planned to mutually support each other and upon development will create the positive and productive land use scenario with employment hub/business park uses.

Place type: Employment Center

The Ray O. 5.2 Sketch Plan area has been identified on the Place type Map as an Employment Center. The Plan characterizes this place type with Light Industrial/Business Park, Heavy Industrial, and Office uses as the primary or dominant land uses. Supporting land uses include Commercial Retail, Commercial Service, and Restaurant land uses. These supporting uses are comparable to the supporting uses identified within the Urban Residential Place type identified as Mixed Use, Restaurant, Commercial Retail, Commercial Service, Institutional, Parks, and Office. While the employment center and urban residential Place Types have differing primary uses, both Place Types share common supporting land uses goal demonstrating an interdependence among the differing yet complementary land uses.

The proposed townhome land use and zone within the preliminary plan is consistent and compatible with the existing land use mixes within the Waterview Sketch Plan Area and approved zoning and subdivision applications located on the north and south side of Bradley Road. Basic principles of healthy neighborhood and community planning include providing a stable and varied residential mix.

Residential Conformance with Employment Center Place type

Approval of the adjacent 23.1 acres of commercial preliminary plan and the neighboring Waterview North Commercial and Industrial preliminary plan reflects the prioritization of supporting commercial land uses. Approval of the townhome residential Ray O. 5.2 preliminary plan is supportive of the local economic consumer base needed to sustain the future land uses in the neighboring commercial zones. The proposed residential land uses and preliminary plan are a response to market demand for a residential land use mix

needed to support and complement the existing commercial and industrial land uses depicted on the current Waterview Sketch Plan in the development area.

The proposed residential areas are being planned to provide transition from existing and planned Commercial areas to residential areas through use of Lot density transitions and mixed-use buffering. This residential development will also provide employees of the Peak Innovation Park nearby affordable and alternative housing opportunities.

Neighboring proposed commercial developments are located within or near the APZ area and are focused on the Bradley Road and Powers Boulevard intersection with direct access to Bradley Road at an existing intersection. These commercial developments will provide both local and regional services and may provide support business opportunities near to Schriever AFB.

Housing & Community Goals: The preliminary plan request is consistent with the following Housing & Community Goals of the Master Plan:

Goal 2.1 - Promote development of a mix of housing types in identified areas.

Residential land uses in this portion of the Amended Waterview Sketch Plan area include a mix of single-family attached and detached land uses and densities. These land uses and densities have been planned to be complementary and supportive of planned commercial uses within the development area and to offer housing mixes that support stable neighborhood options.

Goal 2.3 - Locate attainable housing that provides convenient access to goods, services, and employment.

The range of housing densities proposed in the Amended Waterview Sketch Plan are located within close proximity to commercial areas within the Amended Waterview Sketch Plan. The commercial and residential land uses have been arranged to be supportive and complementary land uses. The Commercial uses have been oriented toward the primary development access for vehicular convenience and accessibility to residents. The residential areas will have pedestrian access to the commercial land uses via an internal streets and pedestrian sidewalks

Water Master Plan:

The proposed subdivision satisfies the following policies of the County Water Master Plan:

Policy 5.2.4: Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.

The proposed subdivision is located within the service area of the Widefield Water and Sanitation District (WWSD). Service will be provided based on a recently approved inclusion agreement with this District. Water and Sewer service will be provided by extending water and sewer lines from south of Bradley Road. A Will Serve Letter is provided noting the District's ability to the serve the proposed development in an

efficient manor with the current infrastructure provided with extension as noted above.

Policy 5.5.1: Discourage individual wells for new subdivisions with 2.5 acre or smaller average lot sizes, especially in the near-surface aquifers, when there is a reasonable opportunity to connect to an existing central system, alternatively, or construct a new central water supply system when economies of scale to do so can be achieved.

The proposed subdivision is located within the service area of the Widefield Water and Sanitation District (WWSD) and within the planned infrastructure development.

Policy 6.0.1: Continue to require documentation of the adequacy or sufficiency of water, as appropriate for proposed development.

An appropriate Will Serve Letter is provided noting the WWSD's ability to serve the proposed development in an efficient manor with the current infrastructure and noting their current capacity to serve.

The project is located within Region 7, Fountain Area, and is projected to be the largest growth area in El Paso County. Specifically, the Water Master Plan states:

Region 7 could experience the largest demand growth in the County by 2060. Areas projected to develop by 2040 are located south of Fountain on the north and south sides of Link Road. Areas northwest of Fountain along the east and west sides of Marksheffel Road are also expected to grow by then, as well as the area south of Fountain on the west side of I-25. Directly west of Fountain, areas north and south of Squirrel Creek Road are expected to grow by 2060. One large development is expected south of Fountain by 2060, along the west side of I-25. Another is expected in the northeast corner of Region 7, along both sides of Bradley Road.

Full Build out of the Widefield Water and Sanitation District is expected in the 2040 to 2060 time frame. The Water Resources Report indicates that the District has sufficient water supply to meet the expected need to full build out. Region 7 has a current water supply of 15,376 acre-feet per year and a current demand of 10,141 acre-feet per year. The 2040 water supply is project to be 25,241 acre-feet per year and the demand is projected to be 15,846 acre-feet. As stated in the water resources report, this development is projected to need 16.26 acre-feet of water per year.

The District currently incorporates a 15% reserve into future planning. Based on the needs, current supply and reserve the District has sufficient water to meet the needs expected now and into the future for the locally proposed and panned residential in the Sketch Plan Area.

A Will Serve letter has been provided by WWSD, the water system that serves Waterview North and all of WWSD is classified as a Public Water System and meets all CDPHE applicable requirements.

The water system uses a combination of groundwater and renewable sources and is part of the southern delivery system. There are multiple pressure zones within the WWSD system served by both gravity and pumped systems. Waterview North is in the highest pumped pressure zone.

Existing and Proposed Facilities:

The site currently is vacant. Proposed services in the development include the following:

- Water-Widefield Water and Sanitation District
- Sewer- Widefield Water and Sanitation District
- Electric Service – Mountain View Electric
- Natural Gas Service – City of Colorado Springs
- Telephone Service – CenturyLink
- Fire Protection – Security Fire Protection District

Offsite Improvements (previously constructed)

- Widefield Water and Sanitation District sewer and water extensions from Fontaine Boulevard north across the State Land Board property to Waterview East.
- Construction of a Potable Water Pump Station in the northerly portion of the property to provide adequate pressure for the northern portion of the site and additional Waterview Sketch Plan property to the north.

Traffic Impact Fees:

The applicant requests that platted lots within Ray O. 5.2 be included in the county wide Public Improvements District (PID 2).

The calculated Traffic Impact Fee for the Ray O. 5.2 development is estimated to be \$50,061 (41 lots x \$1,221.00 per lot) based on the inclusion in the PID 2 and current fees.

Impact Identification:

Wildlife

A Wildlife Impact Report for was submitted for this area with the previously approved Sketch Plan amendment. This report indicates a potential for minor wildlife impact to the black-tailed prairie dog and recommended mitigation. Development will include following the mitigation guidelines identified in this report.

Site Geology:

Entech Engineering, Inc. has provided a Soils, Geology and Geologic Hazard report to accompany this application. This report has identified several potential Geologic Hazards on site related to development of the property along with proposed mitigation of the hazards. The applicant will incorporate the recommended mitigation during final design and construction on site.

Traffic Impact Study Summary

A Traffic Impact Study (TIS) has been submitted for the preliminary plan titled as follows:

Springs at Waterview East
Preliminary Plan
Traffic Impact and Access Analysis
PCD File No: SP-17-010
(LSC #184360)
June 22, 2018

Prepared by
LSC Transportation Consultants, Inc.

According to the TIS, access to Bradley Road is proposed at two locations. The primary access will be the north leg of the Bradley Road/Legacy Hill Drive intersection. Secondary access will be via a right-in/right-out-only access (Blackmere Street). The location will be 1,317 feet east of Legacy Hill Drive.

There are currently no schools located within two miles of the proposed development. There are no existing sidewalks on Bradley Road or Powers Boulevard. Sidewalks should be provided on all of the internal streets within Springs at Waterview East including along Legacy Hill Drive. Sidewalks are also planned on Legacy Hill Drive North of Bradley Road.

The Study provides sight distance analysis for the proposed access points to Legacy Hill Drive. Based on a design speed of 40 miles per hour (mph) and the criteria contained in Table 2-21 of the ECM, the required intersection sight distance at these intersections is 445 feet. The required stopping sight distance from ECM Table 2-17 is 305 feet. The Study determined the intersection sight distance and stopping sight distance requirements can be met at all of the currently-proposed access points.

Any additional access points to Legacy Hill Drive for the future commercial uses should be evaluated for sight distance.

All roadway improvements will be guided by this TIS document and subsequent TIS updates with future submittals. All construction of improvements will be completed in accordance with El Paso County and CDOT standards.

Respectfully,

P.A.Koscielski
CPR Entitlements, LLC