

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

February 12, 2019

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

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

RE: Gardens at North Carefree - (PUDSP-18-004)

This is to inform you that the above-reference request for approval of a map amendment (rezoning) from RR-5 (Residential Rural) and CS (Commercial Service) to PUD (Planned Unit Development) was heard and approved by the Board of County Commissioners on February 12, 2019. In accordance with Section 4.2.6.E, PUD Development Plan May be Approved as a Preliminary Plan, of the El Paso County Land Development Code (2018), the applicant is also requesting the PUD development plan be approved as a preliminary plan. The proposed PUD development plan for The Gardens at North Carefree includes development of 71 single-family residential lots, rights-of-way, and open space and utility tracts within an 11.56 acre development area. The two parcels, totaling 11.56 acres are located at the southeast corner of the Akers Drive and North Carefree Circle intersection and are within Section 29, Township 13 South, Range 65 West of the 6th P.M. The parcels are not included within a small area plan. (Parcel Nos. 53294-00-012 and 53294-11-002)

This approval is subject to the following:

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development

Code. Any substantial change will require submittal of a formal PUD development plan amendment application.

2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
6. Applicable park, school, drainage, bridge, and traffic fees shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

3. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
4. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

**MODIFICATION OF EXISTING LAND DEVELOPMENT CODE (LDC) OR
ENGINEERING CRITERIA MANUAL (ECM) STANDARD:**

For approval of a PUD modification of a general development standard in the LDC 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.

The applicant requests the following modification of PUD standards of the LDC:

The following is cited directly from the applicant's PUD Development Guideline:

PUD Modification of ECM Figure 2-16: Urban Local Roadway Cross-Section

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 minimum intersection distance along Running Deer Way.

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

A deviation is being requested for El Paso County ECM Appendix I Sections I.7.1.B: 1st Bullet; Providing Water Quality for Entire Development.

This represents the Planning and Community Development Department's understanding of the action taken by the Board of County Commissioners.

Should you have any questions, or if I can be of further assistance, please contact me at 719-520-6300.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nina' followed by a stylized 'Ruiz'.

Nina Ruiz, Planner II
File No. PUDSP-18-004