

GARDENS AT NORTH CAREFREE

LETTER OF INTENT

OCTOBER, 2018

OWNER/APPLICANT:

Mule Deer Investments, LLC
2727 Glen Arbor Drive
Colorado Springs CO 80920

CONSULTANT:

N.E.S. Inc.
619 North Cascade Avenue
Colorado Springs, Colorado 80903

REQUEST

Mule Deer Investments LLC requests approval of the following applications:

1. A Rezone from RR-5 (Rural Residential – 5 acre lots) and CS (Commercial Service) to PUD (Planned Unit Development District);
2. A PUD Development/Preliminary Plan for Gardens at North Carefree; a 71-unit single-family development, with a gross density of 6.14 dwelling units per acre and a maximum height of 35 feet.
3. A PUD Modification of ECM Figure 2-16: Urban Local Roadway Cross-Section in relation to the requirement for a 50-foot right of way.
4. A request for Early Grading & Metro District Improvements upon staff approval of PUD Preliminary Plan. (LDC Chapter 6.2.6 Pre-Development Site Grading)

LOCATION

Gardens at North Carefree is located southeast of the intersection of North Carefree Circle and Akers Drive. The property is currently vacant, undeveloped land comprising 11.56 acres. The north of the site abuts North Carefree Circle, beyond which is the Pronghorn Meadows subdivision. The western boundary is bounded by Akers Drive, with the Mule Deer Crossing subdivision adjacent. Along the southern boundary of the site is the Sky High at Mule Deer Business Park.

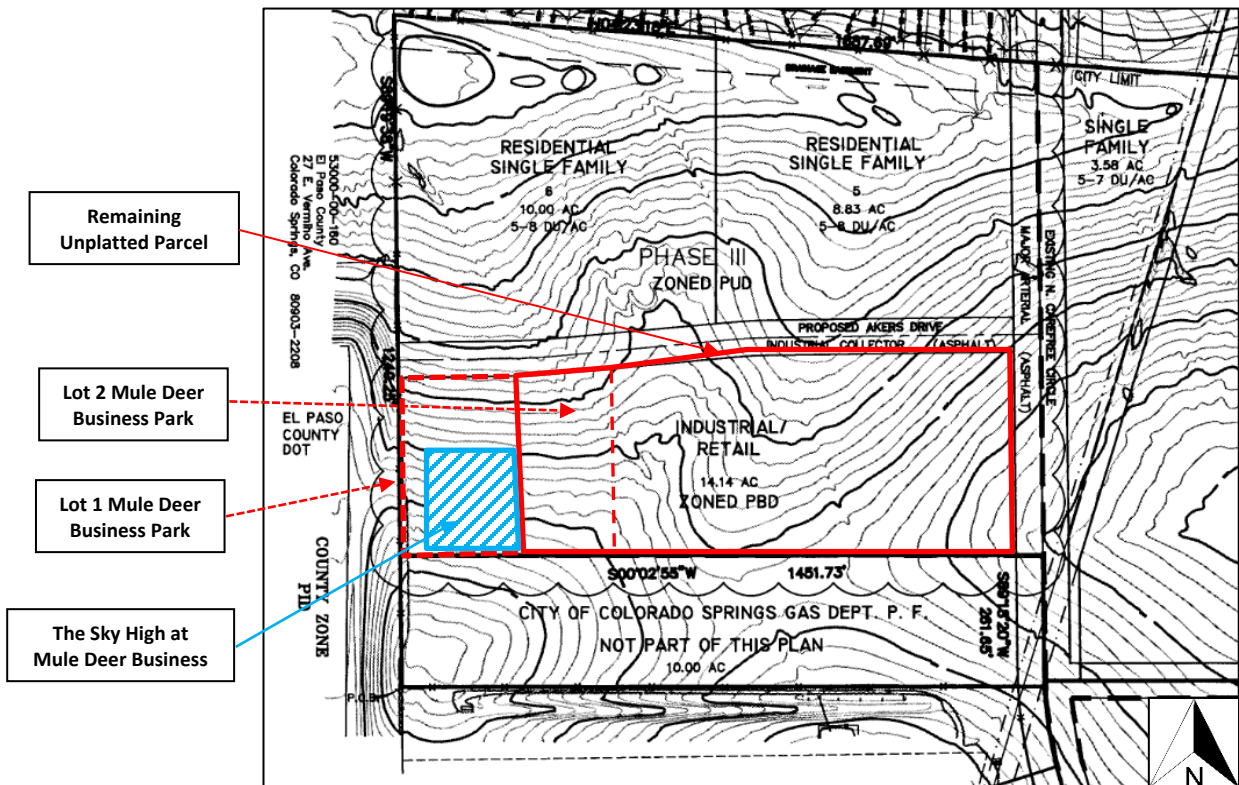


The building to the south is currently occupied by a Charter School, which is served by an unnamed private driveway running between the two properties. The western portion of the business park is currently undeveloped. To the east is property owned by Colorado Springs Utilities (CSU). Immediately adjacent to the site is a chain link fence and a 450-foot wide berm that provides a buffer to the active part of the CSU property, which is used as a gas storage facility.

SITE HISTORY

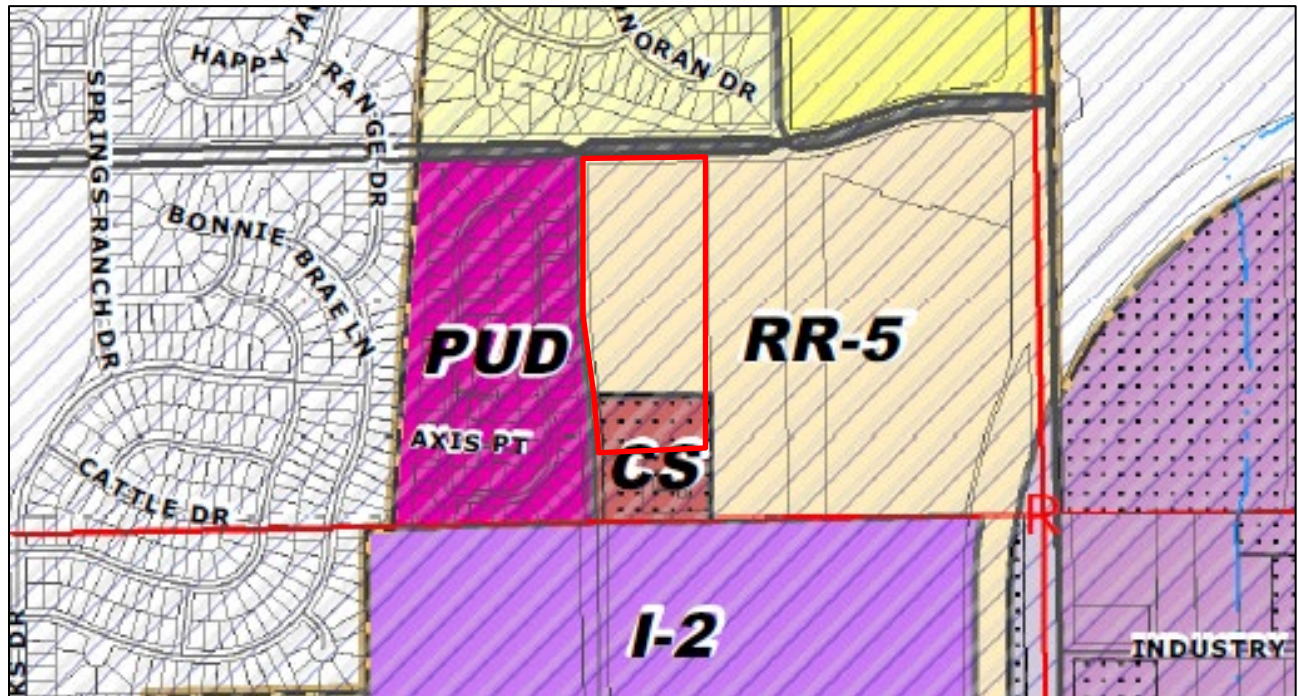
The property is part of a 14-acre parcel within the Pronghorn Meadows (Hilltop) Sketch Plan. The Sketch Plan was originally approved in 2001 (SKP-01-002) and designated the area of the subject site for industrial use. An amendment to the Sketch Plan was approved in August 2005 (SKP-04-001) which reclassified the land designation to Industrial/Retail development.

The southern part of the site was platted into Lots 1 and 2 Mule Deer Business Park in 2004. Subsequently, part of Lot 1 was replatted to The Sky High at Mule Deer Business Park and the existing condominium building was constructed in 2008. Lot 2 Mule Deer Business park and the unplatted land to the north have remained undeveloped.



ZONING

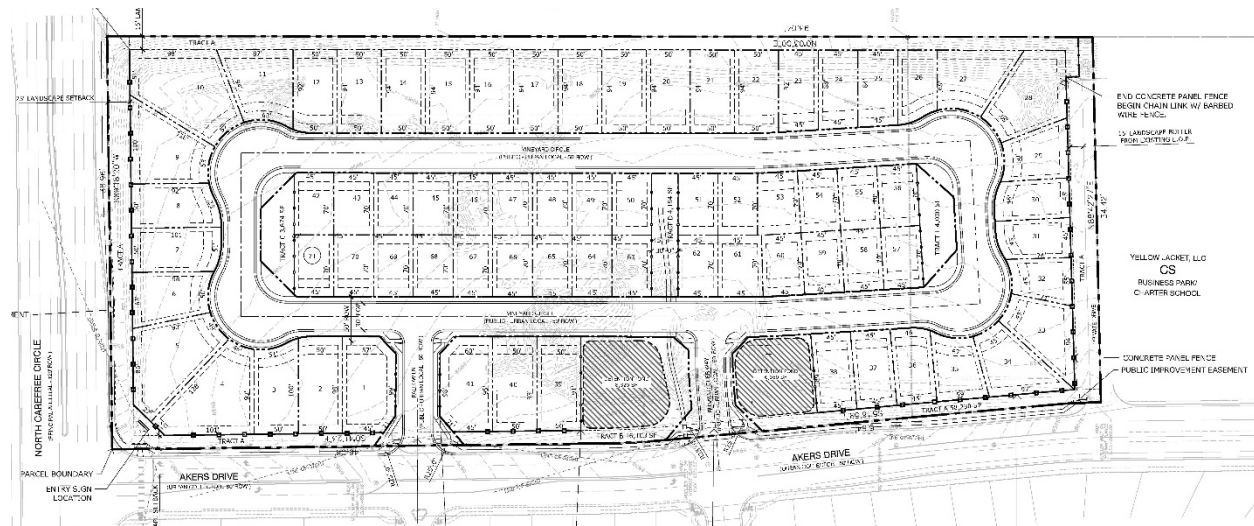
The site is part of a County enclave within the City of Colorado Springs. The majority of the site is zoned RR-5 (Rural Residential – 5 acre lots), with the southern section is zoned CS (Commercial Service). To the north of North Carefree Circle is the Pronghorn Meadows subdivision, which is zoned RS-6000 and the lots are generally between 6,000 - 7,000 square feet. The western boundary of the site is bordered by Akers Drive, with the Mule Deer Crossing subdivision adjacent. This subdivision is zoned PUD and the lot sizes are generally between 4,000 - 4,500 square feet. To the south is the Sky High at Mule Deer Business Park, which is a condominium complex zoned CS. The CSU property to the east is zoned RR-5 but is clearly not intended for use as 5-acre residential lots as it acts as a buffer to the active part of the CSU gas storage facility.



PROJECT DESCRIPTION

The project proposes 71 single-family lots on 11.56-acre site, for a gross density of 6.14 units per acre. The single-family lots front and are entered from the public road, Vineyard Circle. A general building envelope is identified on the PUD Plan. Typical lot layouts have been identified on the PUD to accommodate a variety of building footprints.

There will be two points of access into the site off Akers Drive, both of which align with existing streets, Fallow Lane and Running Deer Way, that serve the Mule Deer Crossing subdivision to the west. The main internal street through the development will be a public street with an Urban Local street designation, with a 50-foot right-of-way and attached sidewalks.



All units will have a 2-car garage and sufficient depth has been included within the building envelope to allow units to have full driveways. Sufficient parking is provided within garages and with additional parking available on the public street.

A 5-foot side, 10-foot front, 20-foot garage, and a 10-foot rear setback is provided on all lots. Lot typicals are provided for larger 90' x 50' lots and the smaller 45' x 75' lots. The building height maximum is 35 feet.

A six-foot concrete panel fence will be provided along the north, west, and south boundary to create a buffer and separation from the roadways to the north and west, and the business/charter school uses to the south. A split rail fence will be provided between the detention ponds and adjacent lots. On site detention and water quality is included either side of the southern site entrance.

PROJECT JUSTIFICATION

PUD Modification of Existing LDC or ECM Standard (LDC Chapter 4.2.6.F.2.h)

For approval of a modification of a general development standard in the LDC or criteria or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

Urban Local Roadway Cross-Section E.C.M Section 2.2.4.B.6 Figure 2-16

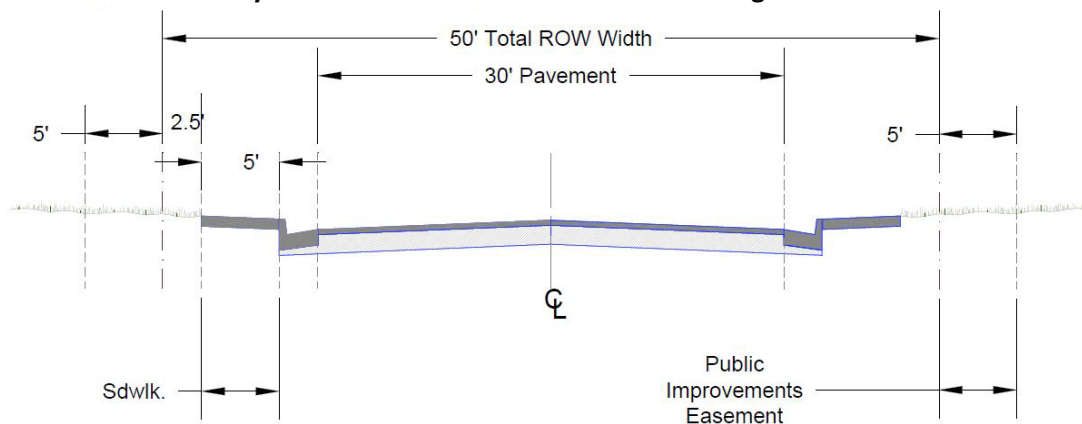


Figure 2-16 of the ECM requires a 50-foot right-of-way containing a 2.5-foot buffer from the back of sidewalk to the edge of the right-of-way and an additional 5-foot utility easement outside of the total right-of-way width. The street section is modified to measure 45 feet from back of sidewalk to back of sidewalk. The modification reduces the ROW width and eliminates the 2.5-foot buffer on either side of the sidewalk and accommodates the site constraints, provides additional open space throughout the project, and provides the 175-foot ECM prescribed intersection centerline spacing along Running Deer Way. A 30-foot pavement width is maintained as well as the 5-foot utility easement.

New Development Stormwater Management E.C.M. Appendix I.7.1.B.

Appendix I Section I.7.1.B, first bullet point, of the El Paso County Engineering Criteria Manual states that all sites of development/redevelopment of one (1) acre or more shall provide water quality capture volume (WQCV) for the total site. We are requesting a deviation, in that approximately 1.64 acres of 11.89 acres of the area inside the development boundary will not reach a proposed on-site water quality facility. Of the area inside the development boundary that will not reach a facility only 0.19 acres is proposed roadway, 0.64 acres is developed lots, the remaining 0.81 acres will be sloped areas at back of lots along exterior boundary. The reason these areas are not able to reach the WQCV's are due to the topography of the site. The Deviation Request is currently under review.

PUD, PLANNED UNIT DEVELOPMENT REVIEW CRITERIA CHAPTER 4.2.6.D

The proposed PUD District zoning is consistent with the approval criteria set forth in Chapter 4.2.6.D of the LDC as follows:

1. The application is in general conformity with the Master Plan;

There is no adopted Small Area Plan for the area in which the site is located. The proposed single-family development satisfies the following policies of the County Policy Plan:

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 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

This development is consistent with the intent of the Comprehensive Plan, as it is a higher density affordable development between the existing single-family residential development to the west and north and the more intense business/charter school uses to the south and the CSU gas storage facility to the east.

2. 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;

The proposed development complies with the requirements of the LDC and will not be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County. The project offers additional housing choice in the area which is beneficial to the welfare of the County residents.

3. 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 property is suitable for the proposed residential use and will provide higher density affordable development between the existing single-family residential development to the west and north and the business/charter school uses to the south and the CSU gas storage facility to the east.

The Soils and Geology Report prepared by Entech Engineering, Inc. indicates that artificial fill and loose and collapsible soils may impose minor constraints on development. These can be mitigated with proper engineering design and construction methods, such as spread footing foundations or over excavation.

4. 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;

At the request of the adjacent owner, a fence is included along the southern boundary of the site to provide screening and buffering from the charter school. A previously proposed shared access drive was also removed at their request. Letters of support from the adjacent landowner to the south are

attached, these letters were part of the previous Mule Deer Villas submittal and refer to a concrete barrier along the south property line. This PUD development does not change the originally agreed upon barrier, therefore these letters remain applicable. Landscaping is proposed along the west boundary to help the transition to the single-family subdivision to the west. Buffer planting is proposed to the east to screen the gas storage facility for the benefit of future townhome residents.

5. 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 single-family units will be limited in height to 35 feet, minimum setbacks are 10' front & rear, 5' side, which is compatible with the surrounding neighborhood. Landscape setbacks are included along all boundaries including a 15' setback along Akers Drive, the south zone boundary, and the east boundary, and a 25' setback along N. Carefree Circle.

6. 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 such features on the site.

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

Open Space Calculation of Residential Open Space LDC Chapter 4 Section 8.c

Open space areas are provided within the center trail tract and each end of the center row of lots and within the landscape setbacks. Tract D provides access from the eastern lots to the sidewalk along Akers Drive. The site is located close to the proposed extension of the Rock Island trail.

Due to site constraints consisting of topography, street design standards, and site drainage requirements the open space is not contiguous. However, the project exceeds the open space total requirement and the useable open space requirement and provides connectivity through the project and to adjacent properties. The open space requirement is as follows:

Total Open Space Required: 50,355 sf (10% of 503,553 sf)

Useable Open Space Required: 12,588 sf (25% of 50,355 sf)

Total Open Space Provided: 56,927 sf (Tracts A, B, C, D, E, and H) (11%)

Useable Open Space Provided: 17,835 sf (B, C, D, and E) (31%)

Note: Detention ponds are not included in open space calculation.

8. 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;

All necessary utilities are available. Cherokee Metropolitan District will provide Water and Waste water services. The site lies within the Falcon Fire Protection District. The traffic report demonstrates that the development is within the capacity of existing roads.

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

The single-family homes will front onto Vineyard Circle with connecting sidewalks. There are no environmental features on the site.

10. 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 mineral rights owners on this property.

11. 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; and

A deviations request for a modified right-of-way section is included.

12. The owner has authorized the application.

The owner is the applicant.

PRELIMINARY PLAN REVIEW CRITERIA CHAPTER 4.2.6.D

The proposed PUD Preliminary Plan is consistent with the approval criteria set forth in Chapter 4.2.6.D of the LDC as follows:

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;

There is no adopted Small Area Plan for the area in which the site is located. The proposed single family development satisfies the following policies of the County Policy Plan:

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 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

This development is consistent with the intent of the Comprehensive Plan, as it is a higher density affordable development between the existing single-family residential development to the west and north and the more intense business/charter school uses to the south and the CSU gas storage facility to the east.

2. The subdivision is consistent with the purposes of this Code;

The proposed development complies with the requirements of the LDC and will not be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County. The project offers additional housing choice in the area which is beneficial to the welfare of the County residents.

3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;

The subdivision design standards are met. There is no approved sketch plan.

4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;

A sufficient water supply is available as demonstrated by the water supply commitment letter provided by Cherokee Metropolitan District and Water Resources report provided by Stantec.

5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;

Public sewage disposal is addressed in the Wastewater Treatment report provided Stantec.

6. 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)];

These matters are addressed in the Soils and geology Report provided by Entec Engineering Inc.

7. 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;

These matters are addressed in the Drainage Report prepared by Stantec Engineering Inc.

8. 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 lots will be accessible by new public streets that comply with the LDC and ECM. Street names have been approved by El Paso–Teller County 911 Authority.

9. 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;

There are no natural physical features on the site. Sufficient open space is provided in Tracts C, D, and E.

(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;

Appropriate provision is made in this regard given the context of the site and surrounding area. Sidewalks are included throughout the project and along North Carefree Circle and Akers Drive to provide pedestrian connectivity internally and externally

(3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;

Landscaping setbacks are provided as required by the LDC. To the east a tract of land owned by Colorado Springs Utilities (CSU) the tract contains a berm and chain link fence utilized as a buffer to the CSU facility.

(4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and

There are no environmentally sensitive areas on the property. The preliminary soils report and Phase 1 Environmental Assessment do not identify any issues.

(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;

The Traffic Report by LSC Transportation Consultants Inc. demonstrates that the development will not materially impact existing levels of service on surrounding County Roads. The reports relating to water supply, wastewater treatment and drainage demonstrate that there will be no negative impact on the levels of service of County services and facilities.

10. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;

Water and sanitary sewer service is provided by Cherokee Metropolitan District. Natural Gas is provided by Colorado Springs Utilities. The required will serve letters are included with this submittal.

11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and

The site lies within the Falcon Fire Protection District. A service commitment letter from the District and a Fire Protection Report are included with the submittal.

12. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

The proposed subdivision meets the applicable sections of these parts of the Code, subject to the requested PUD modification and deviation requests.

ACCOMPANYING REPORTS:

The following Reports are submitted to support this application:

Soils and Geology Report by Entech Engineering, Inc.
Traffic Report by LSC Transportation Consultants Inc.
Preliminary Drainage Report by Stantec Consulting, Inc.