

October 16, 2018

Nina Ruiz  
PM/Planner II  
El Paso County Planning and Community Development

Dear Mrs. Ruiz,

This letter responds to your MDT Letter uploaded 9/13/18. Our responses to comments are provided in red below.

**EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

**Current Planning**

1. Please ensure your proposed product will fit on all lots while meeting the dimensional standards. – A lot fit analysis has been done to ensure that the various products fit on the lots.
2. For the subdivision summary, please remove the water quality areas from the open space calculation and put it as "other". For the purposes of the PUD, this area does not count towards the open space requirement. Please review the LDC PUD open space requirements to ensure compliance. – The water quality areas are not included in the open space calculations are outlined in the LOI. The water quality areas have been separated into individual tracts to make the open space calculation easier. Updated subdivision summary attached.
3. Please add the anticipated response times to the fire protection report. – Response time has been added.
4. No Maintenance Plan has been submitted. – A Maintenance Plan was submitted with the Initial Application. The Maintenance Plan is resubmitted with the File # added.
5. Please add all required information for the PUD Zoning Map as included on the attached page. – Revised per checklist

**ADDITIONAL PLANNING REDLINE COMMENTS:**

- Add a note that contribution to future signal at Aker/Carefree will be required. It should be determined that escrow is paid on a per lot basis or full amount. – Pending changes to the El Paso County Road Impact Fee Program to include signals, a note prior to platting will be added:
  - If platted prior to the update or if signal not included in Program, a note determining the escrow agreement will be added.
  - If platted after the inclusion of the signals, a note will be added in regard to the preferred PID and associated fees.

- The uses are extremely limited. Consider adding additional uses by reviewing the LDC allowed uses. This would not allow for most uses that are typically incidental to residential living. – Uses were reviewed with Developer and Homebuilder, and single family attached was added. No other changes were made.
- Why is your corner requirement greater than the typical requirement of 10'? – The typical residential corner lot setbacks in residential zones in the LDC is ½ of the front yard setback or 15' whichever is greater. In this case 15' is the greater.
- it appears as part of the "park" area is shown in the ROW. – Right of way designed per ECM requirements for knuckles so as not to interfere with sight distance. A portion of the "park" is shown in the right of way but is not included in the tract or the open space calculation.

## **Engineering Department**

Review 1 Comments on the following documents will be uploaded by the project manager:

- Traffic Impact Study
- Noise Study
- Pre-Development Grading and Erosion Control Plan
- PUD/SP Plan
- Preliminary Drainage Report
- SWMP (see the attached checklist for unresolved item)
- \* Submit the following documents: - Financial Assurance Estimate

## **COLORADO STATE FOREST SERVICE**

The primary wildland fuel type for this proposal is grassland with scattered trees having a low wildfire hazard potential. No special fire mitigation plans or other actions are necessary for final approval by the Colorado State Forest Service.

- Noted, that no further action is required.

## **COLORADO DIVISION OF WATER RESOURCES**

We have received additional information concerning the above-referenced proposal to subdivide a 11.64 +/- acre tract into 71 single-family lots of approximately equal size. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District ("Cherokee").

### **Water Supply Demand**

The Water Supply Information Summary, Form No. GWS-76, provided estimates a demand of 22.01 acre-feet/year for all 71 single-family lots combined (0.31 acre-feet/household). This calculation does not call out the specific volumes intended for drinking and sanitary use, landscape irrigation or any other uses.

It should be noted that standard water use rates, as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot per year for each ordinary household, 0.05 acre-foot per year for four large domestic animals, and 0.05 acre-foot per year for each 1,000 square feet of lawn and garden irrigation.

### **Source of Water Supply**

The proposed source of water for the development is to be served by Cherokee and a letter of commitment from Cherokee, dated August 3, 2018, was included with the submittal. According to the letter, they have committed to supply 22.01 acre-feet/year to the proposed development. According to the latest water supply report on file with this office, it appears the District has sufficient water resources to supply the proposed subdivision an amount of 22.01 acre-feet per year.

### **Additional Comments**

Should the development include construction and/or modification of any storm water structure(s), the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, available online at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

### **State Engineer’s Office Opinion**

According to the latest water supply report on file with this office, it appears the District has sufficient water resources to supply this subdivision. Therefore, based on the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that so long as the demand of the proposed development does not exceed 22.01 acre-feet per year, the proposed water supply can be provided without causing injury to decreed water rights. Should you or the applicant have any questions, please feel free to contact me directly.

- Noted, water sufficiency and supply through Cherokee.

### **CENTRAL CO CONSERVATION DISTRICT**

Regarding Project: Gardens At North Carefree PUDSP File #: PUDSP184 Agency: Central CO Conservation District Project Manager: Nina Ruiz ([NinaRuiz@elpasoco.com](mailto:NinaRuiz@elpasoco.com)) Due Date: 9/11/2018 The Board of Supervisors of the Central Colorado Conservation District have no comments at this time. Thank you Pamela Davison District manager Central Colorado Conservation District 5610 Industrial PI Suite 100 Colorado Springs, CO 80916

- Noted, no comments.

### **911 AUTHORITY –ELPASO / TELLER COUNTY**

The following name has been reserved for The Gardens at North Carefree project: ESN: 245 City: Falcon PSAP: EPSO Location: Southeast of intersection at North Carefree Circle and Akers Drive. Parcel -

5329400012 Vineyard Circle - approved and added to the reserved name list Fallow Lane - is a logical extension of an existing road Running Deer Way - is a logical extension of an existing road

- Noted, street names reserved and/or a logical extension.

#### **FALCON FIRE PROTECTION DISTRICT**

On Wednesday, August 29, 2018 the Falcon Fire Department reviewed a Combined PUD/Preliminary Plan of a design for a proposed residential development titled **Gardens at North Carefree** consisting of 71 single family lots on 11.56 acres. This development is located within the Falcon Fire Protection District boundaries.

Upon detailed review of the development proposal, Falcon Fire has determined that the design meets the minimum requirements established by the 2009 International Fire Code and the requirements of the Falcon Fire Department.

- Noted, design meets minimum requirements.

**The Falcon Fire Protection District recommends this development plan with the following comment(s) and notes.**

#### **COMMENTS:**

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**FEES:** The Falcon Fire Department collects a cost recovery fee of **\$429.00** per plan associated with the final plat review. The payment shall be made at that time to the Falcon Fire Department located at 7030 Old Meridian Road, Falcon Colorado. Please be advised that the fire hydrant/water plan or future construction document will not be reviewed by the Falcon Fire Department until this fee is received.

- Fees noted.

**Fire Lane Signs Required:** Falcon Fire notes that the roadways proposed in this subdivision are less than 34 feet wide and will require fire lane no parking signs on one side of the road throughout the entire subdivision. The inside road is where the fire hydrants are proposed and should be where the no parking fire lane markings are posted as well. See notes below for more information.

- Noted, no parking fire lane to be posted on interior road.

#### **Notes:**

**WIDTH:** Fire apparatus access roads shall have an unobstructed width of not less than 20-feet except for approved security gates.

#### **FIRE LANE SIGNS:**

Roads Less Than 28 Feet in Width. Fire apparatus access roads less than 28 feet in width shall be posted on both sides as a fire lane."

Roads more than 28 feet and less than 34 feet in width. Fire apparatus access roads more than 28 feet and less than 34 feet wide shall be posted on one side of the road as a fire lane."

Fire apparatus access roads 34 feet in width or greater do not require marking as a fire lane."

**TURNING RADIUS:**

A minimum turning radius of 33' inside or 44' outside shall be provided.

**VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13-feet 6-inches.

**LOADING:** Fire apparatus access roads shall be designed, constructed and maintained to support the imposed loads of fire apparatus weighing at least 75,000-pounds.

**SURFACE:** Fire apparatus access roads shall be surfaced so as to provide all-weather driving capabilities by means of asphalt, concrete or other approved driving surfaces. Gravel roads or other alternatives may be acceptable; however, PE stamped engineered specifications for such alternatives, showing that the loading specifications and all weather surface capabilities have been met or exceeded must be submitted to the Falcon Fire Department for review.

**DEAD-END ACCESS:** Dead-end fire apparatus access roads in excess of 150-feet shall be provided with a turnaround meeting the requirements of the International Fire Code.

**BRIDGES AND ELEVATED SURFACES:** Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge or elevated surface shall be constructed and maintained in accordance with AASHTO-Standard Specification for Highway Bridges.

**GRADES:** Grades for fire apparatus access roads shall be no more than 10% maximum grade.

**GATES.** Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet or as wide as necessary to facilitate the required minimum turning radius.
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a KNOX (TM) key system installed in an approved manner. Electronically operated gates shall have a failsafe, manually operated, KNOX (TM) key override switch.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or a KNOX™ padlock.
7. Locking device specifications shall be submitted for approval by the fire code official.

**WATER SUPPLY:** Required water supplies for fire protection either temporary or permanent, shall be made available as soon as combustible material arrives on site.

**NO HYDRANT REVIEW:** The review of the development plans does not include a review of the hydrant system layout. A separate water/hydrant plan shall be submitted to the Falcon Fire Department, 7030 North Meridian Road in Falcon, Colorado for review is prior to submittal of construction plans.

**TIMING OF INSTALLATION:** Fire department access roads shall be made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided.

**ACCESS FOR FIREFIGHTING:** Approved vehicle access for firefighting shall be provided to all construction/demolition sites. Vehicle access shall be provided to within 100-feet of temporary or permanent fire department connections (FDC). Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

**STREET SIGNS:** Temporary or permanent street signs shall be installed at each street intersection when construction of roadways allows passage by vehicles.

## **COLORADO SPRINGS UTILITIES**

### **Action Items:**

- No action items and recommending approval. – Noted, no action items.

### **Information Items:**

1. Any extension of gas facilities required to serve the Applicant's development must be in accordance with the Springs Utilities Line Extension and Service Standards. Utility service plans and installation shall be in accordance with City Codes and the Utilities' tariffs and policies.
2. With respect to gas facilities extensions, Springs Utilities may require the Applicant to advance the cost of the equivalent nominal pipe size needed to serve the development.
3. Construction of the gas distribution system will occur incrementally from the point of tie-in at an operational, energized main to the farthest extents of the development. The distribution mains may be installed jointly with electric.
4. Applicant must grant easements as required for any existing or proposed utility facilities; and improvements shall not encroach upon any utility easement. It shall not be permissible for any person to modify the grade of the earth on any easement without the written approval of Springs Utilities.
5. If it is necessary to relocate any existing utility facilities, then such relocation shall be at the Applicant's expense, and if required, Applicant shall grant new easements for the relocated facilities.
6. Improvements, structures and trees must not be located directly over or within 6 feet of any underground gas facilities and shall not violate any provision of the applicable Natural Gas Codes or Springs Utilities' policies, which require a minimum clearance of 10 feet from gas mains rated at 150 psi.
7. Landscaping shall be designed to provide the required clearances for utility facilities, to allow continuous access for utility equipment, and to minimize conflicts with such facilities.
8. Any proposed gas service line pressures in excess of Springs Utilities' standard pressure must be approved by the Utilities prior to construction. Please contact Utilities' Field Engineering for elevated pressure requests (North Work Center at 668-4985 or South Work Center at 668-5564).
9. Approval of the referenced request(s) shall not be construed as a limitation upon the authority of Springs Utilities to apply its standards and policies. Accordingly, if there are any conflicts between the approved drawings and any provision of Springs Utilities' standards and policies, then Springs Utilities' standards and policies shall apply.
10. This item is not in the Colorado Springs Utilities' Water/Wastewater or electric Service area.

If you have any questions, please contact Ryne Solberg at [rsolberg@csu.org](mailto:rsolberg@csu.org) or 719.668.8267.

## **ELPASO COUNTY ENVIRONMENTAL SERVICES**

The El Paso County Environmental Division has completed its review of the above referenced submittal. Our review consisted of the following items: wetlands, federal and state listed threatened or endangered species, general wildlife resources and noxious weeds.

We have reviewed the submittal and have no comments at this time.

The applicant is hereby on notice that the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service have regulatory jurisdiction over wetland and threatened and endangered species issues, respectively. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable county, state, and federal laws and regulations, including, but not limited to, the Clean Water Act, Endangered Species Act, Migratory Bird Treaty Act, Colorado Noxious Weed Act and El Paso County Weed Management Plan.

We appreciate the opportunity to comment on this project. If you have any questions or concerns, please contact me at (719) 520-7879.

- **Noted, no comments at this time.**

## **ELPASO COUNTY PARKS DEPARTMENT**

The Planning Division of the Community Services Department has reviewed The Gardens at North Carefree PUD / Preliminary Plan, and has the following comments of behalf of El Paso County Parks. This application will be presented to the Park Advisory Board September 12, 2018.

The Gardens at North Carefree is currently zoned RR-5 and CS, with this application requesting a rezone to Planned Unit Development (PUD). The project is located at the intersection of North Carefree Circle and Akers Drive, west of Marksheffel Road. The proposed 11.64-acre development will include 71 single-family residential lots, with a minimum lot size of 3,150 square feet.

The 2013 El Paso County Parks Master Plan shows no impact to regional trails, parks, or open space. The proposed Marksheffel Road Bicycle Route and the City of Colorado Springs' proposed extension of the Rock Island Trail are both located approximately 0.25 mile east of the project. The project is not located within Candidate Open Space Lands.

The open space dedication proposed within The Gardens at North Carefree comprises 1.98 acres within various tracts, or 17% of the subdivision, and therefore exceeds the required open space dedication of 10%. However, the open space is comprised primarily of drainage and detention pond infrastructure, with no apparent recreational opportunities for residents and their guests. The closest neighborhood parks, Remington Park and High Meadows Park, and both located approximately 0.75 mile from the project site, with no direct street or trail access.

The El Paso County Land Development Code (LDC) states the following:

- Section 4.2.6 of the LDC states that "Constructed storm water facilities may be included in the open space calculation if comprising less than 10% of the required open space, recreational areas, trails and greenways."
- Section 4.2.6 of the LDC states that "Open space shall be concentrated in large usable areas. No less than 25% of the gross land area of the open space shall be contiguous and useable."

Combined, the two detention ponds comprise 0.36 acres, or 18% of the 1.98 acres of open space, as listed in the applicant's Subdivision Summary Form. The remaining 1.62 acres is found in landscaping tracts, with 0.10-acre Tract D providing a sidewalk connection between the east and west halves of the development.

Due to the lack of useable and contiguous open space areas, staff strongly recommends the establishment of a small, centrally-located neighborhood park within The Gardens at North Carefree to allow for exercise and/or play opportunities, neighborhood gatherings, as well as shaded areas for relaxation. As no trail easements dedications are necessary for this filing, El Paso County Parks staff recommends regional and urban park fees in lieu of land dedication, to be paid at time of the recording of the forthcoming final plat.

**Recommended Motion (PUD / Preliminary Plan):**

*Recommend to the Planning Commission and the Board of County Commissioners that approval of The Gardens at North Carefree PUD / Preliminary Plan include the following conditions: (1) strongly recommend the establishment of a centrally-located neighborhood park to allow for outdoor recreational opportunities, and (2) fees in lieu of land dedication for regional park purposes in the amount of \$30,530 and urban park fees in the amount of \$19,312 will be required at time of the recording of the final plat.*

Please let me know if you have any questions or concerns.

Sincerely,  
Ross A. Williams  
Park Planner  
Planning Division  
Community Services Department  
[rosswilliams@elpasoco.com](mailto:rosswilliams@elpasoco.com)

**Revised Recommended Motion (PUD / Preliminary Plan):**

*Recommend to the Planning Commission and the Board of County Commissioners that approval of The Gardens at North Carefree PUD / Preliminary Plan include the following conditions: (1) strongly recommend the establishment of a centrally-located neighborhood park to allow for outdoor recreational opportunities, and (2) fees in lieu of land dedication for regional park purposes in the amount of \$30,530 and urban park fees in the amount of \$19,312 will be required at time of the recording of the final plat. A park lands agreement may be an acceptable alternative to urban park fees provided the agreement is approved by the County and executed prior to recording the final plat.*

- The Owner/Developer agrees to pay fees in lieu of land dedication. For urban density subdivisions the neighborhood park requirement per the LDC Chapter 8.5.2(D)(1)(b)(ii) is 0.00375 acres per dwelling unit = .27 acres (11,325 sf) which we exceed. The minimum size of a neighborhood park is 3 acres. The 71 dwelling units of this development do not justify this. Fees in lieu are appropriate and the developer agrees. Further explanation of the Open Space requirement is included in the Letter of Intent.



## COLORADO GEOLOGICAL SURVEY

Colorado Geological Survey comments: Grading plan, sheet 3 of 10, Stantec, August 3, 2018:

1. North arrow is incorrect. – **Corrected.**
2. Detention pond contours conflict with proposed site grading contours. – **Grading has been revised accordingly.**
3. Constructed detention pond slopes encroach onto adjacent lots. – **Grading has been updated and the pond does not encroach onto adjacent lot.**

For stability and maintenance purposes, detention structures should be entirely located within tracts. CGS 9/5/2018 site observations:

1. Areas of the site contain piles of dumped fill and debris. All fill containing trash, organic material, large rocks or blocks of concrete that would interfere with compaction, or other debris **MUST** be removed and disposed of offsite. Fill determined to be clean and suitable for reuse must be excavated and replaced as a properly compacted structural fill. – **Noted.**

Soil, Geology, and Geologic Hazard Study, The Gardens at North Carefree (Entech Engineering, 10/25/2017):

1. Entech's report contains a good description of surface and subsurface conditions and potential development constraints, and makes appropriate preliminary recommendations regarding site development. – **Noted.**
2. Provided Entech's recommendations are strictly adhered to, and additional, lot-specific geotechnical investigation, testing and analysis are conducted for use in design of individual foundations, floor systems, subsurface drainage, etc., CGS has no objection to approval of the combined PUD/preliminary plan as proposed. – **Noted.**

## COLORADO SPRINGS PLANNING & COMMUNITY DEVELOPMENT

The City of Colorado Springs Comprehensive Planning Division has no comments on this application. CSU and the Airport should be separately consulted.

- **Noted, no comments.**


## PIKES PEAK REGIONAL BUILDING DEPARTMENT

Enumerations/Floodplain has the following comments:

1. Since the interior road ways are named for this project, the existing addressing on Akers Drive will not be used. - **Noted**
2. I see that the street name "VINEYARD CIRCLE" was approved by El Paso/Teller 9-1-1. Will "FALLEN LANE" & "RUNNING DEER WAY" be included in this filing? If so, page 4 of 10 in the intent letter states FALLOW "WAY", should be LANE. – **Noted, street names have been verified and revised to be consistent in all documents. Street Names include: Fallow Lane, Running Deer Way, & Vineyard Circle.**

3. Can you clarify the statement in intent letter, page 4, first paragraph, ("The single family lots face onto a public roadway") does this mean the front door will face the street as well? – **revised, clarified to specify all units front Vineyard Circle.**
4. Please provide a 100 scale copy of the entire development to Enumerations. We cannot print larger than 11x17, please hand deliver large scale. Address of the area will not start until this is received. – **Noted, to be provided.**
5. STANDARD DEVELOPMENT COMMENTS: ASSIGNMENT FOR TRACT AND LOT ADDRESSING PLACE, (XXXX) WHERE THEY INTEND TO BE UTILIZED. LOT PLACEMENT TO BE FRONT DOOR. CONTACT ENUMERATIONS DEPARTMENT FOR ADDRESSING. [AMY@PPRBD.ORG](mailto:AMY@PPRBD.ORG) STANDARD FINAL PLAT COMMENTS: ENUMERATIONS/FLOODPLAIN WILL REVIEW THE MYLAR PRIOR TO PLAT FOR ADDRESS PLACEMENT, ROAD NAMING, TITLE BLOCK, & FLOODPLAIN STATEMENT. \$10.00 PER LOT & TRACT FEE WILL BE DUE AT THE TIME OF THE REVIEW OF THE MYLAR. IF AN ADDRESS IS NOT NEEDED ON A TRACT THEN NO FEE APPLIES. CHECK SHOULD BE MADE OUT TO PIKES PEAK REGIONAL BUILDING DEPARTMENT. PAID DIRECTLY TO ENUMERATIONS DEPARTMENT. A COPY OF THE FINAL RECORDED PLAT IS REQUIRED PRIOR TO PLAN SUBMITTAL FOR RESIDENTIAL. A COPY OF THE FINAL RECORDED PLAT IS REQUIRED PRIOR TO APPROVAL IN ENUMERATIONS DEPARTMENT ON ANY COMMERCIAL PLANS SUBMITTAL. – **Noted, to be provided.**

Sincerely,  
**N.E.S. Inc.**

  
Andrea Barlow, AICP  
Principal